R. v. Sanderson, 2010 NWTSC 59

S-1-CR2009000109

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

BRIAN SANDERSON

Appellant

- vs. -

HER MAJESTY THE QUEEN

Respondent

Transcript of the Summary Conviction Appeal Decision of The Honourable Justice D. M. Cooper, at Yellowknife in the Northwest Territories, on July 2nd A.D., 2010.

APPEARANCES:

Mr. H. Latimer:	Counsel for the Appellant
Ms. D. Vaillancourt:	Counsel for the Respondent

THE COURT: We are here in the matter of R. v. Sanderson and these are my reasons on sentence.

At the outset, since I am delivering this judgment orally, I will reserve the right to amend the transcript for the purpose of inserting case citations and correcting minor unintended errors in grammar, syntax, or other clerical slips.

The appellant appeals from sentences imposed on him in Territorial Court. After a trial on August 6th, 2009, he was found guilty on October 22nd, 2009, and sentenced on the charge of common assault under Section 266 of the Criminal Code, and a charge of unlawful confinement under Section 279(2) of the Code to five and eight months in jail respectively, with the sentences to run consecutively.

He also pleaded guilty on October 22nd to a charge of breach of recognizance on October 21st and was sentenced to two months in jail consecutive. That sentence is not under appeal.

The appellant argues that the sentencing Judge erred in imposing consecutive sentences in circumstances where he says that the offences arose out of the same transaction and were basically similar in nature; to wit, an invasion

of the person of the victim. He also suggests that in not imposing the sentences concurrently, the result is that the totality of the sentence is excessive particularly given that the sentencing Judge presumed psychological harm in the absence of any evidence of it. He adds that the sentence, in totality, offends the principles set out in 718.1; namely, that a sentence must be proportionate to the gravity of the offence.

The standard of review to be applied by the appellate court is one based on deference and absent an error in principle, failure to consider a relevant factor or an overemphasis of an appropriate factor, the decision of the sentencing Judge should only be interfered with if the sentence is "demonstrably unfit". See R. v. L. M., [2008] 2 S.C.R. 163. See also R. v. Shropshire, [1995] 4 S.C.R. 277. And see R. v. M.(C.A.), [1996] 1. S.C.R. 500.

On August 6th, 2009, T. L. (the victim) was at her residence with the appellant. The two were in a spousal relationship. An argument ensued. The appellant was intoxicated and holding their 18 month old child. During the argument, the victim's mother arrived and took the child from the appellant who then got angry at the victim and pinned her to the corner of the

wall in the kitchen with his shoulder. She ran from the house and got into the box of a truck. The trial Judge found the controlling behaviour of the appellant in the house to have been an assault.

The appellant ran out to the truck, pulled the victim onto the ground, dragged her into the house and locked the door. The police arrived to find the accused on top of the victim, holding her down, and observed that she was crying softly and was upset. For these actions, the trial Judge found the accused guilty of unlawful confinement.

The appellant was on probation for having previously assaulted the victim at the time these offences occurred. The breach of his recognizance conviction resulted from his having had contact with the victim in her home the day before the continuation of his trial in Lutsel K'e at which the Territorial Court was to deliver its verdict and impose sentence. As stated above, the appellant was sentenced on this charge to two months consecutive.

The Crown sought a global sentence of 12 to 14 months custody. The defence asked the Court to "consider" imposing concurrent sentences while submitting "the counts are intertwined" but

stated "I leave that up to Your Honour".

It is to be noted that the victim testified at trial in support of the appellant, however, her evidence was rejected.

The issues are:

Did the sentencing Judge commit an error in principle by imposing consecutive sentences on the charges of assault and unlawful confinement in the circumstances of the case?

If not, did the sentencing Judge err in imposing a global sentence that was excessive in the circumstances of the case.

The appellant argues strenuously that the sentencing Judge erred in failing to apply the "principle" laid down in R. v. Haines, [1975] O.J. No. 251, a decision of the Ontario High Court, to the effect that where offences are seemingly part of the same transaction, are similar in nature and where the same person is the victim in the offences, the sentences should be served concurrently.

