

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

JAMIE MARK TAKAZO

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Transcript of the Reasons for Sentence delivered by The Honourable Justice V.A. Schuler, sitting in Norman Wells, in the Northwest Territories, on the 17th day of July, A.D. 2008.

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APPEARANCES:

Ms. T. Nguyen:	Counsel for the Crown
Mr. T. Boyd:	Counsel for the Accused

(Charges under s. 88(1), 348(1)(b) x2, 279(2) x2, and 85(1)(a) of the Criminal Code of Canada)

1 THE COURT: Well, first of all, I would  
2 like to commend counsel for bringing this very  
3 sad case to a resolution without the necessity of  
4 a trial.

5 Jamie Mark Takazo is a 33-year-old man who  
6 has pled guilty to, and been convicted of, six  
7 charges involving two separate incidents, the  
8 first having occurred on January 16, 2008, and  
9 the second having occurred February 8 and 9,  
10 2008, here in Norman Wells. What I have referred  
11 to as the second incident is really a series of  
12 related occurrences over a period of  
13 approximately 36 hours.

14 The Agreed Statement of Facts that has been  
15 filed and that will be marked as an exhibit is  
16 very detailed. It was read into the record, and  
17 I will try to summarize it, acknowledging that I  
18 am condensing and probably over-simplifying the  
19 events. I would suggest that anyone reading this  
20 sentencing decision look at the Agreed Statement  
21 of Facts to get the full and complete picture.

22 In the January 2008 incident, Mr. Takazo was  
23 being given a ride home by Ms. Gray, who had been  
24 his girlfriend a year previous. He was  
25 intoxicated. They had a disagreement about where  
26 she was going to take him, and Mr. Takazo pulled  
27 a knife and threatened her with it. While they

1           struggled for the knife, Mr. Takazo pulled out a  
2           second knife. Ms. Gray was able to get both  
3           knives away from him, although he retrieved one  
4           of them. She was concerned that Mr. Takazo was  
5           suicidal and she was also concerned for her own  
6           life. She eventually drove Mr. Takazo to the  
7           place he wanted. He later called and apologized  
8           to her. Ms. Gray was not injured and did not  
9           report this incident to the police right away.

10           The actions of Mr. Takazo with the knives  
11           are the basis for Count 1 in the Indictment:  
12           possession of a weapon for a purpose dangerous to  
13           the public peace, contrary to Section 88(1) of  
14           the Criminal Code.

15           The remaining counts in the Indictment arise  
16           from events that began on February 8, 2008, just  
17           before one o'clock in the morning.

18           Mr. Takazo kicked in the door of the  
19           residence of Ms. Gray and her boyfriend. He  
20           entered the residence with a rifle. Ms. Gray  
21           encountered him and he pointed the rifle at her  
22           and pursued her to the bedroom where her  
23           boyfriend closed the door. Mr. Takazo kicked  
24           that door open and then fell back when Ms. Gray's  
25           boyfriend swung a bat. Mr. Takazo then left the  
26           residence. Those events are the basis for Count  
27           2, break and enter and commit assault with a

1           weapon, contrary to Section 348(1)(b) of the  
2           Criminal Code.

3           The victims of that offence did call the  
4           RCMP, who subsequently found Mr. Takazo.  
5           Mr. Takazo held a rifle to this chin and  
6           threatened to kill himself. The RCMP members  
7           attempted to negotiate with him, but he would not  
8           drop the rifle and, instead, walked away holding  
9           it to his head. Mr. Takazo was followed but  
10          eventually was lost in the darkness. Shortly  
11          after that, it was reported that Mr. Takazo had  
12          entered the apartment where Ms. Gray's mother was  
13          living, and I will refer to the mother as  
14          Ms. Gray, Sr. Mr. Takazo had a rifle with him,  
15          and when Ms. Gray, Sr. tried to get it away from  
16          him, he pulled a knife out and held it over her  
17          head. He directed her where to go in the  
18          apartment and he also fired a shot from the rifle  
19          into the ceiling. He demanded that Ms. Gray, Sr.  
20          telephone her daughter. When she refused, he  
21          pointed the rifle at her and then at himself,  
22          pointing it at his chin. Ms. Gray, Sr. was able  
23          to leave the apartment when she said she needed  
24          her glasses to call her daughter. Mr. Takazo  
25          then left the apartment.

