

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

JOHN DAVID HOLMAN

Transcript of the Reasons for Sentence by The Honourable
Justice L. A. Charbonneau, at Yellowknife in the Northwest
Territories, on January 10th A.D., 2014.

[Reasons for Sentence also apply to
S-1-CR2013000069 and S-1-CR2013000070]

APPEARANCES:

Ms. W. Miller: Counsel for the Crown
Mr. T. Boyd: 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: I am ready to give my
2 decision on this case. Before I begin, I just
3 want to remind everyone that there is a
4 publication ban in place which prohibits the
5 publication or broadcast of any information
6 that could identify any of the three
7 complainants in these matters. I will, in
8 some parts of my reasons, refer to them by
9 name but for the purposes of the transcript of
10 these reasons, they will be referred to with
11 initial of the last name only to protect their
12 privacy.

13 John Holman has pleaded guilty to three
14 very serious charges and today it is my
15 responsibility to decide what his sentence
16 should be for those offences.

17 Sentencing is never an easy task but it is
18 especially difficult in a case like this one
19 because, based on everything that I have read
20 and heard on this case, I am satisfied that
21 Mr. Holman no longer presents a threat to the
22 safety of the public. I accept that he has
23 come to understand just how wrong and
24 devastating his actions were to his victims,
25 is truly sorry for what he has done, is now,
26 and has been for a long time, committed to a
27 sober lifestyle, and has since then tried to

1 do his best to help others who struggle with
2 alcohol and various other issues. I am
3 satisfied, to use the words of his counsel,
4 that Mr. Holman has "succeeded in breaking the
5 cycle" and has been able to move away from the
6 very destructive lifestyle that he led at the
7 time that these offences were committed.

8 He does not need to hear from this Court
9 how wrong what he did was; I know that he
10 knows that. He does not need this Court to do
11 anything to stop him from doing anything like
12 this again because I am convinced that he
13 never will. But the sentencing is not just
14 about Mr. Holman. There are other broader
15 issues and factors to consider.

16 On any sentencing, the Court has to take
17 into account many things. The circumstances
18 of the person who committed the offences is
19 one of them. The nature of the offence
20 committed is another. And finally the
21 principles of sentencing that are outlined in
22 the Criminal Code, as interpreted by the case
23 law, must be acknowledged and put into effect.

24 Mr. Holman has admitted that he committed
25 serious sexual assaults against three young
26 girls. All of these offences were committed
27 many years ago.

1 Mr. Holman is now 67 years old. The first
2 of these offences dates back to almost 40
3 years. The victim was 11. She was related to
4 Mr. Holman's then spouse and was, at the time
5 of the offence, living with them. One night
6 she had been babysitting the children and
7 Mr. Holman returned home intoxicated. The
8 victim does not remember many of the details
9 of what happened but she does remember that he
10 had sexual intercourse with her and she
11 remembers that it hurt. This is the first
12 charge - To put it bluntly, the rape of an
13 11-year-old girl.

14 The sexual assault of the second young
15 girl arose about ten years later. That victim
16 was 13 years old at the time and, again, came
17 into contact with Mr. Holman because of her
18 family connections with someone that
19 Mr. Holman was involved with. There was a
20 period of time where she stayed at their
21 house.

22 She was asleep one night and woke up to
23 him unbuttoning and pulling her pants off. He
24 touched her in her genital area and attempted
25 to have intercourse with her. Eventually she
26 was able to run out of the house. That's what
27 the second charge relates to - a fairly

1 persistent attempt to rape a 13-year-old which
2 ended because she fled the house.

3 Around the same period of time, Mr. Holman
4 committed sexual assaults against his third
5 victim. She was only seven years old. He
6 came to live with her and her family, again
7 because of a family connection between them.

