

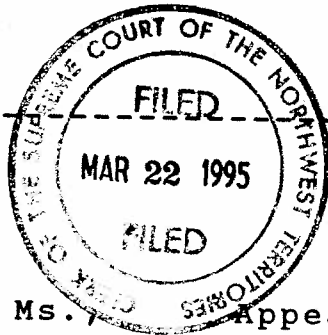
IN THE SUPREME COURT
OF THE NORTHWEST TERRITORIES

HER MAJESTY THE QUEEN

- and -

RONALD GIBSON KLENGENBERG

Transcript of Reasons for Sentence given by The
Honourable Mr. Justice J.E. Richard at Holman,
Northwest Territories, on the 28th day of
February, A.D. 1995.



APPEARANCES:

B. Schmaltz, Ms. appeared for the Crown.
S.D. Duke, Esq., appeared for the Defence.
J.L. Yaehne, Ms., Court Reporter.

(Charge under Section 271 of the Criminal Code)

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

B E T W E E N :

HER MAJESTY THE QUEEN .

- and -

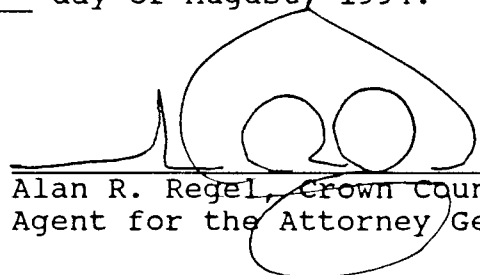
RONALD GIBSON KLENGENBERG

I N D I C T M E N T

RONALD GIBSON KLENGENBERG stands charged that he:

On or between the 1st day of
December 1992 and the 31st day of
January 1993 at or near the Hamlet
of Holman in the Northwest
Territories did commit a sexual
assault on D N contrary
to Section 271 of the Criminal Code.

DATED at the City of Yellowknife, in the Northwest
Territories, this 6th day of August, 1994.



Alan R. Regel, Crown Counsel and
Agent for the Attorney General of Canada

Q202653

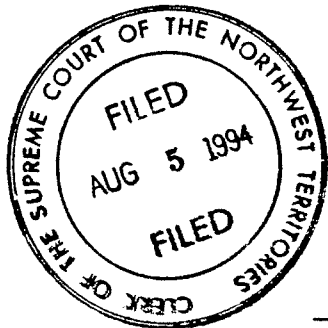
IN THE SUPREME COURT OF THE
NORTHWEST TERRITORIES

BETWEEN:

HER MAJESTY THE QUEEN

- and -

RONALD GIBSON KLENGENBERG



INDICTMENT

Alan R. Regel,
Crown Counsel
Department of Justice
P.O. Box 8
3rd Floor, Joe Tobie Building
Yellowknife, N.W.T.
X1A 2N1

File: YK 62917

1 THE COURT: Mr. Ronald Klengenberg has
2 been convicted of sexual assault contrary to
3 Section 271 of the Criminal Code of Canada.
4 Sexual assault is considered by our society to be
5 a very serious crime. According to the laws that
6 have been passed by the Parliament of Canada, the
7 maximum sentence for the crime of sexual assault
8 is ten years imprisonment in a Federal
9 penitentiary in Southern Canada. There is no
10 minimum sentence. As sentencing judge, I
11 therefore have a fairly wide range of possible
12 sentences from among which to choose the
13 appropriate sentence in each case of sexual
14 assault. However, I must have regard to previous
15 cases where this court and higher courts have
16 imposed sentence in similar cases. I also have
17 to have regard to the principles of the
18 sentencing process.

19 The overall purpose of the criminal law is
20 the protection of the public, the protection of
21 the members of the community, including
22 vulnerable young girls. One of the principles of
23 the sentencing process is deterrence, and that
24 simply means that the sentence that is imposed
25 must be one that will deter or discourage Ronald
26 Gibson Klengenberg from ever again conducting
27 himself like this. It will hopefully also

Gabe's

1 discourage other young men from behaving in a
2 similar manner.