26          Those are the facts giving rise to Count 3,  
27          break, enter and commit an assault with a weapon,

1 contrary to Section 348(1)(b) of the Criminal  
2 Code, and Count 4, unlawful confinement, contrary  
3 to Section 279(2) of the Criminal Code.

4 After leaving that apartment, Mr. Takazo was  
5 seen by the police and again he threatened to  
6 kill himself and held the rifle under his chin.  
7 He went into a home and continued to yell at one  
8 of the police officers from there and to make  
9 gestures with the rifle while the police were  
10 mobilizing to deal with the situation. At some  
11 point after that, Mr. Takazo went into the house  
12 of Mr. McDonald, who awoke to find him holding a  
13 gun and barricading the door. He would not let  
14 Mr. McDonald leave the house and swore and ranted  
15 about the RCMP and Ms. Gray. When Mr. Takazo  
16 went into a bedroom, Mr. McDonald escaped from  
17 the house. These events --

18 MS. NGUYEN: I apologize, Your Honour.

19 THE COURT: That is fine. Do you want to  
20 -- I do not know if there is any water.

21 THE COURT CLERK: The sheriff has gone to get  
22 some.

23 THE COURT: I think we will stand down.

24 (ADJOURNMENT)

25 MS. NGUYEN: I apologize for the  
26 interruption, Your Honour.

27 THE COURT: That is fine, Ms. Nguyen. I

1 am sure it has happened to all of us.

2 Madam Reporter, I think where I left off was  
3 here, so if I am repeating myself, just bear with  
4 me.

5 I was dealing with the incident where  
6 Mr. Takazo went into Mr. McDonald's house. He  
7 would not let Mr. McDonald leave the house and he  
8 swore and ranted about the RCMP and Ms. Gray.  
9 When Mr. Takazo went into a bedroom, Mr. McDonald  
10 escaped from the house. These events comprise  
11 Count 5, unlawful confinement, contrary to  
12 Section 279(2) of the Criminal Code, and Count 6,  
13 using a rifle while committing an indictable  
14 offence, contrary to Section 85(1)(a) of the  
15 Criminal Code.

16 Mr. McDonald and Mr. Takazo were each  
17 observed leaving the McDonald house. On  
18 encountering police officers, Mr. Takazo again  
19 held his gun to his chin and threatened suicide  
20 and eventually led police back to the apartment  
21 where he had held Ms. Gray, Sr. That building  
22 and others nearby had to be evacuated.  
23 Subsequently, over a period of 30 or more hours,  
24 police used various methods to negotiate with  
25 Mr. Takazo while he continued to threaten to  
26 shoot people, to do battle with the police, and  
27 to kill himself. He eventually laid down the

1 rifle and a knife that he had also been using to  
2 make gestures with and was taken into custody.

3 A huge amount of police personnel and  
4 resources were used in dealing with Mr. Takazo  
5 and significant disruption resulted to people in  
6 the vicinity as described in the Agreed Statement  
7 of Facts.

8 Mr. Takazo has been in custody since then,  
9 February 9, 2008. He has been seen by a  
10 psychologist and a psychiatrist and diagnosed as  
11 schizophrenic. The opinion of the professionals  
12 is that his likely aim in the standoff with the  
13 police was suicide. It also appears that  
14 Mr. Takazo suffered a serious head injury in  
15 October 2007 during a beating by a cousin.  
16 Family members report that his behaviour has  
17 changed significantly since then. Severe alcohol  
18 addiction was also noted by the professionals,  
19 and his family reports that his negative  
20 behaviour is aggravated by alcohol use.

21 Mr. Takazo has one related conviction from  
22 2004 for careless carrying of a firearm. He  
23 received a \$500 fine plus six months' probation.  
24 I was not told the facts of that case, but,  
25 clearly, it is relevant and that it does involve  
26 Mr. Takazo and improper handling of a firearm.

27 The offences and the circumstances

1 surrounding them are very serious. The facts  
2 really speak for themselves in this case. The  
3 use of weapons, the repeated intrusions into  
4 other people's homes during the night, scaring  
5 them with weapons, and the repeated threats to  
6 cause harm to others are all aggravating factors.

