

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

CHRISTINA JOANNE MAGRUM

Transcript of the Oral Reasons for Sentence by The
Honourable Justice L. A. Charbonneau, sitting in Hay
River, in the Northwest Territories, on the 30th day of
March, A.D., 2007.

APPEARANCES:

Mr. S. Hinkley:	Counsel for the Crown
Mr. M. Hansen:	Counsel for the Defence

1 THE COURT: Christina Magrum has pleaded
2 guilty to a charge of assault with a weapon and
3 to a charge of uttering death threats. These
4 charges arise from something that happened during
5 the late evening on April 21st, 2006, almost a
6 year ago, on the Hay River Dene Reserve.

7 The Crown prosecutor has read in the facts
8 set out in Exhibit 1 this morning. I will refer
9 to those facts again because it is important for
10 the purposes of the record.

11 The facts in support of the assault with a
12 weapon charge essentially are that on the night
13 this happened, the accused, her common-law at the
14 time, who is the victim of the assault, and
15 another person were drinking heavily, and the
16 accused became upset, accusing a 12-year-old of
17 sleeping with her common-law. She got mad and
18 she went after the 12-year-old, she shoved a
19 coffee table and broke a glass countertop.

20 Another adult that was there, who was one of
21 the victims on the threat charge, took her
22 outside to try to calm her down, but when they
23 came back in the house an argument erupted
24 between the accused and her common-law, and that
25 argument escalated to a physical confrontation,
26 and in that confrontation Ms. Magrum stabbed the
27 victim with a steak knife.

1 Fortunately, although he had to be sent to
2 Yellowknife, it turned out his injuries were not
3 life-threatening, and the medical attention he
4 received, it sounds like, amounted to receiving
5 stitches and nothing more extensive than that.

6 On the utter threats charge, the facts
7 happened right after the stabbing. The victim
8 left the house, but there were still other people
9 in the house in the upstairs bedroom. The two
10 named victims on the threat charge, as well as
11 other people, including four young children,
12 three of these children are the accused's
13 children and one other is, as I understand,
14 closely related to her through her relationship
15 with Mr. Norn.

16 The accused by that point appeared to be
17 completely out of control. She said she would
18 kill all of them one by one. The people in the
19 bedroom closed the door and held it shut. She
20 attacked the door with a metal broom-handle and
21 caused damage to the door. She continued to yell
22 at them through the door.

23 Fortunately the police had been called.
24 They went to the house and they arrested her, and
25 while she was being arrested two of the adults
26 left or ran out of the bedroom, and three of the
27 children were found under the bed and were

1 distressed.

2 Today it is my very difficult responsibility
3 to decide what sentence Ms. Magrum should receive
4 for these crimes. The Crown says that a jail
5 term is required because of the aggravating
6 factors that are present in these offences. The
7 Crown is asking that I impose a sentence in the
8 range of 12 to 14 months.

9 Defence counsel agrees that a jail term is
10 required. My understanding from his submissions
11 is that Ms. Magrum realizes that a jail term is
12 required, but is asking that I consider a shorter
13 jail term, something in the range of six to nine
14 months.

15 The offences committed by Ms. Magrum, as I
16 am sure she realizes now, are very serious. In
17 many ways she is lucky. Many of the homicide
18 cases that come before the Courts in the NWT are
19 cases that arise out of stabbings. In other
20 words, some of the times the result of this is
21 that someone is dead. A harsh reality is that
22 Mr. Norn could have been fatally injured that
23 night, and if that had happened I would not have
24 heard submissions today about how many months the
25 sentence should be, I would have heard
26 submissions about how many years the sentence
27 should be. The other harsh reality is that no

1 one knows what would have happened if the police
2 had not been able to intervene. No one knows.

3 The principles of sentence that any judge
4 must apply in any case are in the Criminal Code,
5 and I am not going to read the sections out in
6 detail today, but I have considered these
7 principles.

8 Two important sentencing principles that the
9 prosecutor has referred to are denunciation and
10 deterrence. Denunciation has to do with
11 reinforcing society's views that certain conduct
12 is not acceptable. Violence, and especially
13 violence when weapons are used, must be
14 denounced.

15 Deterrence has to do with discouraging
16 people from committing crimes, people in general
17 and the person who is charged before the Court.
18 Sentences that the Court imposes should at least
19 try to discourage other people from committing
20 crimes.

