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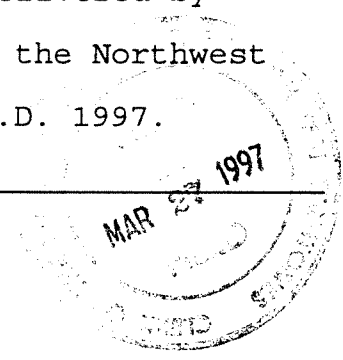
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES
IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

MICHAEL GABRIEL JONES

Transcript of the Reasons for Sentence delivered by
Justice J.E. Richard, at Yellowknife, in the Northwest
Territories, on the 17th day of March, A.D. 1997.



APPEARANCES:

MR. A. REGEL	On behalf of the Crown
MR. J. BRYDON:	On behalf of the Defence

1 THE COURT: This offender, Michael Gabriel
2 Jones has pleaded guilty to two counts of breaking and
3 entering into the residence of his estranged spouse in
4 May and June last year here in Yellowknife. Each of
5 these crimes is an offence contrary to Section
6 348(1)(b) of the Criminal Code and carries a maximum
7 penalty of life imprisonment. Mr. Jones has been in
8 custody since late August of last year awaiting trial
9 on these and other matters.

10 The crimes committed by Mr. Jones are very serious
11 and are a departure from the usual B&E which comes
12 before the courts in this jurisdiction; that is,
13 because those crimes of B&E arose out of a spousal
14 relationship that went seriously wrong.

15 The chronology leading to these crimes commence
16 with the final breakdown of the matrimonial
17 relationship in the spring of 1996. From all accounts,
18 it was a bitter ending to that relationship. It is
19 clear that in the ensuing days and weeks this offender
20 was suffering from severe emotional problems.

21 In April 1996, the offender, Mr. Jones, agreed to
22 move out of the matrimonial home within the month. On
23 May 11th, his spouse, the victim of these crimes, told
24 him to leave the home. On May 13th, the offender, in
25 fact, moved out. The victim then started taking steps
26 to move out herself and to sell the house, she being
27 the legal owner of the house.

1 At around the time the offender moved out, the
2 victim went to the police and made complaint about a
3 number of things that had occurred during the
4 relationship. As a result, Mr. Jones was arrested and
5 charged and then released on May 29th, 1996. One of
6 the conditions of his release, which is contained in an
7 undertaking which he signed before the officer in
8 charge, was that he keep the peace and be of good
9 behaviour. Another condition was that he was to
10 abstain from any communication or contact with his
11 estranged spouse and to stay away from her residence.

12 On June 1st, 1996, the victim returned to her
13 residence after an absence of a few days and found that
14 her residence had been trashed. Mr. Jones now admits
15 that it was he who broke into her house by breaking a
16 window at the rear of the house and that it was he who
17 trashed the house. The damage he caused is in the
18 thousands of dollars and is described in an agreed
19 statement of facts in the following terms:

20 Holes and gouges were made in the
21 drywall in various rooms. Wallpaper and
22 paint was ripped off the walls. Curtains were bleached and sliced. The
23 wood trim in some rooms was chipped or
24 hacked. Bleach was poured on the carpet
25 in various rooms. Dressers,
26 chesterfields, the headboard, night
27 table, hutch, mirrors, ironing board,
 pictures, ornaments and china dishes
 were smashed. The victim's clothes
 remaining in the house were stained,
 bleached and cut up, or ripped. The
 cords to the vacuum cleaner and power
 nozzle were cut. Dirt from plants was
 strewn about the house. The house was

1 generally messed up. Messages were
2 written on broken mirrors and the window
3 with caulking.

4 On June 2nd, 1996, a police officer questioned
5 Mr. Jones about the break-in at the victim's
6 residence. At the time, Mr. Jones denied being at the
7 residence and denied any knowledge of the break-in.
8 Two days later, June 4th, Mr. Jones again attended at
9 the victim's residence, again broke into her house in
10 her absence, again caused damage to the house. This
11 time he was caught at the scene by the police. The
12 main damage done at the time of the second B&E was the
13 opening of paint cans and the spilling of large amounts
14 of paint on the carpet in the living room, family room
15 and two bedrooms. Mr. Jones was arrested at the scene
16 on June 4th but, surprisingly, was released again on
17 June 7th following a bail hearing. The police allege
18 that Mr. Jones committed other crimes in late August
19 and for that reason he was re-arrested and he has been
20 detained in custody since then.

21 Those are the circumstances of the two break and
22 enters and of his remand into custody. It is said for
23 Mr. Jones that when he committed these crimes he was
24 acting out of revenge, out of anger or rage, and that
25 he was in the throes of severe emotional depression
26 bordering on suicidal tendencies.

27 In the context of this sentencing process,

1 however, I view the most significant feature of his
2 behaviour is its result; that is, that he terrorized
3 this woman, a woman he purports to love. He had to
4 know the effect that these rampages would have on her.
5 Quite apart from all of the damage to the household, to
6 cut up someone's personal clothing and leave it for
7 that person to see can only be viewed as a calculated
8 infliction of emotional trauma. It is also indicative
9 of a serious emotional illness, in my respectful
10 opinion, as a lay person.

