

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

DONALD PIERROT

Transcript of the Reasons for Sentence by The Honourable
Justice C. L. Kenny, sitting in Hay River, in the
Northwest Territories, delivered orally on the phone
on the 21st day of May, A.D., 2015.

APPEARANCES:

Mr. M. Lecorre: Counsel for the Crown
Mr. D. Pierrot: Appearing on his own behalf

Charges under s. 266 & 91(1) Criminal Code of Canada

Official Court Reporters

1 THE COURT: With respect to the sentence
2 in this matter Mr. Pierrot has been convicted
3 by a jury of two offences, one being possession
4 of an unregistered firearm and the second being
5 what is commonly known as common assault. The
6 facts as cited by Crown Counsel, as found by
7 the jury, are appropriate given the convictions.
8 Mr. Pierrot admitted that the rifle that was
9 found in his possession was unregistered.

10 With respect to the common assault, this
11 came about as a result of a slap on the side
12 of the head of the victim, Ms. Townend. The
13 evidence was that her glasses were thrown off
14 of her face as a result of the striking of her
15 face. Mr. Pierrot tried to strike her on two
16 other occasions but missed. I find as a fact
17 that the bruise on the right side of her face
18 and around her eye was caused by this slap.

19 The principles of sentencing must be
20 respected, particularly with respect to the
21 matter of the assault. The main principles
22 of sentencing with respect to that conviction
23 are denunciation and deterrence. In this case
24 there are no mitigating circumstances. The
25 aggravating circumstances are as follows:

26 1. Mr. Pierrot is not a young offender.
27 He has a criminal record, including another

1 assault and offences involving alcohol abuse.
2 The record is dated, so this is not a significant
3 factor, but it is a factor nevertheless.

4 2. Alcohol was involved in this offence.
5 Mr. Pierrot has issues with alcohol abuse. He
6 has admitted this in the past and his criminal
7 record shows that that is the case.

8 3. This was an assault against a woman with
9 whom Mr. Pierrot was in a romantic relationship.
10 This is a statutorily aggravating factor.

11 4. The pre-sentence report indicates that
12 Mr. Pierrot lacks insight into his behavior and
13 lacks remorse with respect to the circumstances
14 surrounding this offence. He portrays himself
15 as the victim and deflects the blame to everyone
16 else.

17 The Court must consider a sentence that
18 meets the principles of sentencing without
19 jail, if possible, particularly with respect
20 to aboriginal offenders. There are Gladue
21 factors at play here with respect to the
22 accused's background and his upbringing, in
23 a family where alcohol abuse and violence were
24 common occurrences. The pre-sentence report
25 indicates that a sentence to be served in the
26 community is not an appropriate sentence in
27 this case. There are concerns with respect

1 to safety and supervision in the community.

2 I agree with the Crown that a short
3 sharp sentence of incarceration is appropriate
4 to reflect the principles of denunciation and
5 deterrence with respect to this type of offence
6 in a community where alcohol abuse and assaults
7 are common. It will also allow the process of
8 the appropriate counselling and assessment to
9 take place or to start to take place, which can
10 then continue on through a period of probation
11 which I will also order.

12 The sentence to be imposed, therefore,
13 is a sentence of three months incarceration
14 followed by a period of one year probation.
15 The probation order will contain the mandatory
16 terms. In addition to the mandatory terms there
17 will be a condition that Mr. Pierrot take such
18 counselling and undergo such assessments as
19 recommended by the probation officer, and there
20 will also be a no-contact order with the victim,
21 Ida Townend, during the currency of the probation
22 order.

23 As the assault is a secondary designated
24 offence and there is a concern about safety
25 to the public I make a DNA order under Section
26 487.051(3) of the Criminal Code.

27 There will also be a firearms prohibition

1 under Section 110 of the Criminal Code.
2 Mr. Lecorre, you indicated for a period of
3 five years, but my reading of that section
4 of the Code says ten years.
5 MR. LECORRE: Yes, Section 109 is a ten-year
6 minimum. Just a brief indulgence, Your Honour,
7 I just want to confirm whether it's a 109 or a
8 110.
9 THE COURT: We will make sure we have
10 the right section.
11 MR. LECORRE: For a 109, Your Honour, I'm
12 looking at 109(1), if a person is convicted of
13 an indictable offence where violence is used or
14 threatened, where the person may be sentenced to
15 imprisonment of ten years or more, 109 applies.
16 That's not the case. There are some firearms
17 sections that are mentioned in sub (b), but not
18 Section 91 of the Criminal Code. I see, (d) is
19 an offence that involves where the subject matter
20 is a firearm. Yes, Your Honour, I believe Your
21 Honour's correct, 109(d) would make it a ten-year
22 minimum pursuant to that section.
23 THE COURT: So for ten years with the
24 exception set out in Section 113 of the Criminal
25 Code, which authorizes the issuing of a licence,
26 authorization or registration of a firearm for
27 sustenance purposes. So with that exception.

1 There will be a weapons forfeiture under Section
2 491 with respect to the rifle and the ammunition
3 that was seized. Madam Clerk has forwarded to
4 me a copy of the forfeiture order, which I will
5 sign and send back, and when the other orders
6 are prepared I will sign them and send them
7 back as well.

8 MR. LECORRE: There's the issue of a victim
9 crime surcharge, Your Honour. Given the offence
10 date I believe Your Honour does have the power
11 to waive it.

12 THE COURT: Yes, I think given the
13 offence date I do, and given the incarceration
14 and the disability income I am going to waive
15 that.

16 MR. LECORRE: Thank you. I can advise,
17 Your Honour, that the RCMP officer is present
18 in court, just so Your Honour knows.

19 THE COURT: Thank you. Have I covered
20 everything?

21 MR. LECORRE: Yes, from the Crown's
22 perspective, yes.

23 THE COURT: All right. We are concluded.

24 MR. LECORRE: Thank you, Your Honour.

25 THE COURT: Thank you very much.

26 THE ACCUSED: Thank you, Your Honour.

27 (ADJOURNMENT)

1 MR. LECORRE: Yes, good afternoon again,
2 Your Honour. My apologies for the second call.
3 Just one detail that we wanted to confirm on
4 the record for Mr. Pierrot's benefit and also
5 for the Crown's benefit, that the three-month
6 sentence, that's a three-month sentence on each
7 charge running concurrently? We just wanted
8 to confirm that that's Your Honour's intent.

9 THE COURT: Yes, it is. Yes, they will
10 be concurrent.

11 MR. LECORRE: Excellent. Thank you so
12 much, Your Honour.

13 THE COURT: Thank you.

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16 Certified to be a true and
17 accurate transcript, pursuant
18 to Rules 723 and 724 of the
19 Supreme Court Rules.

20 _____
21 Joel Bowker
22 Court Reporter
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