3 One of the other important principles of
4 sentencing that is important in this case is
5 denunciation, and that simply means that the
6 sentence that is imposed on behalf of society
7 ought to be one that will reflect society's and
8 this community's repudiation or rejection of
9 this kind of behaviour as unacceptable to the
10 members of the community. In addition to those
11 principles, of course, I must also take into
12 consideration the personal background and
13 circumstances of this young man, and also the
14 particular details or circumstances of the crime
15 that he has committed.

16 This accused man is 26 years of age, and I am
17 told has a Grade 9 formal education. He
18 originally comes from Coppermine, but has been
19 living in this community since 1989. It appears
20 that he has had sporadic employment with various
21 employers over the past few years. He has
22 indicated that he has four children, and I take
23 it that those are from more than one
24 relationship, but apparently at the present time
25 he lives alone. Mr. Klengenberg does have a
26 previous criminal record but, in my view, it is a
27 minor one.

Gabe's

1 As to the circumstances of the crime that he
2 committed that brings him to court today, it
3 appears that young people in this community were
4 in the habit, back in 1992 and 1993, at least, of
5 hanging around his house watching TV, playing
6 games, and socializing generally. It appears
7 that the victim, D. N , and two of her
8 friends went there late one evening and at that
9 time the victim was 13 years of age, and her two
10 friends were 12 and 13 years of age. While they
11 were at Mr. Klengenberg's house, Mr. Klengenberg
12 took D. forcefully to his bedroom and there
13 had intercourse with her, without her consent.
14 Having heard the evidence presented to the jury
15 at the trial, I am satisfied beyond any
16 reasonable doubt that this intercourse was,
17 indeed, non-consensual.

18 This was a serious crime committed by Ronald
19 Klengenberg. He had no concern whatsoever as to
20 how old this girl was. He had no concern whether
21 she was consenting or not. In acting as he did,
22 he displayed a contemptuous disregard for this
23 girl as a human being. He acted selfishly and
24 was only concerned about his own sexual desires.
25 Since that time, he has shown no remorse for what
26 he did.

27 The sentence that I impose this afternoon

Gabe's

1 must reflect, as I have said, must reflect this
2 community's rejection of this kind of conduct.
3 The sentence must show that this community does
4 not tolerate men having sex with underage girls.
5 Sentencing is the most difficult part of a
6 judge's responsibilities, and I, for one, do not
7 enjoy sending young men to gaol. But in this
8 case, it is necessary to do so, for the reasons
9 that I have mentioned.

10 Please stand up, Mr. Klengenber.

11 Mr. Klengenber, for the crime that you have
12 committed, the sexual assault of D
13 N , it is the sentence of this court that
14 you be imprisoned for a period of three years,
15 and in addition, as I am required by law to do
16 so, I hereby order, pursuant to Section 100 of
17 the Criminal Code, that you are prohibited from
18 having in your possession any firearm or
19 ammunition or explosive substance for a period
20 of time, commencing at today's date and expiring
21 on a date ten years after your release from your
22 term of imprisonment. Any such item in your
23 possession at this time shall be surrendered to a
24 peace officer, or otherwise disposed of within
25 one month of today's date.

26 Under the circumstances, there will be no
27 victim fine surcharge, and I will have the Clerk

Gabe's

1 endorse the Warrant of Committal that takes you
2 to gaol with this court's recommendation that
3 you be allowed to serve your time at a
4 correctional facility within the Northwest
5 Territories. You may sit down now, sir.

6 Now, is there anything further on this case,
7 counsel?

8 MS. SCHMALTZ: Nothing further from the
9 Crown, My Lord.

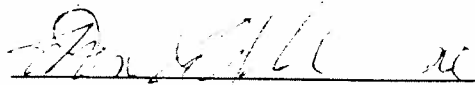
10 MR. DUKE: Nothing, sir.

11 THE COURT: Fine. We will close Court.

12 (PROCEEDINGS CONCLUDED)

13 -----
14 I, Joan L. Yaehne, C.S.R.(A), Court Reporter,
15 hereby certify that I attended the above Reasons for
16 Sentence and took faithful and accurate shorthand
17 notes and the foregoing is a true and accurate
18 transcript of my shorthand notes to the best of my
19 skill and ability.

20 Dated at the City of Calgary, Province of
21 Alberta, this 6th day of March, A.D. 1995.

22
23 
24 _____
25 (Joan L. Yaehne, C.S.R.(A),
26 Court Reporter

JLY/lm

Gabe's