

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

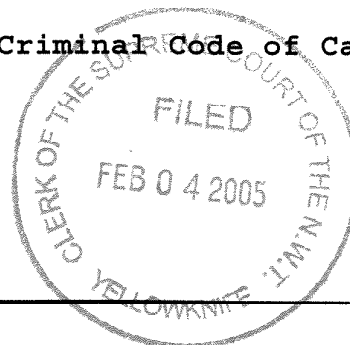
TRACEY STEED

Transcript of the Reasons for Sentence delivered by The Honourable Justice R.P. Foisy, sitting in Yellowknife, in the Northwest Territories, on the 3rd day of February, A.D. 2005.

APPEARANCES:

Mr. M. Ewenson: Counsel for the Crown
Mr. P. Smith: Counsel for the Accused

(Charges under s. 334(a) and 380(1) Criminal Code of Canada)



1 THE COURT: I agree, essentially, with the
2 joint submission that has been put before me.
3 This is a very serious breach of trust, and I
4 know that your early remorse has been constant
5 throughout, and I accept that is a genuine
6 expression of remorse. You did manage to pay
7 almost two-thirds of this amount - not quite, but
8 almost - while you were still working.
9 Notwithstanding the fact that you tried to do it
10 under the table, at least your heart was in the
11 right place.

12 The fact that you assisted and cooperated
13 fully after the scheme was discovered is, I
14 think, something that is positive. Your
15 pre-sentence report is very positive. You have
16 no record; you did enter an early guilty plea;
17 you waived your preliminary inquiry. These are
18 all things that now count in your favour.

19 I note that you have a daughter and that she
20 is a teenager, as you have mentioned, and she is
21 living at home with you in Red Deer. You have
22 been gainfully employed and you continue to be
23 gainfully employed.

24 I am satisfied that a proper sentence in
25 this case is a sentence of under two years, and I
26 am going to impose a sentence of two years less a
27 day of imprisonment to be served conditionally in

1 the community.

2 I am also satisfied that you are not a
3 danger to the community and you are not likely to
4 reoffend. I am also satisfied that even in the
5 case of a serious breach of trust in these
6 circumstances, the objectives of sentencing can
7 properly be met by a carefully structured
8 conditional sentence with the proper conditions.

9 The mandatory conditions of the conditional
10 sentence will be read to you by the clerk, but
11 what I am going to tell you now is that you will
12 have to meet with a supervisor, in Yellowknife,
13 within the next 48 hours; and I am sure the
14 supervisor will understand, that the order will
15 be transferred to Red Deer so that you can in
16 fact serve your conditional -- the reporting and
17 so on and other conditions in Red Deer.

18 By way of optional conditions, I am going to
19 order that you repay the sum of \$2500 every six
20 months, commencing six months from today, until
21 the conditional sentence is over. You will
22 remain within ten yards of your -- do you live in
23 a home or an apartment?

24 THE ACCUSED: Condo.

25 THE COURT: Condo. Is it a highrise or --

26 THE ACCUSED: Three-storey.

27 THE COURT: Three-storey. Well, you will

1 remain within your condominium or within ten
2 yards of the building seven days a week,
3 twenty-four hours a day, starting -- when are you
4 going to be back in Red Deer?

5 THE ACCUSED: Saturday.

6 THE COURT: Saturday. At what time?

7 THE ACCUSED: By about noon.

8 THE COURT: All right. We will make it
9 Saturday, starting at midnight, and for each and
10 every day for a period of six months starting
11 from Saturday at midnight, with the following
12 exceptions: You will be able to leave to go to
13 work and to return from work; you will be able to
14 leave for any medical emergencies that may occur
15 with respect to you and/or your daughter; you
16 will be able to leave for a period of two hours
17 each day, from twelve noon to two o'clock in the
18 afternoon, in order to do your shopping and other
19 things that have to be done by a young mother, or
20 at such other times as your supervisor may
21 approve in writing. Now, if the supervisor gives
22 you written permission to do something other than
23 what I have just mentioned, it will have to be in
24 writing and you will have to carry that with you.

25 After the termination of the conditional
26 sentence, there will be a restitution order,
27 under the provisions of the *Criminal Code*, for

1 the sum of \$58,991 less the amount paid under the
2 conditional sentence order.

3 I should mention, going back to the
4 conditional sentence order, the \$2500 payments
5 will be payable to the Clerk of the Court here at
6 Yellowknife for furtherance to the Education
7 Authority at Fort Smith.

8 Now going back to the restitution order.
9 That will be in the full sum, as I have
10 indicated, less any amounts paid under the
11 conditional sentence order. So long as
12 Mrs. Steed continues to make her payments in full
13 and on time during the conditional sentence
14 order, the Authority will not be able to enforce
15 the restitution order. In other words, it will
16 be enforceable after the period of the
17 conditional sentence order, unless the payments
18 are missed or not made on time or are not fully
19 made without the consent of the Authority. Then
20 if there is a breach of the payment, then the
21 restitution order will be enforceable forthwith
22 by the Education Authority.

23 Is there anything I've missed, gentlemen?

24 MR. EWENSON: Not that I've noted, sir.

25 MR. SMITH: No, sir.

26 THE COURT: All right. The documents will
27 be prepared and you will have them explained to

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you by the clerk again in full, including the mandatory provisions. You will have to sign those and then you will have to get a hold of the supervisor and carry on from there.

So this is a big load off your shoulders. I know it is. Just do not forget that you have to live and abide by this order, otherwise you will be back before the Court and you could end up serving some real jail time.

(CONCLUSION OF REASONS FOR SENTENCE)

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Certified Pursuant to Rule 723
of the Rules of Court



Jane Romanowich, CSR(A), RPR
Court Reporter