8 On three separate occasions, when they
9 were alone in the house, he asked her to come
10 to his room and he touched her in a sexual
11 manner. He kissed and rubbed her chest. He
12 touched her genital area under her clothes.
13 He inserted his fingers in her vagina and he
14 put her hand on his penis. After these
15 events, she felt pain when urinating. It is
16 also very clear from the two victim impact
17 statements that she wrote that she also
18 suffered very serious long-lasting and
19 devastating emotional impacts as a result of
20 these assaults. This is what the third charge
21 relates to - a series of serious violations of
22 the personal and sexual integrity of a
23 7-year-old child.

24 These matters remained unreported for
25 several decades. It was the third victim
26 S., who after years of carrying this terrible
27 secret and being affected by it in significant

1 ways, found the strength to disclose these
2 events, first to family members and then to
3 the police.

4 As part of their investigation, the RCMP
5 spoke with Mr. Holman and he admitted then not
6 only to the offence against her but he also
7 disclosed his abuse of the two other girls.
8 That is what led to the two other charges that
9 are before me today.

10 I do want to say a few words about the
11 victim impact statements that were filed.
12 They were prepared by S. and they were made
13 exhibits at this hearing. They are detailed,
14 articulate and compelling accounts of the
15 effect that these events had on her.

16 As is the case with many victim impact
17 statements, they are heartbreaking. They
18 provide a sad but striking illustration of
19 what is referred to in the jurisprudence about
20 the effect that sexual abuse has on children,
21 particularly when committed by a person in a
22 position of authority or trust.

23 S. courageously put words to unspeakable
24 harm that was caused to her. As a youth, it
25 led to her to act out in school and later to
26 substance abuse. She felt shame and a sense
27 of worthlessness. She felt anger. She

1 suffered severe anxiety and has had anxiety
2 attacks for many years to the point that she
3 has needed to be medicated for them. This
4 condition has made her miss important life
5 events and gatherings at times where she felt
6 that she simply could not cope.

7 What happened to her as a child has also
8 impacted on her own children. Because she has
9 lived in such fear that something like this
10 would happen to them that she has, in her own
11 words, "overprotected" them and prevented them
12 from doing things that children would normally
13 do, like go to other people's houses for
14 sleepovers for example. She has literally
15 hidden and left family gatherings to avoid
16 contact with the person who had abused her,
17 having to make excuses for why she was leaving
18 so abruptly. And even the fact that she did
19 eventually have the courage to report this has
20 had negative effects as well because some
21 members of her family feel somehow responsible
22 that she was placed in a position that this
23 could have happened to her. Those are real
24 tragic impacts that these types of offences
25 have not just on the person themselves but on a
26 lot of other people around them.

27 The Court sincerely hopes that the

1 conclusion of these proceedings will bring
2 some peace and closure to her and others
3 involved and help her continue with her
4 healing.

5 The other two victims have not provided an
6 impact statement. The author of the
7 pre-sentence report made efforts to contact
8 them but was unable to do so. The author of
9 the report refers to conversations that she
10 had with some of their relatives. One of the
11 victims apparently has had a very difficult
12 time since speaking to the police about this,
13 after Mr. Holman had made his admissions and
14 that they interviewed her. Both victims are
15 reported as having been very transient over
16 the past year or so. These proceedings most
17 probably provide very painful and difficult
18 memories for these two people and that too is
19 part of the consequence of Mr. Holman's
20 actions all those years ago.

21 I have the benefit as well of two very
22 thorough pre-sentence reports. The first was
23 prepared in relation to the offence involving
24 S. after Mr. Holman entered his plea to that
25 offence. And after the pleas were entered to
26 the two other charges, the update was
27 prepared.

1 The reports recount the circumstances of
2 Mr. Holman's childhood and upbringing. It is
3 clear that as a child he endured many losses
4 at a young age. His mother died giving birth
5 to one of his siblings. From then on he was
6 raised by his grandfather and he lived on the
7 land. The report says that at one point his
8 grandfather became very ill and was medevaced
9 by boat out of the camp where they were
10 staying. Mr. Holman never saw him again
11 before he died.

