

R. v. Sangris, 2003 NWTSC 51

S-0001-CR-2002000110

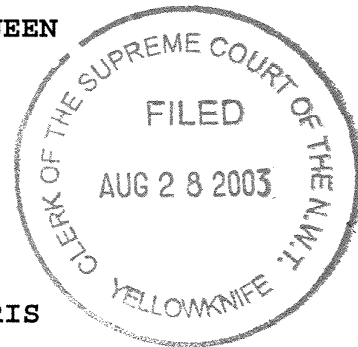
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

DEREK JASON SANGRIS



Transcript of the Oral Reasons for Sentence by The Honourable Justice J.E. Richard, at Yellowknife, in the Northwest Territories, on August 27th, A.D. 2003.

APPEARANCES:

Ms. S. Bond: Counsel for the Crown
Mr. J. Brydon: Counsel for the Accused

Charge under s. 236 Criminal Code of Canada

1 THE COURT: This morning it is my serious
2 responsibility to impose sentence on Derek Jason
3 Sangris for the crime of manslaughter; that is, for
4 causing the death of his friend, Eddie Paul Beyonnie.

5 It is an understatement to say that this is a
6 tragic case. One healthy, young Aboriginal man is
7 dead, and his family is very obviously devastated by
8 their loss; and another healthy, young Aboriginal man
9 faces a lengthy term in jail, and his family, though
10 supportive, is, no doubt, shocked and devastated by
11 what he has done.

12 Although every tragic case like this one is unique
13 and very personal to the families involved, the
14 underlying cause of this tragedy is not unusual. The
15 underlying cause is alcohol and the abuse of alcohol by
16 young people in our community.

17 I note the large number of people in the courtroom
18 yesterday and today from N'Dilo and from Yellowknife.
19 Everybody has now heard of the circumstances that led
20 to Eddie Paul Beyonnie's death and to Derek Sangris
21 being sent away to jail.

22 I hope that each person when they leave the
23 courtroom today, young and old, will reflect on this
24 underlying cause, the abuse of alcohol by young people
25 in the community, and ask themselves if anything is
26 going to change in the community because of this
27 tragedy; will ask themselves if there is anything that

1 he or she should be doing to deal with this serious
2 social problem. Or is it the case that nothing will
3 change? Will it only be a matter of time before
4 another tragedy like this happens again; next month,
5 next year or the year after that? How many bright,
6 talented, healthy, young men like Eddie Paul Beyonnie
7 will die before any changes are made in the community
8 to deal with the excessive drinking by young people?

9 On the evening of July 11 and 12 last year, Derek
10 Sangris and Eddie Paul Beyonnie and several other young
11 men were drinking in N'Dilo. They were drinking two
12 bottles of vodka and also some beer. At the time,
13 Eddie Paul Beyonnie was 22 years old. Derek Sangris
14 was 23.

15 Around midnight the group went to a bar in
16 Yellowknife and drank there until closing time and then
17 returned to N'Dilo. An argument broke out, and then
18 fighting, among members of the group. Derek Sangris
19 joined in the fighting to help one of the others and
20 for his troubles was punched and knocked to the ground
21 and was unconscious for a short while.

22 Eddie Paul Beyonnie and others also intervened to
23 try and stop the fighting. At one point, an
24 intoxicated Derek Sangris was heard to say to one of
25 the others, not to Eddie Paul Beyonnie, but one of the
26 others, that he was going to kill him. Derek Sangris
27 was told to go home, and he ran off in the direction of

1 his house.

2 At his home, Derek's brother told him to go to
3 bed. However, after a few minutes the brother observed
4 Derek Sangris go in the kitchen and open a drawer. As
5 Derek Sangris was leaving the house, the brother
6 observed something shiny in his hand and heard him
7 utter words like, "Someone is going to die," or,
8 "Someone is going to get it." The brother called the
9 police at 2:19 a.m. and told them what he had
10 observed.

