

CR 02834

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

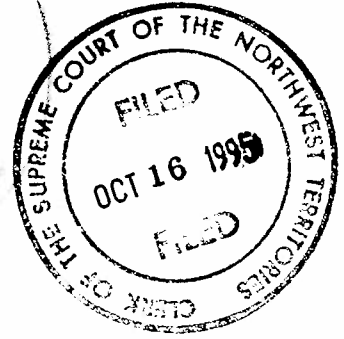
IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

JOELI SANGOYA

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Transcript of Reasons for Sentence delivered by The Honourable Mr. Justice J.Z. Vertes sitting at Pond Inlet, in the Northwest Territories, on Tuesday, September 26, A.D. 1995

APPEARANCES:

Mr. M. Chandler: For the Crown
Mr. D. Brice-Bennett: For the Defence

(Charges under Section 348(1)(b) of the Criminal Code)

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THE COURT:

Joelie Sangoya has entered a plea of

guilty to a charge of assault causing bodily harm.

This guilty plea came after the start of his jury trial on a more serious offense. Having heard at least the evidence of the victim in this case, I am of the opinion that the plea is an appropriate one, and I commend both counsel for bringing the matter to a resolution without the necessity of prolonged proceedings and also the requirement for the jury to have to grapple with a number of issues that one could see arising just from the evidence that had been heard to date.

The guilty plea, coming as it did after the start of trial, carries little in the way of what we term mitigation. That is in terms of lessening the impact of any sentence that is to be imposed, except for one fact. In my view, a guilty plea is always a sign of an individual taking responsibility for his actions, and I think that always deserves some credit. Of course, the sooner an individual stands up and takes responsibility for his actions, the more credit will be given to that individual. But even this guilty plea, coming as it did after his trial started, is worthy of some recognition, and, if nothing else, is an acknowledgment that the accused recognizes that what he did was wrong and that he is ready to take responsibility for it.

The facts are fairly simple. The accused and the

1 victim, I am told, had been friends. They had a
2 falling out. There was some bad blood between them.
3 There were threats and incidents between the two of
4 them. On November 24th of 1994, the victim and his
5 girlfriend were at home watching television when three
6 men wearing balaclavas came into the home. They
7 attacked the victim - beat him with a baseball bat and
8 with their fists. As a result, the victim ended up
9 with a broken arm, lacerations to his face and scalp,
10 bruises to his back and head, and had to be
11 hospitalized.

12 There is some question as to whether one of these
13 three was more or less a ring leader and whether the
14 accused took a lesser part in the attack, but I take
15 his guilty plea as an acknowledgment that he was very
16 much a part of this senseless attack on the victim.
17 There was some evidence, however, that the accused took
18 some steps to finally bring the assault to an end.

19 There is, of course, no excuse for this kind of
20 violence. If people have differences, even if they may
21 be threatened or taunted, there is still no excuse for
22 resorting to violence. We like to think that we live
23 in a civilized society where people can resolve their
24 differences through talking and not through invading
25 someone's home in the night, wearing masks, and taking
26 it upon themselves to simply gang up and beat up on
27 somebody.

1 The accused is 32 years old. He has been living in
2 a common-law relationship for the past 11 years. He
3 has taken significant steps to improve his education
4 and acquire skills, and I'm told that he has been
5 working at the airport since 1988, all of which is to
6 his credit. He and his wife have two young children,
7 and I'm told that, sadly, a third child was lost just
8 earlier this year. I am sure the loss of that child
9 has caused great hardship and sadness to his family.
10 But I have the serious responsibility now of,
11 unfortunately, sentencing the accused for what he did
12 last November.

13 It does not matter what problems there were between
14 the accused and the victim. I must impose a penalty on
15 this accused that will show everyone that you cannot
16 act this way under any circumstances, that violence is
17 to be condemned under all circumstances. And when one
18 thinks about the serious injuries that the victim
19 suffered in this case, there is no question that I have
20 to impose what is, under our law, the most serious type
21 of penalty, and that is to send the accused to jail.
22 It has to serve as a message to the accused himself,
23 and a message to everyone in the community, that
24 violence cannot be tolerated under any circumstances.
25 The question, of course, is: How long does that
26 sentence have to be?

