

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

ANDY JOSEPH ANDRE

Transcript of the Reasons for Sentence delivered by The Honourable Justice K.M. Shaner, sitting in Yellowknife, in the Northwest Territories, on the 23rd day of September, 2016.

APPEARANCES:

Ms. W. Miller: Counsel for the Crown

Mr. S. Fix: Counsel for the Accused

(Charges under s. 271 of the Criminal Code of Canada)

No information shall be published in any document or broadcast or transmitted in any way which could identify the victim or a witness in these proceedings pursuant to s. 486.4 of the Criminal Code of Canada

1 THE COURT: This is the sentencing hearing
2 for Mr. Andy Andre. Mr. Andre was found guilty
3 of sexual assault by a jury in Inuvik on July
4 20th, 2015. This is his sixth conviction of a
5 crime of a sexual nature.

6 The salient facts can be summarized as
7 follows: In late November 2013, Mr. Andre
8 entered a residence in Inuvik in the Northwest
9 Territories. It was approximately 3 o'clock in
10 the morning, and all of the occupants were
11 asleep. He was uninvited and he was not a
12 friend, nor was he a relative.

13 The victim is a little girl who was three
14 years old at the time. She was visiting her
15 grandparents and she was asleep on a mattress on
16 the floor in the living room with her grandmother
17 when Mr. Andre entered the residence. He rubbed
18 the victim in her vaginal area. The victim's
19 grandmother awoke to the sound of the victim
20 crying and she alerted the other occupants of the
21 house. The police were called and Mr. Andre was
22 arrested. He was highly intoxicated at the time.

23 The victim was subsequently taken to the
24 hospital. The physician who examined her noted
25 redness in her vaginal area and testified at the
26 trial that this was consistent with hard rubbing.
27 There was no evidence of penetration.

1 This crime has had a profound effect, no
2 doubt on the victim, and I have no doubt that it
3 will have an effect on her for the years to come.
4 It also has had a profound effect on her
5 grandmother, who prepared a victim impact
6 statement and asked that it be read out loud in
7 court. And so I am going to do that now. This
8 is the victim impact statement of S.J., which is
9 marked as Exhibit S-2: (as read)

10 The crime affected the whole family
11 emotionally and psychologically. We
12 were devastated that this should
13 happen in our home: [S], sober 41
14 years as of November 2015; [F], sober
15 23 years as of February 2015.

16 The crime hurt us because sexual
17 abuse should never have happened in
18 our sober home. It has affected us
19 to not trust male visitors in our
20 home, not trust anybody to babysit
21 our grandchildren, to not allow our
22 grandchildren to visit their school
23 or daycare buddies.

24 We lost trust in our extended
25 family and community. We would never
26 want to see the accused around our
27 family.

28 The Court experience brought the
29 whole incident back to me as the
30 grandmother. It was very emotional
31 to the point of not remembering
32 certain things the day it happened.

33 Incidentally, I am usually alert
34 to my situations but found, in
35 retrospect, that I had forgotten
36 things that I did that day. I was
37 stressed, devastated, angry, and
38 emotional. I would never wish this
39 sort of crime on any families. Prior
40 to this incident, I have never been
41 to court to testify. I found this
42 very humiliating especially when my
43 name was mentioned on CBC regarding
44 the case. This incident was kept
45 within the family and not even the

1 biological mother knew of the
incident. The reason: The
2 biological mother is an
intergenerational victim of the
3 residential school. She would go off
the deep end should she find out.

4 The biological father is in
Fort McPherson at this time, and, if
5 and when he heard the CBC news, would
probably turn to alcohol.

6 We will have/have been vigilant
about keeping our granddaughter with
7 us at all times to protect her. This
will be her life until she reaches
8 the age of 18.

9 My/our children were affected by
this crime also. As a mother and
grandmother, I had to advise my
10 children not to retaliate. A day
after testifying, I am very emotional
11 and find the tears coming
unexpectedly. I would not want any
12 contact with the accused nor with my
family and specifically with my
13 grandchildren. I would not want him
in Inuvik or Fort McPherson or
14 anywhere that our family resides.

15 The date on this is the 8th
16 day of July 2015.

17 This sentencing proceeding started off as an
18 application to have Mr. Andre designated a
19 dangerous offender. As part of that application
20 process, Mr. Andre was examined by Dr. Philip
21 Klassen, who practices in the field of forensic
22 psychiatry. Dr. Klassen prepared a report which
23 was made an exhibit in this proceeding on consent
24 and without the necessity of having Dr. Klassen
25 here to testify.

