

Jan

R. v. Cazon, 2004 NWTSC 3 S-1-CR 2003000081

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

CANADA)

NORTHWEST TERRITORIES)

BETWEEN:

HER MAJESTY THE QUEEN

- and -

SAMANTHA LOUISE CAZON



Transcript of the Reasons for Sentence of The
Honourable Mr. Justice J.E. Richard, at Fort
Simpson in the Northwest Territories, on January 6
A.D., 2004.

APPEARANCES:

Ms. S. Tkatch: Counsel for the Crown
Ms. K. Payne: Counsel for the Accused

Charge under s. 268 Criminal Code of Canada

1
2 COMMENCING JANUARY 6, 2004 AT 3:50 P.M.

3 THE COURT: It is now the Court's serious
4 responsibility to impose a fit and proper sentence
5 on Samantha Louise Cazon for the crime that she
6 has committed. It is often said that sentencing
7 is the most difficult part of a judge's
8 responsibilities, and that statement could not
9 have been more true than in the present case.
10 This is a sad and unusual case.

11 I want to thank counsel for their submissions
12 on the sentencing issue.

13 This offender is a shy 20 year-old woman who I
14 am told was raised primarily in this community of
15 Fort Simpson. Her parents separated when she was
16 only nine years of age, and by her own admission
17 she had difficulty coming to grips with that
18 reality while growing up, as is unfortunately the
19 case with many children of separated parents.

20 She is an intelligent young woman with a Grade
21 11 education but is capable of proceeding much
22 further with her formal education. I am told that
23 she has no previous criminal record of any kind.

24 On the date in question, March 18th of 2003,
25 for reasons that are inexplicable to everyone,
26 including Samantha Cazon, she suddenly lashed out
27 with a knife and stabbed her mother. Although she

1 held some ongoing resentment towards her mother
2 and had done so for years, there was no particular
3 trigger which precipitated this violent attack.
4 There was no alcohol involved, no argument, no
5 triggering event.

6 At the time of the event, Ms. Cazon dropped the
7 knife immediately and did not resist arrest or
8 detention and did not deny the assault. She has
9 been in custody since then, a period of almost ten
10 months. She has pleaded guilty and is convicted
11 of the offence of aggravated assault contrary to
12 Section 268 of the Criminal Code. This crime
13 carries a maximum sentence of 14 years
14 imprisonment in a federal penitentiary. There is
15 no minimum sentence.

16 The general purpose of this sentencing process
17 is to provide for a safe and peaceful community
18 and to promote respect for the law. The specific
19 objectives of any sentence imposed in this case
20 are deterrence, denunciation, and rehabilitation
21 of this particular offender and to promote in her
22 a sense of responsibility for what she has done.
23 The sentence imposed must reflect the gravity of
24 the crime that was committed.

25 The offence itself is very serious. The use of
26 a knife in stabbing her mother could have had more
27 serious, perhaps fatal consequences. The fact

1 that the victim had to be medivacced to Edmonton
2 is in itself indicative of the seriousness of the
3 assault.

4 This kind of deliberate assault with a knife
5 normally results in a term of imprisonment of two
6 or three years, even for a first-time offender.

7 As the reason for this unprovoked and bizarre
8 attack by the offender on her mother remains a
9 mystery, the Court must be concerned about the
10 possibility that the offender remains at risk of
11 acting again in a dangerous way if immediately
12 released into the community.

13 For this reason, in all of the circumstances, I
14 am of the view that a further period of
15 incarceration at Women's Correctional Centre in
16 Fort Smith is necessary for the protection of the
17 public, but primarily to allow Samantha Cazon to
18 continue with what I have been told is a
19 beneficial counselling program that she has been
20 allowed to access at that facility while on
21 remand.

22 Because Ms. Cazon has already spent almost ten
23 months in remand custody, the sentence imposed
24 must take that into consideration. And in some
25 cases, the Courts would credit that by a 2 to 1
26 factor or, in this case, 20 months.

27 As I have indicated to counsel on an earlier

1 occasion, I am quite troubled and concerned about
2 the delay that has occurred in having this case
3 brought before the Court for final disposition,
4 especially when, as I am told today, Ms. Cazon,
5 from the outset, did not deny what she did in
6 front of witnesses nor attempt at any time to deny
7 responsibility for it.

