

R. v. Lepine 2013 NWTSC 19

S-1-CR2011000168

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

VERNON RONALD LEPINE

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Transcript of the Reasons for Sentence by The Honourable  
Justice K. Shaner, at Fort Smith in the Northwest  
Territories, on February 27th A.D., 2013.

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APPEARANCES:

Ms. D. Vaillancourt: Counsel for the Crown

Mr. P. Harte: Counsel for the Accused

An order has been made banning publication of the  
identity of the Complainant/Witness pursuant to Section  
486.4 of the Criminal Code of Canada

1 THE COURT: Mr. Lepine was convicted of  
2 sexual assault following a jury trial held  
3 here in Fort Smith November 26th through 29th  
4 of 2012. At the request of the defence,  
5 sentencing was put over until this week to  
6 allow time for a pre-sentence report to be  
7 prepared. Submissions from counsel and from  
8 Mr. Lepine were heard yesterday and they were  
9 very very helpful. It is now my  
10 responsibility to impose sentence in light of  
11 all of those things.

12 As I indicated yesterday, a publication  
13 ban was issued at the trial with respect to  
14 the identity of the victim. For that reason,  
15 I will refer to her as "the victim" in these  
16 reasons, rather than by her name, or initials.

17 The first thing that I will address is the  
18 issue of pre-sentence custody.

19 Defence counsel's position is that Mr.  
20 Lepine should be granted enhanced credit for  
21 the time that he spent awaiting this  
22 sentencing hearing at a rate of 1.5 days for  
23 every day spent in remand. The Crown submits  
24 that the credit should be limited to one to  
25 one. In my view, Mr. Lepine should be granted  
26 enhanced credit at the maximum rate of 1.5 to  
27 one.

1           The Criminal Code provides, in  
2           Section 719(3), that credit for time spent in  
3           custody awaiting trial is now limited to a  
4           maximum of one day for each day spent in  
5           custody. However, 719(3.1) allows the Court  
6           to credit at the rate of one and a half days  
7           for each day spent in custody if the  
8           circumstances justify it. The Courts both  
9           here and elsewhere have ruled that the  
10          circumstances do not need to be exceptional to  
11          justify granting the more generous credit;  
12          however, they must be individual to the  
13          accused and there must be something that  
14          justifies it. This was the conclusion reached  
15          by Chief Judge Gorin in *The Queen v. Desjarlais*  
16          2012 NWTTC 2, and this decision was recently  
17          approved of by the Manitoba Court of Appeal in  
18          *The Queen v. Stonefish* 2012 MBCA 116. That  
19          case provides a very excellent summary and  
20          roundup of the law in Canada on this point.

21          To show that circumstances are individual  
22          to the accused, there must be evidence of  
23          those circumstances, whether through affidavit  
24          or submissions of counsel or testimony, and  
25          those must allow the Court to reach the  
26          conclusion that the circumstances justify the  
27          granting of additional credit.

1           One of the circumstances that has, in  
2           other jurisdictions, justified enhanced  
3           credit, is the delay that is incurred in  
4           waiting for a pre-sentence report. This was  
5           the conclusion reached in *The Queen v. Sharkey*  
6           2012 BCSC 1541 where there was a significant  
7           delay in sentencing to allow Mr. Sharkey to  
8           obtain a Gladue Report; and in *The Queen v.*  
9           *Molendumar* 2012 ONCJ 151, and *The Queen v.*  
10          *Dingwell* 2012 PESC 13, and *The Queen v. Mose*  
11          2012 PESC 36, where there was delay occasioned  
12          waiting for a pre-sentence report. In all of  
13          those cases, the Court was satisfied that the  
14          delay was beyond the control of the accused  
15          and that but for the delay, the accuseds would  
16          have started serving their sentences and  
17          earning remission.

18           A pre-sentence report is a very useful  
19          tool to the Court in determining an  
20          appropriate sentence. As Mr. Harte pointed  
21          out, the need to wait for the report was not  
22          within Mr. Lepine's control. They take time  
23          to prepare. Unfortunately, however, this  
24          means that during the time that he was in  
25          custody (or any other individual awaiting the  
26          pre-sentence report for that matter) he was  
27          not earning remission.

1           There is nothing to suggest that Mr.  
2           Lepine would not have earned remission, or  
3           started earning remission, had the sentence  
4           commenced in November immediately following  
5           the trial; and indeed, I note that Mr. Lepine  
6           did avail himself of programming at the North  
7           Slave Correctional Centre. I conclude,  
8           therefore, that Mr. Lepine should get enhanced  
9           credit for the time he spent on remand  
10          awaiting sentencing. As of today, he has  
11          spent 91 days, or approximately three months,  
12          in remand and he will be given credit of four  
13          months and two weeks for that time.

