

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

CORY SARASIN

Transcript of the Reasons for Sentence delivered by The Honourable Justice J. Z. Vertes, in Yellowknife, in the Northwest Territories, on the 16th day of July, 2013.

APPEARANCES:

Mr. B. MacPherson: Counsel on behalf of the Crown

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

Charge under s. 268 C.C.

1 THE COURT: In this proceeding, Cory
2 Sarasin has entered a plea of guilty to a charge
3 of aggravated assault, contrary to section 268 of
4 the Criminal Code.

5 I want to express my appreciation to both
6 counsel for their efforts at resolving this case
7 without the necessity of a trial and as well for
8 their submissions.

9 This case, like every case of personal
10 violence, is a very difficult one. It is a very
11 difficult one for the victim who in this
12 particular case suffered some very serious and
13 threatening injuries caused by a stabbing. It is
14 also serious for the accused because the offence
15 of aggravated assault carries a potential maximum
16 penalty of 14 years' imprisonment. In this
17 particular case, it is particularly aggravating
18 because the accused, at a relatively young age,
19 has already accumulated a very lengthy criminal
20 record.

21 The facts and circumstances were set out in
22 an Agreed Statement of Facts submitted by
23 counsel. I will simply summarize it as follows.

24 Some time before 2 a.m. on April 20th, 2012,
25 the victim, who had been drinking and playing
26 pool at a local pub here in Yellowknife, went to
27 a convenience store to purchase some cigarettes.

1 When he exited the convenience store, he
2 encountered a group of people and among them was
3 the accused. There was an argument that ensued
4 between the victim and the accused, it escalated
5 into a physical confrontation with the two of
6 them pushing each other, and then the accused
7 stabbed the victim in the stomach with a box
8 cutter type utility knife. The victim realized
9 that he had been stabbed severely in the abdomen
10 to such an extent that his intestine had begun to
11 exit through the stab wound.

12 An ambulance was called and the victim was
13 operated on at the hospital shortly thereafter.

14 The accused and the victim did not know each
15 other.

16 It was acknowledged that the accused was
17 under the influence of alcohol and crack cocaine
18 at the time.

19 The accused had just been released from jail
20 on April 19th after serving a sentence for
21 various offences.

22 He was on probation at the time, having been
23 placed on probation on February 9th, 2012, for a
24 period of two years from the date of his release,
25 that being April 19th.

26 All of these circumstances are highly
27 aggravating.

1 The accused is 25 years old.

2 I am told, and I have had the benefit of a
3 presentence report in this case, that he had a
4 very difficult upbringing as a child. His
5 parents separated when he was two years old.
6 Evidence has been presented to me through letters
7 from his grandmother and his aunt, both of whom
8 are very supportive of him notwithstanding the
9 problems that he has caused. There is evidence
10 that he had a very difficult childhood, his
11 parents suffered from alcohol and drug addiction,
12 and there was violence in the family. All of
13 these things no doubt have played a significant
14 part in forming his character to this day.

15 As I indicated earlier, the accused has
16 already accumulated a significant criminal
17 record. By my count, there are 30 convictions
18 stretching from 2002, starting when he was only
19 14 years old, until 2011. I note, however, that
20 out of all those convictions there was only one
21 prior conviction for assault for which he
22 received a sentence of three months, that was in
23 2011. Most of the other offences are property
24 related or breaches of various court conditions,
25 breaches of probation orders, and various other
26 offences related to drinking and driving. But
27 even though there is only one assault conviction,

1 I think it is highly significant that that
2 assault conviction was on his girlfriend at the
3 time - his girlfriend at the time and now the
4 mother of his child.

5 I recognize that the accused is of
6 aboriginal descent.

7 The problems that he encountered as a young
8 child and through his years growing up are
9 problems that could be encountered by a person of
10 any culture or any race. Problems of alcohol and
11 drug abuse are not exclusive to any one race or
12 culture. But it seems to me that he had the
13 benefit of a very loving grandmother and a very
14 loving aunt who probably spent more effort
15 raising him than anyone else, and they are still
16 standing by him and willing to provide ongoing
17 support.

18 And of course this crime is of a type, a
19 crime of serious personal violence, where
20 deterrence, both personal and general, have to be
21 emphasized and where the amount of discretion
22 that can be exercised by a court in imposing a
23 sentence becomes somewhat limited.

