

CR 03456

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

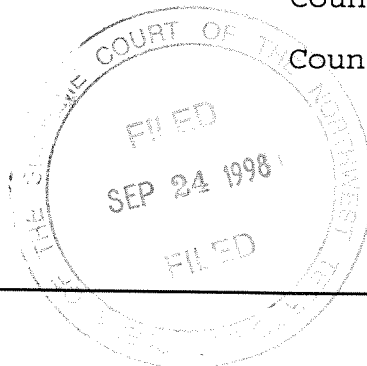
- vs. -

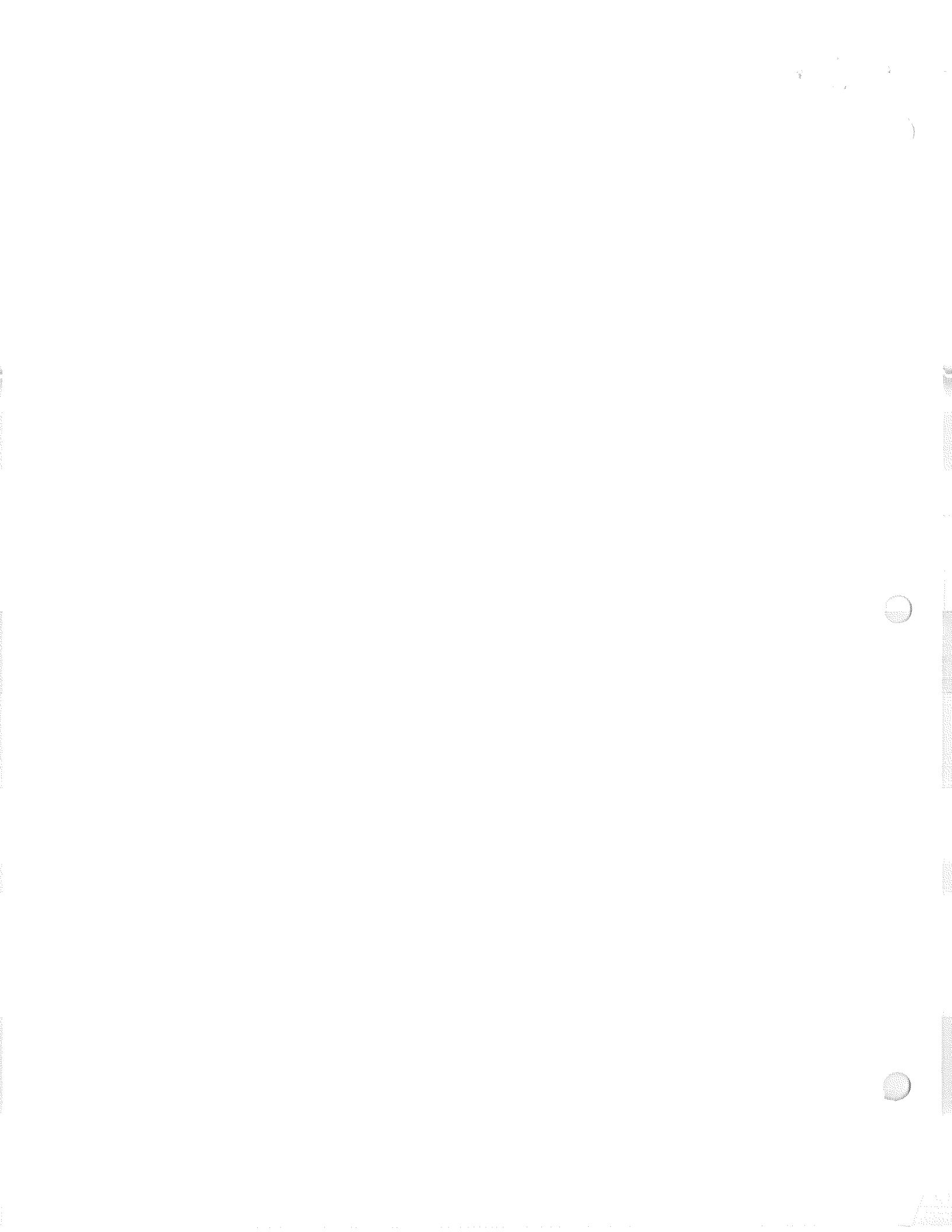
EDWARD VICTOR DRYBONES

Transcript of the Oral Reasons for Sentence by The Honourable
Justice T.P. O'Connor, at Yellowknife in the Northwest
Territories, on September 21st A.D., 1998.

