

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

DEREK JOHN ROSS DENEYOUA

Transcript of the Reasons for Sentence of The Honourable
Justice V.A. Schuler, at Yellowknife in the Northwest
Territories, on February 26th A.D., 2007.

APPEARANCES:

Mr. S. Hinkley: Counsel for the Crown
Mr. D. Rideout: Counsel for the Accused

Charges under s. 348(1)(b), s. 87(2), s. 96 Criminal Code

1 THE COURT: Well, Mr. Deneyoua, you have
2 got a lot of work to do to make sure you don't
3 come to court again, and I am sure that you
4 realize that. Your record is pretty packed full
5 of offences. It is very long - all kinds of
6 different offences including offences of violence
7 and including offences of violence that you were
8 for sentenced in I take it April 2006.

9 MR. HINKLEY: Yes, Your Honour.

10 THE COURT: Those are the handwritten
11 ones.

12 MR. HINKLEY: Yes, Your Honour.

13 THE COURT: So you have been in court many
14 many times and I am sure that many many times you
15 have had at least the opportunity to take alcohol
16 counselling and anger management. I don't know
17 whether you have actually taken any of it yet but
18 when someone has the opportunity and then doesn't
19 do it, I don't know whether I can rely on you to
20 actually do something about it this time. But
21 obviously you are the one who is going to have to
22 make that choice. It is obviously in your best
23 interests, as well as the interests of people who
24 have been affected by your crimes, that you do do
25 something. You are only 24 years old. It is not
26 terribly old. You have got a long life ahead of
27 you and if you keep going like this, you are

1 going to spend it in jail and I am sure that you
2 don't want that. But as I say, it is up to you
3 to decide to do something about that.

4 Although Mr. Rideout, who I think has
5 obviously done a lot of work on this and put
6 together, with Mr. Hinkley, a very comprehensive
7 joint submission, he says you were intoxicated at
8 the time of these offences, but you couldn't have
9 been that intoxicated, Mr. Deneyoua, if you were
10 able to give the police details of what happened.
11 You obviously knew what you were doing and you
12 remembered what you did so you couldn't have been
13 that intoxicated. It's not the alcohol, you have
14 got to work on yourself. And maybe alcohol is a
15 problem, maybe anger management is a problem, but
16 you are the only one who can do something about
17 that and it has got to come from you. I hope
18 that you will think about that.

19 I do take into account the fact that you
20 have dealt with this case very quickly. I can
21 see that if it had gone to trial, it would have
22 involved a number of witnesses and it wouldn't
23 have been a short case to deal with it. So in
24 waiving your preliminary hearing and arranging
25 things so that, in particular, the 13-year-old
26 didn't have to testify, you do deserve credit for
27 that. You deserve credit for pleading guilty at

1 a very early date.

2 I do still have to take into account the
3 fact that these are very serious offences.

4 Pointing a firearm at someone is always
5 serious. You didn't make any threats in this
6 case but just pointing the firearm itself is a
7 threat to someone. So it is inherently a
8 threatening action.

9 In the circumstances, I think, primarily
10 because of all of the concessions that you have
11 made, there is a basis upon which to accept the
12 joint submission that your lawyer and Crown
13 counsel have put together. It may be a sentence
14 at the low end of the range but I don't think it
15 is outside the range. It is not an unreasonable
16 sentence that is being suggested.

17 So what I am going to do is I will accept
18 the joint submission. The submission was for 18
19 months with a credit, Mr. Rideout suggests eight
20 months against that, Mr. Hinkley wasn't
21 suggesting anything different. So the sentence
22 that I impose today will be ten months in jail.

23 Now really in the circumstances,
24 Mr. Deneyoua, it's not very long. I don't want
25 you to think that it means that this wasn't
26 serious, it was, and you could certainly have
27 received a much longer sentence for it.

1 I really do hope that you will turn yourself
2 around because, as I say, your record is bad
3 enough that you will be looking at longer and
4 longer sentences in the future, there is no doubt
5 about that, and hopefully you will be able to
6 change things.

7 What I am going to do is, it's hard to
8 divide the sentence in a way that would make any
9 sense but hopefully in the future the remand time
10 will be reflected on the record in some fashion.
11 What I will do is on Count 1, impose a sentence
12 of two months. On Count 2, pointing a firearm, a
13 sentence of six months consecutive. So that's
14 the eight months. And then on Count 4, a
15 sentence of one month concurrent. Just so
16 that -- sorry, Mr. Hinkley?

17 MR. HINKLEY: Clearly, Your Honour, I should
18 not take up poker as an avocation. Your Honour,
19 just by my mathematics, which are not always the
20 best, the joint submission was 18 months and if
21 Mr. Deneyoua receives eight months' credit, that
22 would leave ten months.

23 THE COURT: You're right, I'm sorry, I had
24 eight in my mind. So what I will do then is I
25 will make it three on Count 1, seven on Count 2,
26 and two concurrent on Count 4.

27 MR. HINKLEY: Thank you, Your Honour.

1 THE COURT: There will be a firearm
2 prohibition order. Does your client hunt at all,
3 Mr. Rideout?

4 MR. RIDEOUT: I am advised by him that he
5 doesn't currently, not very often. And as
6 mentioned by my friend, my only consideration in
7 asking for the Section 113 exception was in case
8 future sustenance or it becomes part of his
9 rehabilitation or something that he finds
10 returning to a traditional lifestyle would assist
11 him.

12 THE COURT: What I am a little bit
13 concerned about is the suggestion for a 20-year
14 firearm prohibition. 20 years is a long time.

15 MR. RIDEOUT: Certainly I wouldn't take any
16 dispute with that, Your Honour. The one thing
17 that I would point out is aside from his very
18 recent convictions that did demonstrate violence,
19 to a large extent the remainder of his record
20 does not include violent offences and there is no
21 allegation that any of the prior offences, as
22 mentioned, related to the use of a firearm in the
23 past. I do not know offhand, and I apologize, in
24 terms of what he has received in terms of a
25 firearm prohibition in the past. But I do not
26 believe that he has received one in the past.

27 Mr. Deneyoua does indicate that he believes

1 that he received a five-year firearms prohibition
2 about three to four years ago.

3 THE COURT: Thank you.

4 What I am going to do with a firearm
5 prohibition order, I think in the circumstances,
6 because of the pointing a firearm there is a
7 basis to increase the ten-year period, although
8 in light of the fact that there are no other
9 weapon offences on Mr. Deneyoua's record and in
10 light of his age and the fact that he lives in a
11 community where hunting is quite a frequent
12 occupation or pastime, I am not inclined to make
13 it as long as 20 years.

14 What I am going to do is impose a firearm
15 prohibition order that will commence today and
16 will expire 12 years after his release from
17 imprisonment. I will order under Section 113
18 that an authorization, license, or registration
19 may be issued to him for sustenance or employment
20 purposes in accordance with the terms of that
21 section.

22 In the circumstances, the Victim Fine
23 surcharge will be waived.

24 MR. HINKLEY: Thank you, Your Honour, I
25 believe that completes the chambers docket.

26 THE COURT: Thank you, counsel, we will
27 close court.

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accurate transcript pursuant
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Supreme Court Rules,

Lois Hewitt, CSR(A), RPR, CRR
Court Reporter