

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

CHRISTOPHER WARD RAYWORTH

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Transcript of the Reasons for Sentence by The Honourable  
Justice J.E. Richard, at Yellowknife in the Northwest  
Territories, on June 3rd A.D., 2008.

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APPEARANCES:

Ms. S. Aitken: Counsel for the Crown

Mr. T. Boyd: Counsel for the Accused

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Charge under s. 348(1)(a) Criminal Code of Canada  
Charge under s. 5(1) Controlled Drugs and Substances Act

1 THE COURT: This 23-year-old offender has  
2 pleaded guilty to the two counts in the  
3 Indictment on court file CR 2008/050, that is  
4 Count number 1, breaking and entering a dwelling  
5 house here in Yellowknife with the intent to  
6 commit an indictable offence; and Count number 2,  
7 trafficking in a substance represented to be  
8 cocaine contrary to Section 5 of the Controlled  
9 Drugs and Substances Act. Both of these offences  
10 occurred on January 3rd, 2008. The circumstances  
11 of these offences are set out in an Agreed  
12 Statement of Facts as Exhibit S-1.

13 This offender and two other criminals went  
14 to a residence in Yellowknife where they sold a  
15 substance held out to be cocaine to an  
16 individual. The purchaser gave this offender a  
17 \$50 bill for the cocaine and the offender and his  
18 cohorts drove away. This offender then realized  
19 that he had been given a fake \$50 bill. The  
20 offender and his cohorts returned to the  
21 residence, and this was about 11:30 at night.  
22 One of the offender's colleagues had a tire iron  
23 as they walked up to the door of the residence.  
24 They kicked open the locked door of the residence  
25 and entered. Persons in that residence  
26 confronted the intruders and then yelling and a  
27 commotion ensued, and then the offender and his

1 colleague left in their vehicle. The police were  
2 called and the criminals were arrested within a  
3 few hours.

4 Four months earlier, this offender was in a  
5 courtroom on other criminal charges and was  
6 granted his release pending resolution of those  
7 other charges. Upon entering into a  
8 recognizance, one of the conditions of the  
9 recognizance that he signed was to keep the peace  
10 and be of good behaviour. That recognizance was  
11 still in effect on January 3rd, 2008 when this  
12 offender was engaged in the illegal trafficking  
13 of cocaine and the criminal and violent  
14 forced-entry into a private residence here in  
15 Yellowknife.

16 This offender has a previous criminal  
17 record, both as a youth and as an adult. All of  
18 his prior offences were committed in Alberta. Of  
19 particular note, in his criminal past are two  
20 convictions for illegal possession of drugs, two  
21 convictions for obstructing a police officer, and  
22 six convictions for breaching a recognizance.  
23 Now he has brought his amateur criminal career to  
24 Yellowknife and now he is before the Court to be  
25 sentenced for these two crimes.

26 The circumstances of the break and enter  
27 make that particular crime a very serious matter

1 for obvious reasons. The law provides a maximum  
2 sentence of life imprisonment for that particular  
3 crime.

4 As for the cocaine trafficking charge,  
5 Mr. Rayworth may or may not be aware that the  
6 Courts of this jurisdiction have always  
7 considered any trafficking in cocaine, no matter  
8 at what level, to be a very serious matter and  
9 the Courts here have imposed a meaningful period  
10 of incarceration in each instance absent  
11 exceptional circumstances. There are of course  
12 no exceptional circumstances in this case.

13 This offender has been detained in custody  
14 since being arrested within hours of having  
15 committed these two crimes, a period of  
16 approximately five months. In accordance with  
17 the usual practice of the Court and binding case  
18 authority, he is to be given credit for the fact  
19 that he has been without his liberty these past  
20 five months; that is, on account of these two  
21 crimes.

22 The offender's early guilty plea acts in  
23 mitigation of sentence.

24 There is a joint sentencing submission of  
25 counsel which is said by the prosecutor to be a  
26 global range of 12 to 16 months less credit for  
27 pre-trial or pre-sentencing custody and stated by

1           defence counsel to be 12 to 16 months less double  
2           credit or two-for-one credit for the five months  
3           of pre-trial custody resulting in a net global  
4           range of two to six months. But for that joint  
5           submission, after taking into consideration all  
6           of the circumstances, including the early guilty  
7           plea in the situation where the prosecutor  
8           acknowledges that the prosecution would have been  
9           faced with a challenging case, had it gone to  
10          trial, it would have been my inclination to  
11          impose, firstly on the trafficking charge, a  
12          sentence of nine to ten months; and on the break  
13          and enter, a consecutive term of ten to 12 months  
14          less credit for pre-sentencing custody.

15                 On the matter of credit for pre-sentencing  
16          custody, there is no automatic two-for-one  
17          formula. Each case is to be assessed on its own  
18          circumstances. Here, we have an individual who  
19          has a history of breaching recognizances entered  
20          into before a Court of law in order to obtain  
21          interim release while charges are pending. He  
22          enters into yet another recognizance to keep the  
23          peace and be of good behaviour in September 2007  
24          and in January 2008, while under the binding  
25          nature of that recognizance, he breaches the  
26          peace in a major and deliberate fashion. In  
27          those circumstances, it should be no surprise to

1 him that he did not get bail while awaiting  
2 disposition of the January crimes.

3 Although as I have stated I would have  
4 imposed a global sentence higher than that which  
5 is being proposed by counsel in their joint  
6 submission, I find that that negotiated joint  
7 submission of 12 to 16 months global is not  
8 totally unreasonable and that I ought to support  
9 it if I can do so in conscience.

10 Please stand, Mr. Rayworth.

11 Christopher Ward Rayworth, for the crimes  
12 that you have committed, on Count 1, it is the  
13 sentence of this Court that you serve a term of  
14 imprisonment of eight months. And on Count 2,  
15 the sentence is eight months concurrent.

16 There will be the mandatory DNA order sought  
17 by the Crown. In addition, there will be the  
18 mandatory firearms prohibition under Section 109  
19 of the Criminal Code. In the circumstances,  
20 there will be no Victim Fine surcharge.

21 You may sit.

22 Anything further from either counsel.

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