

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

GARY LANTZ LAFFERTY

Transcript of the Reasons for Sentence delivered by The Honourable D/Justice R. Foisy, in Fort Resolution, in the Northwest Territories, on the 6th day of January, 2012.

APPEARANCES:

Mr. D. Rideout: Counsel on behalf of the Crown

Mr. J. Bran: Counsel on behalf of the Accused

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Charge under s. 272(1)(c) C.C

Ban on Publication of Complainant/Witness  
Pursuant to Section 486.4 of the Criminal Code

1 THE COURT: There are some good things to  
2 be said about the accused, of course. The  
3 accused is not a completely bad person, but this  
4 is a very serious offence. The accused has not  
5 accepted responsibility, and as of today does not  
6 accept responsibility for his heinous crime.  
7 Consequently, remorse is not a consideration that  
8 I am to take into account.

9 With respect to the victim impact statement,  
10 I would only take it into account perhaps to  
11 strengthen the obvious, which is that this victim  
12 is left with some serious psychological problems  
13 and some very serious fear of this accused.

14 The offence itself is very serious. The  
15 damage, the injuries that were done to the  
16 victim, particularly to the face, are serious.  
17 There can be nothing short of that word to  
18 indicate what we see in the photographs which  
19 were entered as exhibits at the trial. She was  
20 beaten to the point where she was unconscious.  
21 And when she regained consciousness, the accused  
22 had taken her into the bedroom and was having  
23 sexual intercourse with her. That, I think, is  
24 undisputed at least in terms of the findings that  
25 the jury would have had to have made in order to  
26 come to a finding of guilt.

27 The fact that she was in her home and that

1 she trusted this accused and that they were  
2 related is another consideration which the Court  
3 has to consider.

4 The record that has been presented today  
5 shows that this accused has been before the court  
6 since 1984 and fairly consistently up until 2011.  
7 I count some 34 counts or offences in that  
8 record. Eight of them are related to violence or  
9 uttering threats. There is one prior conviction  
10 for sexual assault albeit it is somewhat dated.  
11 The record has continued since then with  
12 additional assaults and additional threats.

13 The presentence report, while it does say  
14 things and relates a history about this accused  
15 (which I do take into account as I must under  
16 Gladue), the problems that he has as a young  
17 person: the death of a father, the problems that  
18 he has had with his relationships with partners  
19 where children were born; the fact that he is a  
20 good worker; the fact that he is also generous  
21 when he can be with his offspring and with his  
22 relatives. These are all matters that I take  
23 into account. However, there is no doubt in this  
24 case that denunciation and deterrence must be  
25 paramount in my mind in sentencing this accused.

26 Mr. Lafferty is 44 years old now I think.  
27 Alcohol has been a big problem in his life.

1 While he may have reduced the amount of alcohol  
2 intake in the latter part of his life, I am  
3 convinced that there is more alcohol than he  
4 wishes to admit. He is reluctant to accept  
5 responsibility for his actions. He does not seem  
6 to have fully realized that until he stops  
7 drinking completely, he will continue to appear  
8 before the courts and will spend from here on  
9 longer periods in jail. He is at the point now  
10 where a lot of people who have had criminal  
11 records of this length, get tired of coming to  
12 court and get tired of going to jail and they  
13 turn their lives around. Mr. Lafferty has taken  
14 some courses, he has obtained some assistance.  
15 That is all good. But at the end of the day  
16 nothing will happen to change his life until he  
17 does it. He is the one who has to change his  
18 life. That he will obtain help, I hope so. That  
19 he will obtain assistance, I hope so. But he has  
20 to realize that he has to take responsibility for  
21 his own life.

22 Would you stand up, Mr. Lafferty.

23 Accordingly, I am of the view that a  
24 sentence of five years is appropriate, less the  
25 eight and a half months credit for pre-trial  
26 custody, which according to my mathematics leaves  
27 fifty-one and a half months left to serve.

1 Thank you, you may sit down.

2 Unless there is anything else that counsel  
3 wish to bring forward, that will finish these  
4 proceedings.

5 I am sorry, there will be a SOIRA order.  
6 There will be a DNA order, if required. And  
7 under section 109 of the Criminal Code, there  
8 will be a firearms prohibition prohibiting Mr.  
9 Lafferty from having any firearms or ammunition  
10 for a period of ten years calculated from the  
11 date of his release.

12 MR. BRAN: I'm not sure much will change  
13 on this, but Mr. Lafferty was never given an  
14 opportunity to say anything on his own behalf.  
15 He did have something prepared to say.

16 THE COURT: I'll certainly listen to him  
17 and I would have, had I known that he wanted to  
18 say anything, but that wasn't forthcoming.

19 Did you want to say anything now? The  
20 sentence is pronounced, I am not going to change  
21 it. But if you want to tell me something, go  
22 ahead.

23 THE ACCUSED: I don't think I'm going to,  
24 no.

25 THE COURT: All right, thank you. We can  
26 close court.

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

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Annette Wright, RPR  
Court Reporter