

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

JANICE HARRIET MANTLA

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Transcript of the Oral Reasons for Sentence delivered  
by the Honourable Justice J.E. Richard, sitting at  
Yellowknife, in the Northwest Territories, on  
January 12th, A.D. 2007.

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APPEARANCES:

Mr. J. MacFarlane: Counsel for the Crown

Ms. M.L. Nightingale: Counsel for the Accused

(Charge under s. 380(1) Criminal Code)

1 THE COURT: The offender before the Court  
2 to be sentenced is Janice Mantla, a 37-year-old  
3 Dene woman from Behchoko. Her crime is fraud  
4 contrary to section 380 of the Criminal Code for  
5 which there is a maximum penalty of 14 years in  
6 jail.

7 In brief, she was employed in a position  
8 where the community trusted her to handle public  
9 funds intended for people on social assistance,  
10 and she unlawfully diverted many thousands of  
11 dollars of those funds to herself and her family.

12 Ms. Mantla was one of the persons employed  
13 in an office in her home community of Behchoko  
14 where community members in need would go and make  
15 application for public funds to assist them with  
16 their daily or weekly basic living requirements;  
17 i.e., social assistance or income support. It  
18 is, of course, a merit based system, and  
19 Ms. Mantla was one of the community persons  
20 trusted with the responsibility of administering  
21 this system intended for those in actual need.

22 As Behchoko is still a relatively small  
23 community, characterized in part by a handful of  
24 fairly large extended families and where  
25 everybody pretty well knows everybody else, there  
26 would naturally be a lot of stress, a lot of  
27 pressure on anyone working in that office with

1           respect to individual applications for social  
2           assistance or income support.  Indeed, Ms. Mantla  
3           tells the Court through her lawyer that she was,  
4           during the time she worked in that office,  
5           subjected to pressure with respect to individual  
6           applications for social assistance from relatives  
7           and friends of applicants and political or  
8           community leaders.

9           It was within this environment, I am told,  
10          that Ms. Mantla gave in to the temptation to  
11          divert public funds entrusted to her to the use  
12          of her own immediate family by unlawfully  
13          arranging to have cheques issued that were  
14          payable to her common-law husband and deposited  
15          into the family bank account for reasons that  
16          were stated to be for the benefit of other social  
17          assistance recipients, but which reasons were  
18          false or fictitious.

19          A later audit showed that Ms. Mantla did  
20          this on 35 or more separate occasions in the time  
21          period 1997 to 2002.  The total amount of money  
22          defrauded from the Territorial Government in this  
23          manner by these many transactions was  
24          approximately \$22,300.

25          During the time that these fraudulent  
26          transactions occurred, Ms. Mantla was, as stated,  
27          gainfully employed earning a salary of

1 approximately \$40,000. Her husband was also  
2 employed most of the time. The point being that  
3 they were able to support their family without  
4 committing these frauds on the public social  
5 assistance system.

6 I am told that Ms. Mantla consciously ceased  
7 committing these frauds in 2002 following a  
8 period of self-reflection while attending a  
9 healing conference or session outside of her home  
10 community. She knew then that what she had been  
11 doing was wrong.

12 The fraudulent transactions were apparently  
13 discovered by her employer in 2004, for in May,  
14 2004 she was suspended from her employment  
15 pending an investigation, and then in August,  
16 2004 she was dismissed from that employment.

17 Ms. Mantla has had this matter hanging over  
18 her head since that time, and she and her family  
19 have suffered stress and anxiety during that  
20 extended period. No doubt, in the small  
21 community of Behchoko she and her family have  
22 been the subject of much negative gossip and  
23 derision. She has had difficulty obtaining  
24 replacement employment.

25 The audit conducted by the Territorial  
26 Government was concluded in August, 2004 and then  
27 the matter was turned over to the RCMP for

1 possible criminal charges. As we have seen in  
2 other fraud cases that have come before this  
3 Court, unfortunately, due to limited resources  
4 and the prevalence of much violent crime and  
5 other crime in this jurisdiction, the RCMP are  
6 unable to put any priority to an investigation of  
7 this sort - i.e., so-called white collar crime -  
8 with the result that the RCMP investigation in  
9 this case was not concluded until the summer of  
10 2006.