21 Rehabilitation is another very important
22 principle. Recognizing that if the people who
23 come before the Courts are able to get help and
24 are able to deal with their issues, everyone, all
25 of us, are better off, because a person who is
26 rehabilitated, instead of harming the community,
27 can contribute to the community.

1 In a sense, I suppose, considering
2 rehabilitation is about not giving up on people,
3 and often sentencing boils down to just that,
4 balancing the need to hold people accountable for
5 what they have done and send the important
6 messages that need to be sent to the community
7 about what happens when people commit crimes like
8 this, and balancing that with not giving up on
9 people, and that is what I have to do this
10 afternoon.

11 I have read the pre-sentence report. It is
12 part of the record, it has been made as exhibit
13 number 3, and in many many ways it speaks for
14 itself. It sets out the many challenges that
15 Ms. Magrum has faced in her life, it explains
16 some of the difficult things she has had to deal
17 with. It cannot excuse her behavior, and I think
18 she understands that, but it is very helpful for
19 the Court to know some of these things to get a
20 fuller picture of what has brought her to this
21 day.

22 Ms. Magrum admitted to the author of the
23 pre-sentence report that she consumed alcohol on
24 two occasions since her separation, which means
25 that this was a breach of her undertaking which,
26 as I said this morning, is obviously not a good
27 thing. But the fact that she admitted to

1 something that she may have never otherwise been
2 caught for may in fact be a good sign that she is
3 prepared to own up to what she does, to be honest
4 and to face consequences.

5 The defence in this case is not asking me to
6 consider a conditional sentence, and that is a
7 very realistic position on the part of the
8 defence, because with those circumstances, the
9 facts, the aggravating factors and all of the
10 circumstances before me, that simply would not
11 have been an option for the Court.

12 As for mitigating factors in this case, the
13 main one is the guilty plea. Ms. Magrum was
14 charged in April, right after this happened. She
15 had a few court appearances, she made a judge and
16 jury election, she set a prelim date, but at that
17 time she was facing an aggravated assault charge,
18 along with other ones. In fact, she waived her
19 preliminary and consented to a committal on the
20 charges that are before me today. No witnesses
21 ever had to be called on these matters. I accept
22 what her lawyer has said this morning, that she
23 intended to plead guilty early on, and even
24 though this is not in the traditional sense an
25 early guilty plea, I have given Ms. Magrum full
26 credit for it.

27 On the side of the aggravating factors,

1 there is a record, a criminal record before me,
2 which I think, as the Crown has fairly stated, is
3 not related and is somewhat dated. I do not
4 place any particular significance on this record,
5 except perhaps to note that the fact that
6 Ms. Magrum was convicted for trafficking in
7 narcotics is further evidence of her involvement
8 or past involvement with drugs and some of the
9 destructive impact that it has had on her life.

10 As far as other aggravating factors, as the
11 Crown has said, the fact that the victim of the
12 assault with a weapon was her common-law is an
13 aggravating factor. It is specifically set out
14 in the Criminal Code now, but it is also a
15 long-standing principle that when a person harms
16 someone that they are in a relationship with it
17 is a breach of trust and it is an aggravating
18 factor.

19 The presence of children, when the second
20 offence was committed, and the first one for that
21 matter, is very very aggravating. That image of
22 small children hiding under a bed in terror and
23 fear of their own mother is heartbreaking, and I
24 know that it is heartbreaking for Ms. Magrum too.

25 I said before that taking rehabilitation
26 into account is partly about not giving up on a
27 person who has committed crimes. More important

1 than anything, in my view, is that Ms. Magrum not
2 give up on herself.

3 The Court has limited means available to it
4 in cases like this, like in all cases. The
5 sentencing tools are there, but there are not
6 many of them, and it is the Court's sincere hope
7 that Ms. Magrum will not give up on herself.

8 It is not my role to preach to you,
9 Ms. Magrum, I do not think I would be very good
10 at it in any event, but I do want you to know
11 that I accept and believe that you have been
12 through some very difficult things in your life.
13 It may feel like a life-time of hardships that
14 you have had, even though you are still quite
15 young, but what happens after today is really up
16 to you, and on that you have some control. You
17 may have had very little control over some of the
18 things that happened a long time ago, but after
19 today you do, and I hope that after you are
20 finished serving your sentence you will be able,
21 with the help of others, to focus on the good
22 things in your life and look ahead and not back.
23 Please stand.