11 Derek Sangris went to the home of Eddie Paul
12 Beyonnie where Eddie Paul and Cheyenne Koyina were
13 sitting outside. Derek Sangris threw a rock through
14 the window of a vehicle parked beside the house. Derek
15 Sangris then ran away from the house and Eddie Paul
16 Beyonnie ran after him. Witnesses saw them running
17 together, almost side by side, then saw them stop and
18 start fighting. Although nobody saw a knife, during
19 this altercation Derek Sangris stabbed Eddie Paul
20 Beyonnie with a knife. Derek Sangris ran off and Eddie
21 Paul Beyonnie staggered a short distance and then fell
22 to the ground.

23 The evidence indicates that Eddie Paul Beyonnie
24 received two stab wounds. One of these was to his left
25 arm three centimetres deep. The other wound was the
26 fatal wound to his chest at a depth of 18 centimetres.
27 Derek Sangris was arrested within the hour and charged

1 with murder.

2 Later in the day of July 12th, Derek Sangris gave
3 a warned statement to the police in which he admitted
4 stabbing Eddie Paul Beyonnie and accepted
5 responsibility for the death of Eddie Paul Beyonnie.
6 Last fall Mr. Sangris was committed to stand trial in
7 this court on a charge of second degree murder.

8 From the outset, Mr. Sangris, through his lawyer,
9 has offered a plea to manslaughter. In recent days,
10 the Crown has reassessed the evidence in the case and
11 has accepted the plea to manslaughter, acknowledging
12 that it was unlikely to be able to prove to the jury
13 that Mr. Sangris had the requisite mens rea for a
14 murder conviction.

15 For purposes of determining a proper sentence in
16 this case, it is to Mr. Sangris' credit that he
17 accepted responsibility for his unlawful act from the
18 beginning. In the circumstances here, I characterize
19 his plea of guilty as one made at the earliest
20 opportunity, notwithstanding the passage of 13 months.
21 His early plea of guilty mitigates the sentence to be
22 imposed.

23 The law provides a wide range of possible
24 sentences for the crime of manslaughter from a
25 suspended sentence to life imprisonment in a federal
26 penitentiary. In determining the appropriate sentence,
27 I remind myself that one of the fundamental purposes of

1 the sentencing process is the maintenance of a safe and
2 peaceful community. Also in this case, the objectives
3 of the sentence to be imposed include denunciation of
4 Derek Sangris' unlawful conduct and general
5 deterrence.

6 Given the young age of this offender and, indeed,
7 his own words to the Court in recognizing that he needs
8 to make changes in his life, the sentence of
9 incarceration must also be of such nature and duration
10 that will allow him to access some meaningful
11 counselling and rehabilitative programs.

12 The sentence imposed on Derek Sangris must also be
13 one which will promote or continue in Mr. Sangris the
14 sense of responsibility for what he has done and the
15 acknowledgment of the harm he has done to the MacKenzie
16 and Beyonnie family and to the community of N'Dilo.

17 I make note of the fact that Mr. Sangris has no
18 criminal record and, presumably, has never been to jail
19 before. Accordingly, any period of incarceration,
20 wherever served, will be difficult for him.

21 He is 24 years of age now and has always lived in
22 the Yellowknife area. I'm told that he attained an
23 education level just below high school diploma and that
24 he has had employment with RWED, with the two diamond
25 mines and also in the restaurant industry here in
26 Yellowknife. I am satisfied that he is genuinely
27 remorseful for what he has done and does genuinely want

1 to deal with his alcohol abuse and to change his life.

2 Before proceeding further with the sentencing of
3 Derek Sangris, I want to say a few words to the family
4 of the deceased, Eddie Paul Beyonnie. It goes without
5 saying that the Court extends its sympathy to you in
6 your loss. It is obvious to the Court from the victim
7 impact statements, both in writing and orally in open
8 court, that Eddie Paul was a much loved member of the
9 family and that he held the promise and expectation of
10 a productive and happy life.

11 None of the rest of us can truly know the extent
12 or depth of the pain that you are suffering. You may
13 have your own personal views about the length of
14 sentence that ought to be imposed. However, no matter
15 how long or short the sentence is, it cannot bring him
16 back and it cannot change the extent of the pain that
17 you are feeling.

18 We do hope, however, that now that these criminal
19 proceedings are coming to an end and that you have
20 participated in these proceedings and shared your
21 feelings publicly with the community, that your healing
22 process will be enhanced and that you can get on with
23 your lives now that this chapter is over and continue
24 to cherish your memories of Eddie Paul.

