

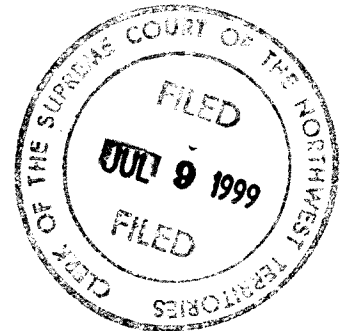
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

LAWRENCE J. JACKSON



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Transcript of the Oral Reasons for Sentence of The Honourable Madam Justice V.A. Schuler, sitting in Norman Wells, in the Northwest Territories, on the 5th day of July, A.D. 1999.

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APPEARANCES:

Mr. B. LePage:

Counsel for the Crown

Mr. R. Gorin:

Counsel for the Defence

1 THE COURT: All right, thank you. Well, dealing  
2 then with that last point and noting that under  
3 Section 100(1.1) I'm not required to make a firearm  
4 prohibition order if the requirements of that section  
5 are fulfilled and considering the factors that have  
6 been mentioned that there was no firearm involved in  
7 the commission of the offence and that Mr. Jackson  
8 does hunt not just for himself but also taking some  
9 of what he gets and giving it to others in the  
10 community, and what I've heard of his background, I'm  
11 satisfied that it's appropriate in this case not to  
12 make a firearm prohibition order and so there will  
13 not be one.

14 With respect to the sentence for the offence, I  
15 won't go over the facts again other than to say that  
16 it is a sexual assault involving an attempt at  
17 intercourse, not full intercourse, but I think  
18 counsel are quite correct that it's the kind of  
19 offence that usually does carry with it a jail term.

20 Unfortunately, sexual assault is far too common  
21 in our communities and it's far too common in cases  
22 where people who have been drinking, and I'm  
23 referring to the accused in this case, and don't seem  
24 to give any thought to what they are doing and then  
25 end up committing a criminal offence and a serious  
26 criminal offence.

27 Mr. Jackson's record, which is something I have

1 to take into consideration, does not disclose any  
2 previous offences of sexual assault. It does  
3 disclose, by my count, four prior assaults so those  
4 are related offences. They are similar types of  
5 offences, and I have to take that into account and  
6 those are two assaults in 1990, one in 1991, and one  
7 in 1995. From the penalties that were imposed, I  
8 think I can assume that these weren't assaults at the  
9 more serious end of the scale because the penalties  
10 aren't at the high end of the scale.

11 The joint submission that counsel have put  
12 forward, I think, is a reasonable one. As I've said,  
13 this type of offence does, in my view, require a term  
14 of incarceration and in Mr. Jackson's circumstances,  
15 considering that he does have a fairly lengthy  
16 record, although much of it is not related to this  
17 type of offence, the submission is reasonable. I  
18 know that sometimes there are factors that go into a  
19 joint submission that aren't always clear on the face  
20 of things or evident on the face of things, but in  
21 any event, it does seem to me in all the  
22 circumstances to be a reasonable one.

23 In the circumstances then, Mr. Jackson, the  
24 sentence I impose on you is 18 months in jail. And,  
25 as you've heard, there will not be any firearm  
26 prohibition order. Now, it had occurred to me  
27 whether this is a case where probation might be of

1 assistance, but considering that you're 36 years old,  
2 I don't think you should need somebody else  
3 supervising you, but it is time that you started  
4 supervising yourself and I'm sure you realize that  
5 just because of one night of drinking and what you  
6 did to the complainant in this case, because of that,  
7 now you've got an 18-month jail term, you've lost  
8 your job, I'm sure you realize that continuing that  
9 kind of behavior isn't going to get you anywhere and  
10 I know that at your age you probably appreciate, more  
11 so than a younger man might, just how much your life  
12 can lose from getting involved in behavior like this.


13 Is there anything else, counsel, that needs to  
14 be dealt with on this case then?

15 MR. LEPAGE: I don't believe so, My Lady.

16 MR. GORIN: No, My Lady.

17 THE COURT: All right, thank you very much  
18 counsel.

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

22   
23 **Sandra Burns C.S.R. (A)**  
24 **Court Reporter**