

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

EDWARD JAMES MEARS

Transcript of the Reasons for Sentence delivered by The Honourable Justice J.E. Richard, sitting in Yellowknife, in the Northwest Territories, on the 17th day of December, A.D. 1999.

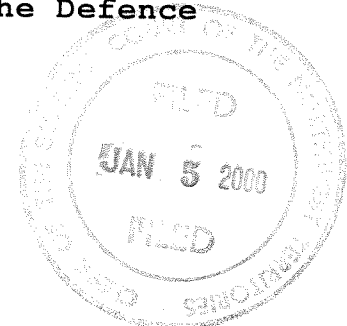
APPEARANCES:

Mr. M. Scrivens:

Counsel for the Crown

Mr. A. Mahar:

Counsel for the Defence



1 THE COURT: Edward James Mears is a
2 41-year-old resident of the city, who is before the
3 Court to be sentenced for a serious crime in that he
4 sexually assaulted a 12-year-old girl who was like a
5 stepdaughter to him.

6 Mr. Mears and the girl's mother have been engaged
7 in a common-law relationship these past three years.
8 The three of them formed a family unit, and, in that
9 sense, even though he may not be the girl's legal
10 guardian, he was, at the time of the offence, in a
11 position of trust vis-a-vis his 12-year-old victim.

12 The offence occurred in June of this year. The
13 victim's mother was hospitalized at the time and only
14 the offender and the victim were in the home. The
15 offender, while apparently under the influence of
16 alcohol and drugs, went into the victim's bedroom in
17 the middle of the night and started touching the girl
18 inappropriately. He then took her pants down, despite
19 her resistance, and performed the act of cunnilingus,
20 and also licked her breasts, and also had her, despite
21 her resistance, touch and fondle his penis.

22 This appalling criminal conduct of this offender
23 is even more aggravating because of the fact that his
24 victim, a 12-year-old girl, is a blind person and,
25 hence, even more vulnerable than other 12-year-old
26 girls in similar circumstances, and because of her
27 blindness and young age even more dependent on the

1 only adult person living in the household while her
2 mother was in hospital.

3 In her initial statement to the police, the girl
4 told them that she felt defenseless when this
5 happened.

6 In her Victim Impact Statement, she described
7 briefly some of the effects on her. Predictably, she
8 mentions things like not being able to sleep at night,
9 not being able to focus on her school work, and she is
10 quite concerned about the effect this incident has on
11 her own relationship with her mother.

12 It is the Court's hope that one day soon this
13 young victim and her mother may be able to put this
14 terrible incident behind them, and one hopes that the
15 girl will continue to receive counselling.

16 The offender is a 41-year-old man who is divorced
17 and has two older children from an earlier marriage.
18 As mentioned, he had been in a common-law relationship
19 for three years with the victim's mother at the time
20 of this offence. He has a Grade 8 education with
21 additional trades training. It appears he has
22 maintained steady employment as a journeyman
23 carpenter. He has no history of criminal behaviour
24 before this incident. He acknowledged his
25 responsibility for his behaviour and indicated his
26 intention to plead guilty at an early stage. He
27 waived his right to a preliminary inquiry so the

1 12-year-old victim was spared the trauma of having to
2 testify in a public courtroom about this horrific
3 thing that was done to her.

4 When Mr. Mears was questioned by the police, he
5 eventually admitted his wrongdoing, and he told them
6 that after the incident, after he realized the full
7 impact of what he had done, that he was so disgusted
8 with himself that he wanted to kill himself.

9 At this sentencing hearing, through his counsel,
10 he says that he is appalled by what he did, that he
11 doesn't understand why he did it, that he can't
12 explain his behaviour towards this young girl whom he
13 says he cares for a great deal.

14 The Court's sentence for a serious crime like
15 this must reflect the seriousness of the crime
16 committed and Mr. Mears's responsibility for that
17 crime. Mr. Mears says he cannot explain why he did
18 what he did. The Court sentence must be one that will
19 go some way to deter him from ever again committing
20 such a terrible crime. More importantly, the sentence
21 must be one that will afford some protection to
22 society against his unexplained, uncontrolled criminal
23 behaviour, and hopefully the sentence, a period of
24 incarceration, will also assist in his rehabilitation,
25 or, put in other terms, in understanding himself why
26 he did what he did. So, for these reasons, a
27 meaningful period of incarceration is required. The

1 only issue is how long that incarceration ought to be.

2 Counsel have made a joint submission of two and a
3 half years' imprisonment. Some might consider that on
4 the light side or lenient side because of the
5 aggravating circumstances of this crime. However, I
6 am satisfied, taking into account Mr. Mears' clear
7 acknowledgment of responsibility for his crime, that
8 two and a half years is indeed within the range of an
9 appropriate sentence in this case.

10 Please stand now, Mr. Mears. Edward James Mears,
11 for the crime of sexual assault, it is the sentence of
12 this court that you be imprisoned for a period of two
13 and a half years. I recommend to the correctional
14 authorities that you be given every opportunity while
15 incarcerated for treatment programs or counselling by
16 psychiatric professionals. In the circumstances,
17 there will be no victim fine surcharge. The usual
18 firearms prohibition for a period of ten years will
19 issue. Any such item will be surrendered forthwith.

20 I want to commend counsel for your conduct of
21 this case, which leads to a final disposition in a
22 timely fashion. You can sit down. Anything further,
23 Counsel?

24 MR. SCRIVENS: No, My Lord.


25 MR. MAHAR: No, My Lord.

26 THE COURT: Thank you. We will close court.

27 **(REASONS FOR SENTENCE CONCLUDED)**

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Certified Pursuant to Rule 723
of the Rules of Court



Jane Romanowich, CSR(A)
Court Reporter