11 Criminal charges were laid against Janice  
12 Mantla in July, 2006. She waived her Preliminary  
13 Inquiry in Territorial Court in October, 2006,  
14 and when she was, by consent, committed to stand  
15 trial in this Court, she indicated it was her  
16 intention to plead guilty. I take it there were  
17 then some discussions between counsel as to the  
18 precise charge to place before this Court for  
19 disposition, but, in all of the circumstances, I  
20 am satisfied that Ms. Mantla has entered a plea  
21 of guilty at the earliest reasonable opportunity.

22 Subsequent to the time in 2004 that  
23 Ms. Mantla was suspended from her employment in  
24 the income support office she was able to obtain  
25 casual short-term employment from time to time.  
26 Once the Territorial Government, by its audit,  
27 determined the amount of money that Ms. Mantla

1 had fraudulently taken from the Territorial  
2 Government they garnisheed her final paycheque,  
3 some of her casual paycheques and also an income  
4 tax refund in 2005. In this way, they recovered  
5 a total sum of \$9,648.

6 In addition, Ms. Mantla on her own made  
7 seven payments by way of restitution in the  
8 period March, 2005 to March 2006. These  
9 voluntary payments totalled \$1,300, and I note  
10 that they were made prior to the date that  
11 criminal charges were laid against her.

12 In all, she has already made restitution in  
13 the amount of \$10,948.45, leaving the amount  
14 outstanding and owing to the Territorial  
15 Government in the amount of \$11,378.91.

16 As part of the sentence imposed on Janice  
17 Mantla, an order will issue pursuant to section  
18 738 of the Criminal Code requiring Janice Mantla  
19 to make restitution to the Government of the  
20 Northwest Territories in the amount of  
21 \$11,378.91.

22 Counsel have kindly put before the Court for  
23 its assistance copies of earlier sentencing  
24 decisions of this Court in similar cases. It has  
25 always been the practice of this Court in cases  
26 of crimes of fraud or theft committed by persons  
27 employed in a position of trust to impose a jail

1 term, absent exceptional circumstances, on  
2 account of the important sentencing principle of  
3 deterrence. Since the advent of the so-called  
4 conditional sentence regime enacted by Parliament  
5 about 10 years ago, it is not unusual for the  
6 Court, in appropriate cases and in appropriate  
7 circumstances, to order that the offender serve  
8 the sentence of imprisonment not in a formal  
9 physical correctional facility, but in the  
10 offender's home community.

11 Janice Mantla's crime is a serious one  
12 involving a breach of trust placed in her by her  
13 community. It is an aggravating circumstance  
14 that this crime is comprised of dozens of  
15 fraudulent transactions over a period of years.

16 I am told that this offender, Janice Mantla,  
17 is a person of otherwise good character with no  
18 previous criminal record. There are a number of  
19 written character references presented to the  
20 Court on her behalf, and she has also presented  
21 to the Court a written letter of apology.

22 Janice Mantla comes from a good family and  
23 her parents are respected Elders in Behchoko.  
24 She is known to be a person who looks after her  
25 family and provides good care for her three  
26 children and is a person who has done a lot of  
27 volunteer work in the community, particularly

1 with the youth centre. It is to Janice Mantla's  
2 credit that community people like Father Pochat  
3 and Madeline Rabesca speak well of her.

4 Ms. Mantla has in the past year enrolled in  
5 a teacher training education program and is  
6 apparently doing well in that program and is  
7 striving to achieve her goal of becoming a  
8 full-fledged teacher in her home community.

9 This offender's early guilty plea, her  
10 remorse and acceptance of full responsibility for  
11 her wrongdoing, her apology to her family and  
12 extended family, to the community and to the  
13 Court, her voluntary payments and restitution,  
14 these are all circumstances which act in  
15 mitigation of sentence.

16 Crown counsel and defence counsel are in  
17 agreement that a sentence of imprisonment is  
18 required in this case. They are also in  
19 agreement that allowing Ms. Mantla to serve her  
20 sentence in the community would not endanger the  
21 safety of the community and that such a  
22 disposition would be consistent with the purposes  
23 and principles of sentencing and previous  
24 decisions of this Court.

25 Accordingly, I will impose a 12-month  
26 conditional sentence with a list of conditions  
27 that I will detail and also the section 738



1 restitution order that I have mentioned.

2 Please stand, Ms. Mantla. Janice Mantla,  
3 for the crime that you have committed, the crime  
4 of fraud contrary to section 380 of the Criminal  
5 Code, I impose a term of imprisonment of 12  
6 months. Pursuant to section 742.1 of the  
7 Criminal Code, I order that you serve your  
8 sentence in the community of Behchoko subject to  
9 the following conditions:

10 1) That you keep the peace and be of good  
11 behaviour.