7 The main mitigating factor in this case is  
8 Mr. Takazo's guilty plea, and it is a significant  
9 mitigating factor. By pleading guilty,  
10 Mr. Takazo has spared those involved from having  
11 to testify. His guilty plea came without any  
12 preliminary hearing, without a trial obviously,  
13 and so even though no Victim Impact Statements  
14 were filed, people who, I am sure, were quite  
15 traumatized by Mr. Takazo's actions have not had  
16 to come and testify in court and relive the  
17 terrible experience that they had. Mr. Takazo  
18 has also saved the time and expense of what would  
19 likely have been a lengthy trial. All of that,  
20 along with his cooperation with the police and  
21 health professionals after the offences and his  
22 apology to Ms. Gray after the January offence  
23 and, also, his apology here in court, indicates  
24 to me that Mr. Takazo is remorseful for what he  
25 has done, he is sorry, and he is taking  
26 responsibility for his actions.

27 I also have to consider that Mr. Takazo



1 appears to have been suffering from a mental  
2 disorder - schizophrenia - at the time of the  
3 offences. That, combined with the fact that he  
4 was intoxicated during the events on January 16  
5 and February 8 and 9, likely helps to explain at  
6 least in part why he acted the way he did. It  
7 does not, of course, excuse what he did.

8 I said at the beginning of my remarks that  
9 this is a sad case, and indeed it is.  
10 Mr. Takazo, along with the mental disorder that  
11 he suffers from, has had some very troubling  
12 experiences in his life as referred to before me.

13 During these offences, Mr. Takazo also  
14 caused great fear to people, although no physical  
15 harm to any of them. He caused the police to go  
16 to a great deal of difficult and dangerous work.  
17 At the same time, it appears that his thinking in  
18 all this was to either take his own life or  
19 provoke the police into taking his life, and I  
20 accept he must have been extremely distraught and  
21 troubled to get to the point where he would do  
22 that.

23 The fundamental purpose of sentencing is the  
24 protection of the public, the community, so that  
25 it is safe. Clearly, I should impose a sentence  
26 that will help to deter Mr. Takazo from  
27 committing offences like this again. The

1 sentence should also deter others who may be in a  
2 state of mind to act like Mr. Takazo did. It  
3 should also signify how society, the community,  
4 frowns on and rejects this type of behaviour,  
5 especially because of how it disrupts the  
6 community and its sense of safety and security  
7 and it focuses valuable police and other  
8 resources on one individual, like Mr. Takazo, and  
9 diverts them from other needs and urgencies.

10 Rehabilitating an offender is also an aim of  
11 sentencing. After all, helping an individual to  
12 become a productive, contributing, law-abiding  
13 member of society is a way to discourage that  
14 person from committing crimes. In this case,  
15 because the psychiatrist -- or psychiatrists have  
16 been able to identify Mr. Takazo's mental  
17 disorder, attention can be focused on treating  
18 it.

19 The fact that Mr. Takazo from all accounts  
20 was a law-abiding citizen until the age of  
21 approximately 30 and the letters from the  
22 individuals in Deline who talk about his  
23 helpfulness give the Court some hope that he can  
24 become a law-abiding citizen again.

25 I am also required to consider Section 718.2  
26 of the Criminal Code which says that all  
27 available sanctions other than imprisonment that

1 are reasonable in the circumstances should be  
2 considered for all offenders with particular  
3 attention to the circumstances of aboriginal  
4 offenders. Mr. Takazo is an aboriginal man from  
5 Deline. Section 718.2, as interpreted in case  
6 law, does not mean that because a person is  
7 aboriginal, they should get a lesser sentence,  
8 and it also recognizes that there are instances  
9 where offences are so serious that there will,  
10 really, be no reasonable alternative to a jail  
11 term. Counsel have recognized by their  
12 submissions that in the very serious  
13 circumstances of this case, no sanction other  
14 than some imprisonment is reasonable in the  
15 circumstances, and I concur with that. The use  
16 of weapons, whether actual use against a person  
17 or as a threat, is far too common in the North.  
18 The circumstances of this case are far too  
19 serious to make an entirely non-custodial  
20 sentence a reasonable sanction. Moreover and  
21 most importantly in this case, the conviction  
22 under Section 85(1)(a) of the Criminal Code,  
23 which is Count 6 in the Indictment, carries a  
24 minimum term of imprisonment of one year. That  
25 means I have to impose a jail sentence of at  
26 least one year.

27 What counsel have submitted as a reasonable

1 sentence is two years less a day in jail followed  
2 by probation on strict conditions for three  
3 years. Subject to what I will say in a moment  
4 about the time that Mr. Takazo has been in  
5 remand, the sentence proposed by counsel would  
6 effectively put Mr. Takazo under supervision by  
7 means of jail and then probation for a period of  
8 five years, and it is only if the jail portion of  
9 the sentence does not exceed two years that I can  
10 impose any probation at all pursuant to Section  
11 731 of the Criminal Code.