12 He was placed in residential school in
13 Aklavik when he was nine years old. According
14 to the report, Mr. Holman feels that in some
15 respects the structured environment that this
16 provided and the education that he received
17 was beneficial to him. Eventually he was
18 adopted by an Anglican minister and his wife.
19 The minister was also the administrator of the
20 residential school. Mr. Holman was sexually
21 abused by this man.

22 The pre-sentence report goes on to explain
23 and talk about some of Mr. Holman's struggles
24 in adulthood. This would be until he stopped
25 consuming alcohol in 1991 - November 21st,
26 1991 to be exact. Mr. Holman has been sober
27 since then. And he has, from that point on,

1 been able to lead a productive life and he has
2 tried to help others.

3 There is a letter from Mr. Taylor, which
4 was filed as an exhibit, that speaks to that.
5 Mr. Taylor has only known Mr. Holman for the
6 last few years but I am satisfied that his
7 observations are representative of what Mr.
8 Holman has tried to do once he got his own
9 life under control.

10 In any sentencing, the Court is required
11 to take into account, with special attention,
12 the circumstances of aboriginal offenders,
13 including systemic and background factors that
14 impact on the lives of aboriginal people in
15 general, as well as specific factors that have
16 affected the offender who is before the Court
17 and may have contributed to his coming into
18 conflict with the law.

19 Here, in addition to systemic factors that
20 I take judicial notice of that have impacted
21 the aboriginal people in this jurisdiction,
22 there is ample evidence of specific things
23 that happened in this offender's life and
24 youth. There is little doubt that the loss,
25 neglect and abuse that Mr. Holman suffered as
26 a child contributed to the unhealthy
27 relationship that he developed with alcohol

1 and to the dysfunctional manner in which he
2 lived his life for many years. Unfortunately,
3 that is often the situation that this Court
4 faces when sentencing offenders in this
5 jurisdiction.

6 Having read about what he lived through,
7 it is remarkable and to his credit that he has
8 found the strength and the path to change his
9 way. And it is also to his credit he has
10 maintained sobriety for over two decades and
11 has endeavoured to help others who are
12 struggling. It shows strength on his part and
13 hopefully can provide hope to others who are
14 struggling by demonstrating that it is
15 possible to overcome these things.

16 It is always helpful to go back to what
17 the purposes of sentencing are, and they are
18 set out at Section 718 of the Criminal Code
19 which reads as follows:

20 The fundamental purpose of
21 sentencing is to contribute, along
22 with crime prevention initiatives,
23 to respect for the law and the
24 maintenance of a just, peaceful
25 and safe society by imposing just
26 sanctions that have one or more of
27 the following objectives:
(a) to denounce unlawful conduct;
(b) to deter the offender and
other persons from committing
offences;
(c) to separate offenders from
society, where necessary;
(d) to assist in rehabilitating
offenders;

1 (e) to provide reparations for
2 harm done to victims or to the
3 community; and
4 (f) to promote a sense of
5 responsibility in offenders, and
6 acknowledgment of the harm done to
7 victims and to the community.

8 To achieve this, the Code sets out several
9 guiding principles. The fundamental one is
10 proportionality. That means that the sentence
11 must be proportionate to the seriousness of
12 the offence and the degree of blameworthiness
13 of the offender. All the other sentencing
14 principles flow from that fundamental one.

15 Any sentencing requires a balancing of the
16 sentencing objectives and engages various
17 considerations, often competing ones.
18 Sentencing involves the exercise of a lot of
19 discretion by the Court but that discretion is
20 guided by the sentencing principles and the
21 jurisprudence.

22 For many years, Courts, including this
23 one, have consistently said that the paramount
24 sentencing principles in cases involving the
25 sexual abuse of a child by an adult are
26 general deterrence and denunciation. General
27 deterrence means dissuading other people who
28 might be tempted to take advantage of a child
29 in this way. Denunciation means expressing
30 society's disapproval of the conduct, and it

1 is very important that this type of conduct be
2 denounced unequivocally by the courts.