14          Turning to the matter at hand, the main  
15          matter, rather, the circumstances of this  
16          offence, while tragic, are uncomplicated.

17          On March 25th, 2011, the victim went out  
18          with friends to a house party. The host of  
19          the party was her friend Mr. Bruno. Mr.  
20          Lepine attended this party as well. The party  
21          continued into the morning of March 26th,  
22          2011, and the victim indicated that throughout  
23          that time she was consuming alcohol. Mr.  
24          Lepine consumed alcohol that evening and at  
25          the party but according to the testimony he  
26          gave at the trial, it was a relatively  
27          moderate amount.

1           At around seven in the morning on March  
2           26th, the victim went to sleep in Mr. Bruno's  
3           bedroom. On cross-examination she indicated  
4           that she may have been passed out. In any  
5           event, it's undisputed that she was  
6           unconscious. Mr. Bruno joined her on the bed  
7           about an hour later and he also went to sleep.  
8           The sexual assault occurred a few hours later,  
9           at approximately 10 o'clock in the morning.

10           Mr. Lepine presented alibi evidence  
11           through his own testimony and that of his wife  
12           to the effect that he was at his own home at  
13           the time but obviously the jury did not accept  
14           this.

15           The assault began while the victim was  
16           unconscious with Mr. Bruno asleep beside her.  
17           She testified that she started to wake up  
18           because she felt something brushing against  
19           her face. Mr. Lepine placed his finger in her  
20           vagina and at that point she became fully  
21           awake and Mr. Lepine stopped. He put his  
22           hands on his head and was turning in a circle;  
23           he said "sorry" and something to the effect of  
24           "I can't believe that I did this to my girl".  
25           He then left the room and the residence.

26           Understandably, the victim was very  
27           distraught. She woke up Mr. Bruno who said

1 that she was kicking her legs, pointing to the  
2 door, and saying Mr. Lepine's first name.  
3 Mr. Bruno said she was unable to tell him what  
4 happened for some time. Mr. Bruno helped her  
5 to contact her boyfriend and to call for a  
6 ride from Mr. Lepine's sister.

7 The Crown has characterized this is a  
8 major sexual assault. The definition of a  
9 "major sexual assault" was set out by the  
10 Alberta Court of Appeal in *The Queen v. Arcand*  
11 2010 ABCA 363. At paragraph 171, the Court  
12 said the following:

13 A sexual assault is a major sexual  
14 assault where the sexual assault  
15 is of a nature or character such  
16 that a reasonable person could  
17 foresee that it is likely to cause  
18 serious psychological or emotional  
19 harm whether or not physical  
20 injury occurs. The harm might  
21 come from the force threatened or  
22 used or from the sexual aspects of  
23 the situation or from any  
24 combination of the two. A major  
25 sexual assault includes, but is  
26 not limited to, non-consensual  
27 vaginal intercourse, anal

1 intercourse, fellatio and  
2 cunnilingus. We are satisfied  
3 that in assessing whether a sexual  
4 assault is a major sexual assault  
5 is well within the capacity of  
6 sentencing Judges.

7 In argument, defence counsel urged that  
8 this is not a major sexual assault and argued  
9 that I should not equate what happened here,  
10 that is digital penetration, with penile  
11 penetration. In my view, while these are in  
12 fact different acts, they are equally serious  
13 and obviously equally harmful violations of a  
14 victim's sexual integrity. The fact that  
15 there was no penile penetration does not  
16 remove this act from the category of a major  
17 sexual assault.

18 As noted by Chief Judge Lilles of the  
19 Yukon Territorial Court from R. v. G.W.S.,  
20 2004 YKTC 5, at paragraph 20,

21 Earlier cases often considered  
22 lack of penile penetration or even  
23 incomplete intercourse as a  
24 mitigating factor. In my opinion,  
25 these factors have been given too  
26 much weight. The typical feelings  
27 of humiliation, degradation,



1           guilt, shame, embarrassment, fear,  
2           and self-blame can result from the  
3           unwanted invasion of intimate  
4           privacy and the loss of control  
5           associated with sexual  
6           victimization. That invasion  
7           occurs even in the absence of  
8           sexual intercourse. It would be  
9           wrong to suggest that digital  
10          penetration is significantly  
11          different from penile penetration  
12          from the perspective of the  
13          victim. Touching a vulnerable or  
14          sleeping victim in the genitals  
15          can generate strong feelings of  
16          victimization.