The Crown argues that a correct statement of the law is set out in R. v. Crocker, [1991] N.J. No. 33, where the Newfoundland Court of Appeal stated:

"The decision of the Ontario Court of Appeal" - and I had previously mentioned the

Ontario High Court, I correct myself, it was the Ontario Court of Appeal -

> in R. v. Haines (1975), 29 C.R.N.S. 239 suggests that multiple convictions may be grouped and concurrent sentences imposed for each group. In that case, the accused had committed 17 offences which could fall into five groups. The decision of the Court of Appeal appears not to have stated any principle but rather to have been designed to achieve a proper totality.
>
> The principle of totality is not one that is expressly recognized by the Criminal Code but is nevertheless well established by the principles of sentencing. A person should generally receive separate and consecutive sentences for separate offences. The sentence for each offence should be appropriate for that offence as if no other offence were involved. While this may not be a constant principle, it is nevertheless a practical

consideration. The imposition of a heavy sentence for one offence and a lighter than usual sentence for another offence to achieve proper totality may be counterproductive if subsequently the conviction supporting the heavier offence is set aside or the sentence with respect to it substantially reduced.

The imposition of fit sentences for each of several offences may result in a total term of imprisonment so lengthy as to be unrealistic or disproportionate to the conduct of the accused. Where there are multiple convictions and sentences, the sentences must be added together to see whether they are, in totality, excessive. If they are, it becomes necessary to determine what term of imprisonment is not excessive and to make some of the sentences imposed concurrent to each other, but only for the purpose of achieving a proper totality.

In summary, consecutive sentences should be imposed unless

there is a valid reason not to do so. Each sentence should be an appropriate one for the offence. Concurrent sentences may, but are not required to be, imposed where multiple convictions arise out of several offences which constitute a single criminal adventure, and may be impose to achieve proper totality for multiple convictions.

In R. v. McDonnell, [1997] 1 S.C.R. 948, Mr. Justice Sopinka, writing for the majority, stated at paragraph 46:

> In my opinion, the decision to order concurrent or consecutive sentences should be treated with the same deference owed by appellate Courts to sentencing Judges concerning the length of sentences ordered. The rationale for deference with respect to the length of sentence, clearly stated in both Shropshire and M.(C.A.), applies equally to the decision to order concurrent or consecutive sentences. In both setting duration and the type of sentence, the sentencing Judge

exercises his or her discretion based on his or her first-hand knowledge of the case; it is not for an appellate court to intervene absent an error in principle, unless the sentencing Judge ignored factors or imposed a sentence which, considered in its entirety, is demonstrably unfit.

Finally, in the case of R. v. A.T.S. [2004] N.J. No.1, the Newfoundland and Labrador Court of Appeal adopted, with approval, the following statement of Professor Allan Manson in The Law of Sentencing at paragraph 28 of the judgment as follows:

> There has been some controversy over how to calculate individual sentences when the totality principle operates to cap the global sentence. One method would be to artificially reduce the duration of the component sentences so that when grouped together consecutively they add up to the appropriate global sentence. This has been rejected by most courts which prefer to impose appropriate individual sentences and

then order that some, or all of them, be served concurrently to reach the right global sentence. The latter method is preferable because it ensures frankness that each conviction will generate an appropriate sentence, whether served concurrently or consecutively. Moreover, the impact of individual sentences will be preserved even if an appeal intervenes to eliminate some of the elements of the merged sentence.

To synthesize the decisions in Crocker, McDonnell and A.T.S. that the sentencing Judge has a discretion to sentence consecutively or concurrently; that sentences should be imposed consecutively unless the "global" sentence is excessive and thus unfit; and that the methodology of grouping certain offences together where there are multiple infractions and then sentencing concurrently is not a legal principle but is a tool or a rational way in which to achieve appropriate totality of sentence.

The defence referred the Court to R. v. Desmarest, (1986) 2 Q.A.C. 151, where it was held that "as a general rule" where an

accused is convicted before the same Court of a number of offences arising from the same transaction the Court will impose sentences concurrently. I do not read the judgment as setting out a legal principle that must be followed in all cases but rather as a guideline to Judges. The case predates Crocker, McDonnell and A. T. S. and, if I am wrong in my interpretation of what the Court is saying, I am of the view that the reasoning in the case has subsequently been rejected. Finally, counsel have not cited any authorities from the Northwest Territories where the "concurrent versus consecutive" issue has been directly examined and I am not aware of any. To the extent that the ratio in Desmarest is still good law in the province of Quebec, I would respectfully decline to adopt the reasoning in that case in this jurisdiction but prefer the approach in the triad of cases cited.

