

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

RICK PATRICK WEDZIN

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Transcript of the Reasons for Sentence delivered by The Honourable Justice J.E. Richard, sitting in Yellowknife, in the Northwest Territories, on the 12th day of March, A.D. 2012.

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APPEARANCES:

Mr. M. Johnson: Counsel for the Crown

Mr. J. Bran: Counsel for the Accused

(Charges under s. 349, 348(1)(b) and 145(5.1) Criminal Code)

1 THE COURT: Rick Patrick Wedzin has  
2 pleaded guilty to serious criminal offences  
3 committed in his home community of Behchoko last  
4 fall, and it is today the Court's responsibility  
5 to impose an appropriate sentence for his  
6 criminal behaviour.

7 Mr. Wedzin is 25 years old, and this is not  
8 the first time he has been in court because of  
9 his criminal conduct. He has a lengthy criminal  
10 record for a young man. Of significance, he has  
11 five convictions for mischief, a separate  
12 conviction for break and enter and commit, and  
13 another separate conviction for being unlawfully  
14 in a dwelling-house. He also has numerous  
15 convictions for offences against the  
16 administration of justice; that is, disobeying  
17 court orders and failing to comply with  
18 undertakings made to the Court. Mr. Wedzin has  
19 received custodial sentences, by my count, on  
20 four or five different occasions for periods of  
21 time ranging up to seven months.

22 In March 2011, Mr. Wedzin was convicted of  
23 the serious crime of sexual assault and, at that  
24 time, the Court sentenced him to seven months'  
25 imprisonment, to be followed by a period of  
26 probation of 18 months. The conditions of his  
27 probation included a condition that he keep the

1 peace and be of good behaviour through that  
2 period of 18 months. Therefore, in September and  
3 October of 2011, when he committed the offences  
4 for which he is to be sentenced today, he was  
5 free in the community of Behchoko, but he was  
6 subject to the terms of the probation order of  
7 March 2011.

8 The detailed circumstances of the crimes  
9 that he committed in September/October have been  
10 provided to the Court today on this sentencing  
11 hearing and these have been admitted by  
12 Mr. Wedzin. I will briefly summarize the  
13 circumstances.

14 Prior to September 9, 2011, the offender and  
15 his common-law spouse had been living in the home  
16 of his common-law's mother, Elizabeth Sanspariel.  
17 About a week prior to September 9th, they were  
18 advised by Elizabeth Sanspariel that they could  
19 no longer live there.

20 During the night of September 9th, one of  
21 the young girls in that residence, F.  
22 12 years of age, awoke to find this  
23 offender in bed with her. He had apparently come  
24 in through a window to the upstairs bedroom. He  
25 was intoxicated. He was in bed with the  
26 12-year-old and underneath the blanket. The  
27 young girl told the offender three times to go

1 away and he did so after the third time; that is,  
2 he left the bedroom, went downstairs and left the  
3 house. He did not have permission to be in that  
4 house on September 9th. The young girl was,  
5 understandably, quite afraid and upset about what  
6 transpired in the sanctity of her bedroom.

7 This offender was arrested and charged later  
8 that day and was released on September 10th upon  
9 signing an undertaking with conditions pending  
10 his appearance in court in answer to the charge.  
11 The conditions included no alcohol consumption,  
12 no contact with Elizabeth Sanspariel or her  
13 family, and no attendance at the Sanspariel  
14 residence.

15 On October 22, 2011, Elizabeth Sanspariel  
16 was sleeping in that residence when she awoke at  
17 2:30 a.m. to see Mr. Wedzin standing beside her  
18 bed and holding her blanket off of her leg. When  
19 Elizabeth Sanspariel confronted him, Mr. Wedzin  
20 ran downstairs and left the residence.  
21 Ms. Sanspariel called the police and Mr. Wedzin  
22 was arrested, and he has been in custody since  
23 that time.