12 The only thing counsel have not agreed on is  
13 how I should deal with the time that Mr. Takazo  
14 has been in remand, amounting to 158 days or five  
15 months.

16 The Supreme Court of Canada, in a case  
17 called *The Queen v. Wust*, recognized that remand  
18 time is generally considered hard time because  
19 the person awaiting trial in remand does not have  
20 access to the same programs, such as counselling  
21 or education, as a serving prisoner does and  
22 because no remission is earned on remand time as  
23 is earned on time served. The Supreme Court of  
24 Canada also said that while how much credit  
25 should be given for remand time in any particular  
26 case is in the discretion of the sentencing judge  
27 (in other words, it is up to that judge to

1           decide), a credit of two months for each month in  
2           remand is appropriate in many circumstances.

3           Crown counsel says that Mr. Takazo had  
4           access to programs while at the North Slave  
5           Correctional Centre and that he was not treated  
6           differently there from serving prisoners, nor was  
7           he treated differently from other patients while  
8           being assessed at the University of Alberta  
9           Hospital, save for the fact that he was in  
10          custody. The Crown counsel says that only a few  
11          days spent in police cells could be considered  
12          hard time and, therefore, the remand time should  
13          be credited at face value with only an addition  
14          to reflect the remission -- or the lack of  
15          remission. In the result, Crown counsel proposes  
16          a credit of six to six and a half months be given  
17          against the jail sentence proposed.

18          Defence counsel, on the other hand, asks  
19          that the remand time be credited at two for one.  
20          His information is that Mr. Takazo could not have  
21          access to certain programs while on remand,  
22          specifically anger management and the land  
23          program at the facility in Fort Smith, and he  
24          also refers to Mr. Takazo not being able to  
25          attend his grandmother's funeral while he was at  
26          the University of Alberta Hospital because  
27          arrangements could not be made in time. Defence

1           counsel therefore submits that there should be a  
2           ten-month reduction in the proposed sentence.

3           I should say, first of all, that I think  
4           that the sentence proposed by counsel, two years  
5           less a day and three years' probation, is  
6           reasonable in all the circumstances and will, by  
7           its combination of jail and probation, serve the  
8           objectives of denunciation, deterrence of both  
9           Mr. Takazo and others, and rehabilitation of  
10          Mr. Takazo, and, also, reparation to the  
11          community. So I am going to accept counsel's  
12          recommendation in that regard. I also note that  
13          that sentence is similar to the one imposed in  
14          the case of *The Queen v. Jones*, 2005, CanLII  
15          22449, a decision from the Ontario Court of  
16          Appeal. That was a case involving similar  
17          circumstances, although in *Jones* there was no  
18          mandatory minimum sentence attached to any of the  
19          charges. The sentence that counsel are proposing  
20          also, in my view, does conform to the  
21          proportionality principle. It reflects the  
22          seriousness of the offences while also taking  
23          into account that Mr. Takazo's moral culpability,  
24          his responsibility for these crimes, has to be  
25          viewed in light of his serious mental condition.

26          The issue about the remand time does leave  
27          me in a bit of a difficult position because of

1           this difference -- or in part because of this  
2           difference between counsel as to whether  
3           Mr. Takazo did or did not have access to programs  
4           while in remand, and without evidence on that  
5           point, I really cannot resolve to my satisfaction  
6           the issue of how much Mr. Takazo's time on remand  
7           differed from time spent by prisoners serving a  
8           sentence. I would also say that in different  
9           cases I have been told different things about  
10          that. In other words, as to the extent to which  
11          remand prisoners do have access to the full range  
12          of programs at the Correctional Centre in  
13          Yellowknife.

14                 I do accept that while at the University of  
15          Alberta Hospital, the conditions of remand for  
16          Mr. Takazo would not have been harsh, the term  
17          that is often used to describe remand, although  
18          he also would not have earned remission on that  
19          time.