27 Crown counsel suggests a sentence of 12 months.

1 When one considers that this was an attack by three men
2 against another, an invasion of the man's home, and
3 that the attack included the use of a baseball bat as a
4 weapon, and when one considers the serious injuries
5 suffered by the victim in this case, I think one can
6 easily say that the jail term could be far higher than
7 12 months.

8 I take into account, however, everything that has
9 been said about the accused. I take into account his
10 personal circumstances, and I take into account the
11 fact that he did stand up and take responsibility, even
12 though it was after the start of his trial, and decided
13 to plead guilty. All of that is to his credit.

14 The accused, unfortunately, does have a record of
15 criminal convictions. He was convicted of numerous
16 offenses back in 1983 and then lived a crime-free life
17 until 1993 when he was convicted of two assaults. They
18 must have been relatively minor assaults because he was
19 only fined and placed on probation for a year. So the
20 record is not a particularly bad one. It shows that
21 the accused certainly, between 1983 and 1993, was able
22 to act responsibly and to control himself, and there is
23 no reason to think that he could not do so in the
24 future. Perhaps he needs a little assistance in that
25 regard, and for that reason I've considered adding on a
26 period of probation with some restrictions to come into
27 effect after the jail term.

1 I take into account the fact that the accused has
2 spent six weeks in pre-trial custody. And in my view,
3 I think the sentence proposed by Crown counsel is
4 indeed quite an appropriate one, but with regard to the
5 factors that I have mentioned.

6 Stand up Mr. Sangoya.

7 Mr. Sangoya, I don't know what went on between you
8 and Mr. Inootik and I don't particularly care. You are
9 a mature man, you're a family man, a father, someone
10 who obviously knows better than this. I am sorry for
11 the loss that your family has suffered in the past
12 year, but I am even more sorry for your family because
13 they are not going to have you around for a while.

14 Mr. Sangoya, I am sure you realize that you have no one
15 to blame but yourself. There is no excuse for a grown
16 man like you to resort to this type of violence no
17 matter what provocation you may have had, and I'm sure
18 you understand that, and I'm sure that when you come
19 back that you will be an even better father and an even
20 more responsible individual - at least I hope so - and
21 that you'll never be in court again.

22 Taking everything that has been said, I sentence
23 you to serve a term of imprisonment of ten months. In
24 addition, I will place you on probation for a period of
25 one year after your release. The conditions of that
26 probation are that you are to keep the peace and be of
27 good behaviour, you are to abstain absolutely from the

1 consumption or possession of alcohol, you are to
2 provide a sample of your breath on demand to a police
3 officer so they can test whether you have been
4 drinking. I won't impose any other conditions
5 considering the fact that there are questionable
6 supervision services available here.

7 Mr. Sangoya, I am sure you understand that if you
8 do not follow those conditions, that if you break any
9 of those conditions of your probation order, that you
10 can be charged for that, you can be brought back into
11 court and the conditions of your probation order can be
12 changed. Do you understand that?

13 THE ACCUSED: Yes.

14 THE COURT: All right. You may have a seat.

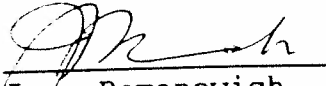
15 Under the circumstances, I'm not going to impose
16 any surcharge, Counsel. Is there anything else we need
17 to deal with?

18 MR. CHANDLER: Nothing My Lord.

19 THE COURT: Thank you, Counsel. Thank you to our
20 interpreters and everyone else. We'll close court.

21 (PROCEEDINGS CONCLUDED)

22
23 Certified correct to the best of my
24 skill and ability.

25 
26 _____
27 Jane Romanowich
Court Reporter