The only issue, then, is whether the global sentence of 13 months is excessive and therefore unfit. Whether the sentencing Judge arrived at the totality of sentence by imposing concurrent or consecutive sentences is largely irrelevant. In most cases, an appellate Court will, as in Haines, group multiple offences (there were 17 in

total) into categories and impose sentences within those discrete categories concurrently since the result of sentencing on each offence consecutively would otherwise be an excessive (and unfit) penalty. However, there are cases where sentencing concurrently could also result in an unfit sentence - one that is too lenient and fails to reflect the seriousness of the offences. It occurs to me that this might well be a case in point. See R. v. Munilla, [1986] M.J. No. 27.

In any event, I find that the sentencing Judge did not err in imposing sentences consecutively in this case and reject this ground of appeal.

When examining the issue of totality, as I have said I am to defer to the decision of the sentencing Judge unless I am persuaded that there was an error that resulted in the imposition of an unfit sentence.

Fundamental to the question is an examination of the record of the appellant, which I am attaching as Appendix A to this judgment.

A cursory review of this record discloses that the appellant is an intractable and remorseless recidivist with 37 previous convictions dating from 1988. He has

demonstrated no regard whatsoever for court orders, starting with his breach of probation in 1993. More importantly, he has four previous spousal assaults (three on the same victim) and two of these were assaults that caused bodily harm. The appellant has been treated leniently by the courts given his deplorable record and obvious proclivity to control, threaten, and batter his common-law spouse. At the time of these offences, he was on probation for having assaulted the victim in late 2008.

The sentencing Judge referred to Section 718.2(a)(ii) in noting that abuse of the offender's spouse is an aggravating factor in sentencing.

The appellant argues that incorporating Section 718.2(a)(ii) into a sentence as an aggravating factor is to doubly penalize an accused and is, ergo, unconstitutional - a breach of Section 15 of the Charter of Rights and Freedoms. I am not sure that I have entirely captured the logic of this argument but to the extent that I do, I reject it. It is open to Parliament to enact statutory provisions respecting the public's denunciation of some kinds of criminal activity. The section also directs courts to consider circumstances that are

mitigating. In any event, the appellant has not mounted a Charter challenge and I need give no further consideration to this line of argument.

Further, the appellant argues that the sentencing Judge presumed psychological harm to the victim and the child when there was no evidence before the Court to that effect. And following McDonnell, supra, she was not entitled to make that presumption and made a fundamental error in doing so.

Paragraph 37 of the McDonnell judgment reads as follows:

> To the extent that the Court of Appeal held that the Crown need not prove psychological harm in some instances, but rather such harm may be presumed, it was an error. As stated above, if the Crown wishes to rely upon the existence of psychological harm, in my view the Crown should charge under the section set out in the Code that contemplates harm, Section 272(c), and prove the offence.
>
> Accepting that harm may be an aggravating factor under Section 271, R. v. Gardiner, [1982]

2 S.C.R. 368, held that each aggravating factor in a sentencing hearing must be proved beyond a reasonable doubt. Such an approach is confirmed by Parliament in the new Section 724(3)(e) of the Criminal Code. If psychological harm may be presumed, the burden of proving harm as an aggravating factor is improperly lifted from the Crown and shifted to the accused to disprove harm.

McDonnell was decided in 1996 and can hardly be described as "dated". And yet, the reasoning that psychological harm cannot be presumed in cases of sexual assault, and by inference domestic violence, runs contrary to the mainstream notions of Canadian society which are that by their very nature, these offences will almost always result in emotional damage and psychological trauma to the victims and their families. In the case of domestic violence, evidence that it is an extremely serious societal problem and recognized as such across Canada is to be found in the fact that most, if not all, provinces and Territories have now passed emergency protection legislation specifically

dealing with spousal and child abuse.

There is now a considerable body of literature on the effects of domestic violence on victims, children, and society. That the sentencing Judge was sensitive to this issue is amply demonstrated when she read an unattributed passage from a body of research to the appellant at sentencing as follows:

> With great respect, Mr. Latimer, to say that this is not so bad because there was no physical injuries -- if there were physical injuries, first, it would be a different charge; it would be an assault causing. This is an assault.
>
> I hope, Mr. Sanderson, you do not think for a minute that you did not cause any harm or have any harmful effects on Tainchay Lockhart, the mother of your child. The bruises and the black eyes and cuts, blood, may go away. But you beat a woman and drag her around and tell me that your relationship is based on love - Mr. Sanderson, that is a relationship based on fear.

