

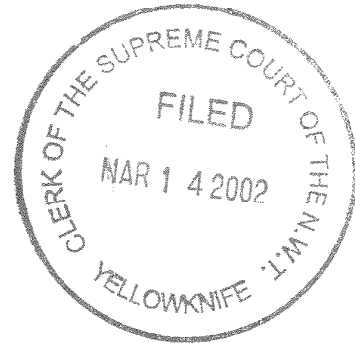
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

LOUIS PATRY



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Transcript of the oral Reasons for Sentence of The Honourable Justice J.Z. Vertes, sitting in Yellowknife, in the Northwest Territories, on the 7th day of March, A.D. 2002.

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APPEARANCES:

Ms. S. Kendall:

Counsel for the Crown

Mr. R. Gorin:

Counsel for the Defence

1 THE COURT: All right, thank you.

2 Well, I think Mr. Patry certainly summed it up,  
3 he took advantage, I agree. I'm sure he looks back  
4 on it as a pretty stupid thing to do, and I'm sure he  
5 wouldn't have done it if he hadn't been drinking to  
6 some extent and if he perhaps wasn't in the company  
7 of his buddy and perhaps if this whole atmosphere in  
8 the cab hadn't escalated after the cab driver asked  
9 him to get rid of the beer bottle, because that's  
10 really what started it, from what I understand, is  
11 the facts that Mr. Patry and Mr. Bilodeau called for  
12 a cab, Mr. Patry had a beer, the cab driver asked him  
13 to get rid of it, he started arguing about that,  
14 somehow that escalated into an altercation, somehow  
15 the cab driver ended up outside of the cab.

16 Now, perhaps Mr. Patry was not participating in  
17 the altercation, and I'm prepared to accept that he  
18 was not in the actual physical altercation, but he  
19 took advantage of that, as he said, and stole the  
20 wallet containing a sizeable amount of money and he  
21 kept it and took off right away.

22 I can't ignore the fact that there was an  
23 atmosphere of violence. Mr. Gorin says that there is  
24 only one perhaps related conviction on Mr. Patry's  
25 record, but there are numerous convictions for  
26 assault, for crimes of violence, and I think -- in my  
27 view, I think the record is related. That was the

1 atmosphere of this entire incident. One of violence,  
2 even though Mr. Patry, himself, may not have directly  
3 participated in any physical altercation.

4 I take into account the guilty plea and, as I  
5 said during submissions, perhaps the mitigating  
6 effect of the guilty plea offsets the aggravating  
7 effect of his having taken off and leaving the  
8 jurisdiction right away, but I always consider a  
9 guilty plea to be of significant force. I think even  
10 if not overtly expressed, it is an indication that  
11 someone is willing to take responsibility so I give  
12 credit for that.

13 I certainly can not ignore this criminal record.  
14 Mr. Patry is 26 years old and he has an education.  
15 He has job prospects, but yet there seems to be a  
16 pattern over the last seven years or so of  
17 convictions for assault and drug-related offences and  
18 it's certainly significant to me that just three days  
19 prior to this incident he was released from jail on  
20 another conviction, if I read this record correctly,  
21 as time served. If nothing else, at least it  
22 indicates a pattern of behavior.

23 Crown counsel suggests that I impose a fairly  
24 lengthy period of incarceration. She recommends a  
25 sentence in the high territorial range which could be  
26 up to two years less a day. She submits that  
27 emphasis should be given to general deterrence, that

1 taxi drivers are in a vulnerable situation and they  
2 need to be protected and I agree.

3 I think having regard to the overall  
4 circumstances of this offence, having regard to the  
5 accused's record, and even taking into account the  
6 mitigating effect of the guilty plea, I think this  
7 case warrants a further period of incarceration. I  
8 think the principles of general deterrence and  
9 generally the principles of sentencing do not warrant  
10 the imposition of anything else such as a conditional  
11 sentence or otherwise.

12 Stand up, Mr. Patry. Mr. Patry, I think you  
13 understand what you did and I think you understand my  
14 comments. I don't need to lecture you, you're an  
15 adult. You're obviously educated, it seems to me you  
16 know your way around and you know what you have to do  
17 to avoid coming back here. So I hope you can do it.

18 In my opinion, an appropriate sentence in this  
19 case would have been 12 months imprisonment. I will  
20 give credit for the pretrial custody. As Mr. Gorin  
21 suggests, I will give him credit of two to one,  
22 that's five months; accordingly, the balance is seven  
23 months and that is my sentence.

24 In addition, I will put Mr. Patry on probation  
25 for a period of one year from the date of his  
26 release. Mr. Patry, the terms and conditions of that  
27 probation will be that you are to keep the peace and

1 be of good behavior. You are to report to the Court  
2 if and when required to do so. You are to report to  
3 a probation officer and report when and as required  
4 by your probation officer, and you are to make  
5 restitution in the sum of \$1,800 to the complainant  
6 and the name of the complainant can be inserted into  
7 the formal probation order. Do you understand those  
8 terms and conditions, sir?

9 THE ACCUSED: Yes.

10 THE COURT: Anything else, counsel, that I have  
11 missed?

12 MS. KENDALL: No, Sir.

13 MR. GORIN: No, Sir.

14 THE COURT: You may have a seat, Mr. Patry. Under  
15 the circumstances, there will be no victim of crime  
16 fine surcharge. Anything else, Mr. Gorin?

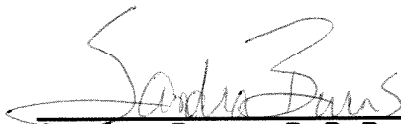
17 MR. GORIN: No, Sir.

18 THE COURT: All right. Thank you, counsel.

19 MS. KENDALL: Thank you.

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

23   
24 **Sandra Burns R.P.R., C.R.R.**  
25 **Court Reporter**

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