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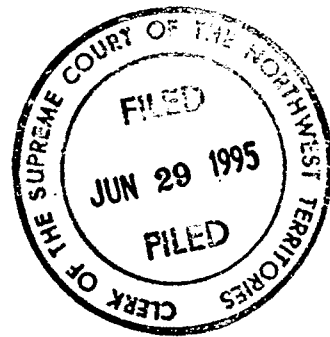
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

CASSIEN RAYMOND KASKAMIN



Transcript of the Reasons for Sentence of the Honourable Mr. Justice J. E. Richard, sitting at Yellowknife, in the Northwest Territories, on June 16, A.D. 1995.

APPEARANCES:

MS. L. CHARBONNEAU

On behalf of the Crown

MRS. G. BRYDON

On behalf of the Defence

1 THE COURT: One of the most significant aspects of
2 this case is that this is the second time in three
3 years that this young man, Casey Kaskamin, is before
4 the Court because of his careless or irresponsible use
5 of firearms while he has been intoxicated in his home
6 community of Fort Good Hope. On both occasions he
7 presented a clear danger to himself and to the members
8 of his community.

9 On the first occasion he was sentenced as a young
10 offender to 21 days custody. With the very positive
11 things that I have heard this afternoon about
12 Mr. Kaskamin, one would have thought that that
13 incident in 1992, and that disposition by the court in
14 1992, would have been enough to have Casey Kaskamin
15 realize or recognize the danger of mixing alcohol and
16 the use of firearms.

17 Two months ago on April 15th, Mr. Kaskamin got
18 himself intoxicated following a dispute with a friend.
19 He then acted out by taking a twelve-gauge shotgun and
20 discharging it within the community. At one point,
21 just after the noon hour, he discharged it directly at
22 the door to the Northern Store. It is only a miracle
23 that no one was injured by him. Having heard Mr.
24 Kaskamin speak to the Court this afternoon, I am
25 satisfied that he now realizes that it was only a
26 miracle that he did not hurt anyone.

27 This was a very serious offence committed by this

1 young man. A period of incarceration is clearly
2 required, and primarily for the protection of the
3 public, for the the protection of the members of Casey
4 Kaskamin's community.

5 Mr. Kaskamin, I was quite impressed by what the
6 chief of your community, Isidore Manuel, had to say
7 about you in the words that were passed on to the
8 Court by your lawyer. It is very much to your credit
9 that the chief speaks so highly about you, and that he
10 feels that you have the potential to be a person who
11 is going to contribute to the community, that possibly
12 one day you are going to be a community leader. And
13 you should think about what the chief had to say about
14 you when Mrs. Brydon spoke to him.

15 I was also impressed, Mr. Kaskamin, by your words
16 when you spoke to the Court just now. And I did
17 notice that you were reading from notes that you made,
18 that you prepared, and your words indicate that you
19 want to take responsibility for what you did there in
20 Fort Good Hope two months ago; and that you realize
21 that you do have a serious drinking problem, and that
22 you realize that alcohol abuse was a major factor in
23 your cousin's suicide just recently. Your words
24 indicate that you do want to do something about your
25 drinking problem. And you have told me that you feel
26 that you do have the strength and the courage yourself
27 to overcome your drinking problem.

1 Now Mr. Kaskamin, I am going to recommend very
2 strongly to you that you hang on to that piece of
3 paper that you read from this afternoon. That, quite
4 frankly, is a very valuable piece of paper for you,
5 and it's a very valuable thing for you to have and for
6 you to keep. I would recommend to you, Mr. Kaskamin,
7 that you put that piece of paper away somewhere
8 special, and you bring it out and read your own words
9 to yourself every now and then. Your words on that
10 piece of paper that you read from are more important
11 than anything I am going to say today, and they are
12 more important than anything either of these two
13 lawyers have said.

14 I am going to have to order that you go to jail
15 for some time yet, that you stay in jail; and I am
16 going to try and explain to you why that has to be the
17 case. When your lawyer spoke this afternoon, she
18 spoke a number of times about incarceration, jail, and
19 also about rehabilitation, your rehabilitation. And
20 she spoke about these two things as opposed to each
21 other or mutually exclusive. I respectfully disagree
22 that that is the situation that we have in your case.

