

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES
IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

TONY RADDI

Transcript of the Reasons for Sentence (Oral) delivered by
The Honourable Deputy Justice V. Ouellette, in Tuktoyaktuk,
in the Northwest Territories, on the 14th day of March,
A.D. 2006.

APPEARANCES:

Mr. D. Gates: Counsel on behalf of the Crown

Mr. J. Brydon: Counsel on behalf of the Accused

Charge under s. 271 C.C.

Ban on Publication of Complainant/Witness
Pursuant to Section 486 of the Criminal Code

1 THE COURT: I find sentencing to be one of
2 most difficult parts of this job actually. In
3 doing that, I have to take into account the
4 provisions of the Criminal Code and the
5 provisions of Sections 718 and 718.2. It is
6 always a balance - trying to balance general
7 deterrence, personal deterrence, and denunciation
8 generally.

9 I do think that there are some aggravating
10 circumstances, but there are also some mitigating
11 circumstances in this case.

12 The aggravating circumstances:
13 Unfortunately, I think Mr. Raddi probably is
14 aware now, and Mr. Brydon was very fair in
15 saying, that when he drinks too much and drinks
16 to excess he does things he should not do. This
17 is another one of those examples where
18 self-control and self-inhibitions are just gone
19 because of alcohol consumption. People do things
20 that they should not do and they are wrong, and
21 they affect other people in very bad ways, as has
22 happened to Allison Raddi in this case. But one
23 also has to look at, as I call it, the big
24 picture.

25 I do accept, Mr. Gates, the range that has
26 been outlined by the Supreme Court of the
27 Northwest Territories, and I am sitting as a

1 justice of the Supreme Court of the Northwest
2 Territories. With that range of two years to
3 three years, I do note in reviewing the case -
4 and maybe I read it a little too quickly - but we
5 were dealing with in that case the invitation of
6 an older gentleman, 42, of this 15-year-old girl
7 to his 18-year-old son's birthday party,
8 suggesting to her when she is intoxicated to go
9 into the bedroom and sleep, and he then took
10 advantage of her. It was also found that he was
11 intoxicated also. But the facts in that case
12 were I think a little more aggravating than they
13 are in this case in that sense when you are
14 talking about a 15-year-old girl, and you are
15 also talking what seems to be potentially a more
16 planned and deliberate act.

17 I am satisfied, and maybe I am overstepping,
18 but I did take the opportunity to read the
19 statement which was provided to Constable Vallee,
20 and I think Mr. Brydon hit the nail on the head
21 when he said it has taken Mr. Raddi some time to
22 come to his journey. Because in there, right at
23 the end is where he tells Constable Vallee: "You
24 know, I accept it because if she said I did it,
25 then I must have done it." I think that is the
26 most telling thing that I have read today, is
27 that I do not think he actually remembers the

1 incident although he is accepting it and he is
2 doing that with his guilty plea. So I think that
3 is a factor to take into account.

4 Mr. Gates, you are right, you cannot give
5 too much credit when somebody enters a guilty
6 plea at the beginning of the jury selection but
7 there still has to be some credit given. I think
8 in a community such as Tuktoyaktuk where
9 everybody knows everybody and when people get
10 their notices to serve on the jury, they know who
11 the accused is, they know who the alleged victim
12 is, and they also know what the alleged crime is.
13 I think that in a lot of ways where you can avoid
14 having a community divide itself on deciding
15 whether or not Mr. Raddi would have been found
16 guilty or not I think is a factor that he has to
17 be given credit for, that he did not put the
18 community through that and, more importantly, he
19 did not put Allison Raddi, his sister, in such an
20 awkward and difficult position to divide the
21 family. So I do give him probably more credit
22 than you would, Mr. Gates, for that guilty plea
23 because I think it is important as a healing
24 process also for him and for the family.

25 As far as his record, I would have been with
26 you all the way, Mr. Gates, if he had sought a
27 conditional sentence in light of the subsequent

1 breaches because that would have shown that he
2 was not very amenable to following conditions, so
3 that probably would not have happened even if
4 requested.

5 As far as the other offences, I am maybe
6 going too far. If I am hearing from Mr. Brydon
7 correctly, the assaults and the assaults causing
8 are alcohol-related in some way in his previous
9 record. But the most jail he has done is five
10 months. So that tells me that the assault
11 causing was serious enough but maybe it was not
12 at the real bad end of the spectrum. That also
13 would have disqualified him for a conditional
14 sentence.

15 I am sure Mr. Raddi knows that jail is not a
16 piece of cake. It is very difficult. It is
17 probably even more difficult on somebody who
18 comes from a community such as Tuktoyaktuk going
19 into a more general environment. The
20 difficulties that he has with alcohol.

21 I am satisfied that, taking into account all
22 of the sentencing factors under the Criminal
23 Code, that the appropriate sentence is two years
24 in jail.