26 The Crown now applies for a finding that
27 Mr. Andre is a long-term offender and not a

1 dangerous offender, pursuant to the provisions of
2 Section 753.1 of the Criminal Code.

3 As I will explain later, there is
4 disagreement between counsel respecting the
5 length of the custodial portion of the sentence;
6 however, they are in agreement that this proceed
7 as a long-term offender application and that,
8 following a period of custody, Mr. Andre be
9 supervised for six years.

10 To find Mr. Andre is a long-term offender, I
11 have to be satisfied of three things: these are
12 enumerated in Section 753.1(1) (a), (b), and (c)
13 of the Criminal Code.

14 First, I have to find that it would be
15 appropriate to impose a sentence of more than two
16 years for this offence; second, that there is a
17 substantial risk that Mr. Andre will re-offend;
18 and third, that there is a reasonable possibility
19 that his risk may eventually be controlled in the
20 community.

21 Turning first to the length of the sentence,
22 the Crown and the defence agree that four years
23 is appropriate, although the Crown is asking that
24 I add 90 days to the sentence to allow time for
25 the Correctional Service of Canada to assess
26 Mr. Andre's needs and obtain a decision from the
27 National Parole Board on the conditions of

1 supervision. I am going to deal with this issue
2 later, but for now, I will say that I agree four
3 years is certainly in the range of appropriate
4 sentences for this type of crime, having regard
5 to the circumstances of the offender and the
6 aggravating and mitigating circumstances.

7 There are a number of aggravating factors.
8 This was a sexual assault on a very young child.
9 In addition to the vulnerability that arises
10 simply because of her age, the victim was
11 sleeping when the assault took place.

12 Mr. Andre entered a house uninvited in the
13 middle of the night. This crime was predatory
14 and it was opportunistic. This crime was also
15 brazen. It occurred while the victim slept
16 beside her grandmother. Mr. Andre was apparently
17 completely undeterred by this.

18 The victim was physically injured as a
19 result of Mr. Andre's actions. She expressed to
20 her aunt that she was experiencing soreness in
21 her genital area following the assault. A
22 medical examination revealed redness in the
23 victim's genital area, which, as I said earlier,
24 the physician testified was consistent with hard
25 rubbing. From that, I concluded that this was
26 not just a fleeting touching. It was sustained,
27 which made it even more serious.

1 Mr. Andre's extensive criminal record, which
2 I will discuss in more detail later in these
3 reasons, is also highly aggravating. It dates
4 back to 1977 when Mr. Andre was 16. Particularly
5 aggravating are six convictions for crimes of a
6 sexual nature, inclusive of this one, three of
7 which attracted penitentiary-length sentences.
8 The record also contains six convictions for
9 crimes of violence including one for assault
10 causing bodily harm on Mr. Andre's domestic
11 partner and some 27 additional convictions for
12 crimes against the administration of justice;
13 breaching conditions; breaking and entering;
14 theft; impaired driving; escaping lawful custody,
15 and uttering threats.

16 In determining that a sentence of four years
17 is in a range appropriate for this crime, I have
18 taken into account that Mr. Andre is an
19 Indigenous person who, like many who appear in
20 this court, has a number of systemic background
21 factors which have no doubt played a role in his
22 accumulation of criminal convictions. But for
23 the Gladue factors and considering the
24 aggravating circumstances and the proposed
25 supervision order, this crime may well have
26 attracted a greater custodial sentence than four
27 years.

1 The Gladue factors were detailed in
2 Dr. Klassen's report. Although Dr. Klassen did
3 not prepare his report for this purpose, what he
4 brought out with respect to Mr. Andre's
5 background is nevertheless very helpful.

6 Mr. Andre attended residential school for a
7 brief time. The school was in Inuvik, over 100
8 kilometers from his home and his family.

9 Mr. Andre relayed to Dr. Klassen that he was
10 physically and psychologically abused there. He
11 was hit on the head for no reason. He was hit
12 with rulers on his hands. He was touched
13 sexually on at least four occasions over his
14 clothes by a supervisor.

15 Mr. Andre did not do well in school. He was
16 expelled at the age of 13 with the equivalent of
17 a grade 5 education. Despite his limited
18 education, he has been employed in various labour
19 intensive jobs, and he has also made money
20 carving.

21 Importantly, Dr. Klassen opines Mr. Andre
22 has an alcohol abuse disorder and notes that
23 alcohol is significantly associated with his
24 offending behaviour. Indeed, it appears to be a
25 prominent factor in all of the sexual crimes of
26 which he has been convicted and in the lion's
27 share of the others.