24 Ms. Magrum, on the charge of assault with a
25 weapon I am going to sentence you to a term of
26 imprisonment of ten months, and on the charge of
27 uttering threats I am going to sentence you to a

1 term of imprisonment of six months, but I am
2 going to make that concurrent, so it is going to
3 be a global sentence of ten months. You can sit
4 down.

5 That, Ms. Magrum, is a little bit more time
6 than what your lawyer asked for, and it is a
7 little bit less time than what the Crown asked
8 for. If there is one thing that I say today that
9 I would like you to remember, it is that I
10 consider this to be a very very lenient and low
11 sentence when I look at what happened and the
12 facts of this case. The Crown could have asked
13 for a longer sentence even on a guilty plea, and
14 in simple terms I have exercised as much
15 restraint as I feel I can, given the facts of
16 this case.

17 I am also going to put you on probation
18 after you are released from your sentence, it
19 will be for 12 months. The only two conditions
20 that I will put on the order, other than the ones
21 that are automatic and will be explained to you,
22 is that you report to a probation officer within
23 48 hours of your release and then that you report
24 as directed. That is reporting to the probation
25 officer. The second condition is that you not
26 have contact with Jeff Norn except through a
27 third party for the purposes of dealing with

1 matters having to do with your children.

2 I will pause here to say that if, for
3 whatever reason, depending on what happens with
4 your children, there is a point where that
5 condition needs to be varied or modified, you can
6 do that, you can apply to have it amended,
7 Mr. Hansen can explain all of that to you. That
8 condition I am putting in for Mr. Norn's
9 protection given what has happened, but also
10 because based on everything I have heard it
11 appears that it is also in your best interests to
12 move away from that particular situation.

13 I am not going to have conditions requiring
14 you to take treatment or take counselling as
15 directed. Obviously I am hoping that you will be
16 able to access some counselling and some
17 treatment. It should be mostly at your own
18 initiative. That does not mean that the
19 probation officer will not make suggestions, but
20 I am leaving this as a fairly wide-open probation
21 order, the purpose being to support your efforts,
22 and to put some onus on you to take the steps
23 that you need to get your life back on track.

24 The last thing I will say is I know and I
25 understand from what your lawyer has said that
26 your trust has been broken many times in your
27 life, but part of what this probation order is

1 about is the Court's belief that there are people
2 out there that sincerely do want to help you and
3 support your efforts, and I hope that you can
4 make the most of that.

5 Finally, it is mandatory in a case like this
6 that I make a firearms prohibition order pursuant
7 to Section 109 of the Criminal Code. It will be
8 for a minimum period of ten years, Mr. Hinkley?

9 MR. HINKLEY: Yes, Your Honour.

10 THE COURT: Ten years from your date of
11 release. Similarly, I have heard no submissions
12 suggesting that there should not be a DNA order,
13 so I will make such an order as well.

14 Mr. Hinkley, I am going to ask that you prepare
15 an order for my review in a timely fashion as
16 soon as you are able to have one.

17 MR. HINKLEY: Your Honour, if I might, I
18 believe the court clerk would already have an
19 order prepared for you.

20 THE COURT: That is a timely fashion.

21 MR. HINKLEY: Thank you, Your Honour.

22 THE COURT: I cannot fault you for not
23 being timely this time. Under the circumstances,
24 because I have imposed a jail term and because of
25 the overall personal circumstances of Ms. Magrum,
26 I am not going to impose a victim of crime
27 surcharge due to hardship. Is there anything

1 that I have overlooked, counsel?
2 MR. HINKLEY: No, thank you, Your Honour.
3 THE COURT: Mr. Hansen?
4 MR. HANSEN: Nothing I can think of.
5 THE COURT: All right. Well, counsel,
6 thank you for your submissions. Ms. Magrum, I
7 wish you luck. We will close court.
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9
10 Certified to be a true and
11 accurate transcript, pursuant
12 to Rules 723 and 724 of the
13 Supreme Court Rules.
14 _____
15 Joel Bowker, CSR(A)
16 Court Reporter
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