12 2) That you appear before this Court when  
13 required to do so.

14 3) That you report to a supervisor within  
15 two working days and thereafter as required by  
16 the supervisor.

17 4) That you remain within the jurisdiction  
18 of this Court unless written permission to leave  
19 the jurisdiction is obtained from the Court or  
20 the supervisor.

21 5) That you notify the Court or the  
22 supervisor in advance of any change of name or  
23 address and promptly notify the Court or the  
24 supervisor of any change of employment or  
25 occupation.

26 6) That you perform 120 hours of community  
27 service over the first six months of your

1 sentence with a minimum of 10 hours in each month  
2 as directed by your supervisor.

3 7) That you remain within your residence in  
4 Behchoko at all times throughout the duration of  
5 your sentence. The only absences or exceptions  
6 to be the following:

7 (a) while attending at or travelling to and  
8 from your place of employment;

9 (b) while attending at or travelling to and  
10 from any place where you are receiving a formal  
11 education or training program authorized by your  
12 supervisor;

13 (c) for purposes of medical treatment or  
14 care for yourself or members of your immediate  
15 family;

16 (d) to attend regular Sunday church services  
17 in your community;

18 (e) for purposes of performing community  
19 service as ordered by the Court;

20 (f) for attending counselling sessions as  
21 authorized by your supervisor;

22 (g) for travelling to and from your child's  
23 daycare facility as authorized by your  
24 supervisor;

25 (h) for attending meetings with your  
26 supervisor; and

27 (i) for one continuous five-hour period each

1 week to attend to grocery shopping or other  
2 household chores.

3 8) Make a minimum payment of \$400 per month  
4 towards satisfaction of the restitution order.

5 9) That you provide in writing to this  
6 Court at the end of three months, six months,  
7 nine months and 12 months of your sentence  
8 confirmation signed by your supervisor that you  
9 have complied with the conditions of your  
10 conditional sentence.

11 10) Cooperate with your supervisor and the  
12 RCMP regarding compliance with this order and  
13 answer your telephone at home and attend in  
14 person at the door of your residence as required.

15 You may take a seat, Ms. Mantla.  
16 Ms. Mantla, after court is adjourned you will  
17 have to stay here until the Clerk has had an  
18 opportunity to prepare the formal court order and  
19 to give you a copy of that order and to explain  
20 it to you with the assistance of your lawyer, Ms.  
21 Nightingale.

22 Ms. Mantla, I want you to know that during  
23 the term of your sentence the supervisor can ask  
24 the Court to make changes to these conditions,  
25 and, also, the Crown prosecutor and yourself can  
26 request the Court to make changes, and if there  
27 is good reason, the Court will consider making

1 changes.

2 I also want you to know that if the Court  
3 receives a report from the supervisor indicating  
4 that you have breached any conditions, you will  
5 be required to come to court and we will hear  
6 from you, and the Court will consider at that  
7 time whether this conditional sentence should be  
8 terminated, and, if so, you will be required to  
9 serve the rest of your 12-month sentence in jail.

10 Now, Ms. Mantla, I hope that you understand  
11 what I have said to you, and if you have any  
12 questions, you should ask your lawyer to explain  
13 these things to you again in some more detail. I  
14 wish you good luck.

15 Anything further in this case, counsel?

16 MR. MacFARLANE: Your Honour, I'm not sure if  
17 it's Your Honour's practice to indicate to whom  
18 the minimum monthly payment should be paid, to  
19 the Clerk of the Court for the benefit of the  
20 GNWT, if that should be a part of the order?

21 THE COURT: She can arrange that with the  
22 supervisor. The payments can go directly to the  
23 government, presumably.

24 MR. MacFARLANE: Very well. Thank you, sir.

25 THE COURT: But it is a condition of her  
26 sentence that she make during the first 12 months  
27 those regular contributions towards the larger

1           sum. Anything further, Ms. Nightingale?  
2       MS. NIGHTINGALE:           No. Thank you very much.  
3       THE COURT CLERK:           Any surcharge?  
4       THE COURT:                 The victim fine surcharge will  
5           be set at \$100. Anything further, Madam Clerk?  
6       THE COURT CLERK:           No.  
7       THE COURT:                 Thank you. Close court.

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Certified to be a true and  
accurate transcript pursuant  
to Rules 723 and 724 of the  
Supreme Court Rules.

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Jill MacDonald, CSR(A), RPR  
Court Reporter