

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

ROMAN BOURQUE

Transcript of the Reasons for Sentence by The Honourable
Justice K. Shaner, sitting in Yellowknife, in the
Northwest Territories, on the 1st day of October, 2015.

APPEARANCES:

Mr. M. Lecorre: Counsel for the Crown
Mr. P. Harte: Counsel for the Defence

Charge under s. 236(b) Criminal Code of Canada

Official Court Reporters

1 THE COURT: Roman Bourque was convicted
2 of manslaughter on April 13th, 2015, after he
3 entered a guilty plea on that day.

4 On August 24th, 2013, Emerson Curran
5 and Roman Bourque were at the same party
6 in Yellowknife. It was to be Emerson's
7 last night in town. He had come to work
8 in Yellowknife for the summer following
9 his second year of university, and it was
10 an adventure that was encouraged by his
11 family and friends. He was due to fly back
12 to his home base in Ontario the next day.

13 Roman stood six-foot-four inches tall
14 and weighed 250 pounds at the time. Emerson
15 stood five-foot-ten inches tall and weighed
16 163 pounds. Both of these young men were
17 intoxicated, and shortly after midnight the
18 two exchanged words at the party. Roman
19 suddenly punched Emerson in the head several
20 times. Emerson was knocked unconscious and
21 he fell onto a chair. At that point some
22 of the other guests tried to stop the attack.
23 Emerson's cousin, Michael Patterson, was
24 among them. Roman shoved them aside and
25 he kept punching Emerson. This caused
26 Emerson to slide off of the chair and onto
27 the floor, striking his head on a piano as

1 he fell. Roman continued to punch him as
2 he lay on the floor. He finally stopped
3 and he quickly left the party. In all there
4 were seven to ten blows to Emerson's head.

5 Emerson never regained consciousness.
6 He was medevaced to an Edmonton hospital and
7 doctors there determined that he was brain dead
8 shortly after he arrived. His father who, along
9 with Emerson's mother, had journeyed to Edmonton
10 from Ottawa upon receiving this devastating news,
11 was there with him when he died.

12 This is an utter tragedy. Emerson was
13 20; Roman was 23, he is now 25. Both of these
14 men were at a place in their lives when they
15 could look to the future and imagine all of the
16 promise and opportunities that it would hold.
17 Now one of them has lost those promises and
18 opportunities forever, and the other must face
19 serious consequences from the justice system
20 as well as living the rest of his life with the
21 knowledge that he took another's life through
22 an impulsive, stupid, violent act. That is, and
23 will remain, an enormous burden for him to bear.

24 Emerson's parents, his uncle and a family
25 friend presented victim impact statements during
26 the sentencing hearing yesterday. In addition,
27 Crown Prosecutor Marc Lecorre read in a number

1 of statements from friends and relatives who
2 were unable to be here in person. Finally,
3 there were a number of other statements which
4 were provided but which the authors requested
5 not be read aloud.

6 I listened very carefully to those
7 victim impact statements which were read in
8 and I considered those which were submitted
9 but not read, and I re-read all of them again
10 last night. The impact of Emerson's death
11 has been profound. Over two years later his
12 parents, his siblings, his extended family
13 and his friends struggle every day against
14 an overwhelming sense of loss, grief, anger,
15 confusion and utter devastation. It has
16 cost his parents not only emotionally, but
17 financially.

18 Emerson's mother cannot work, she
19 suffers from depression and post traumatic
20 stress disorder. She fears for the safety
21 of her other children, she fears them going
22 away and being unable to help them if they
23 need her. She fears something bad is going
24 to happen to them. Emerson's grandmother
25 is also being treated for depression.

26 Emerson's father has episodes at different
27 times when he is suddenly overwhelmed with

1 intense feelings of loss, sadness and grief.
2 He feels uncomfortable around his co-workers
3 and his friends, he feels they are at times
4 uncomfortable around them. He thinks they do
5 not know what to say, and frankly, who would?
6 There are very few words.

7 Emerson's siblings struggle to deal with
8 their grief, and it appears to his parents to
9 manifest in different ways with each of them.
10 Emerson's friends miss him. One of his best
11 friends, with whom Emerson was set to graduate
12 from university this year, struggles with the
13 knowledge that Emerson will not be his best
14 man at his wedding and that he will not be
15 his children's God parent. The loss of this
16 promising young man has left a hole in the
17 hearts of all who knew him.

18 Emerson's parents, his siblings, his
19 other family and his friends all realize
20 that the criminal justice system cannot
21 fill the void created by Emerson's death.
22 No court-imposed punishment is going
23 to remove the lump in their throats or
24 suddenly awaken them from what seems like
25 an unending nightmare. The criminal justice
26 system is just one piece of the complex puzzle
27 involved in the loss of Emerson, and I know it

1 will not by itself bring his friends and his
2 family closure. I am hopeful, however, that in
3 completing the criminal process they will have
4 one less thing to deal with, and that it will
5 help pave the way for a bit more peace for them.

6 Through his lawyer's submissions, as well
7 as the pre-sentence report, I learned about Roman
8 Bourque. He, too, is a young man and there have
9 been many challenges in his life. His birth
10 parents, both of whom are aboriginal, were not
11 able to care for him and his siblings because
12 of significant personal issues of their own.
13 Consequently, he spent most of his early
14 years until his mid-teens in various foster
15 homes. Regardless of how well meaning foster
16 parents may be, being in that system often
17 translates into instability.

18 While not all of his experiences in foster
19 care were happy ones, however, Roman did connect
20 with foster parents who, when they were moving,
21 had the foresight to set him up with a family of
22 his own, the Clarkes. They remain his parents in
23 all senses of that word and they are a source of
24 stability and support in his life.