24 Mr. Wedzin advises the Court today through  
25 his counsel that he was intoxicated at the time  
26 of the second incident as well. The prosecutor  
27 does not dispute this assertion.

1           In the context of determining an appropriate  
2 sentence, it is an aggravating feature that on  
3 September 9th and again on October 22, this  
4 offender was subject to the terms of a probation  
5 order issued just six months earlier. It is a  
6 further aggravating circumstance that after being  
7 released on September 10th, that mere weeks  
8 later, he committed a similar crime in  
9 re-attending at the Sanspariel residence while  
10 awaiting trial on the first offence.

11           This offender asked for trial by jury on  
12 these offences and requested a preliminary  
13 inquiry, which was held in December 2011. Last  
14 month he advised the Court through his counsel  
15 that he wished to attend in Supreme Court and  
16 re-elect mode of trial and enter pleas. Today he  
17 attends and has pleaded guilty to these crimes.

18           Although it cannot be characterized as an  
19 early guilty plea, his plea today and his  
20 acceptance of responsibility for what he has done  
21 - in particular, his acknowledgment of the trauma  
22 he caused to the Sanspariel children and to  
23 Elizabeth Sanspariel - this acts in mitigation of  
24 the sentence that would otherwise be imposed.

25           One of the main purposes of the sentencing  
26 process is to provide for a peaceful and safe  
27 community, and to achieve that purpose, it is

1 sometimes necessary to separate an offender from  
2 the community or from society. In the  
3 circumstances of this case, I find that it is  
4 necessary to sentence this offender to a  
5 meaningful period of incarceration. The public,  
6 including the Sanspariel family, needs to be  
7 protected from Mr. Wedzin, intoxicated or sober,  
8 and that is the Court's primary consideration in  
9 determining an appropriate sentence.

10 The Crown is seeking a sentence of 12  
11 months' imprisonment followed by a period of  
12 probation. With respect, I am not satisfied that  
13 anything will be accomplished by adding a period  
14 of probation to a custodial sentence in the case  
15 of this offender. Mr. Wedzin has been on  
16 probation on four earlier occasions, including  
17 one year ago for a period of 18 months, and there  
18 is no indication that probation had any effect on  
19 correcting Mr. Wedzin's criminal behaviour.

20 Mr. Wedzin is 25 years old now and does not  
21 need his hand held by a probation officer. He  
22 knows, as he has told the Court in the presence  
23 of his mom and his grandmother, he knows that his  
24 alcohol addiction is at the root of his  
25 antisocial behaviour, and it is up to him, a  
26 grown, mature man, to address that addiction. He  
27 tells the Court today, and again I repeat, in the

1 presence of his mother and his grandmother, that  
2 he wants to get treatment and he says that he  
3 will get treatment.

4 When the prosecutor today states that he  
5 seeks on behalf of the public a global custodial  
6 sentence of 12 months, the prosecutor is being  
7 quite fair to Mr. Wedzin - perhaps more than fair  
8 - in all of the circumstances of this case that I  
9 have referred to. Mr. Wedzin, I hope that you  
10 appreciate that.

11 THE ACCUSED: Yeah, I do.

12 THE COURT: These are serious and  
13 repetitive crimes.

14 My initial view upon hearing of the  
15 circumstances of these two incidents and the  
16 criminal record of this offender was that a  
17 substantial period of incarceration was called  
18 for, well in excess of 12 months; but upon  
19 consideration, in all of the circumstances, I  
20 will not impose a sentence in excess of what is  
21 sought by the public prosecutor.

22 Please stand now, Mr. Wedzin. The sentence  
23 of the Court on Count 1, being unlawfully in a  
24 dwelling-house on September 9th, 2011, contrary  
25 to Section 349 of the Criminal Code, it is the  
26 sentence of this court that you be imprisoned for  
27 a period of five months. On Count 3, break and

1 enter and commit mischief on October 22, 2011,  
2 contrary to Section 348(1)(b), the sentence is  
3 six months' imprisonment, consecutive to Count 1.  
4 On Count 5, breach of undertaking, October 22,  
5 2011, contrary to Section 145(5.1), the sentence  
6 is one month imprisonment, consecutive. That is  
7 a total sentence of 12 months' imprisonment. I  
8 am going to give you credit of four months for  
9 your remand time in custody, so that the net  
10 sentence from today is eight months'  
11 imprisonment.

