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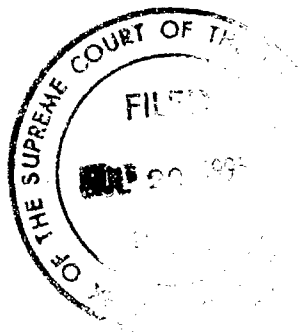
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

TAI TUAN LAM



Transcript of the Reasons for Sentence of the Honourable Mr. Justice J. Z. Vertes, sitting at Yellowknife, in the Northwest Territories, on Tuesday, July 11, A.D. 1995.

APPEARANCES:

MR. A. REGAL

On behalf of the Crown

MR. V. FOLDATS

On behalf of the Defence

1 THE COURT: Well thank you, Mr. Lam, you may have
2 a seat. I think it is very important when people who
3 are caught up in the criminal justice system because
4 of things that they did, perhaps because they are
5 misguided, perhaps because they were led by peer
6 pressure, or perhaps they thought this was something
7 they could get away with, I think it is always
8 hopeful to hear such sentiments, and from the reports
9 that have been presented to me, it seems to me that
10 you, Mr. Lam, are making some significant progress.

11 I want you to understand, Mr. Lam, that the
12 sentence I am going to impose now I am not imposing
13 because of the type of person you may be in the
14 future, or even because of the type of person you may
15 now have become since last year. I am imposing a
16 sentence because of what you did last year. And there
17 are certain principles that I have to follow in trying
18 to come to what I think is an appropriate sentence for
19 this act.

20 The accused has entered a plea of guilty to a
21 charge of assault with a weapon. That assault
22 occurred on November 16th, 1994, here in the City of
23 Yellowknife. Counsel have provided me with an agreed
24 statement of facts for which I thank them, and which I
25 will not bother repeating. Suffice it to say that the
26 assault arises from some ongoing antagonism between a
27 friend of the accused and another individual. These

1 other two people were with their respective friends.
2 They encountered each other, these other two people
3 got out of their vehicle and got into a fight, and the
4 accused decided to intervene in the fight using a
5 baseball bat with which he hit this other individual,
6 the victim of this charge, several times on his body.
7 Fortunately there are no lasting injuries.

8 It is conceded that the accused intervened because
9 he thought his friend was being choked by this other
10 man, although by his guilty plea he is acknowledging
11 and admitting that he used excessive force in that
12 intervention.

13 Counsel have made a joint submission for which I
14 also thank them. It is always helpful, even though I
15 am not bound by such joint submissions, I give careful
16 consideration to them. The joint submission is that
17 the accused should be sentenced to a term of
18 imprisonment of three to eight months consecutive to
19 the sentence he is now serving. The sentence he is
20 now serving arises from three convictions in Youth
21 Court, two on December 6th, 1994, one for assault with
22 a weapon and the other one for aggravated assault for
23 which he was sentenced to a total term of one year
24 secure custody and probation for two years.

25 Then on March 19, 1995 he was convicted of
26 trafficking in a narcotic and received a sentence of
27 eight months concurrent with the sentence he was then

1 serving. All of those offences were disposed of in
2 Youth Court.

3 While the accused at the time he committed the
4 assault charge for which he is now to be sentenced had
5 no previous record, I am told that he was by that
6 point already awaiting trial on these earlier and
7 other assault and trafficking offences. Indeed, I
8 note that the two assault convictions dealt with in
9 Youth Court were the result of incidents that occurred
10 in July of 1994. So at the time in November when he
11 committed this offence, he had already been charged
12 with two serious assault offences, he was awaiting
13 court process on those. He was charged with a
14 trafficking offence, and yet he felt that he had to
15 intervene in this fight, again using a weapon. What
16 that reveals is a certain predisposition at least at
17 that time.

18 Now I recognize that the accused has gone through
19 changes since then, and I recognize from the progress
20 reports that have been filed that the prospects for
21 rehabilitation are very good. And I sincerely hope
22 the accused will continue in the good work that he is
23 doing so that when he is released he can put his life
24 back together again and become the good and productive
25 member of his family and society that I hope he can
26 become. He certainly has the support of his family
27 and I am sure he is grateful for it.

1 In determining what would be an appropriate
2 sentence I must, however, give consideration to the
3 circumstances. That this is an assault charge with
4 the use of a weapon, it wasn't just one blow but
5 several blows to the victim and it came on the heels
6 of being charged for similar offences; indeed it came
7 just a matter of weeks before he was in Youth Court to
8 be sentenced on the other assault charges.

9 I certainly do not think that this conviction
10 warrants a sentence in the maximum of the range
11 suggested to me. It certainly has to be more than the
12 minimum of the range that was suggested to me. I take
13 into account the guilty plea that has been entered,
14 and all that has been said on his behalf and what
15 indeed he said on his own behalf.

16 Stand up, Mr. Lam, please. For this offence I
17 sentence you to serve a term of imprisonment of five
18 months. That sentence will be consecutive to the
19 sentence you are now serving. And as jointly
20 submitted by counsel, I direct that the sentence that
21 you are now serving as a result of the Youth Court
22 dispositions be converted into a sentence under the
23 Criminal Code pursuant to the authority of Section
24 741.1.

25 In addition there will be, pursuant to Section
26 100, an order prohibiting you from having in your
27 possession any firearms, weapons, explosives or

1 ammunition for a period of ten years starting from
2 today and ending ten years from the date of your
3 release, which I think is the appropriate phraseology.
4 Under the circumstances there will be no victim of
5 crime fine suscharge.

6 In addition there will be an order providing for
7 the destruction of the weapon seized by the police.
8 You may sit down, Mr. Lam. I am not going to add on
9 any further probationary period, I think that can best
10 be handled through the terms of the current probation.
11 Indeed he may be under stricter supervision with the
12 Youth Court than anything I can do.

13 Is there anything else that is required, counsel?

14 MR. REGEL: My Lord, just one thing, did you want
15 me to prepare the formal order in relation to the 741?

16 THE COURT: To the Section 741 disposition, I
17 think you should prepare a formal order and perhaps
18 review it with Mr. Foldats and have him endorse his
19 approval on it and it will be filed in due course.

20 MR. REGEL: We discussed that and that's what we thought
21 we should do.

22 THE COURT: Yes, thank you. Mr. Foldats, anything
23 else?

24 MR. FOLDATS: Just Mr. Lam advises that he has no
25 weapons or ammunition so the disposal period can be
26 forthwith.

27 THE COURT: That's fine, you can put that

1 provision into the formal order, Mr. Regel.

2 MR. REGEL: I will.

3 THE COURT: Thank you counsel for your assistance.

4 Close court.

5 (AT WHICH TIME THIS MATTER WAS CONCLUDED)

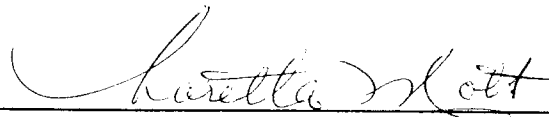
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Certified Pursuant to Practice Direction #20
dated December 28, 1987.

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Loretta Mott
Court Reporter

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