

22 mths in govt
JW

CR 03569

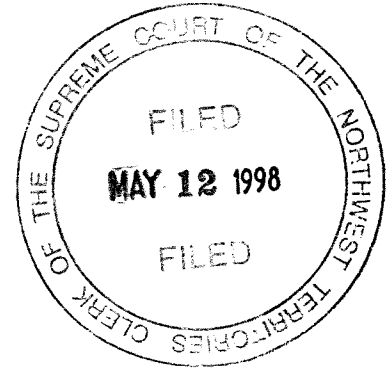
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

RICHARD EPILON



Transcript of Reasons for Sentence delivered by The Honourable Justice J.Z. Vertes, sitting at Yellowknife, in the Northwest Territories, on Thursday, April 30, A.D. 1998.

APPEARANCES:

Ms. L. Charbonneau:	On behalf of the Crown
Mr. A. Mahar:	On behalf of the Defence

(Charge under s. 271 of the Criminal Code)

1 THE COURT: I commend counsel on their
2 resolution of this case, because from the facts that
3 I've heard, obviously a trial in this matter would have
4 been very difficult not just for the complainant but,
5 I'm sure, for many others.

6 The accused, Richard Epsilon, has entered a plea of
7 guilty to a charge of sexual assault. That charge
8 relates to a series of incidents perpetrated on his
9 cousin between 1992 and 1998. Two of the incidents are
10 what could be termed sexual touching or groping which
11 occurred when the complainant was 11 and 15 years old.
12 The most serious incident is one which I think is quite
13 rightly characterized as an attempted rape in January
14 of 1998.

15 It is important to have recognition of that date
16 because by that point in time, the accused had already
17 gone through a preliminary hearing into this charge
18 relating to the two earlier incidents that were
19 reported by the complainant to the police and had been
20 committed to stand trial on this charge. And even at
21 that, he commits this further incident. That, to me,
22 is a highly aggravating factor. It is also aggravating
23 of course that these incidents occurred with a younger
24 cousin of the accused. I was told that he is ten years
25 older than the complainant. The young age of the
26 complainant when the earlier incidents occurred is an
27 aggravating factor. But as Crown counsel submitted,

1 the guilty plea in this case should be considered to be
2 a significant mitigating factor and I do so consider
3 it. It seems to me that Crown counsel has given
4 significant weight to it since this particular Crown
5 counsel tells me that she knows firsthand the relief
6 felt by the complainant in not having to go through a
7 trial.

8 The accused has an unrelated criminal record
9 revealing three offences between 1992 and 1998. I
10 note, however, that the offence for which he was
11 sentenced in March of 1998 was one, as I am told, that
12 was also committed in December of 1997 at a time when
13 he was on judicial process awaiting trial for this
14 charge.

15 Crown counsel suggests a sentence at the high end
16 of the territorial range. The defence counsel suggests
17 a sentence in the mid-territorial range. I want to
18 make clear to Mr. Epsilon that were it not for the
19 significant concession by the Crown because of your
20 guilty plea in this case, you could easily have been
21 sentenced to a penitentiary term for these offences.
22 You are nodding your head so I assume you understand
23 and appreciate that.

24 I understand that Mr. Epsilon, although he had a
25 difficult childhood, is somewhat educated and is
26 capable of being a productive and worthwhile member of
27 his community. I was told by his counsel that these

1 crimes can only be explained because of an obsession
2 that he has had with his younger cousin for many years,
3 and that he wishes, and is willing, to take counseling
4 to deal with whatever psychological problems he might
5 have in that regard. I encourage him to do so. There
6 are many opportunities for a young educated man such as
7 this accused and I hope he does not waste them.

8 Stand up, Mr. Eylon. Mr. Eylon, I am taking
9 into account of all of these factors including the
10 remand time of two months that you have already
11 served. I sentence you to serve a term of imprisonment
12 of 22 months. The Warrant of Committal will be
13 endorsed by my recommendation that the correctional
14 authorities give early attention to any counseling
15 program that may be of benefit to you. You may sit
16 down. Under the circumstances, there will be no victim
17 of crime fine surcharge.

18 Anything else, Counsel?

19 MR. MAHAR: No, sir.

20 THE COURT: Thank you for your submissions.

21 With respect to file 3432, the Crown will be entering a
22 stay of proceedings?

23 MS. CHARBONNEAU: Yes, sir.

24 THE COURT: Thank you, Mr. Mahar.

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



Jane Romanowich
Court Reporter