1 I have to say it is tempting to tell an
2 offender, whose criminal behaviour is linked so
3 closely to alcohol abuse, that they cannot blame
4 alcohol for their actions. It is tempting to say
5 that the solution is a simple one: Quit
6 drinking.

7 The reality is, however, that it is just not
8 that simple. Mr. Andre faces a number of
9 systemic barriers stemming from his Indigenous
10 status and it does not take much of a leap in
11 logic to conclude that these barriers make it
12 very difficult to attain and maintain sobriety.

13 Based on the information in Dr. Klassen's
14 report respecting Mr. Andre's work history, I
15 conclude that he is not a wealthy man. His lack
16 of education has no doubt limited his employment
17 options and stifled his income potential. And
18 taking another step back, Mr. Andre's experience
19 at residential school no doubt contributed
20 significantly to his disinterest in and ultimate
21 expulsion from school. I also have no doubt that
22 his experience at residential school is one of
23 the root causes of his addiction.

24 For many Indigenous offenders who are
25 educationally, socially, and economically
26 challenged as a result of colonialism, getting
27 effective treatment for an addiction problem is

1 not feasible. A private treatment program, which
2 typically costs thousands of dollars, is not a
3 realistic option for someone who is trying to pay
4 rent, buy food, and otherwise eke out a living.

5 The free programs, where they exist, are
6 frequently limited, culturally irrelevant, or
7 both. Moreover, while they are effective for
8 some people, for others they are not. We see
9 proof of that in this court all the time.

10 Addiction is an individual disease and it
11 requires individualized treatment.

12 In Mr. Andre's case, it seems his inability
13 to maintain sobriety outside of penal structure
14 has kept him trapped in a cycle of serious
15 criminal conduct. He is without the tools and
16 the resources he needs to control his alcohol
17 addiction, which is a key factor in his criminal
18 conduct. His criminal conduct is clearly linked
19 with his experience as an Indigenous person in
20 this country.

21 Certainly, that does not mean that this
22 Court views this offence as being less serious
23 nor does it lessen the importance of
24 denunciation, deterrence and the protection of
25 victims and the public as considerations. Sexual
26 assault, particularly against a child, is among
27 the most serious and the most heinous of crimes.

1 Mr. Andre's alcohol addiction does not
2 absolve him of responsibility. Ultimately, he
3 has to address this. But, viewed through the
4 lens of systemic barriers and historic wrongs,
5 one cannot escape the conclusion that Mr. Andre's
6 moral blameworthiness is less than that of
7 someone who is not so burdened and this must be
8 taken into account in determining what is a fit
9 and proper sentence.

10 For those reasons, I think a sentence in the
11 range of four years is appropriate, subject to
12 what I am going to say later.

13 Turning to the question of whether there is
14 a substantial risk that Mr. Andre will re-offend,
15 the evidence presented in this hearing satisfies
16 me that a substantial risk does exist. Section
17 753.1(2) of the Criminal Code directs that the
18 Court shall be satisfied that there is a
19 substantial risk of re-offending if, first, the
20 offender has been convicted of certain offences,
21 sexual assault being one of them; and second, if
22 the offender has shown a pattern of repetitive
23 behaviour of which the predicate offence is one
24 that shows the offender causing death or injury
25 to others or inflicting severe psychological
26 damage on others, or by conduct in any sexual
27 matter, the offender has shown likelihood of

1 causing injury, pain, or other evil to others in
2 the future through similar offences.

3 The first part of this has
4 been satisfied as Mr. Andre has been convicted of
5 sexual assault under Section 271 of the Criminal
6 Code.

7 The second component of this is satisfied by
8 both the results of Dr. Klassen's psychometric
9 testing and the pattern displayed through the
10 various convictions on Mr. Andre's record,
11 particularly those respecting sexual crimes and
12 domestic violence.

13 Dr. Klassen opined Mr. Andre is nearing the
14 end of a period of significant risk for sex
15 offender recidivism. This is due largely to
16 Mr. Andre's age. He is currently 56, and
17 Dr. Klassen indicates this type of re-offending
18 decreases after age 60. Dr. Klassen places him
19 in the moderate risk category for general violent
20 recidivism. And finally, Dr. Klassen states
21 Mr. Andre remains a high risk for domestic
22 violence recidivism.