8 In any event, we are here today, and now that
9 the court process is coming to an end, hopefully
10 Ms. Cazon will be able to finish her sentence,
11 receive the counselling, continue with the
12 self-analysis that she is obviously undergoing and
13 get on with her life.

14 Please stand, Ms. Cazon.

15 Samantha Cazon, for the crime that you have
16 committed, aggravated assault, it is the sentence
17 of this Court that you be imprisoned for a further
18 term of six months, and in addition, there will be
19 a probation period of 18 months following your
20 release from custody.

21 The terms of that probation order will be to
22 keep the peace and be of good behaviour, that you
23 appear before this Court when required to do so
24 and to report regularly to the probation officer
25 in the community. Finally, that you take whatever
26 further counselling is recommended by the
27 probation officer.

1 I'm going to, Ms. Cazon, ask your lawyer, Ms.
2 Payne, to explain to you the consequences of
3 failing to obey the conditions of the probation
4 order.

5 In addition, there will be a Section 109
6 firearms prohibition order for ten years. The DNA
7 order requested by the Crown is granted. And the
8 knife that I take it was seized by the police in
9 connection with this matter is forfeited to the
10 Crown.

11 Now, Ms. Cazon, I want to wish you well with
12 your recovery from this terrible incident. From
13 what I have been told, it's been a difficult time
14 for you, and even before March of last year you
15 have had a troubled family life, and from what
16 you've told me, you have had some bad things
17 happen to you. But I think you've got to look on
18 the bright side and look forward now.

19 I just want to mention to you one observation
20 that I made this afternoon in this courtroom. You
21 are fortunate. On the positive side, you are
22 fortunate that your father and mother are here.
23 I take it these other people -- I don't know them,
24 but I take it they are family or friends -- they
25 are all here to support you.

26 The job that I have, I have to do this kind of
27 case every week. We don't often see, for people

1 like you, this kind of support in the courts. So
2 you may feel your life has been hard on you up
3 until now, but you are blessed by having these
4 people here to support you. So you should think
5 about that on the bright side. You are very
6 lucky.

7 Thank you. You may sit down.

8 Counsel, anything further on this case? Have
9 we covered everything?

10 **MS. TKATCH:** Yes, Your Honour, just maybe one
11 suggestion. After Defence's submission in regard
12 to this case on the habit of carrying knives,
13 maybe a prohibition from carrying or being in
14 possession of a knife in her probation order would
15 be warranted, just so she doesn't have the habit
16 of carrying a knife during that time.

17 **THE COURT:** Ms. Payne, given the related
18 statement that is contained in one of her mother's
19 statements about her -- perhaps a fascination with
20 knives, that may be a reasonable condition on the
21 probation order.

22 **MS. PAYNE:** If I can just have a moment, sir.
23 (A SHORT PAUSE)

24 **MS. PAYNE:** Sir, I have been advised that it
25 wasn't merely a fascination but sort of a trend
26 and a style among the youth in Fort MacPherson.

27 **THE COURT:** Not a good trend.

1 **MS. PAYNE:** And possibly not a good trend, sir;
2 however, it is linked with aboriginal communities,
3 too. She comes from an aboriginal community where
4 they hunt and fish.

5 But having said all of that, I canvassed it
6 with Ms. Cazon. She isn't fascinated with knives
7 to the extent that it would bother her to have
8 that order on her probation.

9 Certainly it would bring home to her the
10 appropriate cultural use of a knife. It certainly
11 wasn't the case here.

12 That would be, sir, for the 18 months of
13 probation?

14 **THE COURT:** Yes. I'm not concerned about her
15 having a knife in her possession for traditional
16 pursuits like hunting and fishing. It's carrying
17 a knife during the normal course of a normal day.

18 So there will be the additional condition on
19 the probation order that the offender will not be
20 in possession of any knives on her person except
21 as permitted by her probation officer. So if
22 there is something that's going to happen that she
23 knows about, if there is a trip planned, she can
24 get the okay from the probation officer.

25 Anything further from the Crown?

26 **MS. TKATCH:** No, Your Honour.

27 **THE COURT:** Anything further, Ms. Payne?

1 MS. PAYNE: No, sir.

2 THE COURT: Fine, we'll close court.

3 (COURT ADJOURNED AT 4:00)

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Certified correct to the best
of my skill and ability,

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J.K. Harrigan

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Court Reporter

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