

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

DANZER PETER TONKA

Transcript of the Reasons for Sentence delivered by The Honourable Justice P. M. Clark, in Fort Simpson, in the Northwest Territories, on the 14th day of April, 2011.

APPEARANCES:

Ms. J. Walsh: Counsel on behalf of the Crown

Mr. T. Boyd: Counsel on behalf of the Accused

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Charges under ss. 267(a) C.C., 266 C.C. and 733.1(1) C.C.

1 THE COURT: I was taken aback by Mr.  
2 Tonka's criminal record. It is one of the worst  
3 I have seen recently.

4 I know that under the Gladue decision I am  
5 supposed to give consideration to the fact that  
6 there is an overrepresentation of aboriginal  
7 people in the institutions. The figure I hear is  
8 78 percent, and that is unacceptable. But I am  
9 also mindful of the nature of this offence and  
10 mindful of the record and the attempts that have  
11 been made in the past to try and rehabilitate Mr.  
12 Tonka, for Mr. Tonka to rehabilitate himself. I  
13 think, Mr. Tonka, there has to be some evidence  
14 from you that you are able to take on the task  
15 and on that basis I am going to direct custody of  
16 the term suggested by Ms. Walsh, secured custody.

17 Ms. Walsh, the period remaining after  
18 one-for-one?

19 MS. WALSH: After one-for-one, Your  
20 Honour, the period remaining would be 20 months.

21 THE COURT: Mr. Tonka, I am sentencing you  
22 to 20 months --

23 MS. WALSH: Two-and-a-half years.

24 THE COURT: -- two-and-a-half years less  
25 the one-to-one custody, for a term of 20 months.

26 I encourage you to during your time in  
27 custody to take all the programs you can.

1           With your record, I just find that as a  
2           judge I am not in a position to suggest  
3           conditions that have not worked in the past.

4           I wish you luck in what you do.

5   MS. WALSH:           The ancillary orders, DNA --

6   THE COURT:           The ancillary DNA sample has  
7           to be given; and a weapon prohibition ten years.  
8           Any other?

9   MS. WALSH:           That is everything, sir. The  
10           only other thing that I would ask the Court is  
11           that the multi-tool be returned to the custody of  
12           the RCMP until the completion of the appeal  
13           period so that the Honourable Court does not have  
14           to hold on to the weapon. It will be re-seized  
15           by the officer, kept in continuity, returned to  
16           the exhibit locker.

17   THE COURT:           Not a problem.

18   MS. WALSH:           Thank you, sir.

19                           .....

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21                           Certified to be a true and  
22                           accurate transcript pursuant  
23                           to Rule 723 and 724 of the  
                          Supreme Court Rules of Court.

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                          Annette Wright, RPR  
26                           Court Reporter

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