23 At page 38 of his report, Dr. Klassen states
24 the following: (as read)

25 From a purely psychiatric
26 perspective, this gentlemen presents
27 with a probability of violent or
sexual recidivism currently. I would
expect, however, that, by the close
of a fixed sentence that this

1 gentlemen might receive, I would no
2 longer endorse probability of
3 violent, sexual, or domestic, in
4 particular, recidivism. At that
5 point, however, I believe that this
6 gentlemen's risk for violent
7 recidivism would still be substantial
8 looking in particular at domestic
9 violence.

6 As a judge, I am particularly
7 influenced by the pattern of behaviour that
8 emerges from Mr. Andre's criminal record and the
9 information respecting the circumstances of the
10 sexual and violent offences for which convictions
11 were sustained.

12 As noted earlier, Mr. Andre has a long and
13 varied criminal history. It includes five
14 previous convictions for sexual assault and
15 indecent assault. The convictions were sustained
16 in 1977, 1985, 1986, 1996, and 1999. They
17 involve both children and adults. And, while the
18 circumstances of each are unique, they share the
19 features of being opportunistic and predatory and
20 that Mr. Andre was using alcohol in each case.

21 The conviction in 1977 was for indecent
22 assault. Mr. Andre was 16 years old at the time.
23 He entered the home of the victim, who was 13,
24 while her mother was out and he sexually
25 assaulted her at knife point. Two children aged
26 7 and 3 years were present in the house at the
27 time. He was sentenced to three months, and he

1 was using alcohol at the time.

2 In 1985, Mr. Andre was convicted of sexually
3 assaulting his nephew, who was then 11, as he
4 slept. He pulled the victim's pants down and
5 pulled on his penis. He attempted digital
6 penetration. This occurred in Mr. Andre's
7 brother's house while his brother and wife were
8 present. Mr. Andre was living with the family at
9 the time. He was sentenced to four months.

10 Mr. Andre was convicted of sexual assault
11 again in 1986 and sentenced to three years and
12 four months. This was a very violent crime. The
13 victim was intoxicated. Mr. Andre and one of his
14 brothers took turns raping the victim while the
15 other held her down.

16 The 1996 conviction involved a woman who was
17 passed out in her bed due to intoxication and
18 awoke to find Mr. Andre penetrating her
19 digitally. The victim was in a relationship with
20 one of Mr. Andre's brothers at the time.
21 Mr. Andre received a custodial sentence of
22 39 months.

23 Following the conviction in 1999, Mr. Andre
24 was sentenced to four years for sexual assault.
25 In that case, the victim, her boyfriend and
26 Mr. Andre were out drinking, first in a bar, and
27 then at the home of the victim, which she shared

1 with her boyfriend. She passed out and awoke in
2 the morning to find Mr. Andre sexually assaulting
3 her.

4 Three of the convictions for crimes of
5 violence, which were sustained in 2007, 2011, and
6 2012, arose from offences committed against
7 Mr. Andre's domestic partner. The 2007
8 conviction resulted from Mr. Andre punching his
9 domestic partner in the face and trying to drag
10 her behind the house. He was intoxicated by
11 alcohol at the time.

12 He was convicted of aggravated assault
13 against his domestic partner in 2011. The
14 evidence was that Mr. Andre punched her over 20
15 times with his fist and with an object. He was
16 intoxicated.

17 In 2012, Mr. Andre was convicted of assault
18 against his domestic partner once again. He
19 punched her in the face that time, and again, he
20 had been using alcohol.

21 The final question is whether there is a
22 reasonable possibility the risk Mr. Andre poses
23 can be controlled in the community. The Crown
24 and the defence counsel submit there is and,
25 based on the evidence from Dr. Klassen that there
26 is psychiatric support for this, I agree.

27 Dr. Klassen's conclusion is premised on the

1 imposition of relatively robust community
2 supervision conditions including initial release
3 into a community correctional centre or community
4 release facility, a structured daytime routine,
5 active addiction treatment, possibly
6 alcohol-deterrent chemotherapy, domestic violence
7 treatment, and very close supervision throughout.

8 Given the foregoing, I conclude Mr. Andre
9 should be declared a long-term offender. It is
10 clear he poses a risk of harm to others and that
11 he needs close supervision. It is also clear,
12 however, that with appropriate programming and
13 structure the risk that he poses can be managed
14 in a community setting.

15 I am now going to deal with the issue of
16 whether the length of the custodial portion of
17 the sentence should be increased. As I said
18 earlier, the Crown is asking for an additional 90
19 days to be imposed, and the defence counsel is
20 opposed to this.

21 The purpose of this additional time is to
22 allow the Correctional Service of Canada time to
23 obtain all of the documentation from the Court's
24 file including a transcript of the trial, which
25 must be prepared, and to complete its assessments
26 and obtain a decision from the National Parole
27 Board respecting the conditions of the

1 supervision order.