3 Children are vulnerable. In many ways
4 they are at the mercy of adults. The younger
5 they are the more true this is, and they are
6 especially at the mercy of adults who are
7 relatives or a trusted family friend. Few
8 things are more abhorrent than the abuse of
9 that trust by adults seeking their own sexual
10 gratification. And acting this way under the
11 influence of alcohol takes nothing away from
12 the seriousness and the despicable nature of
13 this conduct, particularly if it is something
14 that occurs more than once.

15 Courts in this jurisdiction have for many
16 years followed the principle outlined in the
17 Alberta Court of Appeal case R. v. S.(W.B),
18 [1992] A.J. No. 601. That decision is
19 frequently referred to in this jurisdiction.
20 It sets the starting point for a single act of
21 a major sexual assault on a child by a person
22 in authority at four years imprisonment. But
23 that case does a lot more than that. It goes
24 to great lengths to explain why that range of
25 sentence is required when dealing with this
26 type of crime. It talks, among others things,
27 about the impact that these crimes have on

1 victims.

2 In R. v. G.(C.A.) 2013 NWTSC 80, one of
3 the cases filed by the Crown, I quoted at
4 length from the S.(W.B.) case. I am not going
5 to requote it all here but it bears repeating
6 what the impact of sexual abuse of children
7 is. Simply put, those impacts are often
8 devastating.

9 Sexual abuse may cause the victim enormous
10 difficulties forming trusting intimate
11 relationships in adulthood. It leads to fear,
12 withdrawal, anxiety, depression, anger,
13 hostility, a sense of worthlessness, believing
14 that what happened is the victim's fault.
15 This is a theme that we see time and time
16 again in victim impact statements. Victims
17 talk about feeling confused, becoming
18 withdrawn, feeling their lives were put on
19 hold, feeling anger, feeling the loss of their
20 childhood, experiencing nightmares,
21 experiencing flashbacks, having suicidal
22 thoughts, and even sometimes attempting
23 suicide. The S.(W.B.) case talks about those
24 things in general and in a somewhat
25 theoretical way but those very same things are
26 compellingly described in the two victim
27 impact statements as some of the very real

1 consequences that this victim suffered as a
2 result of being assaulted as a child. She
3 does not talk about all of the things that I
4 have mentioned but she certainly talks about
5 many of them.

6 Sadly Mr. Holman knows all too well about
7 the impact of being sexually abused as a
8 child. The adult who sexually assaulted these
9 three little girls and the man who I must
10 sentence today was once a child himself and as
11 a child he too was sexually abused by someone
12 who was in a position of authority.

13 Unfortunately, and that too is referred to in
14 R. v. S.(W.B.), it is not uncommon for those
15 who have been the victim of abuse to become
16 abusers themselves. Some of the difficulties
17 that Mr. Holman had with alcohol and
18 difficulties in his own relationships when he
19 became an adult, can most probably be tracked
20 back to what he suffered as a child as well.
21 That is the terrible cycle that we hear about,
22 sadly, very frequently in the criminal courts.

23 Beyond the specific considerations that
24 apply in dealing with sentencing for sexual
25 abuse of children of course, all the general
26 principles set out in the Criminal Code must
27 be considered and I have considered them.

1 Apart from the ones that I have already
2 mentioned, some of the other ones that are
3 engaged here are parity, which means that
4 similar offences committed by similar
5 offenders should lead to similar sentences;
6 totality, which requires the Court to consider
7 the global effect of the sentence when
8 sentencing a person for more than one offence;
9 and restraint, particularly how it applies to
10 the special considerations that come into play
11 when dealing with aboriginal offenders.

12 Principles and the jurisprudence must
13 guide the Court but sentencing is and always
14 remains an individualized process.

