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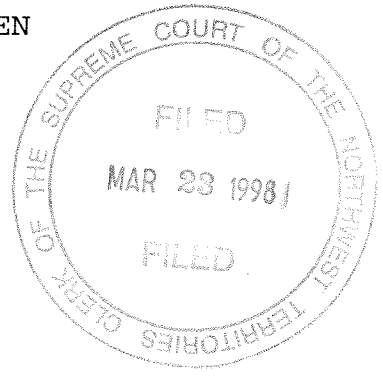
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

RAYMOND CASAWAY




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Transcript of the Reasons for Sentence  
 held before The Honourable Justice J. E. Richard,  
 sitting in Yellowknife, in the Northwest Territories,  
 on Thursday, the 19th day of March, A.D., 1998.

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APPEARANCES:

Mr. D. Garson:	Counsel for the Crown
Mr. A. Mahar:	Counsel for the Defence

1 THE COURT: Mr. Casaway, is there anything you  
2 wish to say to the Court before sentence is passed, is  
3 imposed?

4 MR. MAHAR: No, Sir.

5 THE COURT: Thank you.

6 I want to thank both counsel for their submissions  
7 with respect to the sentence to be imposed on Raymond  
8 Casaway.

9 I hope, Mr. Casaway, that you were paying careful  
10 attention because there is a lot of truth to what each  
11 one of these lawyers said this morning about what you  
12 have done that brings you to court here. It is clear  
13 on the one hand that this was a very serious incident  
14 that happened that you were a part of. I am also  
15 satisfied from what the lawyers have said that your  
16 involvement was not as extensive as at least two of the  
17 others, Mr. Short and Mr. Diveky.

18 Even though you have been convicted for what is  
19 commonly referred to as common assault or simple  
20 assault, the maximum sentence that could be imposed  
21 today is five years' imprisonment.

22 Now, during the sentencing process, the purpose of  
23 the whole notion of sentencing is to provide for a  
24 respect for the law and to provide for a safe and a  
25 peaceful community in which we all live. Now, in  
26 trying to arrive at the appropriate sentence, the  
27 objectives in particular that I have to keep in mind

1 are denunciation, that is, making it clear to the  
2 public that this kind of behaviour is just unacceptable  
3 in Yellowknife or in any other community; and the other  
4 objective is deterrence to deter you and any other  
5 young man or group of young men from conducting  
6 yourself like this again.

7 There are circumstances where we have a common  
8 assault before the Court that particularly, if it is a  
9 first offence for a young person, that the Court  
10 imposes something other than jail, for instance, a fine  
11 or probation. Because of the circumstances of this  
12 case, I am unable to do that. In your case, there is  
13 going to have to be a jail term.

14 The aggravating feature here is the seriousness of  
15 the incident, but the overriding mitigating  
16 circumstance is the fact that you have pleaded guilty  
17 to what you did, and I am told by these lawyers that  
18 you basically took that position from the outset, that  
19 you acknowledged that you, at one point during this  
20 melee, did assault Mr. Mason. That is in your favour  
21 today when it comes time to determine the type of  
22 sentence.

23 I also have to be mindful of the sentences that  
24 were imposed on the two other young men who were  
25 involved in inflicting injuries on the two victims in  
26 concert with what you did to one of those victims, so  
27 the sentence has to be in the context of what the

1 sentence was for those other two men who are different  
2 than you.

3 In all of the circumstances, I am going to accede  
4 to the submissions of both the Crown prosecutor and  
5 your lawyer, Mr. Mahar, and impose a short intermittent  
6 term of imprisonment. In my view, that is the  
7 appropriate disposition in this case.

8 For the crime of common assault of Greg Mason, it  
9 is the sentence of this Court that you be imprisoned  
10 for a period of 60 days. Under the provisions of  
11 Section 732 of the Criminal Code, I order that you be  
12 permitted to serve this term of imprisonment  
13 intermittently on weekends from 7 p.m. Friday to 7 a.m.  
14 Monday commencing tomorrow, March 20th.

15 While you are serving this term of imprisonment on  
16 an intermittent basis, you will be under the terms of a  
17 probation order with the statutory conditions that are  
18 set out in the Criminal Code, and I am sure that your  
19 lawyer, Mr. Mahar, will explain to you the importance  
20 of adhering to those conditions. I hope, Mr. Casaway,  
21 that we do not see you back here again.

22 THE ACCUSED: You won't, Your Honour.

23 MR. MAHAR: Sir, given the time, perhaps -- I  
24 know we're having scheduling this afternoon. Perhaps  
25 Mr. Casaway could return at 2 o'clock to sign his  
26 probation order, just given that the clerk is going to  
27 have to prepare that.

1 THE COURT: You can have it ready before 5?

2 THE CLERK: Yes, My Lord.

3 THE COURT: Just make sure he comes back by  
4 4:30 to sign the probation order.

5 MR. MAHAR: Very well, Sir. Thank you. I  
6 thank my friend.

7 THE COURT: Anything further from the Crown?

8 MR. GARSON: Nothing. Well, actually there is,  
9 My Lord. With respect to the matter we discussed first  
10 off, Count 1, the Crown can either -- we can either  
11 enter a stay or --

12 THE COURT: That is fine. That is normally  
13 what happens is a stay of proceedings.

14 MR. GARSON: Very well, My Lord. We will do  
15 that.

16 THE COURT: Thank you. Then that is  
17 everything?

18 THE CLERK: Yes.

19 THE COURT: We will close court.

20 THE CLERK: All rise. Court is closed.

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

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*Tara Taylor*  
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Tara Taylor, CSR(A), Court Reporter