Mr. Sanderson, you think about Jonas. I want to read to you. This is a small part of something that I read probably a couple of years ago now, but on the effects of domestic violence, and these are the effects on children:

"Recent research studies have confirmed what has been intuitively known for some time: witnessing domestic violence endangers the emotional well being and development of children. The immediate trauma of witnessing abuse includes self-blame, fear for their parents' safety and, ultimately, fear for self. The range of resulting problems are varied and include psychosomatic disorders such as stuttering, anxiety, fear, sleep, sleep disruption, and school problems. Older children have a tendency to identify with the aggressor and lose respect for the victim, usually their mother. As many as 75 percent of boys who witness the abuse of a parent have

demonstrable behavioural problems, are much more likely to be arrested by police and to engage in delinquent behaviour".

So Mr. Sanderson, I hope that you do not think, first off, that you are not causing any harm to your partner by treating her this way, and, Mr. Sanderson, I hope you realize the harm you are causing to your son.

There is also a section of the Criminal Code, Section 718.2(a)(ii), which says that if the victim of a -- or if a crime is committed and it is either against your spouse or your common-law partner or your child, that is aggravating. That always has been, Mr. Sanderson, but now the Criminal Code says that right in there. That is because we as a community have decided we are not going to put up with it. Family violence has to stop, partly because of the harm it causes, the sheer physical harm, the emotional harm, and the cycle it causes. Children

do what they see. You think about what you are teaching your son.

This Court has sympathy with the remarks of the sentencing Judge and largely identifies with those remarks.

Courts across the country, including the Northwest Territories, in the Northwest Territories, have often commented on the prevalence of spousal assault, as did the sentencing Judge here.

In R. v. Attig, [1992] N.W.T.J. No. 107 at page 109, Vertes J. of this Court stated:

> Canadian society has now started to recognize the extent of the problem of domestic violence. I see no distinction between acts of violence occurring during a relationship or after the relationship has ended. I do not see why acts that are only threatened, as opposed to being actually carried out, should also not be regarded as acts of violence. Threats such as these, in these circumstances, obviously instill terror and fear in the victim. It may not be overt physical violence, but it is certainly psychological

violence. It is really, in essence, just another way that this man tried to control this woman. The assault as well, while relatively minor, is an example of the accused's lack of appreciation for anything but his own desires.

There was evidence of harm in that case but I identify with the observations of Justice Vertes. While there is no evidence here that the victim suffered physical harm, it is common sense that the threat of it would have been present given the record of the appellant.

The sentencing Judge rightly treated these offences seriously and felt the need to emphasize the principles of deterrence and denunciation and to send a message to the appellant who has been demonstrably incapable of refraining from abusing his spouse. That she did impose a rather lengthy period of incarceration was entirely proper in the circumstances.

I must however, consider the so-called "jump principle" [see Sentencing, Clayton C. Ruby, Lexis Nexis, 7th ed. at Chapter 13.28) particularly in light of the appellant's argument concerning the presumption of psychological harm. Although I am of the view that a sharp increase

in jail time was warranted, the question is whether it was excessive in this case.

What is somewhat unusual here is that there was no evidence whatsoever of physical or psychological harm. In the normal course, a complainant would testify at trial and relate the fear she (he) had at the time of the offence and speak to the emotional and lasting psychological harm that she continues to experience. The trial Judge can evaluate the evidence and the credibility of the complainant and conclude that the element of harm has been proved beyond reasonable doubt. In the case of a guilty plea, often a victim's impact statement can constitute proof of psychological trauma. On occasion, a Court may hear expert evidence. In other cases, where the Court, after a guilty plea, only hears submissions from the Crown alleging psychological harm, the defence may not challenge that assertion. But here, the victim, in testifying, actually attempted to exonerate the appellant by claiming that she voluntarily accompanied him back into the house from the truck. Her evidence was not impeached by the Crown but the trial Judge nevertheless completely rejected it, finding it totally lacking in credibility. However, at the end of the trial there was no

evidence of harm from the victim or from any other witnesses.

As mentioned, while Courts can comment on the prevalence and dangers to society of certain kinds of crime and further take into account that an aspect of a crime, as here, is by statute to be considered as aggravating on sentence, quaere whether a Court can presume harm when there is no evidence of it before the Court and treat that as an additional and not insubstantial aggravating factor.

Having carefully reviewed the remarks of the sentencing Judge, I am satisfied that she did, in fact, presume psychological harm and consider this an important factor which aggravated this offence over and above the record of the appellant and the aggravation prescribed by Section 718.2(a)(ii).