11 I am told that the victim, though she has
12 relocated to another jurisdiction, still lives in
13 constant fear, continues to endure real emotional
14 trauma. She says that these incidents have ruined her
15 life. She has yet been unable to sell her house here
16 in Yellowknife and she has suffered financially because
17 of the damage to the house and to her other personal
18 belongings. It is not difficult to see that it will be
19 some time, if ever, that this woman will recover from
20 the emotional trauma inflicted by Mr. Jones' conduct.

21 As for Michael Gabriel Jones, the offender who is
22 before the court to be sentenced, he, too, clearly
23 suffers from emotional problems. He is a 35-year-old
24 man originally from northern Saskatchewan. He has a
25 Grade 12 education plus additional trades training and
26 business courses. Throughout his adult life, I am told
27 that he has suffered from alcoholism.

1 Mr. Jones has only one previous criminal
2 conviction in his past and although it is dated, it is
3 not entirely insignificant. In 1984, he was convicted
4 of making threatening phone calls to an ex-girlfriend.

5 It is clear to the court that Mr. Jones has still
6 a great deal of work to do in dealing with his
7 emotional problems. He did not handle the breakup of
8 his relationship with Miss Stewart in a mature way.

9 From his words to the court on this sentencing
10 hearing, I am satisfied that he cares very much about
11 the two-year-old daughter that he has from his
12 relationship with Miss Stewart and that he very much
13 wants to see his daughter and participate in her
14 up-bringing in the future. However, that will hardly
15 ever come to pass until he conquers the emotional
16 problems that he is plagued with at this time.

17 It is to Mr. Jones' credit that in pleading guilty
18 to these break and enters he has taken full
19 responsibility for what he did and he has said publicly
20 that he is truly sorry for his behaviour. He also said
21 that he wants to put these events behind him, to get on
22 with his life, to look forward in a positive way to his
23 future and to spending time in the future with his
24 daughter. I can only wish the best for Mr. Jones in
25 his desire to improve his emotional health and to have
26 a productive and positive life in the future.

27 My unfortunate task today, however, is to impose

1 an appropriate sentence for these crimes he has
2 committed.

3 The circumstances of these crimes are very, very
4 serious, and Mr. Jones must accept that the punishment
5 or the sentence must fit the crime. For the time
6 being, the public, including, Miss Stewart, needs to be
7 protected from Mr. Jones and that is the court's
8 primary consideration in determining the appropriate
9 sentence. Mr. Jones needs some substantial time
10 isolated from the general public to obtain help and to
11 work on his recovery from his emotional problems.

12 In determining an appropriate term of
13 imprisonment, I am giving some credit to Mr. Jones for
14 his guilty pleas in mitigation of that sentence as he
15 has taken the first step to recovery by acknowledging
16 responsibility for his own conduct, as a mature man.

17 Upon reflection, I find that I am unable, however,
18 to give any meaningful credit to Mr. Jones for the
19 months that he has spent in remand awaiting disposition
20 of these two charges and other pending charges. First
21 of all, because there were other charges outstanding,
22 it cannot be said that he has been sitting in remand
23 simply because of these two break and enters.

24 Secondly, and more importantly, Mr. Jones' liberty was
25 restricted awaiting trial or other disposition of these
26 charges through his own flagrant violation of the terms
27 of his bail. The officer in charge of the Yellowknife

1 police detachment put that specific restriction on him
2 about not visiting his spouse's residence for very good
3 reason. Mr. Jones agreed to that clear condition in
4 order to obtain his freedom on bail. His deliberate
5 breach of that condition within days is the main reason
6 he lost his liberty awaiting trial. In these
7 circumstances, it would not be appropriate to give
8 credit towards the eventual sentence, otherwise the
9 imposition of bail conditions would be futile.

10 Aggravating features of the circumstances here are
11 the fact that Mr. Jones was on the particular
12 undertaking that he was at the time of the commission
13 of these crimes and also, of course, the repetitive
14 nature of the second offence after being questioned by
15 the police with respect to the first offence.

16 In all of the circumstances and for these reasons
17 I have mentioned, I am of the view that a meaningful
18 and consecutive sentence is required for each of these
19 crimes.

20 Would you please stand now, Mr. Jones.

21 Michael Gabriel Jones, for the crime that you have
22 committed in Count 2, the break and enter between May
23 25th and June 1st, 1996, it is the sentence of this
24 court that you serve a term of imprisonment of 12
25 months. On Count 3, for a break and enter committed on
26 June 4th, 1996, it is the sentence of this court that
27 you serve a term of imprisonment of 15 months

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consecutive to the sentence on Count 2. In the
circumstances, there will be no victim fine surcharge.

You may sit down now, sir.

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

Annette Wright
Annette Wright
Court Reporter