25 Roman has never been in trouble with
26 the law. He does not struggle with addiction.
27 He is an athlete and a contributing member of

1 his community. He has had steady employment.
2 Letters of support describe him as a good kid.
3 The Clarkes describe him as a good and reliable
4 family member. There is nothing to suggest
5 that Roman Bourque is someone who is prone
6 to use violence when he faced conflict, but
7 unfortunately he did so here.

8 A manslaughter conviction can result in
9 anything from a suspended sentence to life in
10 prison, no doubt owing to the many unfortunate
11 and complex circumstances which can form the
12 basis of a conviction for it. The Crown's
13 position is that an appropriate sentence would
14 be five to five and a half years, and Roman's
15 own lawyer submits that a sentence of five
16 years incarceration would be appropriate.
17 These approach the upper limit of what both
18 counsel submit is the range of sentence for
19 similar cases, being approximately three to
20 six years.

21 It is abundantly clear from the case
22 law that the key objectives of sentencing
23 in a manslaughter case are denunciation
24 and deterrence. The sentence I impose
25 today has to send a message that this kind
26 of violence will not and cannot be tolerated
27 by our society and that those who react with

1 violence instead of walking away have to face
2 significant consequences from the criminal
3 justice system.

4 Rehabilitation is also an important
5 objective here. Roman is a young man with
6 no criminal record and rehabilitation is
7 a realistic goal. The sentence I impose
8 has to take this into account.

9 The sentence must also adhere to the
10 overriding principle of proportionality.
11 That is, it has to reflect the seriousness
12 of the offence and the offender's moral
13 blameworthiness for it. It must reflect
14 the principle of parity in that the sentence
15 that is imposed cannot represent a marked
16 departure from those imposed in other cases
17 with similar circumstances.

18 The degree of moral blameworthiness
19 in this case is high and there are some
20 very aggravating circumstances I have
21 taken into account.

22 This was a sudden, violent and sustained
23 attack. Roman could have walked away, but he
24 did not. He could have stopped beating Emerson
25 when Emerson was first knocked unconscious, but
26 he did not. He could have stopped when others
27 intervened; he did not. He just kept on hitting

1 him.

2 Roman's guilty plea is highly mitigating,
3 and given the brutal aggravating circumstances
4 I would, but for that guilty plea, be inclined
5 to impose a punishment higher than the range
6 suggested by the Crown. Like any person charged
7 with a crime in this country Roman had a right
8 to have a trial. He gave that right up.

9 I have seen and heard here in this courtroom
10 the utter anguish that this case has caused
11 Emerson's family and friends, and it would have
12 been absolutely horrible for them to have to sit
13 through a trial, away from home, and without the
14 support of their family and friends waiting to
15 see what the outcome could be, something which
16 is always far from certain. Moreover, a trial
17 would have forced the witnesses to relive these
18 terrible events.

19 In pleading guilty Roman Bourque spared
20 them all having to attend a trial, and in
21 pleading guilty Roman Bourque has taken
22 responsibility for what happened. He has
23 made no excuses. He has not suggested anything
24 that happened should be shouldered by anyone
25 other than himself. He and he alone has
26 taken the blame. After submissions were
27 heard yesterday Roman offered an apology,

1 which reinforces that he takes responsibility,
2 and this, too, is mitigating.

3 In my view, a sentence of five years is
4 appropriate and warranted. Five years is a
5 very long time for anyone, but particularly
6 a young man in his early 20s, to spend being
7 told when to get up, when to go to bed, what
8 to eat, when to shower, when to work and what
9 to wear every single day. It will send a
10 message that violence is not an appropriate
11 means of resolving conflict and that it will
12 not be tolerated. It will reflect the high
13 degree of moral blameworthiness borne by Roman,
14 while at the same time recognizing his potential
15 for rehabilitation and the mitigating effects of
16 his apology and his guilty plea, and Roman will,
17 as I said, have to live the rest of his life
18 bearing the burden of knowing that he took
19 the life of another by a single, stupid act.

20 Roman, can you please stand up. Roman
21 Bourque, upon being convicted of manslaughter
22 you are sentenced to a term of five years
23 imprisonment. Do you understand this?

24 THE ACCUSED: Yes, Your Honour.

25 THE COURT: Thank you, you can sit down.

26 There will also be ancillary orders. The Crown
27 has asked that I impose a firearms prohibition

1 under Section 109 of the Criminal Code, which
2 will be in effect for ten years following your
3 release from prison, and that order is granted.
4 You will also be required to submit to the
5 collection of bodily fluids for DNA analysis.

6 There will be a non-communication order
7 pursuant to Section 743.21 of the Criminal Code
8 by which you are prohibited from communicating
9 directly or indirectly with any of Michael,
10 Catrina, Graeme, Liam or Lauren Curran during
11 the period of your incarceration, except through
12 the RCMP or the court process.

13 Finally, given what I heard about your
14 family support here in Yellowknife, even
15 though this is a penitentiary term, I will
16 issue an endorsement recommending that you
17 be permitted to serve your sentence in the
18 Northwest Territories. This will allow you
19 to maintain community and family support so
20 that when you are released your reintegration
21 will hopefully be easier. Now, that is not
22 a recommendation that is binding on the
23 corrections officials. However, I will
24 make it for those reasons.

25 Counsel, is there anything else?

26 MR. LECORRE: No, Your Honour.

27 THE COURT: Mr. Harte?

1 MR. HARTE: No, Your Honour, thank you.
2 THE COURT: Mr. Bourque, work hard.
3 I wish you luck. You have a hard road ahead
4 of you. To the Currans, I am so sorry for
5 your loss. We will adjourn.
6 THE CLERK: Thank you, Your Honour.

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

13 -----
14 Joel Bowker
15 Court Reporter