As noted, the accused's record is lamentable and even contemptible considering his record of convictions for spousal assault. However, the longest period for which he has been incarcerated for spousal assault was five months (in 2002) and his last such conviction for common assault in December of 2008 resulted in a sentence of 90 days in jail. I appreciate that, in addition to assault, here the appellant was convicted of

unlawful confinement. But having regard to the facts, it was in the nature of an ongoing or extended common assault, albeit of a somewhat more serious one.

Had there been evidence before the sentencing Court of any physical or psychological harm, I would have dismissed this appeal. In the circumstances, however, I find that in factoring the element of psychological harm, without any evidence of such harm, the sentencing Judge was in error. Having referred to the "jump principle", it is my view that the resulting sentence was excessive although not to a large degree. A sentence that doubles any previous period of incarceration for spousal assault would, in my view, satisfy the various principles of sentencing, including the principles of totality.

Accordingly I would grant the appeal and substitute a sentence of five months for the sentence of eight months for the offence of unlawful confinement to be served consecutive to the five month sentence for common assault which remains undisturbed.

Is there anything else, counsel?

MS. VAILLANCOURT: No.

THE COURT: Thank you, counsel.

MR. LATIMER: Thank you, Your Honour.

THE COURT: I am going to retire for ten minutes, and I will deliver the reasons in the case of R. v. Stuart.

(ADJOURNMENT)

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

Untitled

FPS: 559016C >>> DNA ON KNOWN OFFENDER DATA BASE <<<

SANDERSON. BRIAN

*CRIMINAL CONVICTIONS CONDITIONAL AND ABSOLUTE DISCHARGES
*AND RELATED INFORMATION

0000-00-00	******* THIS CRIMINAL HISTORY CONTAINS YOUTH COURT ENTRIES WHICH ARE RETAINABLE AS PER SECTION 45.01 OF THE YOUNG OFFENDER'S ACT (1996) ** *****	
1988-12-06 FORT RESOLUTION NWT (YOUTH COURT)	BE & THEFT SEC 306(1)(B) CC (RCMP RESOLUTION 88-488)	RESTITUTION $130
1990-01-18 SNOWDRIFT NWT (YOUTH COURT)	BE & THEFT SEC 348(1)(B) CC (RCMP SNOWDRIFT 89-294)	PROBATION 3 MOS & 50 HRS COMM SERV WORK
1991-05-09 YELLOWKNIFE NWT (YOUTH COURT)	(1) ATT B & E WITH INTENT (2) MISCHIEF UNDER $1000 SEC 430(4) CC (RCMP YELLOWKNIFE 91-888 91-2216) (3) MISCHIEF UNDER $1000 SEC 430(4) CC (RCMP SNOWDRIFT 91-014)	(1) PROBATION 1 YR & 80 HRS COMM SERV WORK (2-3) PROBATION 1 YR & 60 HRS COMM SERV WORK ON EACH CHG
1992-08-04 LUTSEL K'E NWT	BE & THEFT SEC 348(1)(B) CC (RCMP SNOWDRIFT 92-155)	30 DAYS & PROBATION 1 YR
1993-06-21 FORT SMITH NWT	(1) MISCHIEF UNDER $1000 SEC 430(4) CC (2) FAIL TO COMPLY WITH PROBATION ORDER SEC 740(1) CC (RCMP FORT SMITH 93-223)	(1) $172.50 I-D 20 DAYS & PROBATION 4 MOS & RESTITUTION $155.72 (2) $172.50 I-D 20 DAYS CONSEC & PROBATION 1 YR
1993-08-31 LUTSEL K'E NWT	(1) MISCHIEF UNDER $1000 SEC 430(4) CC. (2) FAIL TO COMPLY WITH PROBATION ORDER SEC 740(1) CC (RCMP LUTSEL K'E 93-128)	(1) $250 I-D 25 DAYS & PROBATION 2 MOS & RESTITUTION $200 (2) $250 I-D 25 DAYS CONSEC
1993-10-26 YELLOWKNIFE NWT	FAIL TO COMPLY WITH PROBATION ORDER SEC 740(1) CC	7 DAYS

