

*pled guilty x 2
1 yr plus 1 yr concurrent*

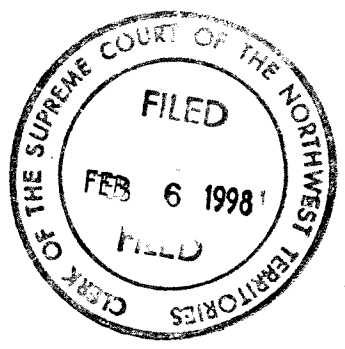
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CR 03522

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN



- v -

JOSEPH JEAN LOUIE COMEAU

Transcript of the Reasons for Sentence
held before The Honourable Justice J.Z. Vertes,
sitting in Yellowknife, in the Northwest Territories,
on Thursday, the 5th day of February, A.D., 1998.

APPEARANCES:

Mr. S. Couper:	Counsel for the Crown
Mr. J. Brydon:	Counsel for the Defence

1 THE COURT: Joseph Jean Louie Comeau has
2 pleaded guilty to two charges of indecent assault.
3 These two offences occurred over 30 years ago in
4 Inuvik.

5 The accused, during the years 1958 to 1965, was
6 living in Inuvik and employed as a part-time supervisor
7 at Grollier Hall, a residential school operated by the
8 Roman Catholic Mission. His duties included guidance
9 counselling and organizing activities for the
10 students.

11 The two offences relate to two specific
12 instances. In the first, occurring in 1962, the
13 accused went into the bedroom of the victim, then 13
14 years old, and fondled the boy's penis. In the second
15 incident, in 1963, the accused did a similar act to
16 another boy who was then 11 years old. These offences
17 did not come to light until 1997.

18 We have now come to the realization that incidents
19 of child abuse are and were far more prevalent in our
20 society than we had previously thought. Certainly we
21 have come to the realization, all too late
22 unfortunately for some, that many of the things we
23 thought were done for good reasons had a terrible
24 affect on some people. The residential school system,
25 while benefitting some, certainly resulted in much
26 hardship and pain for many others; and while many of
27 the people who worked in that system were good and kind

1 people, we also know that some others took advantage of
2 the helplessness of the students who were forced to be
3 there.

4 But this case must be kept in perspective. This
5 accused is not to be sentenced for the wrongs of the
6 residential school system. He is one man who is to be
7 sentenced for the specific criminal acts that he
8 committed.

9 I recognize that the victims in this case have
10 suffered. Any sentence I impose will not absolve that
11 suffering. Indeed, any sentence I impose will likely
12 be seen as deficient in the eyes of these victims. I
13 understand that, but it is very difficult for a court
14 to say what degree of punishment is likely in any
15 particular case to be regarded as sufficient in the
16 eyes of the victim. We do not mete out punishment for
17 the sake of retribution alone.

18 The primary purpose of sentencing is to protect
19 society. This involves a blending of deterrence,
20 denunciation, rehabilitation, and retribution.
21 Ultimately, the sentence in any case must be
22 proportionate to the gravity of the offence and the
23 blameworthiness of the offender.

24 In cases such as this, however, the paramount
25 considerations are denunciation and deterrence:
26 Denunciation so as to reflect society's condemnation of
27 this conduct and deterrence, perhaps not so much in

1 this case so as to deter this offender, but deterrence
2 to deter others from committing such acts and thus
3 furthering the protection of society.

4 The accused is 63 years old. He is a retired
5 banker. He is a father and a grandfather with a
6 supportive family. He has serious health problems, and
7 I am told that his life expectancy is only for a
8 further five years. For these reasons, his counsel
9 seeks a conditional sentence which would allow him to
10 serve his time out of jail. As his counsel put it, and
11 I quote: "He is an old, sick, dying man, and nothing
12 is to be gained by incarcerating him."

13 Recently, the Alberta Court of Appeal in the case
14 of R v. Brady said the following with respect to
15 conditional sentences and particularly with respect to
16 crimes such as this where the paramount concerns are
17 deterrence and denunciation. I quote:

18 "It has also been argued that the
19 conditional sentence usually expresses
20 society's denunciation of an offence.
21 Denunciation continues to be a
22 legitimate aim of sentencing. A
23 conviction by itself does not entail
24 the same degree of denunciation as does
25 jailing the offender. Of course,
26 conviction carries with it some element
27 of denunciation because of the stigma
attached to a criminal conviction. But
for many crimes, a conviction without
any meaningful consequence would not
sufficiently reflect society's
repudiation of the crime. A sentence
must be proportional to the harm done
as well as to the moral blameworthiness
of the offender. This is society's way
of affirming fundamental values,
protecting the public, and making it

1 clear to those who transgress these
2 values that they are accountable for
their actions.

3 Nor can one equate the denunciation
4 implied by actual imprisonment with
5 probation, a suspended sentence or even
6 an ordinary conditional sentence. It
7 is true that the deterrent and
8 denunciatory purposes which led to the
9 original sentence remain in force even
10 when the parole authorities allow early
11 release. But there is vastly more
12 denunciation in being jailed originally
and then later paroled, than never
being jailed.

13 So we conclude that a conditional
14 sentence would not ordinarily be
15 available for those offences where the
16 paramount consideration is denunciation
17 and deterrence."

18 In my opinion, these comments are apt to this
19 case.

20 There is no realistic fear that this man will ever
21 reoffend. He poses no danger to the community; but the
22 crimes he committed, even though it was 30 years ago,
23 must still be condemned. The public must know that
24 perpetrators of these types of crimes will be held
25 accountable. In my opinion, this is not an appropriate
26 case for a conditional sentence.

27 Crown counsel has outlined the aggravating
features of this case. The accused was in a position
of trust and authority, and he abused it. He has been
convicted recently of two similar offences in British
Columbia which also occurred many years ago, so it
cannot be said that these offences were strikingly

1 singular or out of character. Indeed, his counsel
2 tells me that the accused has wrestled with his
3 compulsions for many years.

4 On the other hand, I have to give the accused
5 credit for his guilty pleas. That is a significant
6 mitigating factor in his favour. I also cannot be
7 blind to his personal circumstances and his
8 deteriorating health.

9 I hereby sentence the accused to a term of
10 imprisonment of one year on each count to be served
11 concurrently, such sentence to be served consecutively
12 to the sentence currently being served in British
13 Columbia. My recommendation is that he be allowed to
14 serve the complete sentence in British Columbia.

15 I make no further orders or directions.

16 Anything else, counsel?

17 MR. BRYDON: Nothing, My Lord.

18 MR. COUPER: No, thank you, My Lord.

19 THE COURT: Mr. Brydon?

20 MR. BRYDON: No, thank you, My Lord.

21 THE COURT: Thank you for your submissions.

22 We will adjourn.

23 THE CLERK: All rise. Court is adjourned
24 without a day.

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27 **ADJOURNED SINE DIE**

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

Tara Taylor

Tara Taylor, CSR(A), Court Reporter