25 Mr. Raddi, could you please stand. I
26 sentence you to two years in jail.

27 I am putting on the record, and I would ask

1 that it be endorsed, Madam Clerk, that if at all
2 possible your sentence, Mr. Raddi, will be served
3 in a correctional facility in the north,
4 specifically the North Slave Correctional Centre,
5 if possible; and if not possible, Fort Smith,
6 which I understand now from Mr. Brydon is a
7 satellite.

8 Can I just ask you, Mr. Raddi, another
9 question about the hunting. What do you hunt?

10 THE ACCUSED: Never hunt in the last couple
11 years.

12 THE COURT: Okay. You haven't?

13 THE ACCUSED: For the last couple of years I
14 haven't.

15 THE COURT: What do you usually hunt
16 though?

17 THE ACCUSED: In the springtime, geese.

18 THE COURT: What kind of animal?

19 THE ACCUSED: Caribou.

20 THE COURT: Okay. When you hunt that
21 caribou, who gets to eat it?

22 THE ACCUSED: Family. Family.

23 THE COURT: Okay. And obviously a gun is
24 necessary for hunting caribou.

25 THE ACCUSED: Yes.

26 THE COURT: Thank you. Please be seated.

27 In all of these circumstances, I am also

1 satisfied that it is appropriate to grant the
2 exemption that is allowed for under section 113
3 of the Criminal Code in relation to firearms
4 prohibition.

5 I think when you are dealing with an
6 individual such as Mr. Raddi living off the land
7 as he does, I think the hardship would far exceed
8 the benefit of prohibiting you in this case. I
9 think it is important that when he finishes
10 serving his time that he provide for his family
11 and his daughter, specifically his daughter, and
12 that he be allowed to provide for his daughter.

13 There will be the mandatory DNA. I forget
14 the section, Madam Clerk.

15 I am also satisfied that there not need be a
16 probation order that follows this. I have looked
17 at the probation order which was just granted in
18 January 2006 and it has all of what I believe to
19 be the necessary conditions. More specifically,
20 it is the last condition that I think is the best
21 one for you, Mr. Raddi, is that you are going to
22 take all the counselling that you are directed by
23 a probation officer in the area of alcohol use as
24 well as other counselling that is deemed
25 necessary.

26 Mr. Raddi, this is what you need. You have
27 to figure out a way to stay away from alcohol

1 because bad things happen and you are paying a
2 big price by going to jail for two years now
3 because of drinking too much and doing things
4 that you should not do when you are drunk.

5 Mr. Gates, have I forgotten anything?

6 MR. GATES: Victim surcharge.

7 THE COURT: Waived.

8 MR. GATES: Crown is not seeking it, sir.

9 THE COURT: It's waived.

10 I don't think -- Mr. Brydon, am I forgetting
11 anything?

12 MR. BRYDON: I think we've gone down the
13 list. The SOIRA order I take it you're not
14 making?

15 THE COURT: No, I agree with Mr. Gates,
16 I'm not sure it even applies in this case.

17 Madam Clerk, am I forgetting anything?

18 THE COURT CLERK: The length of the firearms
19 prohibition?

20 MR. BRYDON: It's a ten-year prohibition.

21 THE COURT: That's right. But with the
22 exemption to apply.

23 THE COURT CLERK: Yes, Your Honour.

24 THE COURT: Yes, section 109 provides for
25 the minimum ten year on this offence.

26 All right. Mr. Brydon, is this the only
27 copy of the probation order that your client has?

1 MR. BRYDON: Yes. Perhaps --

2 THE COURT: I would like it to become an

3 exhibit in this, along with the case that was

4 cited by Mr. Gates. I think that should be

5 Exhibit 2.

6 The record is Exhibit 1, Madam Clerk. The

7 case will be Exhibit 2. And I'd like the

8 probation order to be Exhibit 3.

9 EXHIBIT S-2: CASE LAW - R. v. KOLAUSOK

10 MR. BRYDON: I'm just asking the police,

11 they say they can make a photocopy of it.

12 THE COURT: I think it should be part of

13 the sentencing package. I do that because you're

14 right when you talk about precedent, but I think

15 each case is dealt with on its own facts and

16 merits. When the whole picture is before us, I

17 think there is no real negative effect on

18 precedent setting.

19 All right, so the probation order which is

20 dated January 18th, 2006 will become Exhibit 3 on

21 sentence.

22 EXHIBIT S-3: PROBATION ORDER DATED 18JAN2006

23 THE COURT: Is there anything further?

24 MR. BRYDON: Not that I can speak of.

25 THE COURT: Are there any exhibits, Madam

26 Clerk, from the preliminary inquiry?

27 THE COURT CLERK: I don't think so, no.

1 MR. BRYDON: There were no exhibits at the
2 preliminary inquiry.

3 MR. GATES: No exhibits, sir.

4 THE COURT: Nothing further?

5 MR. GATES: No, thank you very much, My
6 Lord.

7 THE COURT: We're adjourned. Thank you.

8

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10 Certified to be a true and
11 accurate transcript pursuant
12 to Rule 723 and 724 of the
13 Supreme Court Rules of Court.

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15 _____
16 Annette Wright, RPR, CSR(A)
17 Court Reporter

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