APPEARANCES:

Mr. B. Allison: Counsel for the Crown
Mr. V. Foldats: Counsel for the Accused





1 THE COURT: Well again, counsel, I will say
2 this to you and also to you, Mr. Drybones, I initially
3 had some real reservations about a sentence of one year
4 for a conviction, albeit a plea of guilty, on a sexual
5 assault involving full intercourse, which used to be
6 known as rape, and particularly rape of a young person
7 as was the case in this circumstance.

8 However, having heard all that has been said by
9 both Crown counsel and your lawyer on behalf of you,
10 and I might say said very effectively, I am prepared to
11 accept the joint submission of one year.

12 I hope sincerely, Mr. Drybones, that this horrible
13 past that you brought before the Court of nearly three
14 full pages of convictions is at an end and that you
15 honestly and sincerely will attempt to take the
16 programs that will be available to you in the federal
17 penitentiary, you are in medium security now I take it,
18 and that you will do your best to come out of the
19 system with a new point of view, a new attitude on life
20 with a view to really doing something with your life.

21 You indicate that you think that you have about 15
22 years left and your counsel describes you as getting on
23 in age. I don't consider 48 to be very old at all, sir,
24 believe me, and I am sure that you have many more than
25 15 years available once you are released and that you
26 make the best of those as possible.

27 Sir, I will accept their recommendation.

1 You will be sentenced to a year in penitentiary in
2 addition to the four years you are currently serving
3 for the reasons put to me by both counsel;
4 particularly, the plea was early enough to relieve the
5 very reluctant victim in this case of having to give
6 evidence in court a second time, that is after the
7 preliminary inquiry, and taking into account the tenet
8 of totality of sentences. Looking at the totality of
9 the two of them, I am prepared to accept that
10 recommendation and you will be sentenced to a year in
11 custody.

12 Just give me a moment and I will endorse the
13 Indictment.

14 I take it, counsel, that probation isn't
15 appropriate, is it, in the circumstances either?

16 MR. ALLISON: No, My Lord.

17 THE COURT: And no recommendation is necessary
18 with regard to programs? He seems to be taking, he has
19 completed one?

20 MR. FOLDATS: That's correct, sir.

21 THE COURT: The Indictment reads as follows:
22 If you would stand up, please, Mr. Drybones. The
23 accused reelects trial by Judge alone and pleads guilty
24 to Count 4. The balance of the counts are stayed by
25 the Crown. The accused is sentenced to one year in the
26 penitentiary consecutive to the four years that he is
27 currently serving.

1 Madam Registrar, the record will be Exhibit 1 on
2 the sentencing.

3 **EXHIBIT 1: CRIMINAL RECORD OF THE ACCUSED**

4 THE COURT: Anything further counsel?

5 MR. FOLDATS: No, thank you, My Lord.

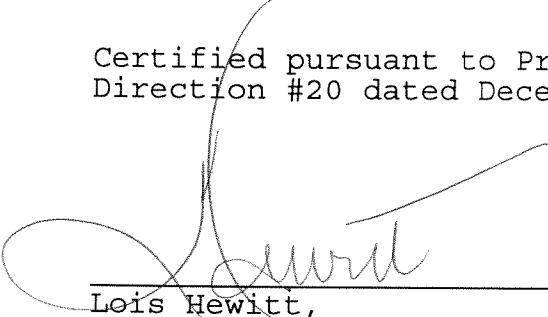
6 MR. ALLISON: No, My Lord.

7 THE COURT: Thank you, then we will recess now
8 until recall. And if counsel has a moment, I would
9 like to see you in chambers just briefly.

10 **(AT WHICH TIME THE ORAL REASONS FOR SENTENCE CONCLUDED)**

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



Lois Hewitt,
Court Reporter

