

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

RICHARD LESLIE SONFRERE

---

Transcript of the Oral Reasons for Sentence of The  
Honourable Justice J.Z. Vertes, sitting in Hay River, in the  
Northwest Territories, on the 14th day of December, A.D.  
1998.

---

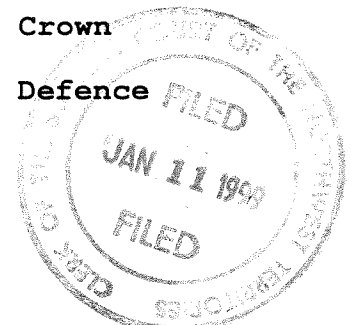
APPEARANCES:

Mr. B. Allison:

Counsel for the Crown

Mr. S. Shabala:

Counsel for the Defence



1 THE COURT: Richard Leslie Sonfrere has entered a  
2 plea of guilty to a charge of sexual assault. The  
3 facts are fairly straightforward if, however,  
4 extremely unfortunate.

5 Apparently the accused, who is 32 years of age,  
6 and a complainant, who was then 17, were both at a  
7 party. Apparently there was alcohol being consumed  
8 at this party and I gather that the accused was  
9 somewhat under the influence of alcohol. The  
10 complainant and another girl went into a bedroom to  
11 sleep. Some time later the accused came into the  
12 bedroom and while the complainant was asleep, took  
13 her pants down and then attempted to have anal  
14 intercourse with her. To put it simply and crudely,  
15 he tried to rape her while she was asleep.

16 Fortunately it proceeded no further because as  
17 soon as he tried to start, she awoke, became  
18 hysterical I am told, and then he took off.

19 It is truly unfortunate because in this one  
20 thoughtless act, no doubt fueled by his alcohol  
21 consumption, but in this one thoughtless act, a very  
22 selfish act, thinking only of himself without any  
23 care for the other person involved, he has  
24 jeopardized his future. He has certainly jeopardized  
25 the support of his family and he has certainly, I am  
26 sure, caused a great deal of pain and harm to the  
27 victim of his crime.

1           The accused, I am told, had a very unfortunate  
2 childhood having been abandoned by his mother. He  
3 was apparently adopted at an early age by the  
4 Sonfrere family, a well-respected family on the Hay  
5 River Reserve.

6           I am told that the accused is a capable mechanic  
7 and it certainly seems to me that he is able to be a  
8 contributing member of his community. Yet  
9 unfortunately it seems that he is unable to control  
10 various things, including his consumption of alcohol  
11 or drugs, because in the past ten years he has 14  
12 convictions, 14 criminal convictions. Most of them  
13 are quite minor because all that has happened to him  
14 is he has been fined, although most recently he has  
15 spent jail time for breaches of recognizances. I am  
16 told that his record is related to his problems with  
17 alcohol. His record also includes offences for drug  
18 possession and trafficking.

19           So it is apparent that Mr. Sonfrere has  
20 difficulty controlling his impulses and his  
21 appetites. And it is truly unfortunate because if he  
22 continues in this fashion, then I am sure he  
23 realizes, and I am sure his family realizes, that it  
24 will become nothing but a continuing revolving door  
25 going in and out of jail. Unfortunately, there is  
26 very little that can be done when people refuse to  
27 take control of their own lives.

1 I take into account, as a highly significant  
2 factor, the fact that the accused has decided to  
3 plead guilty to this charge. That has spared the  
4 victim of his crime the further pain of having to  
5 testify. It is also, I think, a healthy sign of his  
6 sense of self-responsibility, of accepting  
7 responsibility for his crime. And I think it is very  
8 important because that sense of responsibility may be  
9 the first step to an understanding and awareness that  
10 he has to take control of his life and change it for  
11 the better and in a permanent fashion. Because I can  
12 say this without any hesitation, as Crown counsel  
13 noted, if it were not for the fact that a guilty plea  
14 has been entered, the accused would be on his way to  
15 a southern penitentiary. And once that happens, then  
16 it's very difficult to ever turn one's life around  
17 again. This may be the best and last chance for Mr.  
18 Sonfrere.

19 Stand up, Mr. Sonfrere. The crime that you have  
20 committed is a terrible crime of violence against  
21 another human being. It shows a great deal of  
22 disrespect for that other human being and for that  
23 reason you must be sent to jail. I accept the  
24 submissions of both Crown and defence counsel,  
25 however, that the sentence can be one that will allow  
26 you to serve your time in a Territorial institution.  
27 I also think there is great merit in having some type

1 of probation system in place after you've finished  
2 serving your sentence. And I think if your older  
3 brother is willing to undertake responsibility to  
4 supervise your behavior, then you should be grateful  
5 to him because I think with your record and past  
6 conduct, it's not too many family members that would  
7 still stand by you and I'm sure you understand that.

8 I sentence you to serve a term of imprisonment  
9 of two years less one day. In addition, there will  
10 be a period of probation of one year from the date of  
11 your release. The conditions of your probation will  
12 be as follows: You are to keep the peace and be of  
13 good behavior. You are to report, upon your release,  
14 to the probation officer here in Hay River or if  
15 there is one on the Hay River Reserve, to that  
16 probation officer. You are to be under the  
17 supervision and direction of the probation officer  
18 and your older brother Raymond Sonfrere. I think  
19 that perhaps the two of them can work together and  
20 maybe devise some programs for you or impose some  
21 guidance and structure to your life that may be of  
22 some assistance to you. Do you understand that?

23 THE ACCUSED: Yes, Your Honour.

24 THE COURT: You are to abstain absolutely from the  
25 consumption or possession of alcohol and drugs other  
26 than prescription drugs or medicinal drugs; do you  
27 understand that?

1 THE ACCUSED: Yes.

2 THE COURT: Are there any other terms and  
3 conditions that counsel think may be appropriate? I  
4 should add a further condition that you are to reside  
5 on the Hay River Reserve saving except for your  
6 employment. Anything else counsel can think of?

7 MR. ALLISON: The only thing, My Lord, I know the  
8 complainant is young, she still lives in this  
9 community and as long as there is a period of  
10 probation I would ask you to consider a term he not  
11 communicate with her in any way.

12 THE COURT: During the period of your probation  
13 you are to have no communication directly or  
14 indirectly with the victim. Do you understand that?

15 THE ACCUSED: Yes.

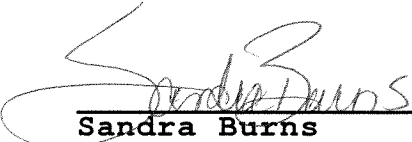
16 THE COURT: Very well. All right, you may have a  
17 seat. Under the circumstances there will be no fine  
18 surcharge, counsel. You may have a seat, Mr.  
19 Sonfrere. I have -- I did not hear it from either of  
20 you with respect to a Section 100 order; is that  
21 appropriate or necessary in the circumstances?

22 MR. ALLISON: I intended to deal with it last, My  
23 Lord, only to say that the Court is obliged to  
24 consider it. There is nothing in the antecedents of  
25 the offender or in the actual facts of the situation  
26 to suggest that the prohibition would be destructive.  
27 I think the Court is obliged to consider it but I'm

1 content that no order is made.  
2 THE COURT: All right then I decline to make any  
3 order under Section 100. Anything else, Mr. Shabala?  
4 MR. SHABALA: Nothing further, My Lord.  
5 THE COURT: All right then, thank you counsel.  
6 Mr. Sonfrere can be removed.

7 -----

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

10   
11 Sandra Burns  
12 Court Reporter

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27