17           I am also of the view that the amount of  
18          time that the assault lasted does not remove  
19          it from the category of a major sexual  
20          assault. There are many serious, awful crimes  
21          that take seconds to commit but yet have  
22          permanent, long-standing, and devastating  
23          results. I think of a murder victim who is  
24          shot and killed in an instant. This sexual  
25          assault was cut short because the victim woke  
26          up. It was an invasive act perpetuated upon a  
27          vulnerable sleeping victim and any reasonable

1 person could foresee that such an act would  
2 cause psychological or emotional harm.  
3 Accordingly, it is a major sexual assault.

4 Mr. Harte provided information to the  
5 Court about Mr. Lepine's background and  
6 circumstances. I have also had the benefit of  
7 reading and considering a thorough  
8 pre-sentence report.

9 Mr. Lepine is 44 years old. He is married  
10 to a woman with whom he has had a  
11 long-standing relationship. He is aboriginal,  
12 and he has lived in Fort Smith since he was an  
13 infant. His parents separated very early on  
14 and he was raised primarily by his mother who  
15 remarried in the mid 1970s. According to the  
16 pre-sentence report, there was domestic  
17 violence and excessive alcohol use in Mr.  
18 Lepine's home during the time that his mother  
19 was in this second marriage. Sometimes  
20 violence was inflicted upon Mr. Lepine by his  
21 stepfather. There was also other  
22 relationships but they did not include  
23 domestic violence. Mr. Lepine's mother was  
24 financially responsible for her children, and  
25 she often worked multiple jobs to support  
26 them. They struggled to make ends meet.

27 Despite the difficulties identified in his

1 childhood however, Mr. Lepine's upbringing had  
2 a number of positive aspects and outcomes. He  
3 seems to have a very close and healthy  
4 relationship with his mother, his siblings and  
5 his maternal relatives, including his  
6 grandfather who taught him how to trap and  
7 hunt. According to the report, he has  
8 participated throughout his life in the  
9 traditional activities of his culture, and it  
10 appears that he is well connected to his  
11 aboriginal heritage and traditions.

12 Mr. Lepine attended school in Fort Smith  
13 and he has a Grade 9 education. Neither he  
14 nor his mother attended residential school  
15 and, according to the pre-sentence report, he  
16 does not feel that he is affected by  
17 residential schools.

18 Since leaving school, he has completed  
19 various training programs and obtained a  
20 number of certifications and qualifications  
21 which were set out by Mr. Harte yesterday.  
22 These include obtaining a GED in 1997, a  
23 certification in mineral processing, and  
24 logging 2000 hours as a welder.

25 Mr. Lepine has a positive and consistent  
26 work history. He has worked at Diavik and  
27 Snap Lake mines for three years each, and he

1 was on contract at Ekati. He has done  
2 volunteer work in the community, including  
3 cutting wood for his grandparents.

4 A number of letters of support were  
5 submitted by defence counsel on Mr. Lepine's  
6 behalf from his friends, relatives, and  
7 acquaintances. They all seem to indicate that  
8 Mr. Lepine is willing to help people out - he  
9 shovels snow, he does yard work, he does home  
10 maintenance, he has helped people care for  
11 their children. He is described as kind  
12 hearted and hard working.

13 Mr. Harte also detailed some of the health  
14 challenges that Mr. Lepine has. He has  
15 recently been treated with nitroglycerin for  
16 chest pain and numbness while on remand at  
17 North Slave Correctional Centre. And he also  
18 suffers from sleep apnea which was being  
19 treated by medical personnel at the Fort Smith  
20 Health Centre. He has experienced difficulty  
21 in getting help for his sleep apnea at the  
22 North Slave Correctional Centre.

23 Mr. Lepine has a criminal record, and it  
24 is substantial in length. The adult record  
25 dates back to 1987 and includes 22 adult  
26 offences. There are convictions for assault,  
27 uttering threats, assault with a weapon,

1 breaking and entering with intent, breaking  
2 and entering and theft, possession of property  
3 obtained by crime, and breaking and entering  
4 and committing assault with a weapon. I do  
5 note that the last conviction before this one  
6 was for failing to attend court in 2004 for  
7 which he received a \$700 fine, and that there  
8 were no convictions between 1996 and 2004.

