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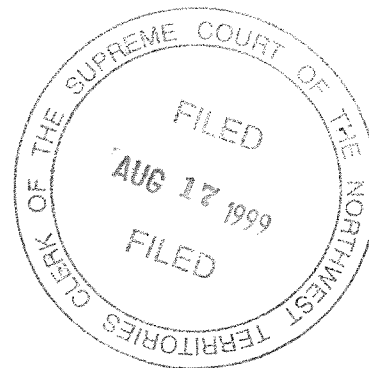
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

JOHN IVAN BERG



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Transcript of Reasons for Sentence delivered by The Honourable Justice J.Z. Vertes, sitting at Yellowknife, in the Northwest Territories, on August 5, A.D. 1999.

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APPEARANCES:

Ms. B. Schmaltz: On behalf of the Crown  
Mr. A. Mahar: On behalf of the Defence

(Charges under s. 212(1)(d) and 266 of the Criminal Code)

1 THE COURT: I thank counsel for their  
2 submissions and the manner in which this case was  
3 resolved.

4 The accused has entered pleas of guilty to a  
5 charge of procuring and a charge of common assault.

6 The agreed facts reveal that the accused, who is  
7 44 years old, became involved, shortly before Christmas  
8 of 1998, with the 21-year-old complainant who is from  
9 Pangnirtung. He introduced her to cocaine and then  
10 arranged for her to have sexual encounters with various  
11 other individuals in exchange for money or drugs.

12 The accused has a record of criminal convictions  
13 dating between 1972 and 1998. As Crown counsel noted,  
14 there are 20 convictions, primarily related to property  
15 and drug offences. It is highly significant, however,  
16 that, in September of 1998, he was convicted of  
17 procuring. The sentence at that time was one day in  
18 jail plus six months probation. So he was on  
19 probation, as Crown counsel noted, during his  
20 relationship with the complainant in this case. That  
21 is an aggravating factor. It is certainly aggravating  
22 because of the fact that he has previously been  
23 convicted of this offence and now finds himself in the  
24 same situation.

25 Defence counsel has recited to me a brief history  
26 of the personal circumstances of the accused. I have  
27 no cause to question it in any way. I think the record

1           itself reveals that the accused has had difficulties in  
2           the past with his own addiction problems.

3           Counsel have made a joint submission of 14 months  
4           imprisonment. I think it is a reasonable and realistic  
5           submission taking into account the aggravating factors  
6           that I've noted plus the significant mitigating factor  
7           that the accused has pleaded guilty, has spared the  
8           complainant and the administration of justice from  
9           further proceedings in these matters.

10           Will you stand up, Mr. Berg. Mr. Berg, as your  
11           counsel said, you are old enough, and no doubt  
12           experienced enough, to know that it is only up to you  
13           as to whether you keep going back and forth between  
14           jail, and I am sure you realize what steps you have to  
15           take in order to prevent it in the future. I sentence  
16           you to serve a term of imprisonment of 14 months.

17           THE ACCUSED:                   Thank you, Your Honour.

18           THE COURT:                    You can have a seat. There will  
19           be no victim of crime fine surcharge in the  
20           circumstances.

21                    Is there anything we need to deal with, Counsel?

22           MS. SCHMALTZ:                   Not in this matter, My Lord.

23           THE COURT:                    Very well. Once again, thank you  
24           for your submissions.

25           **(OTHER MATTER SPOKEN TO)**

26           **(ADJOURNMENT)**

27           THE COURT:                    I apologize for keeping you

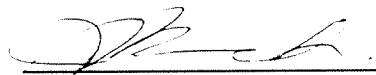
1 waiting, Counsel. I'm not sure, Ms. Schmaltz and  
2 Mr. Mahar, if the clerk has spoken to you. Just as an  
3 aside, on that Berg matter we dealt with before  
4 breaking, I remembered after we closed court that I  
5 neglected to differentiate between the two counts. So  
6 I have instructed the clerk to indicate fourteen months  
7 is on Count 1, and on Count 2 there will be a notation  
8 of one month concurrent. So the total sentence will  
9 still be fourteen months. Just for your information.

10 MS. SCHMALTZ: Thank you, Sir.

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Certified Pursuant to Rule 723  
of the Rules of Court



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Jane Romanowich  
Court Reporter