

HMTQ v. Stromberg, 2002 NWTSC 49

S-1-CR2002/062

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

CRAIG BERTIL STROMBERG



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Transcript of the Oral Reasons for Sentence by The Honourable Justice J.Z. Vertes, at Yellowknife in the Northwest Territories, on July 4th A.D., 2002.

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APPEARANCES:

Ms. L. Colton:	Counsel for the Crown
Mr. R. Gorin:	Counsel for the Accused

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Charge under s. 236(b) Criminal Code of Canada

1 THE COURT: Craig Bertil Stromberg has  
2 entered a plea of guilty to a charge of  
3 manslaughter; specifically, the unlawful killing of  
4 Yves Lebel in Hay River on January 16th, 2002.

5 The facts were placed before me by way of a  
6 Statement of Agreed Facts. These facts make  
7 reference to Mr. Stromberg's involvement in this  
8 death along with another individual who will be  
9 unnamed for now but who, I am told, is expected to  
10 stand trial in the near future on a similar charge.

11 The agreed facts are that on January 16th,  
12 2002, Mr. Stromberg and this other individual, both  
13 of whom had been drinking, had decided to teach the  
14 deceased a lesson, as Crown counsel put it. They  
15 were apparently angry and resentful over the fact  
16 that Mr. Lebel may have been involved in an affair  
17 with this other individual's wife and so they were  
18 going to take it out on Mr. Lebel.

19 The two of them forced entry into Mr. Lebel's  
20 apartment, they beat him up, and they left him  
21 unconscious. This raises some particularly  
22 aggravating factors.

23 One, Mr. Stromberg did not act alone, he was  
24 acting in the company of someone else, and there is  
25 no doubt that in such a circumstance the two of them  
26 fed off each other. It may very well be that in  
27 that type of a situation, each of them did things

1 that they would not ordinarily do or be brave enough  
2 to do if they were alone. So the fact that he was  
3 acting in conjunction with someone else is an  
4 aggravating feature.

5 The fact that they forced entry into  
6 Mr. Lebel's home is an aggravating feature.

7 The fact that they left Mr. Lebel unconscious  
8 is an aggravating feature. This is particularly so  
9 because the information given to me is that  
10 Mr. Stromberg was aware that the deceased was  
11 seriously injured because he was quoted as saying  
12 afterwards to others that he thought they may have  
13 killed the deceased. And also, information was  
14 given to me that Mr. Stromberg has some training in  
15 first aid. He could have either readily gone to the  
16 deceased's assistance, he could have at least  
17 checked to see what condition the deceased was in,  
18 or he could have at least notified the authorities  
19 afterwards to send aid to the deceased's residence.  
20 Whether that aid or whether he could have done  
21 anything, we will never know. It is quite likely  
22 the outcome might not have been any different but  
23 the fact that he did not take any of those steps are  
24 certainly aggravating features.

25 Mr. Lebel's body was found on January 17th, and  
26 it was noted that his face was bruised and bloodied.  
27 The cause of death, as revealed by the autopsy, was

1 a subdural hematoma caused by blunt force injuries  
2 to the head.

3 There is some reference in the autopsy report  
4 to the fact that the deceased had suffered a  
5 previous hematoma sometime earlier, perhaps some  
6 years ago, and that this may have made him more  
7 susceptible to serious injury in this case. That, of  
8 course, would have been unknown to the accused. But,  
9 in any event, the charge is manslaughter, that being  
10 the unintentional killing of another human being.  
11 There is no suggestion that Mr. Stromberg intended  
12 to cause the death of Yves Lebel. But his actions  
13 were certainly such that they were a significant  
14 causative factor in the death of Yves Lebel.

15 The accused is 35 years old. He has lived most  
16 of his life in Hay River. I am told that he has a  
17 steady work record in construction and seasonal  
18 trades. He has a criminal record although it is  
19 relatively minor and dated and, in my opinion, it is  
20 not pertinent to the sentencing disposition that I  
21 am making.

22 As counsel have both acknowledged, the crime of  
23 manslaughter is one that can result in a wide range  
24 of sentences. Counsel have placed before me numerous  
25 cases - dispositions in manslaughter cases over the  
26 years in this jurisdiction under varying  
27 circumstances. There are unfortunately many more

1 cases that counsel could have referred to as well. I  
2 say unfortunately simply because of the vast choice  
3 that counsel have in this area.

4 What all of these cases show is that the  
5 sentencing in any manslaughter case depends  
6 overwhelmingly on the particular circumstances of  
7 the case. There is a general approach obviously,  
8 because manslaughter cases involve the death of a  
9 human being, that in all but extremely rare cases  
10 those convicted of manslaughter are sentenced to  
11 imprisonment and to significant periods of  
12 imprisonment. But the range does vary significantly.  
13 And that is because, as counsel have also mentioned,  
14 the conduct that is labelled as manslaughter can  
15 range from conduct that is almost accidental to  
16 conduct that is almost murder.