9 There was a victim impact statement that  
10 was provided late in these proceedings  
11 yesterday afternoon. The victim did not want  
12 the statement to be read in court. However,  
13 Mr. Lepine did have an opportunity to review  
14 it with his lawyer and indicated that he  
15 disagreed with a number of things that the  
16 victim said, including the amount of time that  
17 she missed from work as a result of the  
18 assault. I can make no finding on that  
19 particular point but what I can take from that  
20 statement is that this offence has had a long  
21 lasting negative impact on the victim. And  
22 she is still feeling its effects.

23 The Criminal Code sets out principles and  
24 objectives of sentencing that provide a  
25 framework to guide judges in imposing a  
26 sentence that is just and appropriate. The  
27 objectives are listed in Section 718 of the

1 Criminal Code. The emphasis to be placed on  
2 each of these objectives very much depends on  
3 what the offence is, the circumstances under  
4 which it was committed, and the circumstances  
5 of the offender.

6 Those objectives are denunciation of  
7 unlawful conduct, which is an expression of  
8 society's abhorrence for a particular conduct;  
9 deterrence, both specific and general;  
10 separating offenders from society, where that  
11 is necessary; rehabilitation, reparation, and  
12 promoting a sense of responsibility in  
13 offenders; and an acknowledgment of the harm  
14 done to victims and community.

15 It is appropriate at this point to  
16 indicate that a number of cases of this Court,  
17 including *The Queen v. Lafferty* 2011 NWTSC 60;  
18 *The Queen v. Tatzia*, 2010 NWTSC 47; as well as  
19 the Northwest Territories Court of Appeal in  
20 *The Queen v. A.J.P.J.* 2011 NWTCA 2, have  
21 confirmed that the primary objectives in a  
22 case like this, that is the sexual assault on  
23 a sleeping or unconscious victim, are  
24 denunciation and specific and general  
25 deterrence.

26 In seeking to obtain the objectives of  
27 sentencing, judges are guided by a number of

1 broad principles and these too are set out in  
2 the Criminal Code.

3 The most important principle in  
4 sentencing, and one that defence counsel  
5 emphasized, is proportionality. This is  
6 articulated in the Criminal Code as follows:

7 A sentence must be proportionate  
8 to the gravity of the offence and  
9 the degree of responsibility of  
10 the offender.

11 Judges must consider aggravating and  
12 mitigating factors and increase or reduce a  
13 sentence accordingly. Judges are also guided  
14 by the principles of restraint and similarity  
15 of sentence.

16 Similarity of sentence means simply that  
17 there should be similar treatment for like  
18 offences and offenders. And the principle of  
19 restraint means that imprisonment should be a  
20 measure of last resort. This requires  
21 consideration of all available sanctions other  
22 than imprisonment that are reasonable in the  
23 circumstances with particular attention to  
24 circumstances of aboriginal offenders. The  
25 importance of this principle was recently  
26 reaffirmed by the Supreme Court of Canada in  
27 *The Queen v. Ipeelee*.

1           Earlier I indicated that I agree with the  
2           Crown's characterization of this as a major  
3           sexual assault. This has implications for  
4           sentencing because the starting point for a  
5           major sexual assault is three years in prison.  
6           Although, Mr. Harte indicated that he is not  
7           able to find appellate case law on this point,  
8           I view the Northwest Territories Court of  
9           Appeal's decision in A.J.P.J., cited earlier,  
10          as confirmation of this approach and it is  
11          binding on me.

12          Moreover, a number of cases of this Court,  
13          including Kodzin and Lafferty, which were  
14          cited earlier, and more recently The Queen v.  
15          Mannilaq 2012 NWTSC 48, have taken this  
16          approach.

17          This three year starting point is not a  
18          minimum sentence. It is just that - a  
19          starting point - to which the sentencing judge  
20          must then apply and consider the aggravating  
21          and mitigating circumstances and then adjust  
22          it up or down accordingly.

23          There are a number of aggravating factors  
24          that arise out of the circumstances of this  
25          particular offence. The most disturbing is  
26          that the victim was asleep in a bedroom when  
27          the sexual assault occurred. Defence counsel



1           expressed disagreement with this as an  
2           aggravating factor because all sexual assaults  
3           are offensive conduct.  However a number of  
4           cases from this Court, as well as the A.J.P.J.  
5           decision of the Court of Appeal, which I cited  
6           earlier, have recognized this as an  
7           aggravating factor.  What makes it aggravating  
8           is the victim's vulnerability and the fact  
9           that Mr. Lepine took advantage of this.  As  
10          stated in Arcand at paragraph 283,

11                 Since the offender knows full well  
12                 that the person is not consenting,  
13                 this reveals an enhanced degree of  
14                 calculation and deliberateness by  
15                 the offender.  Further, at that  
16                 point the person is at their most  
17                 vulnerable, unable to defend  
18                 themselves in any way and unable  
19                 to call for help from others.  The  
20                 offender knows this too, adding  
21                 further to the high level of moral  
22                 blameworthiness for the illegal  
23                 conduct.