20                 Having spent some time considering this  
21          issue of remand, I have concluded that my primary  
22          concern, really, should be: How long should it  
23          be that Mr. Takazo remains in jail before he is  
24          ready to return to the community on probation?  
25          And that involves consideration such as: Does he  
26          have better recourse to psychiatric help at North  
27          Slave Correctional Centre than he will have in

1 Deline? Does he have better access to  
2 counselling, perhaps to medications, at the  
3 Correctional Centre than he will have in Deline?  
4 What type of programing, what type of assistance,  
5 are the Social Services people, the probation  
6 officers in Deline able to offer to someone like  
7 Mr. Takazo? I do not have very specific  
8 information about that, and it may be that there  
9 is not specific information available in terms of  
10 exactly what kind of treatment Mr. Takazo needs.  
11 But I do have a concern that if he is released  
12 too soon into his community of Deline, and  
13 considering that the proposal is that he live in  
14 a home where, as I heard in evidence from his  
15 mother, there is some drinking, specifically by  
16 his father and his friends, is he going to be  
17 able to deal with that? Is he going to be able  
18 to resist the temptation? Does he need more  
19 structure and more control, supervision,  
20 attention that is available in the Correctional  
21 Centre than he is likely to get in Deline? And  
22 having said that, I do take seriously his  
23 mother's, Betty Takazo's, evidence that she will  
24 report him if he breaches any of his conditions.  
25 At the same time, she is not going to be there  
26 every minute to supervise her 33-year-old son.  
27 So this is something that I have given some



1 consideration to, and I appreciate that there is  
2 only so much I can do in terms of predicting how  
3 long it may be before Mr. Takazo really is ready  
4 to return to the community. In the end, what I  
5 have decided to do is to credit eight months for  
6 the remand time.

7 So would you stand please, Mr. Takazo. The  
8 sentence, then, of imprisonment that I am  
9 imposing today is 16 months, and that will be  
10 followed by probation for three years on the  
11 following conditions, and I want you to listen  
12 very carefully to these conditions. The first  
13 are the statutory conditions that you keep the  
14 peace and be of good behaviour, and that just  
15 means do not get into trouble; that you appear  
16 before the Court when required to do so by the  
17 Court; that you notify the Court or the probation  
18 officer in advance of any change of name or  
19 address. So if you move from your parents' house  
20 to somewhere else, you have to notify either the  
21 Court or the probation officer before you  
22 actually move. And that you promptly notify the  
23 Court or probation officer of any change of  
24 employment or occupation.

25 Now, there are some further conditions that  
26 I am imposing. First of all, for the first year  
27 of the probation order -- three years' probation.

1 For the first year of that, you will abide by a  
2 curfew, which means you will be in your home from  
3 9 p.m. to 7 a.m. unless you are accompanied by a  
4 sober, responsible adult or you have written  
5 permission, written permission, from your  
6 probation officer. You will perform 150 hours of  
7 community service work at a rate of no less than  
8 12 hours per month commencing the first month  
9 following your release from jail. You will  
10 report to a probation officer within 72 hours of  
11 your release from jail, and for the first three  
12 months of your probation, you will report at  
13 least once a week to the probation officer, and,  
14 after that, as required by the probation officer.  
15 You will take counselling as recommended by the  
16 probation officer. You will not have in your  
17 possession any knives for any reason while  
18 outside your residence. You will live where  
19 directed by your probation officer. You will  
20 have no contact, either direct or indirect, with  
21 the following people. When I say "direct or  
22 indirect" that means you cannot talk to these  
23 people, you cannot communicate with them, and you  
24 cannot get someone else to do that for you. The  
25 people, then, that you are not to have any  
26 contact with are Tara Gray, Irvin McDonald,  
27 Derrick Szmuto, and Sandra Gray. Another

1           condition is that you will not attend at the  
2           residences or workplaces of those people that I  
3           have just named. Except in the event of a  
4           medical emergency, you will remain within the  
5           Northwest Territories unless you obtain written  
6           permission to leave from your probation officer.  
7           Again, that is written permission. Finally, you  
8           will not consume or possess alcohol or any other  
9           intoxicating substances except for prescription  
10          medications.

11                 Now, the jail sentence and the probation  
12          will be a global sentence on the entire  
13          Indictment. I am not going to divide up the  
14          sentence between counts.

15                 Now, Mr. Takazo, what you have to understand  
16          is that if you breach any of those conditions and  
17          you are charged with breaching those conditions,  
18          that may result in a jail sentence for you  
19          specifically for breaching the probation  
20          condition. So it is very important -- I know  
21          those are a lot of conditions. Three years is  
22          quite a long time after being released from jail.  
23          But it is very important, obviously, that you do  
24          abide by all of those conditions. The clerk will  
25          go over the probation order with you as well at  
26          the end of the proceedings. Now, you can have a  
27          seat now Mr. Takazo.