17 Here, in this case, the accused and the other  
18 individual certainly set out to cause harm to  
19 Mr. Lebel. In that sense, it is not on the  
20 accidental side of the manslaughter continuum. They  
21 set out to cause harm to him, to, as Crown counsel  
22 put it, "teach him a lesson", and they did not  
23 evidence much care for the harm that they did cause.  
24 So, in that sense, this is not one of those rare  
25 cases where anything other than a significant period  
26 of incarceration can be imposed.

27 There are a number of mitigating factors that

1 counsel have identified.

2 First and foremost, of course, is the accused's  
3 entry of a guilty plea. He waived his right to a  
4 preliminary hearing. Crown counsel has acknowledged  
5 that, in effect, this is an early guilty plea.  
6 Notwithstanding how strong or how weak a case may be  
7 against an accused, the fact that a guilty plea is  
8 entered is always significantly mitigating in my  
9 view. It serves as an acknowledgment of  
10 accountability on the part of the offender. It is a  
11 sign that he is strong enough to stand up and take  
12 accountability for his actions and that, of course,  
13 is a significant sign of remorse and a sign that the  
14 prospect for future reformation and rehabilitation  
15 is positive.

16 I also note what I take to be the sincere  
17 expression of remorse on behalf of Mr. Stromberg. I  
18 give effect to that, and I also note the impact that  
19 this has had on him as I was informed by his  
20 counsel; specifically, I am told that he spent  
21 several weeks in the hospital in a state of clinical  
22 depression.

23 All sentencing is guided by the principle of  
24 proportionality. The sentence in any particular case  
25 must be proportionate to the seriousness of the  
26 crime and the blameworthiness of the offender.

27 In this particular case, the crime is obviously

1 very serious - a human life has been lost.

2 The circumstances of the offender, while  
3 certainly his level of blameworthiness in terms of  
4 this offence is also high because of the aggravating  
5 features that I noted previously, that is  
6 ameliorated to a great extent by the guilty plea, by  
7 his expression of remorse, and by his willingness to  
8 be accountable for his actions.

9 Counsel recognize, I think, that there is  
10 really no alternative to a significant period of  
11 incarceration although I think I can exercise  
12 restraint considering all of the circumstances of  
13 this case.

14 Stand up, Mr. Stromberg.

15 Mr. Stromberg, you are a mature man but you are  
16 still young enough that you will have a long life  
17 and future ahead of you once you are released from  
18 the sentence that I am about to impose, so that I  
19 hope that you will use this time to plan for that  
20 future and plan for how you are going to live your  
21 life after you are released.

22 I sentence you to serve a term of imprisonment  
23 of four years.

24 In addition, there will be the order pursuant  
25 to Section 487 of the *Criminal Code* providing for  
26 the taking of a sample for DNA analysis. I will sign  
27 the order and you can retrieve it from the clerk,

1 Ms. Colton.

2 In addition, there will be the order  
3 prohibiting you from having in your possession any  
4 firearms or ammunition for a period of ten years --  
5 is it ten years? Is that the mandatory minimum in  
6 this case or is it life? I believe it is ten years.

7 MS. COLTON: I believe it is ten years, sir.  
8 For a first offence, it is not earlier than ten  
9 years.

10 THE COURT: The firearm prohibition order  
11 will be in place for a period of ten years starting  
12 from the date of your release.

13 Do you understand all of that?

14 THE ACCUSED: Yes, I do, Your Honour.

15 THE COURT: You may have a seat.

16 Under the circumstances, there will be no  
17 surcharge.

18 Have I neglected anything, counsel?

19 MR. GORIN: I don't believe so, sir.

20 MS. COLTON: No, sir.

21 THE COURT: Then my appreciation once again  
22 for your submissions. Madam Clerk, the exhibits are  
23 there, and we will close court.

24 (AT WHICH TIME THE ORAL REASONS FOR SENTENCE CONCLUDED)

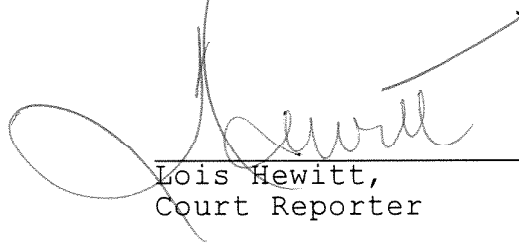
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Certified pursuant to Rule 723  
of the Supreme Court Rules.



Lois Hewitt,  
Court Reporter

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