24 It is certainly a very difficult task to
25 send anyone away to jail, particularly someone
26 who is still relatively young. I hope, from
27 reading what Mr. Sarasin wrote in a letter that

1 has been presented as an exhibit and from
2 listening to him express his remorse here in
3 court, I hope that he will truly take his own
4 expressions to heart, that he will work sincerely
5 toward reforming himself. No one else can do it
6 for him. He is very fortunate that he still has
7 the support of his family. If he means what he
8 says, that he wants to be a good father to his
9 child, to be a help and support to his family,
10 then only he can take the steps necessary to do
11 that and only he can take the steps in the future
12 to avoid this type of conduct. He could have
13 been sitting here facing a far more serious crime
14 having regard to the injury that he inflicted on
15 his victim. I hope that he looks at this as the
16 start of the next phase of his life and truly
17 means what he says.

18 Jurisprudence from this jurisdiction has
19 indicated that there is a wide range of potential
20 sentences for a stabbing where someone is
21 wounded. Some of the cases referred to me have
22 indicated a range from 30 months to five years.

23 In this particular case the Crown has
24 demonstrated admirable restraint and suggested a
25 sentence of 30 months' imprisonment before taking
26 into account credit for presentence custody.

27 The accused has been in custody for the past

1 15 months and I will give him credit for that. I
2 cannot give him enhanced credit of any more than
3 one for one by virtue of the prohibition set out
4 in section 719(3.1) of the Criminal Code. I say
5 that because in this case there was a specific
6 endorsement pursuant to section 515(9.1) on the
7 original warrant of committal whereby one of the
8 reasons for his committal was his prior criminal
9 record. It seems to me that it would be prudent
10 in future cases for counsel to come prepared with
11 evidence as to any such endorsements since it
12 appears that the form of the warrant of committal
13 makes specific reference to it and because of the
14 specific prohibition in the Criminal Code to
15 giving enhanced credit in such circumstances.

16 I have considered carefully whether or not I
17 should impose a period of probation on the
18 accused. He is still on a probation order that I
19 mentioned earlier, the one dating from February
20 2012. He is still on probation pursuant to that
21 order until April 19th of 2014. I question what
22 is the point of imposing another probation order
23 and especially since so many of his prior
24 criminal convictions relate to breaches of
25 conditions. On reflection, I think there is some
26 merit in issuing a further probation order,
27 because it seems to me that what the accused

1 requires, even after serving his sentence of
2 imprisonment, is some ongoing supervision. My
3 hope is that such ongoing supervision can provide
4 a bit of emotional support for him in his efforts
5 to change his life around.

6 The sentence of this court is that the
7 accused serve a term of imprisonment of 15
8 months. That is calculated on the basis of a
9 gross sentence of 30 months less credit of 15
10 months for time on remand.

11 In addition, the accused will be on
12 probation for a further period of two years from
13 the date of his release. The conditions of that
14 probation order will be that he is to report to a
15 probation officer within 24 hours of his release
16 from incarceration and he is to continue to
17 report to that probation officer as and when
18 required to do so by the probation officer. He
19 is to attend any and all counselling or other
20 type of programs as recommended by his probation
21 officer. He is to abstain absolutely from the
22 consumption or possession of alcohol or any other
23 intoxicating substances, narcotic or otherwise.

24 I am not convinced that there is a need for
25 any further conditions but if you think there
26 are, Mr. MacPherson, I would be pleased to hear
27 from you.

1 MR. MacPHERSON: Your Honour, the Crown has
2 asked for a weapons prohibition pursuant to 109.

3 THE COURT: Those are ancillary orders.

4 MR. MacPHERSON: Perhaps it would be prudent
5 for him to have a further weapons prohibition on
6 the probation order specifically dealing with
7 knives.

8 THE COURT: Well it is somewhat difficult
9 to enforce considering that there are knives in
10 kitchens and elsewhere and if he goes fishing or
11 whatever else may arise. I do not know
12 practically how such a condition can be crafted.
13 Obviously he has to keep the peace and be of good
14 behaviour, that is a standard condition. So if
15 he is in possession of a dangerous weapon that
16 would be breaching that condition.

17 So those are all the conditions that I
18 intend to impose on the probation order.

19 In addition, there will be the mandatory
20 firearms prohibition order for a period of ten
21 years and the order requiring Mr. Sarasin to
22 provide a sample of a bodily substance for DNA
23 analysis.

24 Is there anything else, Mr. MacPherson?

25 MR. MacPHERSON: No, thank you, Your Honour.

26 THE COURT: Mr. Boyd?

27 MR. BOYD: Sir, is the surcharge waived

1 due to hardship?

2 THE COURT: Yes, the victims of crime
3 surcharge is waived under the circumstances.

4 Thank you again for your submissions,
5 gentlemen. Court is closed.

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

12 _____
13 Annette Wright, RPR, CSR(A)
14 Court Reporter