23 Now I realize, Mr. Kaskamin, that you have already
24 been in jail at the Yellowknife Correctional Centre
25 these past two months, and I realize that that has not
26 been an easy time for you, and I am going to give you
27 credit for that period of time when you have been

1 incarcerated. However, it is necessary, in my view,
2 it is absolutely necessary that you be kept in custody
3 for a further period of time; and it's necessary
4 primarily for the protection of the people in your
5 home community. Everybody there - the chief, your
6 grandmother, your friends and relatives - because at
7 the moment until you reform or rehabilitate yourself
8 you constitute a danger to the people in your
9 community, and you need time to rehabilitate yourself,
10 and you need time away from your community to do that.
11 To reflect on all of these things, the things that you
12 spoke about yourself. You need time to have access to
13 professional counselling, to AA, perhaps to a
14 Poundmaker Lodge programme. You need time then, in my
15 view, to rehabilitate yourself before you can go back
16 to your community.

17 In addition, and I can tell you that I sincerely
18 regret that it is necessary to restrict your
19 possession and use of firearms, and that is necessary
20 simply for the same reason - for the protection of the
21 people in your community. Now Mr. Kaskamin, I am one
22 judge who is always, always very reluctant to use the
23 provisions of Section 100 of the Criminal Code,
24 prohibition of firearms, when sentencing an aboriginal
25 offender like you. But unfortunately for you, it is
26 necessary in this case. For you as a Slavey person
27 with your lifestyle, the use of a firearm is very,

1 very important and very, very precious in your life,
2 but by your conduct on these two occasions you have
3 forfeited, you have forfeited the right that you have
4 to use a firearm. I am going to have to order,
5 regretfully, that you not have or even use a firearm
6 for a period of one year after your release from jail;
7 and I realize that this will be really tough on you.
8 That that will affect on you in your daily life back
9 in Fort Good Hope. But you are just going to have to
10 accept, you are going to have to accept that as a
11 consequence of what you yourself have done.

12 Please stand now, Mr. Kaskamin. Mr. Kaskamin, for
13 the crime that you have committed, that is the
14 careless use of a firearm at Fort Good Hope on April
15 15th of 1995, contrary to Section 86(2) of the
16 Criminal Code, it is the sentence of this court that
17 you be imprisoned for a further period of eight
18 months. And in addition I direct that for a period of
19 twelve months following the expiration of your
20 sentence of imprisonment, you shall comply with the
21 following terms that are prescribed in a probation
22 order.

23 Firstly: That you keep the peace and be of good
24 behaviour. Secondly: That you appear before this
25 Court when you are required to do so. Next: That
26 upon your release from jail you shall report
27 immediately to the senior probation officer at the

1 place that you are living. Next: That you are to
2 notify your probation officer of any change in your
3 address or in your employment.

4 During the twelve months of your probation you
5 shall perform 200 hours of community service work as
6 directed by your probation officer. Next: You shall
7 abstain absolutely from the consumption of alcohol.
8 Next: You shall submit to the demand of a police
9 officer or a probation officer for a sample of your
10 breath. You shall take part in any course or
11 counselling for persons with alcohol problems that is
12 available and recommended by your probation officer.

13 Now when that probation order has been prepared, I
14 am going to have the clerk of the court arrange to
15 have it read to you and to give you a copy of the
16 order, and with the assistance of your lawyer, to
17 inform you of the provisions of Section 738(4) and
18 Section 740 of the Criminal Code.

19 And finally, I further order, pursuant to Section
20 100(2) of the Criminal Code, that you are prohibited
21 from having in your possession any firearms, or
22 ammunition, or explosive substance for a period of
23 time commencing on today's date and expiring on a date
24 one year after your release from prison. Any such
25 items in your possession at this time shall be
26 surrendered to a police officer or otherwise disposed
27 of within one month of today's date. In the

1 circumstances, there will be no victim fine surcharge.
2 You may sit down now.

3 Anything further required on this case, counsel?

4 MS. CHARBONNEAU: My Lord, there is the issue of the
5 firearm that was seized. I am not going to ask for
6 its forfeiture or destruction, but perhaps it could be
7 returned to a family member, perhaps defence counsel
8 can indicate who this firearm should be returned to.
9 Rather than have it destroyed, I suggest it should be
10 given to someone else until the expiration of the
11 appeal period.

12 MRS. BRYDON: Mr. Kaskamin says that Allan Kelly can
13 take possession of this firearm.

14 THE COURT: Is he family in Good Hope?

15 MRS. BRYDON: Yes, he is.

16 THE COURT: There will be a further order that the
17 firearm seized by the police will be returned, will be
18 delivered to Mr. Allan Kelly, the nominee of the
19 accused, following the expiration of the appeal period
20 in this case.

21 MS. CHARBONNEAU: Thank you.

22 THE COURT: Thank you counsel. Close court.

23 (AT WHICH TIME THIS MATTER WAS ADJOURNED)

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

Loretta Mott

Loretta Mott
Court Reporter