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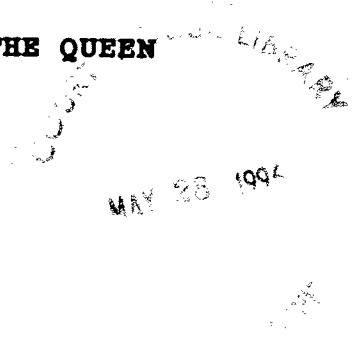
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

PAUL VERNON CHRISTOFFERSON



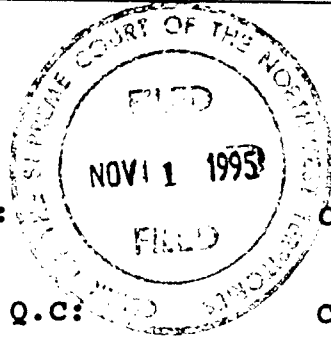
Transcript of the Reasons for Sentence Delivered by The Honourable Mr. Justice J. Z. Vertes, sitting at Norman Wells in the Northwest Territories, on October 26th, A.D., 1995.

APPEARANCES:

MR. S. COUPER: Counsel for the Crown

MR. J. BASSIE Q.C.: Counsel for the Defence

MR. B. GORIN:



1 THE COURT:

In the matter of Paul Vernon

2 Christofferson, the accused was convicted by a jury on
3 three charges:

4 (1) Impaired driving (this being a lesser and included
5 offence of the charge of impaired driving causing
6 bodily harm set out in the indictment);

7 (2) Dangerous driving cause bodily harm; and,

8 (3) Leaving the scene of an accident with intent to
9 escape liability.

10 All of the offences arise out of the same set of
11 circumstances.

12 On the evening of October 7, 1994, here in Norman
13 Wells, the victim was walking along the side of
14 MacKenzie Road with her cousin. The accused drove his
15 pick-up truck from behind them and struck the victim.
16 Instead of stopping he drove away. Evidence revealed
17 that he had been drinking shortly before the incident.
18 The vehicle and the accused were located at the
19 accused's home less than one hour after the incident.
20 There was no question that the vehicle was the one
21 involved, yet the accused claimed then and during this
22 trial that he did not drive his vehicle at the time.
23 Obviously the jury completely rejected this attempt to
24 avoid liability.

25 The victim suffered lacerations and abrasions. She
26 was hospitalized for a short time. She did not,
27 fortunately and somewhat surprisingly, suffer any more

1 severe or lasting injuries.

2 The accused is 24 years old. He is a father of a
3 2 year old boy whom he helps to support. His employer
4 has written a letter of reference attesting to his
5 good work and personality. I take all this into
6 account.

7 The accused, however, has also exhibited a pattern
8 of similar behavior in the past. He has a record of
9 related convictions. In 1992, he was convicted of
10 impaired driving. He also has four convictions under
11 the Territorial Motor Vehicles Act including one for
12 failing to remain at the scene of an accident in 1988,
13 and one for careless driving in 1994. This record is
14 aggravating because it shows a serious disregard of
15 the responsibilities that come with having a driver's
16 licence.

17 Courts have consistently stressed that drinking
18 driving and dangerous driving offences are grave
19 social problems that will be strictly dealt with.
20 Deterrence is emphasized, both so that this offender
21 does not repeat this kind of behavior as well as so
22 others will think twice before taking a drink and then
23 driving.

24 From the jury's verdicts, I can only conclude that
25 the jury separated the fact of impairment from that of
26 the dangerous driving causing bodily harm. For that
27 reason, the act of impaired operation is not

1 encompassed in the manner of driving which in this
2 case was at least a contributing cause of the bodily
3 harm. Therefore, this is a situation where
4 convictions can rightly be entered on both verdicts.
5 More significantly, they are to be treated as separate
6 criminal acts calling for separate punishment.
7 Similarly, the conviction for leaving the scene is
8 also a separate and distinct act which calls for a
9 separate sentence.

10 I must consider nevertheless the appropriate total
11 sentence for this set of circumstances. As part of
12 the total sentence I must also consider the question
13 of an appropriate length for a suspension of the
14 accused's driving privileges. The Criminal Code
15 provides that for the impaired driving conviction,
16 because it is a second offence for this accused, the
17 accused shall be prohibited from driving for a period
18 of not more than three years, but not less than six
19 months. For the dangerous driving conviction, the
20 Code provides that the accused may be prohibited from
21 driving for any period up to ten years. It is obvious
22 that Parliament considers driving prohibitions to be
23 an essential component of any fit sentence for these
24 types of offences. For that reason, while I recognize
25 that the accused's job requires him to drive trucks
26 and heavy equipment, I have no alternative but to
27 prohibit him from driving, at least on public

1 thoroughfares, for a period of time. It may be that
2 he may still be able to operate equipment on his
3 employer's or other's private property. But I have no
4 discretion to conditionally prohibit him from driving.
5 I would not do so anyway since, having regard to his
6 driving record, I think a significant prohibition is
7 warranted in the interests of public safety. The
8 right to drive is a privilege. If you abuse it, you
9 lose it.

10 Stand up, Mr. Christofferson. On count 1, that
11 being the conviction for impaired driving, I sentence
12 you to serve a term of imprisonment of 1 month. On
13 count 2, the conviction for dangerous driving causing
14 bodily harm, I sentence you to serve a term of
15 imprisonment of 10 months consecutive. On count 3,
16 that being the conviction for leaving the scene of an
17 accident, I sentence you to serve a term of
18 imprisonment of 3 months consecutive. That is a total
19 of 14 months.

20 In addition, pursuant to Section 259 of the
21 Criminal Code, I hereby order that you be prohibited
22 from operating a motor vehicle for a period of two
23 years. You may have a seat.

24 Now, before I forget, Counsel, there are a number
25 of exhibits. The map and the additional copies of the
26 booklets of photographs I will direct be returned to
27 the R.C.M.P. and they can hold onto it until the

1 expiry of the appeal period. If there is no appeal,
2 they can destroy them.

3 MR. COUPER: Thank you, sir.

4 THE COURT: The others will be retained. Is there
5 anything else we need to deal with?

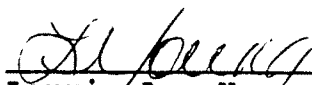
6 MR. COUPER: I didn't believe so, sir.

7 MR. GORIN: No, sir.

8 THE COURT: Thank you, counsel. We will take a
9 short break, and we will reconvene when you are ready
10 to start the next matter.

11
12 (AT WHICH TIME THESE PROCEEDINGS WERE CONCLUDED)

13
14 Certified Pursuant to Practice Direction #20
15 dated December 28, 1987.

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Laurie Ann Young
Court Reporter

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