

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

RONALD GEORGE LAFFERTY

Transcript of the Oral Reasons for Sentence of The
Honourable Justice J.Z. Vertes, sitting in Hay River, in the
Northwest Territories, on the 17th day of December, A.D.
1998.

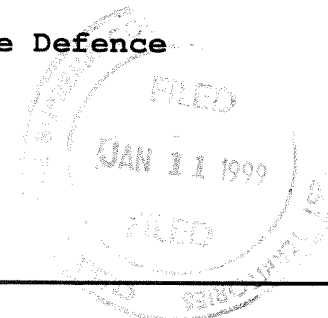
APPEARANCES:

Mr. B. Allison:

Counsel for the Crown

Mr. S. Shabala:

Counsel for the Defence



1 THE COURT: The accused has been convicted after
2 trial by jury of a charge of sexual assault committed
3 here in Hay River on November 1, 1997.

4 The circumstances of the offence can be briefly
5 summarized: The victim, who was 15 years old at the
6 time, was at a party. She became incapacitated
7 through the consumption of alcohol as well as when
8 she fell down some stairs. She passed out. She
9 awoke in the morning to find the accused on top of
10 her having sexual intercourse with her. She pushed
11 him off and then sought help.

12 At his trial, the accused denied any involvement
13 in the offence. Indeed, he put forth an alibi saying
14 that he was somewhere else at the time of the
15 offence. He was able to say where he was and with
16 whom he was; and yet, the alibi was unsupported by
17 any other witnesses. It is obvious that by this
18 verdict the jury rejected completely this evidence.

19 It is truly unfortunate that through one
20 thoughtless and selfish act the accused has now
21 placed in jeopardy his entire future. He is 24 years
22 old. He has a common-law family and he is supporting
23 that family. He has education and various skills.
24 He has been employed in the oil and gas industry and
25 the construction trades. He does have a criminal
26 record of six convictions in 1993 and 1995, but they
27 are all minor and unrelated. He has never been

1 sentenced to jail previously.

2 All in all from what I was told, there are all
3 sorts of good prospects for this young man's future,
4 or perhaps I should say that there were.

5 It should be self-evident that the primary and
6 fundamental purpose of sentencing in any criminal
7 case is the protection of society. That purpose is
8 achieved through the blending of various factors such
9 as deterrence, denunciation and rehabilitation in a
10 manner that is appropriate both to the circumstances
11 of the particular crime and the circumstances of the
12 particular offender.

13 By deterrence we mean both specific deterrence;
14 that is, to bring it home to this offender that his
15 conduct must never be repeated in the future. And
16 also general deterrence, by that I mean by sending a
17 message to others that they must never act in this
18 fashion or else they too will be punished severely.

19 When I say "denunciation", I mean simply that
20 the sentence that is imposed must reflect, to some
21 degree, society's condemnation of this type of
22 conduct. Any judge sitting in court can only speak
23 on behalf of the community at large.

24 And finally, by rehabilitation I mean the hope
25 that the offender, himself, will be able, through
26 personal efforts and perhaps through counselling and
27 other programs that are available to him, change his

1 opposed to being shipped to a southern penitentiary.
2 That is out of my control, but at least I can make
3 that recommendation. You may sit down.

4 Counsel did not address the question of a
5 Section 100 order, did you wish to mention anything
6 about it?

7 MR. ALLISON: Just, My Lord, that I think the Court
8 is obliged to consider it. I'm not seeking the order
9 on the facts of this particular case.

10 THE COURT: All right, then I decline to issue a
11 Section 100 order. Anything else, Mr. Shabala?

12 MR. SHABALA: No, My Lord, thank you.

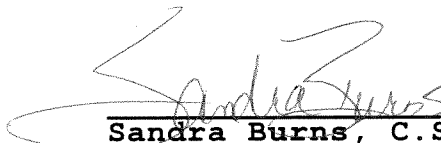
13 THE COURT: Mr. Allison?

14 MR. ALLISON: No, My Lord.

15 THE COURT: Thank you, counsel, we'll adjourn
16 until 2 o'clock this afternoon.

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

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21 _____
22 **Sandra Burns, C.S.R. (A)**
23 **Court Reporter**

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