1           In addition, there will be a DNA order,  
2           assuming that it is attachable to the primary  
3           designated offence. Or assuming that unlawful  
4           confinement is a primary designated offence,  
5           which I believe it is from reading the section,  
6           the order will attach that. Even if it was not,  
7           it would be my inclination, on the consent of  
8           counsel, in any event, to make such an order as a  
9           secondary -- or on the secondary designated  
10          offence of break and enter and commit an  
11          indictable offence. Do you have a draft DNA  
12          order?

13        MS. NGUYEN:                No, Your Honour. My  
14          understanding is that the clerk has a form.

15        THE COURT:                 All right. That is fine.  
16          Thank you.

17                 There will also be a firearm prohibition  
18          order, in the usual terms, that will commence  
19          today and will continue for the rest of your  
20          life, Mr. Takazo. I am making that order  
21          pursuant to Section 109 of the Criminal Code.  
22          That means you are not to have in your possession  
23          any firearms or ammunition ever again. And if  
24          you do have any firearms in your possession, you  
25          are to surrender them forthwith to the RCMP.

26                 In the circumstances, I will waive the  
27          victim surcharge.

1           Mr. Takazo, I just want to say that the fact  
2           that nobody was badly injured or killed in these  
3           events, including you, is maybe because you did  
4           restrain yourself from physically harming anyone.  
5           Maybe you did restrain yourself from going that  
6           far. Maybe it was because the people that you  
7           threatened reacted safely and intelligently to  
8           what you were doing. Maybe it was good  
9           management on the part of the RCMP. Maybe it was  
10          only luck that a huge tragedy did not result from  
11          what you did. Most likely it was probably all of  
12          those things coming together that prevented a  
13          serious and very devastating tragedy that of  
14          course would go beyond just people being hurt but  
15          extend to their families, to the whole  
16          community's reaction. So I hope you will think  
17          about that, and that you will think that you need  
18          to exert control over yourself and you need to  
19          deal with your problems, and I am sure you have  
20          been told that many, many times by the  
21          psychiatrists. Your mother said that she has  
22          been encouraging you to get help with your  
23          problems. So you have heard that said. You are  
24          a mature man, you are not a kid, and I am sure  
25          that you will spend some time thinking about  
26          that. And I am sure that you understand that  
27          what you need to do is to show people that you

1           are the person that is described in those letters  
2           from Raymond Tutcho and from Cecilia Baton, a  
3           person who is helpful to people, who is looked at  
4           as someone who does assist others in the  
5           community, that you can be a law-abiding person.  
6           And I am impressed by the fact that you did not  
7           get into trouble up until the age of about 30  
8           years, which, quite frankly, is not often the  
9           case with young men in small communities because  
10          of the unfortunate factors that tend to come  
11          together. So you need to be able to show that  
12          you are the person that is described in those  
13          letters and that you can leave behind and not be  
14          the person who caused so much fear and distress  
15          here in Norman Wells back in January and February  
16          of this year. So I do sincerely hope that with  
17          all the help that I hope is going to be available  
18          to you both at the Correctional Centre and  
19          through the probation office, that you can look  
20          at it that way and that you can get back to being  
21          the person that you have been in the past.

22                   All right. So is there anything else,  
23          Counsel, that I need to deal with?

24          MS. NGUYEN:                   Not from the Crown's  
25                   perspective, Your Honour.

26          MR. BOYD:                    Your Honour, on the two  
27                   occasions Betty Takazo pointed out to me that

1           what was referred to as the McDonald residence in  
2           the Agreed Statement is actually the Melvin  
3           Blondin residence. The distinction was important  
4           to Mrs. Takazo to clear that up. Secondly, Your  
5           Honour, the Agreed Statement did include a  
6           defence consent if we're under the secondary  
7           designated offence category.

8           THE COURT:                    Yes.

9           MS. BOYD:                    So that if the matter is ever  
10          reviewed and if it doesn't fit the primary  
11          category, there was consent for the secondary  
12          category.

13          THE COURT:                    Yes, I did understand that. I  
14          may not have expressed that very well, but that  
15          was my understanding was that you were consenting  
16          to it on one -- whether it was for a primary  
17          designated offence or secondary. Thank you very  
18          much, Mr. Boyd. And my thanks again to counsel  
19          for resolving this matter in such an appropriate  
20          and, I think, very well thought out way. We will  
21          close court.

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Certified Pursuant to Rule 723  
of the Rules of Court

Jane Romanowich, CSR(A), RPR  
Court Reporter