

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

JEFFREY BERTRAND

Transcript of the Reasons for Sentence delivered by The Honourable Justice L.F. Gower, sitting in Fort Simpson, in the Northwest Territories, on the 24th day of May, A.D. 2011.

APPEARANCES:

Mr. A. Godfrey: Counsel for the Crown

Mr. S. Petitpas: Counsel for the Accused

(Charge under s. 267 of the Criminal Code of Canada)

1 THE COURT: Jeffrey Bertrand has today
2 entered a plea of guilty to the included offence
3 of assault causing bodily harm, under Section
4 267(b) of the Criminal Code, for an incident on
5 September 4, 2009, in Fort Liard, Northwest
6 Territories, against Jonathan McLeod.

7 The facts briefly are that on that date
8 Mr. McLeod had been drinking with another young
9 person in Fort Liard and had been walking around
10 the town for a few hours. They met up with
11 Mr. Bertrand at a crossroads. Mr. Bertrand had
12 also been drinking. Mr. McLeod and Mr. Bertrand
13 began swearing and insulting each other for no
14 particular reason. They were known to each
15 other, and prior to this particular day, they
16 usually got along.

17 The matter escalated. A consensual fight
18 began between the two of them. Mr. McLeod was
19 knocked to the ground and knocked out.
20 Mr. Bertrand struck Mr. McLeod's face and neck
21 area with kicking motions. The fight was broken
22 up by Mr. McLeod's other friend, Tyson McLeod,
23 and Jonathan McLeod was helped home by Tyson
24 where he went to bed. The following day he was
25 complaining of pain to his neck and back and
26 ultimately had to be medevaced to the University
27 of Alberta Hospital where he was diagnosed with

1 having a fractured vertebra in this neck,
2 although no neurological damage was noted. It
3 appears no surgery was required, although
4 Mr. McLeod did have to wear a neck brace for
5 seven weeks and had to return to Edmonton for a
6 check-up. Otherwise, he seems to have recovered
7 from his injuries.

8 Mr. Bertrand's circumstances are as follows.
9 He is 20 years of age. He is a Slavey First
10 Nations person, raised in Fort Liard where he
11 lives with his parents, and he is currently
12 single and has no dependents. He has a twin
13 brother and a sister, and unfortunately had an
14 older sister who died by homicide last year,
15 which death has had a severe emotional impact on
16 Mr. Bertrand and has caused him some
17 difficulties.

18 To his credit, he was able to complete his
19 Grade 12 education in 2008 and has expressed an
20 interest in becoming trained as a carpenter.
21 Although he is currently unemployed, he has had
22 employment on a casual basis for catering
23 companies and local contractors in Fort Liard.

24 He says he is remorseful and wishes to
25 apologize to the victim and community members for
26 his conduct. He explains that he was heavily
27 intoxicated that evening and, although he doesn't

1 have much of a memory of the event, he does take
2 full responsibility for his actions.

3 He recognizes that he needs to deal with his
4 alcohol problem. He explains that he started
5 drinking at the age of 12 and that he was raised
6 in a home which was plagued by alcohol abuse.
7 Some of his other family members are residential
8 school survivors, and that may have had something
9 to do with the degree in which alcohol has been a
10 dysfunctional factor in the home.

11 Mr. Bertrand does have a criminal record
12 which started as a youth in 2004 and has
13 continued to as recently as January of this year
14 for a breach of probation. However, there are no
15 prior related offences of violence on that
16 criminal record.

17 Counsel have made a joint submission on the
18 quantum of sentence. They ask that I impose a
19 jail sentence of 12 months, with a recommendation
20 that Mr. Bertrand be allowed to serve that time
21 in the South Mackenzie Correctional Centre in
22 Hay River, and that the jail sentence will be
23 followed by a period of probation for 18 months.

24 Counsel have provided me with a booklet of
25 five case authorities, and I would ask that Madam
26 Reporter append the list of those authorities as
27 Schedule "A" to any published version of these

1 reasons. I have reviewed those authorities and I
2 am satisfied that the sentence suggested is
3 clearly within the range and is appropriate in
4 the circumstances.

5 The guilty plea in this case is a mitigating
6 factor. This matter was originally scheduled for
7 a jury trial. That trial has been saved and the
8 need for a number of witnesses to testify has
9 been alleviated by way of his guilty plea.

10 There has been no Victim Impact Statement
11 filed.

12 So in summary then, I am going to sentence
13 Mr. Bertrand to a period of 12 months'
14 imprisonment, to be immediately followed by a
15 probation order for a period of 18 months. The
16 terms of that probation order will include the
17 statutory conditions in Section 732.1(2), namely
18 that you will keep the peace and be of good
19 behaviour, you will appear before the Court when
20 required to do so by the Court, and that you will
21 notify the Court or your probation officer in
22 advance any of change of name or address and
23 promptly notify the Court or probation officer of
24 any change of employment or occupation. You will
25 report to the probation officer upon your release
26 from incarceration within five working days, and
27 then you will report to the probation officer as

1 and when directed by the probation officer. In
2 addition, there will be a condition that you
3 attend for such alcohol assessment, treatment,
4 and counselling as may be directed by your
5 probation officer. You will have no contact with
6 Mr. Jonathan McLeod unless he consents to such
7 contact and maintains that consent.

8 There will be a mandatory DNA order as this
9 is a primary designated offence. There will be a
10 firearms prohibition under Section 109 of the
11 Criminal Code for a period of ten years. Because
12 you are presently unemployed, the victim of crime
13 surcharge will be waived. And, finally, I will
14 make the judicial recommendation that you be
15 allowed to serve your jail time at the South
16 Mackenzie Correctional Centre.

17 Counsel, have I omitted anything? Do you
18 have any questions?

19 MR. GODFREY: I believe that's everything.

20 MR. PETITPAS: Nothing further, Your Honour.

21 THE COURT: Thank you both.

22

23 Certified Pursuant to Rule 723
24 of the Rules of Court

25
26 Jane Romanowich, CSR(A), RPR
27 Court Reporter

SCHEDULE "A"

1. R. v. Campbell, [1991] N.J. No. 280
2. R. v. Companion, [2010] N.J. No. 39
3. R. v. Denney, [2007] N.J. No. 89
4. R. v. Grewal, 2009] B.C.J. No. 1205
5. R. v. Sheppard, [2010] N.J. No. 394