

CR 03000

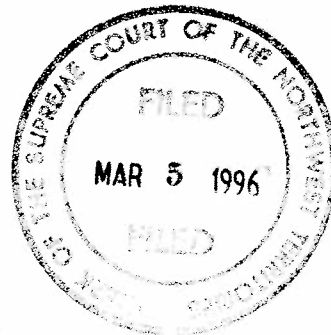
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

PAUL KANAYOK JR.



Transcript of Sentencing on the trial held before The Honourable Madam Justice V. A. Schuler, sitting at Rankin Inlet in the Northwest Territories, on February 23rd A.D., 1996.

APPEARANCES:

MS. B. SCHMALTZ:

Counsel for the Crown

MR. T. BOYD:

Counsel for the Defence

1 THE COURT: Mr. Kanayok, before I sentence
2 you, is there anything you would like to say? Stand up
3 please.

4 A No, I don't.

5 THE COURT: You don't have anything? All
6 right. That's fine. You can sit down.

7 The main purpose of the criminal law including the
8 sentencing process is the protection of the public.
9 The court, in sentencing, must indicate both to the
10 offender and to others that society in general and the
11 community, this community, rejects the behavior, in
12 this case, arson.

13 In this case, the jury has found Paul Kanayok
14 guilty of arson, of intentionally or recklessly causing
15 damage by fire to the hamlet warehouse/garage. The
16 jury simply said in its verdict that Mr. Kanayok is
17 guilty, and that's quite proper. That's what the jury
18 was asked to do and what the jury had to do by virtue
19 of the wording of the indictment.

20 Having heard the evidence and accepted the jury's
21 verdict, I am satisfied, Mr. Kanayok, that you did
22 intentionally cause damage by fire to the hamlet
23 warehouse/garage. I don't know whether your intention
24 was to completely burn the garage, but I am satisfied
25 that you intended to cause damage by fire to the
26 garage. I do note, I take into account, that you
27 called in the alarm. Your motive both for setting the

1 fire and calling in the alarm is not clear to me from
2 the evidence.

3 This was an offence which caused a substantial
4 amount of damage to the property owned by the hamlet.
5 The photographs themselves make that abundantly clear.
6 The fact that the hamlet may have intended, at some
7 future date, to demolish the building is, in my view,
8 not relevant. The building was being used at the time
9 that the damage was done. I also note that there was
10 substantial time, trouble, and risk to the fire
11 fighters who had to deal with the fire, and as you well
12 know, Mr. Kanayok, these were volunteer fire fighters.

13 The maximum sentence that the Criminal Code
14 provides for this offence is 14 years in jail. That's
15 the most that someone can get for this offence. Your
16 lawyer has said, and I agree, that it is difficult to
17 assess how general deterrence, in other words, how
18 stopping other people from doing this kind of thing
19 might be served when there is no clear motive for this
20 crime. However, the fact that there is no clear motive
21 and that the crime is therefore so difficult to
22 understand, causes me a great deal of concern, and it
23 also causes me concern with respect to how to deter
24 you, Mr. Kanayok, specifically from committing crimes
25 in the future. I do take into account that at the age
26 of 26, you have a prior record which consists only of
27 two assaults. It is a record unrelated to the offence

1 that I sentence you for today, and I do not place much
2 weight on that record. I also note that those two
3 assault convictions did not result in you serving any
4 jail term. I also take into account that there is no
5 evidence that you stood to gain in a financial way or
6 that you stood to gain any money by committing this
7 offence. I take into account, and I hope that you do
8 too, Mr. Kanayok, that what you have done may bring a
9 great deal of disgrace upon your family, and I take
10 into account as well that by agreeing to many of the
11 facts and allowing the trial to proceed without the
12 numerous witnesses that were originally expected and
13 instead to proceed only with a small number of
14 witnesses, you have saved time, trouble, and expense
15 for all those involved and for the court.

16 In all the circumstances, in my view, an
17 appropriate sentence in this case is 15 months in jail,
18 and I sentence you to serve that sentence. I am not
19 going to impose a term of probation, and there will be
20 no surcharge. Is there anything else counsel?

21 MS. SMULTZ: Nothing further from the Crown, My
22 Lady.

23 MR. BOYD: Nothing from defense, My Lady.

24 THE COURT: Thank you very much, counsel, for
25 your assistance, and we will close court.
26
27 -----

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Certified pursuant to Practice Direction #20
dated December 28, 1987.

Rae Gajadhar

Rae Gajadhar
Court Reporter