15 The Crown is correct, in my view, in
16 characterizing each of these sexual assaults
17 as a "major sexual assault" within the meaning
18 of the S.(W.B.) case. The case involving
19 intercourse clearly is. In my view so is the
20 case involving the three instances where there
21 was digital penetration. And finally, the
22 assault on A., which included an attempt to have
23 intercourse with her, also fits in that
24 category.

25 Aggravating and mitigating factors must
26 also be considered in deciding what the
27 sentence should be. Again, I think that the

1 Crown has correctly identified the things that
2 are aggravating here:

3 First, the young age of the three victims.
4 Then, with respect to A., the fact that she
5 was asleep and therefore even more vulnerable
6 when she was assaulted. And with respect to
7 S., the fact that she was assaulted more than
8 once. With respect to all three, the fact
9 that they were assaulted in the home where
10 they were staying at the time, a place where
11 anyone, but especially a child, should feel
12 the safest.

13 The criminal record is somewhat
14 aggravating but I do not consider it
15 significant. It includes convictions for
16 crimes against persons but not crimes of a
17 sexual nature. In addition, none of the
18 convictions resulted in particularly severe
19 sentences. To me, the record is more a
20 further indication of the unhealthy lifestyle
21 that Mr. Holman led during those years and
22 offers further confirmation that he truly did
23 turn his life around some 20 years ago.

24 With respect to the breach of trust
25 element which was referred to by the Crown, it
26 is now specifically identified as an
27 aggravating factor in the Criminal Code. But

1 even before it was, many years before it was
2 considered an aggravating factor by this
3 Court. Moreover, it is also an element that
4 is already factored in the starting point
5 itself.

6 I have talked about the aggravating
7 factors. The mitigating factors must also be
8 considered.

9 The guilty pleas are a significant
10 mitigating factor for many reasons. Guilty
11 pleas spare victims from having to relive and
12 talk about events in a courtroom and be
13 questioned about every detail of a traumatic
14 and very personal event when the event in
15 question is a sexual assault. This Court
16 frequently hears trials involving this type of
17 allegation, not necessarily even a historical
18 one but sexual assault allegations, and the
19 Court sees the effect that testifying has on
20 witnesses. There is no question that sparing
21 someone from that experience is sparing them
22 from a lot.

23 Guilty pleas also provide certainty of
24 outcome for the victims. The standard of
25 proof in a criminal case is a very high one so
26 even when a witness testifies, there is always
27 a risk that the trier of fact will find that

1 that heavy onus has not been met and that is
2 especially so when events talked about date
3 back many many years and there is little
4 opportunity for other evidence to corroborate
5 or support the allegations.

6 But even apart from that, guilty pleas do
7 more, and this is especially important in a
8 case like this one where there are family or
9 other connections between the offender and the
10 victim. Because no matter what the outcome of
11 a trial is, there can always remain doubt in
12 the minds of some about whether the allegation
13 was really true. Even after conviction, there
14 can still be victim blaming and assertions
15 that the complaint was false. There are
16 situations where even after a conviction some
17 of the offender's loved ones can simply not
18 accept that the allegation is true and they
19 continue to believe that the victim is lying.
20 And this can cause more tension, more
21 division, more pain long after the court
22 proceedings are over, particularly so in small
23 communities, and many of our communities in
24 this jurisdiction are small and close knit.
25 So when a person comes forward and admits the
26 wrongdoing, it puts an end to that type of
27 uncertainty. It removes the lingering doubts

1 that some may have. It means that everybody
2 has to believe the victim. It makes it clear
3 who was at fault and who was in the wrong and
4 hopefully it means everyone can try to move on
5 on that basis.

6 In this case, there is even more.

7 I have to assume that after S. came
8 forward and the police began investigating
9 this and spoke with Mr. Holman, they must have
10 told him that he had the right to remain
11 silent and that he had the right to speak to a
12 lawyer as anyone under investigation would.
13 And not only did he give up that right to
14 remain silent and admit what he did to S., but
15 he went much further and he disclosed to the
16 police that he had sexually assaulted the
17 other two girls. The Crown fairly
18 acknowledged that without those admissions,
19 these other two matters would not have come to
20 light now and maybe they never would have.