25 One of the principles of sentencing that counsel
26 have referred to is proportionality; that is, that the
27 sentence to be imposed must not only be proportionate

1 to the gravity of the crime, but also to the degree of
2 moral blameworthiness of Derek Sangris.

3 On the evidence before me, I find that Derek
4 Sangris was, indeed, intoxicated to some degree when he
5 committed this terrible crime. From the evidence, I
6 find that when he went to his home after the initial
7 fighting altercation, he was in an angry mood. I find
8 that he did arm himself with a knife from the kitchen,
9 and from his utterances when he left the house armed
10 with the knife, I find that he, indeed, had violent
11 intentions; that is, that he intended to unlawfully
12 cause harm to someone.

13 Although Mr. Sangris' judgment was obviously
14 clouded because of his intoxication or drunkenness, I
15 find that when he encountered Eddie Paul Beyonnie and
16 Cheyenne Koyina outside of the Paul MacKenzie
17 residence, he was trying to reignite or restart the
18 earlier altercation because of a continuing slight that
19 he felt.

20 In the ensuing physical altercation with Eddie
21 Paul Beyonnie, he thrust a knife into Eddie Paul's
22 chest penetrating 18 centimetres into Eddie Paul's
23 body. Viewed objectively, that kind of unlawful
24 assault was clearly going to subject Eddie Paul
25 Beyonnie to the risk of serious bodily injury or,
26 indeed, life threatening injury, and, accordingly, Mr.
27 Sangris' culpability is at a high level on the scale of

1 culpability or moral blameworthiness.

2 This was not an unlawful act that was spontaneous
3 or impulsive. There was some planning or deliberation
4 by Derek Sangris in retrieving the knife from the
5 kitchen and in returning to the scene of the earlier
6 altercation and in reigniting the situation which
7 itself led to the final physical altercation with Eddie
8 Paul Beyonnie and the fatal stabbing of Eddie Paul
9 Beyonnie. This was a serious crime of violence and
10 must result in a meaningful sentence of incarceration
11 notwithstanding Derek Sangris' young age and lack of a
12 previous criminal record.

13 Mr. Sangris has been in jail since July 12th of
14 last year waiting for his trial on the murder charge,
15 the trial which was to take place this week. He has,
16 therefore, already been in custody without his liberty
17 in excess of 13 months on account of his unlawful act.
18 In accordance with the usual practice and binding case
19 law, I take that fact into consideration in arriving at
20 the ultimate duration of the period of incarceration to
21 be imposed.

22 Please stand, Mr. Sangris. Derek Sangris, for the
23 crime that you have committed, the crime of
24 manslaughter, contrary to section 236 of the Criminal
25 Code, it is the sentence of this Court that you be
26 imprisoned for a period of five years.

27 I am going to have the Clerk of the Court endorse

1 the warrant of committal that takes you to jail with
2 this Court's recommendations as follows: Firstly, that
3 you be permitted to serve your sentence at a
4 correctional facility within the Northwest
5 Territories. Secondly, that while serving your
6 sentence you be given every opportunity to receive
7 educational training and counselling and treatment to
8 deal with alcohol abuse.

9 In addition, there will be the firearms
10 prohibition order under section 109 of the Criminal
11 Code for a period of 10 years following your release
12 from prison.

13 MR. BRYDON: That should also have a secondary
14 order under 109(b) where he is precluded for life from
15 possessing any restricted or prohibited weapons.

16 THE COURT: If the Crown agrees, you can draft
17 the order accordingly.

18 MS. BOND: Yes, sir. I agree with that.

19 THE COURT: Further, the DNA order requested by
20 the Crown is granted. In the circumstances of your
21 lengthy incarceration, there will be no victim
22 surcharge. You may sit, Mr. Sangris.

23 Now, counsel, is there anything further on this
24 case?

25 MS. BOND: Nothing further, sir.


26 MR. BRYDON: Nothing from the defence.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

(AT WHICH TIME THE ORAL REASONS FOR SENTENCE CONCLUDED)

Certified to be a true and accurate transcript pursuant to Rules 723 and 724 of the Supreme Court Rules.



Jill MacDonald, CSR(A), RPR
Court Reporter