24                 Mr. Lepine's criminal record is an  
25                 aggravating factor as well.  I do recognize  
26                 that it is somewhat dated and it does not  
27                 contain any convictions for sexual assaults.

1           It does, however, contain six convictions for  
2           crimes of violence, the last of which was  
3           breaking and entering and committing assault  
4           with a weapon for which he received a sentence  
5           of 30 months incarceration.

6           He is no stranger to the consequences of  
7           breaking the law.

8           It is aggravating that Mr. Bruno was  
9           asleep beside the victim when this occurred.  
10          Despite his presence there, Mr. Lepine was not  
11          deterred. It is aggravating because Mr.  
12          Lepine was obviously determined to carry out  
13          this act regardless of who was present.

14          The Crown submitted that Mr. Lepine's  
15          relationship to the victim and her  
16          relationship to his family is also an  
17          aggravating factor. This is premised on it  
18          being a relationship of trust.

19          Based on the evidence at trial, however,  
20          her relationship was one of friendship and  
21          acquaintance. She had at one point been in a  
22          relationship with Mr. Lepine's nephew. It is  
23          not surprising in a community this size that  
24          she would know Mr. Lepine and in my view it is  
25          a stretch as a relationship of trust or as  
26          being on par with the relationship that one  
27          would have with a relative or a child or as

1           between a coach and a young athlete. The  
2           relationship was no more than friendship at  
3           best and, accordingly, it is not an  
4           aggravating factor.

5           Sadly, I find that there is nothing in the  
6           way of mitigation. Mr. Lepine has not  
7           accepted responsibility for the offence nor  
8           has he expressed remorse other than to say  
9           through counsel that he felt sorry for what  
10          happened to the victim.

11          The pre-sentence report indicates that he  
12          lacks insight into himself and his role in  
13          this crime.

14          The Crown seeks a custodial sentence of  
15          three years, arguing that it is in the range  
16          that is necessary to achieve the objectives of  
17          sentencing. As I indicated, these are  
18          denunciation and specific and general  
19          deterrence.

20          The Crown also submitted that there is no  
21          reason to depart from the three year starting  
22          point as there is an absence of mitigating  
23          circumstances.

24          The defence submits that the sentence that  
25          I impose should be a combination of custody  
26          and probation with the custodial portion being  
27          no more than a year. Mr. Harte brought to my

1 attention a number of cases contained in the  
2 case of *The Queen v. D.S.*, 2010 NLTD 89 which  
3 resulted in sentences in the range of six to  
4 12 months for cases involving touching and  
5 digital penetration. However, as I noted  
6 yesterday, all of these cases, including *D.S.*,  
7 predate *Arcand* and of course the *A.J.P.J.*  
8 decision of our own Court of Appeal and  
9 accordingly they are of very limited value.

10 Mr. Harte also raised the apparent  
11 conflict amongst the principle of  
12 proportionality, the three year starting  
13 point, and Section 718.2(e), which deals with  
14 the Court's obligation with respect to  
15 aboriginal offenders, in support of a  
16 departure from the three year starting point.  
17 And in support of this, he relied on the  
18 reasons of Mr. Justice Berger of the Alberta  
19 Court of Appeal in *The Queen v. Lee* 2012 ABCA  
20 17.

21 I find that the conflict, if there is one,  
22 and I am not saying that there is or there  
23 isn't, is not at play here. Mr. Lepine is  
24 aboriginal but there was nothing presented in  
25 the pre-sentence report or through counsel to  
26 indicate that there are systemic factors  
27 related to his aboriginal heritage that have

1           contributed to him being in court here today  
2           and which could perhaps justify a reduction in  
3           the three year starting point so as to allow  
4           for a custodial and probationary sentence  
5           rather than a purely custodial one.