21 As I have already said, it appears from
22 the updated pre-sentence report that P. has
23 struggled over the past year or so. There is
24 less information about A. except that she has
25 been very transient these past few years.
26 Whatever struggles they have had as adults,
27 particularly since these prosecutions have

1 been initiated, it is not a stretch to say
2 that those struggles are at least in part
3 attributable to these events, to what happened
4 to them when they were young. Had Mr. Holman
5 not admitted his wrongdoings toward them, it
6 is of course possible that they might some day
7 have reached the point that S. did, and been
8 able to come forward with these complaints.
9 This we cannot know. But what is for sure is
10 that by coming forward and admitting this and
11 by pleading guilty once the charges were laid,
12 Mr. Holman has made it unnecessary for them to
13 take that step. The fact that he admitted to
14 more than what he was under investigation for,
15 and that he admitted very serious offences,
16 shows to me that his remorse and his regret is
17 truly genuine. It is often said that actions
18 speak louder than words and in Mr. Holman's
19 case, his actions certainly do.

20 The Crown has also fairly acknowledged
21 that although these matters have been pending
22 for some time, the Crown knew early on that
23 Mr. Holman wanted to dispose of these matters
24 without a trial. Based on what the Crown
25 said, I agree that these guilty pleas should
26 be treated as guilty pleas at an early
27 opportunity. And the fact that the very

1 genesis of the prosecution for the offences
2 against A. and P. came from his confession is
3 also mitigating.

4 With respect to whether the passage of
5 time is a reason to reduce the sentence from
6 what would otherwise be imposed, I agree
7 entirely with the comments of the Alberta
8 Court of Appeal in R. v. Spence, 1992 78
9 C.C.C. (3d) 451, which was referred to by the
10 Crown, more specifically at paragraphs 9 and
11 following.

12 The passage of time, even a long time,
13 between the offences and the sentencing is not
14 mitigating. We know that many child victims,
15 and sometimes even adult victims, are unable
16 to disclose these types of things until much
17 time has passed. Giving any kind of credit or
18 mitigating effect to the passage of time would
19 give an offender credit for delays in
20 reporting that happened for very
21 understandable reasons and are the consequence
22 of the trauma caused by the actions of the
23 offender. That would not be fair.

24 It could also have a more sinister and
25 perverse effect of inciting those who commit
26 these types of crimes to be more tempted to
27 threaten their victims or otherwise make sure

1 that they are dissuaded from talking about
2 what happened to them.

3 Here, it is a fact that in the intervening
4 period between the commission of these
5 offences and today, Mr. Holman has turned his
6 life around. And as I have said already, that
7 is very much to his credit. But that goes
8 only to his rehabilitation and his individual
9 deterrence and those are not the paramount
10 sentencing considerations in a case like this.

11 I have also heard that Mr. Holman has been
12 battling cancer since 2005 and has recently
13 undergone a series of treatments and
14 chemotherapy. I have heard that at this time
15 his prognosis is not known. I cannot
16 speculate either way of course about what the
17 future might bring.

18 There is no dispute that a significant
19 jail term has to be imposed today. Both the
20 Crown and the defence have said it does. The
21 Crown says that even taking into account the
22 mitigating factors, a sentence of five and a
23 half years should be imposed to reflect the
24 seriousness of the offences, the number of
25 victims, and the aggravating factors. Defence
26 agrees a significant jail term must be imposed
27 but argues it could less than what the Crown

1 seeks. The defence argues that in all of the
2 circumstances, a global sentence in the range
3 of three to four years would be sufficient to
4 achieve the goals of sentencing.

