

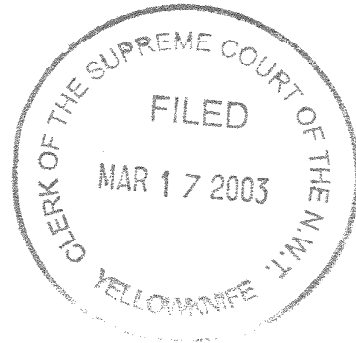
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

GARY ROBERT TAYLOR



Transcript of the Reasons for Sentence delivered by The Honourable Justice J.Z. Vertes, in Yellowknife, in the Northwest Territories, on the 12th day of March, A.D. 2003.

APPEARANCES:

Ms. L. Colton:

Counsel for the Crown

Mr. P. Fuglsang:

Counsel for the Defence

Charge under s. 268 C.C.

1 THE COURT: In this particular case, my task
2 has been made much easier by a joint submission from
3 Crown and defence. It is a well-accepted principle
4 that a joint submission should be given serious
5 consideration unless of course the sentencing judge
6 determines that the submission is, for one reason or
7 another, either unreasonable or contrary to the
8 principles of justice. I cannot say that here. I
9 think indeed there is much to be commended for the
10 resolution of this matter, and particularly by way of
11 this joint submission.

12 The accused has pleaded guilty to a charge of
13 aggravated assault. That is a very serious offence of
14 violence. The facts here reveal what I could best
15 describe as a drunken altercation caused by a
16 misunderstanding where the accused resorted to the use
17 of a weapon. As Crown counsel has said, he is
18 fortunate indeed, and the victim in this case is most
19 fortunate, that the injury was not any more serious
20 than it is.

21 The guilty plea is highly mitigating. The
22 circumstances of the offence reveal no premeditation
23 or planning on the part of the accused.

24 What is extremely aggravating is the accused's
25 criminal record. He is only 22 years old. He has a
26 grade ten education. He has, by my count, nine
27 criminal convictions, as an adult offender since 1999.

1 He was sentenced to a total term of imprisonment of 13
2 months in October of 2001. Included in that was a
3 term of six months for a conviction on a charge of
4 assault with a weapon. I am told he was released in
5 June. This offence occurred in September and he has
6 been in custody since that date.

7 With that record, notwithstanding his young age,
8 I think the accused has to realize that each time he
9 gets into difficulties with the law, the sentence is
10 just going to become more and more severe and he is
11 just going to keep going back to jail.

12 He can learn from this. The opportunity is there
13 for him to do so. He can take control of his life.
14 He is still young enough to put it on the right track
15 if he wants to do so. It is all in his hands.

16 Stand up, Mr. Taylor.

17 I will accept the joint submission. In my view,
18 a sentence of 15 months for this offence would have
19 been appropriate. I give you credit for the
20 approximate six months you have already spent in
21 custody. The rule of thumb is to credit those six
22 months at a rate of two to one. So I will credit you
23 with the equivalent of 12 months. Deducting that from
24 the 15, I impose a sentence of three months'
25 imprisonment.

26 You can have a seat.

27 In addition, there will be an order prohibiting

1 the accused from having in his possession any firearms
2 or ammunition for a period of ten years starting from
3 the date of his release. Ms. Colton, you can prepare
4 the order in the usual terms.

5 Under the circumstances, there will be no victim
6 of crime fine surcharge.

7 Is there anything else, Ms. Colton?

8 MS. COLTON: No, sir, that's everything.

9 THE COURT: Mr. Fuglsang?

10 MR. FUGLSANG: No, sir.

11 THE COURT: Thank you counsel, we're
12 adjourned.

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15 Certified pursuant to Practice
16 Direction #20 dated December 18,
17 1987.

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Annette Wright

Annette Wright, RPR, CSR(A)
Court Reporter

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