12 The warrant of committal that takes you back  
13 to the Correctional Centre will include an order  
14 that you will have no contact with -- during your  
15 custodial sentence of eight months, no contact  
16 with Elizabeth Sanspariel, or F.,  
17 or Isabelle Sanspariel, without the written  
18 consent of Elizabeth Sanspariel. This order is  
19 pursuant to Section 743.21 of the Criminal Code.

20 The clerk will endorse the Warrant of  
21 Committal with the Court's finding that the  
22 pre-trial custody is 143 days. The sentence that  
23 would have been imposed is 12 months, global.  
24 Credit of four months for pre-trial custody, and  
25 that is a sentence of eight months' custody.

26 In the circumstances of Mr. Wedzin's  
27 incarceration and his sporadic record of



1 employment, there will be no victim fine  
2 surcharge in the circumstances.

3 Now, Mr. Wedzin before we close court, I  
4 want to tell you that some people will consider  
5 that I have been too lenient with you in all of  
6 these circumstances. This was serious stuff with  
7 your background. You have had lots of chances.  
8 But I am satisfied, Mr. Wedzin, from hearing you  
9 today that you are sincere in saying the things  
10 that you said to the Court about wanting to turn  
11 your life around and wanting to deal with your  
12 booze problem. You are still young. You have  
13 still got your whole future ahead of you. You  
14 are a healthy-looking young man. You have got  
15 opportunities down there in the Tlicho community  
16 and you have everything you need to be a  
17 productive citizen of the Tlicho community. This  
18 is your chance, and do not be coming back to  
19 court because you may not get the leniency again.  
20 So do not disappoint your mother and your  
21 grandmother. When you are in the jail for your  
22 sentence and when you are released, just think  
23 about what you said to the Court today. These  
24 were your words --

25 THE ACCUSED: Yeah.

26 THE COURT: -- not mine, not anybody  
27 else's.

1 THE ACCUSED: I want you to take my word for  
2 -- I want, I want to...

3 THE COURT: Well --

4 THE ACCUSED: Like before I didn't mean to  
5 -- When I used to say stuff, I didn't do it; but  
6 now I want to change that.

7 THE COURT: Well, that is good. You do it  
8 for yourself, but do not disappoint your family  
9 either.

10 THE ACCUSED: Yeah.

11 THE COURT: You have given them enough  
12 hardship. So I wish you luck. Have a seat.  
13 Is there anything further, Counsel, on this  
14 case?

15 MR. JOHNSON: I don't believe so, Your  
16 Honour. Thank you.

17 MR. BRAN: Your Honour, my only -- my  
18 only question is the calculation of the remand  
19 credit. I was under the understanding it was  
20 nearly five months of remand time that Mr. Wedzin  
21 was in custody for.

22 THE COURT: Mr. Bran, I am rounding things  
23 off here. It is not mathematically one for one.  
24 It is four months. If four months is 120 days,  
25 that is the credit he is getting on a 12-month  
26 sentence. But I use the term "months" for  
27 convenience sake. It is four months gross, eight

1 months net.

2 MR. BRAN: Thank you, Your Honour.

3 THE COURT: The court record will show it  
4 was 143 days by agreement, but it does not  
5 always, as you know, equate to one for one or one  
6 for one point five. That is the Court's  
7 decision.

8 MR. BRAN: Thank you.

9 THE COURT: With that, we will close  
10 court.

11 .....

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14 Certified Pursuant to Rule 723  
15 of the Rules of Court

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18 Jane Romanowich, CSR(A)  
19 Court Reporter

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