5 Defence counsel argues that despite the
6 four year starting point and the principles
7 that call for significant sentences in these
8 types of cases, sentencing remains an
9 individualized process and the result reached
10 in some cases suggests that the sentences
11 imposed are not always as lengthy as the
12 statements of principles might suggest they
13 would be. He gives the example of the case of
14 the R. v. Tedjuk, an unreported decision from
15 this Court from November 4, 1998, docket No.
16 CR03541, where a conditional sentence of two
17 years less a day was imposed in a case
18 involving the rape of a 16-year-old girl. The
19 offence dated back to 1971. At the time of
20 sentencing, the accused was 75 years old and
21 in poor health.

22 As far as that case is concerned, I think
23 it does show how individualized the sentencing
24 process is. Because it is true that the
25 sentence that was imposed in that case appears
26 at odds with the range and principles outlined
27 in the S.(W.B.) and other cases. But it is

1 apparent from the decision that the Court
2 considered that case to be a highly unusual
3 one and, as the defence counsel fairly noted,
4 in that case the Court was presented with a
5 joint submission which engages very specific
6 principles as far as how the Court is to
7 exercise its discretion. That being said, in
8 some respects I do agree that this case too
9 has some unusual features for some of the
10 reasons I have already mentioned. And
11 restraint is always an important sentencing
12 principle. Restraint means imposing jail only
13 as a last resort but it also means never
14 imposing a sentence that is longer than what
15 is required to achieve the objectives of
16 sentencing. That principle is especially
17 relevant when dealing with aboriginal
18 offenders as the Supreme Court of Canada made
19 clear in the cases of R. v. Gladue, [1999]
20 1 S.C.R. 688 and R. v. Ipeelee, [2012] 1 S.C.R.
21 433.

22 Here, as I have already said, there is a
23 lot of evidence about things in Mr. Holman's
24 background that are relevant to the subsequent
25 difficulties and dysfunction he experienced in
26 his life.

27 Totality must also be factored in. This

1 case is a very good illustration because
2 individually each of these offences calls for
3 a significant jail term. If I simply added
4 them up without having any regard to their
5 global effect, I think that would offend the
6 provision of the Criminal Code that says that
7 a sentencing Judge must take totality into
8 account.

9 The sexual abuse of children, sadly, is
10 not an exceptional occurrence in this
11 jurisdiction and in others. And when dealing
12 with historical sexual assaults that arose
13 many years ago, it is not unusual either for
14 the offender to have changed his ways and
15 present as a very different person and with
16 different circumstances from the one who
17 committed the offence. That in itself is not
18 exceptional.

19 Having regard to the facts of these
20 offences and the applicable principles, the
21 range of sentence sought by the Crown is not
22 out of order. It is within the range that
23 could be imposed globally for these very
24 serious offences. But I, after much
25 consideration, have concluded that this case
26 does have some unique features which would
27 justify exercising even more restraint than

1 might otherwise be the case.

2 The most significant and unusual feature
3 that I have referred to several times already
4 is that Mr. Holman would not be facing
5 sentencing for two of these three offences but
6 for his decision to disclose them to the
7 police. And he may never have been held
8 accountable for those offences. That takes
9 nothing away from the seriousness of what he
10 did but I think it is fair to say that it is
11 not a situation that often presents itself in
12 our courts.

13 Taking that into account, as well as the
14 guilty pleas, Mr. Holman's overall
15 circumstances, his unequivocal remorse, his
16 age, and the uncertainty about his future
17 health, I do not think it is necessary to
18 impose a sentence as lengthy as what the Crown
19 seeks although, as I have said, and I want to
20 make this very clear, I certainly do not
21 consider the Crown's position unreasonable or
22 excessive.

