

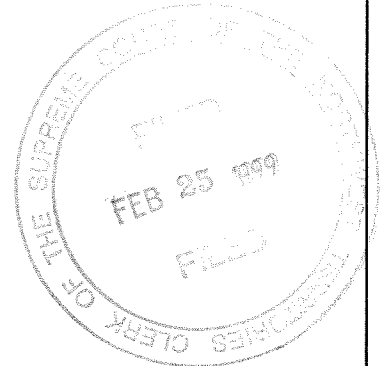
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IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES
IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

JOHN ANDREW BOUCHER



Transcript of Reasons for Sentence delivered by The Honourable Justice J.E. Richard, sitting at Yellowknife, in the Northwest Territories, on Thursday, February 18, A.D. 1999.

APPEARANCES:

Ms. D. Sylvain:	On behalf of the Crown
Mr. A. Mahar:	On behalf of the Defence

(Charge under s. 268 of the Criminal Code)

1 THE COURT: John Andrew Boucher pleads guilty
2 to the charge of aggravated assault contrary to Section
3 268 of the Criminal Code, a crime which carries a
4 maximum sentence of 14 years imprisonment.

5 This offender is 47 years old and is a native of
6 Fort Resolution. I am told that he had a tragic
7 upbringing in that he suffered regular physical abuse
8 as a child, and no doubt, flowing therefrom, he
9 subsequently developed some unfortunate personal
10 characteristics as an adult, whether as coping
11 mechanisms or otherwise. In particular, he has an
12 uncontrollable temper when he is drinking alcohol, and
13 he has demonstrated that he is a violent person.

14 Although the present assault conviction is the
15 only incident in the last five years, he has a
16 horrendous record of violence and other crimes in the
17 period between 1968 to 1994. Some of the significant
18 aspects of that record are as follows: 1970, at Fort
19 Resolution, sexual assault, eighteen months; 1972 at
20 Fort Resolution, assault causing bodily harm, eighteen
21 months; 1973, at Yellowknife, assault causing bodily
22 harm, two years; 1976, at Yellowknife, assault causing
23 bodily harm, one year; 1978, at Edmonton, robbery, two
24 and a half years; 1984, at Yellowknife, break, enter
25 and commit, three years; 1991, assault with a weapon,
26 one year; 1994, at Edmonton, possession of a knife for
27 a purpose dangerous to the public peace, four months

1 imprisonment.

2 I am told that in recent years Mr. Boucher has,
3 for the most part, lived in the bush with this
4 common-law wife. For the past 12 summers, he has
5 worked as a guide, as a senior guide, at Watta Lake
6 Lodge. The Court has been provided with a letter from
7 his employer, and that letter suggests that he is a
8 hard-working and industrious individual with
9 exceptional skills on the land.

10 It appears his only difficulty is when he comes
11 into town - that is, into Yellowknife - from time to
12 time for supplies and where he has contact with friends
13 who abuse alcohol and where he himself has access to,
14 and the temptation of, alcohol.

15 On one such occasion three weeks ago, he was
16 intoxicated and was socializing or drinking with his
17 acquaintance Albert Mercredi. The two of them got into
18 an argument over a bottle of liquor. In the physical
19 altercation which ensued, Mr. Mercredi, apparently a
20 larger man, and this is according to Mr. Boucher, that
21 Mr. Mercredi apparently got the best of Mr. Boucher.
22 When the fight resumed at another location, Mr. Boucher
23 resorted to the use of a knife which he had on his
24 person, and he stabbed Mr. Mercredi. A nearby
25 individual had to restrain Mr. Boucher - thank God he
26 did - and Mr. Boucher was disarmed and the police were
27 called.

1 The victim, Albert Mercredi, who was also
2 intoxicated, was taken to the hospital. Examination
3 showed a stab wound in the chest which entered the
4 abdominal cavity. This victim was in the hospital for
5 four days, and, I'm told, is still recovering.

6 The day after his arrest, Mr. Boucher, now sober,
7 gave a statement to the police in which he did express
8 remorse for what he had done. Because of his
9 intoxication, he apparently has little recollection of
10 the actual event.

11 The paramount consideration in determining an
12 appropriate sentence in these circumstances is the
13 protection of the public. This was a serious crime of
14 violence and the sentence must reflect that. Because
15 of Mr. Boucher's inability to properly use alcohol and
16 to control his temper, there is a need to incarcerate
17 him to protect the public from his violence.

18 A major mitigating factor here is Mr. Boucher's
19 early plea of guilty. He waived the holding of a
20 preliminary inquiry and is here today in court to be
21 sentenced a mere three weeks after the event, and he
22 expresses genuine, what I take to be genuine, remorse
23 for what he's done.

24 Please stand now, Mr. Boucher, to be sentenced.

25 John Andrew Boucher, for the crime that you have
26 committed, aggravated assault, contrary to Section 268
27 of the Criminal Code, it is the sentence of this Court

1 that you be imprisoned for a period of two years less
2 one day, and, in addition, that will be followed by a
3 period of probation of one year. The conditions: keep
4 the peace and be of good behaviour; appear before this
5 Court when required to do so; during the period of
6 probation you shall not consume or be in possession of
7 any alcohol while you are within the municipal
8 boundaries of the City of Yellowknife. Further, that
9 you shall not have on your person any knife or be in
10 possession of any firearm while you are within the
11 municipal boundaries of the City of Yellowknife.

12 Do you understand those conditions, sir?

13 THE ACCUSED: Yes.


14 THE COURT: I decline to make a firearms
15 prohibition order in the case of Mr. Boucher for the
16 reasons mentioned in Section 100(1.1) of the Criminal
17 Code, and, in the circumstances, there will be no
18 victim fine surcharge.

19 Thank you. You may sit down.

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



Jane Romanowich
Court Reporter