6           Mr. Lepine's childhood was not perfect by  
7           any means but the systemic factors one  
8           typically sees in a Gladue analysis, such as  
9           the impact of residential schooling, poor  
10          housing conditions, abject poverty, loss of  
11          parental guidance and addictions, to name a  
12          few, are just not there. I also note that the  
13          Lee decision does not overrule Arcand and the  
14          three year starting point which is the law in  
15          this jurisdiction.

16          I have considered the information provided  
17          to the Court about Mr. Lepine, both through  
18          defence counsel's submissions and the many  
19          letters of support from family and friends  
20          that I referred to earlier. By all accounts  
21          Mr. Lepine is a hard working and helpful,  
22          productive member of his community. He is  
23          considered a loving husband, son, and brother.  
24          He has many family members who want to help  
25          him through this and he has indicated that he  
26          wants to deal with his own alcohol problem.

27          Sending Mr. Lepine to prison will be very

1           painful for his friends and family, and it is  
2           a very difficult decision for me to make. But  
3           Mr. Lepine did something terrible to the  
4           victim here. He sexually assaulted her in an  
5           extremely invasive manner while she was  
6           asleep. He bears a very high degree of moral  
7           blameworthiness and the sentence imposed must  
8           reflect this. It must send a clear message to  
9           Mr. Lepine and to the community at large that  
10          this type of victimization will not be  
11          tolerated. The law requires it, and the  
12          victim, upon whom this has had a profound  
13          impact, deserves to know that the law is  
14          behind her.

15                 In these circumstances, a sentence of  
16                 three years incarceration is required to  
17                 achieve the important objectives of  
18                 denunciation and deterrence and to recognize  
19                 the degree of moral blameworthiness  
20                 attributable to Mr. Lepine. Further, given  
21                 the absence of mitigating circumstances or  
22                 systemic factors relating to Mr. Lepine's  
23                 aboriginal heritage, anything less would be  
24                 inconsistent with the principle of similarity  
25                 of sentence.

26                 Mr. Lepine, can you please stand.

27                 Upon being convicted of sexual assault and

1           upon consideration of the circumstances and  
2           the nature of the offence, as well as your  
3           personal circumstances, I sentence you to a  
4           term of three years in prison.

5           You may sit down, Mr. Harte.

6           As I indicated earlier, this term will be  
7           reduced by the amount of time that you spent  
8           in custody already awaiting preparation of the  
9           pre-sentence report. So the remaining time of  
10          your sentence will be 31 months and 14 days.  
11          And, as I have said, that takes into account  
12          the four months and 14 days credit.

13        THE ACCUSED:            I wish that I was actually  
14          guilty of this. Sorry, Your Honour.

15        THE COURT:             Please sit down, Mr. Lepine.

16          There will be a firearms prohibition under  
17          Section 109 of the Criminal Code and that term  
18          will be for ten years.

19          I do note from the pre-sentence report,  
20          Ms. Vaillancourt and Mr. Harte, that Mr.  
21          Lepine has throughout his life been  
22          participating in hunting, trapping and fishing  
23          activities, as well as in other traditional  
24          activities, and so I will also make an order  
25          lifting this prohibition for the purposes of  
26          sustenance hunting under Section 113 of the  
27          Criminal Code.

1           This is a designated offence under  
2           Section 490.011(1) (a) of the Criminal Code and  
3           so there will be an order under 490.12  
4           requiring Mr. Lepine to comply with the Sex  
5           Offender Information Registration Act, and  
6           that will be in effect for 20 years.

7           There will also be an order under 487.051  
8           permitting the collection of bodily fluids  
9           from Mr. Lepine for DNA analysis.

10          Finally, I will make a recommendations  
11          that Mr. Lepine be permitted to serve his  
12          sentence in the Northwest Territories. As to  
13          where he will be placed, that decision is for  
14          Correction officials.

15          I will direct a copy of these reasons be  
16          provided to the Director of Corrections,  
17          however, so that he is aware of the level of  
18          community and family support that is available  
19          to Mr. Lepine in Fort Smith and so he is aware  
20          of Mr. Lepine's particular health issues.  
21          This may be of assistance to correctional  
22          officials in making their decision although I  
23          do note that it is not binding on them.

24          Those are my reasons. Is there anything  
25          else, counsel?

26          MR. HARTE:                    Thank you, Your Honour, no.

27          MS. VAILLANCOURT:         No, Your Honour.



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THE COURT: We will adjourn Court.

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Certified to be a true and  
accurate transcript pursuant  
to Rules 723 and 724 of the  
Supreme Court Rules,

\_\_\_\_\_  
Lois Hewitt,  
Court Reporter