23 These are separate offences involving
24 separate victims and normally they would call
25 for the imposition of consecutive sentences.
26 But, to give effect to the principle of
27 totality, if I did impose consecutive

1 sentences I would have to reduce considerably
2 the sentence imposed on each count. And that,
3 in my view, is not desirable because the
4 sentences, on their face, would not reflect
5 the seriousness of each of these crimes. So
6 instead, I will exercise my discretion and
7 impose concurrent sentences, meaning a
8 sentence that will run together. So that the
9 sentence on each of these offences does
10 justice to the seriousness of what each of
11 these complainants experienced. While there
12 are some differences in the fact that underlie
13 these three counts, they are somewhat
14 comparable as far as their levels of
15 seriousness, each for their own reasons, and
16 so I think that the sentences on all three
17 belong in comparable ranges.

18 Mr. Holman, can you stand up, please.

19 Mr. Holman, for the rape of P., I sentence
20 you to a term of four and a half years
21 imprisonment. For the sexual assault on A., I
22 sentence you to a term of four years
23 imprisonment concurrent. And for the sexual
24 assault on S., I sentence you to a term of
25 four and a half years imprisonment, also
26 concurrent.

27 You may sit down.

1 The Crown has sought ancillary orders and
2 they are not opposed by defence.

3 There will will be a DNA order as it is
4 mandatory for offences of this sort.

5 There will also be an order that
6 Mr. Holman comply with the Sexual Offender
7 Information Registration Act. The order will
8 be for life as he is being sentenced for
9 several designated offences.

10 There will be a firearms prohibition
11 pursuant to Section 109 of the Criminal Code,
12 commencing today and expiring ten years from
13 his release. I understand that firearms were
14 seized as part of the bail terms so the order
15 will be for any firearms currently in
16 Mr. Holman's possession to be surrendered
17 forthwith.

18 There will be no Victim of Crime surcharge
19 in this case as these matters predate the
20 amendments and I do have the discretion to
21 waive it, and I think it is appropriate to do
22 so in this case.

23 I will also deal with the firearms that
24 are in the custody of the RCMP. This is not
25 really part of the sentencing, Madam Clerk, no
26 order should issue on this because really my
27 understanding from what the Crown said was

1 that the firearms were seized not as part of
2 the investigation or for exhibits but for
3 Mr. Holman to comply with his bail terms. But
4 I am stating for the record, based on what
5 counsel have said, that the RCMP have leave to
6 return these firearms to either Erin Kiktorak
7 or Albert Elias provided that these
8 individuals have the necessary paperwork to
9 allow them to be in possession of these
10 firearms. Mr. Holman has, in court, given his
11 permission to have his firearms turned over to
12 them.

13 I am going to add that if within a period
14 of six months from today's date no one has
15 come forward to claim the firearms, then the
16 RCMP can proceed to make application for the
17 forfeiture of these firearms. But I am going
18 to direct that that application, if it is
19 brought, be made on notice to Mr. Boyd. So
20 that if there is some sort of
21 misunderstanding, there is an opportunity to
22 clear it up.

23 From the Crown's point of view, is there
24 anything that I have overlooked?

25 MS. MILLER: No, thank you, Your Honour.

26 THE COURT: Is there anything that I
27 have overlooked from the defence's point of

1 view?

2 MR. BOYD: Your Honour, the defence
3 asks that the warrant of committal recommend
4 that the sentence be served in the north.

5 THE COURT: Yes, thank you for
6 mentioning that, Mr. Boyd. I will ask Madam
7 Clerk that the warrant of committal be
8 endorsed with my very strong recommendation
9 that Mr. Holman be permitted to serve his
10 sentence in the Northwest Territories. I take
11 it that the authorities will receive a
12 transcript of my reasons so hopefully my
13 reasons for making the recommendation will be
14 obvious.

15 Mr. Holman, I know this is a long sentence
16 but I hope that during your sentence, and
17 after, you will be able to continue doing what
18 you have been doing for many years, which use
19 your own experience to help others, and you
20 know how many there are struggling with
21 similar issues and trying to return to a more
22 healthy lifestyle. And I also hope that you
23 will be able to regain your physical health as
24 well.

25 Before we close court, I do want to extend
26 my thanks to counsel for your excellent
27 submissions on this difficult case. We will