	(RCMP YELLOWKNIFE 93-8169)	
1994-01-12 LUTSEL K'E NWT	(1) MISCHIEF SEC 430(1)(C) CC (2) FAIL TO COMPLY WITH PROBATION ORDER SEC 740(1) CC (RCMP FORT SMITH 93-1914)	(1) $150 I-D 10 DAYS (2) $150 & PROBATION 1 YR
1998-02-06 YELLOWKNIFE YT	(1) FAIL TO COMPLY WITH RECOGNIZANCE SEC 145(3) CC (2) FAIL TO ATTEND COURT SEC 145(2) CC (RCMP LUTSEL K'E 97-306)	(1) 1 DAY (2) 1 MO CONC
1998-03-18 LUTSEL K'E NT	(1) ASSAULT SEC 266 CC (2) FAIL TO ATTEND COURT SEC 145(2) CC (RCMP LUTSEL K'E 97-306)	(1) 2 MOS (2) 1 MO CONC
1998-09-25 LUTSEL K'E NWT	(1) ASSAULT SEC 266 CC (2) MISCHIEF SEC 430(1)(D) CC (3) MISCHIEF SEC 430(1)(D) CC (RCMP LUTSEL K'E 98-229)	(1) 3 MOS (2) 1 MO CONC (3) 2 MOS CONSEC
2000-05-12 LUTSEL K'E NWT	ASSAULT CBH SEC 267 CC (RCMP LUTSEL K'E 199-297)	4 MOS
2001-11-23 LUTSEL K'E NT	ASSAULT SEC 266 CC (RCMP LUTSEL K'E 2001-187)	$500
2002-09-20 LUTSEL K'E NWT	ASSAULT (SPOUSAL) SEC 266 CC (RCMP LUTSEL K'E 2002-184)	5 MOS & 15 DAYS
2002-10-01 YELLOWKNIFE NWT	FAIL TO COMPLY WITH CONDITIONS OF UNDERTAKING GIVEN BY OFFICER IN CHARGE SEC 145(5.1) CC (RCMP YELLOWKNIFE 2002-4506)	15 DAYS CONSEC TO SENT SERVING
2005-01-19 LUTSEL K'E NWT	(1) MISCHIEF UNDER $5000 SEC 430(4) CC (2) FAIL TO COMPLY WITH CONDITIONS OF UNDERTAKING GIVEN BY OFFICER IN CHARGE SEC 145(5.1) CC (RCMP LUTSEL K'E 2004-184)	(1-2) SUSP SENT & PROBATION 6 MOS ON EACH CHG

"Caution: This Record may or may not pertain to the subject of your enquiry. Positive identification can only be confirmed through the submission of fingerprints."

Untitled

2005-03-24 YELLOWKNIFE NWT	FAIL TO COMPLY WITH CONDITIONS OF UNDERTAKING GIVEN BY OFFICER IN CHARGE SEC 145(5.1) CC (RCMP YELLOWKNIFE 2004-10921)	30 DAYS
2006-05-04 LUTSEL K'E NWT	(1) FAIL TO COMPLY WITH PROBATION ORDER SEC 733.1(1) CC (2) MISCHIEF UNDER $5000 SEC 430(4) CC (3) DRIVING WHILE ABILITY IMPAIRED SEC 253(A) CC (RCMP LUTSEL K'E 2005-153 2005-92)	(1-2) 30 DAYS ON EACH CHG CONC (3) 14 DAYS INTERMITTENT CONSEC & PROBATION 1 YR & PROH DRI 18 MOS
2007-03-01 LUTSEL K'E NVT	(1) FAIL TO COMPLY WITH PROBATION ORDER SEC 733.1(1) CC (2) DRIVING WHILE DISQUALIFIED SEC 259(4) CC (3) ASSAULT CBH SEC 267(B) CC (spousal) (4) ASSAULT CBH SEC 267(B) CC (spousal) (5) FAIL TO COMPLY WITH PROBATION ORDER SEC 733.1(1) CC (6) FAIL TO COMPLY WITH UNDERTAKING SEC 145(3) CC (2 CHGS) (RCMP LUTSEL K'E 20061129592 20061129984 20061174590 200780557)	(1) 2 MOS (2-3) 3 MOS ON EACH CHG CONSEC & CONSEC (4) 4 MOS CONSEC (5) 1 MOS CONSEC (6) 2 MOS ON EACH CHG CONC & CONC & PROBATION 1 YR

2008-12-17 (1) Assault (spousal)
Yellowknife, NT Section 266 CC

"Caution: This Record may or may not pertain to the subject of your enquiry. Positive identification can only be confirmed through the submission of fingerprints".

- 90 (ninety) days
less 30 days credit Remand
total 60 days custody
- One year probation,

* End of Convictions and discharges.