2 Taking into account the time spent in
3 custody awaiting trial and then sentence and
4 giving credit for same, Mr. Andre can be
5 considered to have served, at this point,
6 49 months, one month in excess of what the Crown
7 and defence jointly submit is a fit custodial
8 sentence.

9 So what Mr. Andre proposes is that he be
10 released into the community pending the
11 assessments that have to be done by the
12 Correctional Service of Canada and the Parole
13 Board's decision subject to what were referred to
14 as "special instructions" from the local
15 Correctional Service of Canada officials.

16 Alternatively, he proposes that, if he is to
17 remain in custody for a further period of time,
18 that period of time be less than the 90 days
19 proposed by the Crown.

20 During the hearing on Wednesday, the Crown
21 called Ms. Cindy Sparvier as a witness in
22 relation to this issue. Ms. Sparvier is a parole
23 officer supervisor for the Correctional Service
24 of Canada here in Yellowknife. She has some
25 familiarity with Mr. Andre's case. She explained
26 the process by which the long-term supervision
27 orders are put into place. The process starts

1 with a preliminary assessment report, which
2 provides a brief snapshot of the offender.
3 Following that, the intake assessment starts.
4 For this, the CSC requires copies of all reports
5 on the Court file as well as a transcript of the
6 trial. The CSC must then complete several more
7 reports to address a variety of issues including
8 what facilities are available for treatment and
9 housing of the offender. In all, there are over
10 400 questions that have to be asked during this
11 assessment.

12 The reports and information and assessments
13 are then forwarded to the National Parole Board,
14 which must then determine and impose the
15 supervision conditions. It makes its decision
16 based on the information it receives from the
17 Correctional Service of Canada.

18 Ms. Sparvier indicated that it is possible
19 to expedite the process and that she has met with
20 Mr. Andre once already. This is not ideal,
21 however, and she indicated she felt it would be
22 difficult to assess Mr. Andre properly in the
23 community. She also indicated that, while she
24 can give Mr. Andre special instructions to cover
25 off the interim period, these would essentially
26 be unenforceable because the CSC would not have
27 jurisdiction over him.

1 Mr. Andre, for his part, said he would
2 comply with any special instructions he was
3 given. I do not doubt his sincerity, but I do
4 have serious reservations about his ability to
5 comply in the absence of clearly structured and
6 supported conditions.

7 Mr. Andre's record for noncompliance with
8 court orders and directions is substantial. I am
9 particularly concerned that he will not comply
10 with the special instruction to refrain from
11 alcohol consumption and that he would then engage
12 in the type of criminal behaviour that brings him
13 here today setting himself up for even more
14 significant consequences and possibly causing
15 harm to another victim.

16 The Crown's request is not unprecedented as
17 demonstrated by Justice Trotter's decision in
18 R. v. Levert, which is unreported. It is a 2012
19 decision of the Ontario Superior Court of
20 Justice. It must be considered in context.

21 This is not a regular sentencing proceeding.
22 It is an application for a long-term supervision
23 order, the purposes of which are to protect the
24 public and to provide for rehabilitation. Both
25 of these can be realized only if there are
26 enforceable conditions in place which allow for
27 appropriate treatment and supervision for

1 Mr. Andre and which are meaningful to him.

2 That process, in turn, can only happen if
3 the National Parole Board has before it properly
4 conducted and thorough reports, assessments, and
5 other information to properly inform its
6 decision. A hasty decision based on rushed and
7 potentially incomplete material may well result
8 in an inappropriate plan for Mr. Andre, and there
9 would be very little point to that.

10 Having made the findings I have, respecting
11 the substantial risk that Mr. Andre will
12 re-offend if he is not supervised, it would make
13 little sense to release him into the community
14 without a properly crafted supervision order
15 being in place to manage his risk.

16 Ms. Sparvier's evidence was that 70 days at least
17 is required to complete the work and obtain the
18 order.

19 Considering the effect of remission, I will
20 add an additional 90 days to Mr. Andre's
21 custodial sentence, and this will result in a
22 sentence of four years and four months as the
23 custodial portion.

24 Mr. Andre, please stand up. Andy Andre, for
25 the crime of sexual assault, you are sentenced to
26 a period of four years and four months. Having
27 regard to the time you have spent incarcerated

1 awaiting trial and sentencing, you will have
2 90 days remaining to serve on your sentence.
3 Upon finding you a long-term offender, your
4 incarceration will be followed by a period of
5 supervision of six years upon the terms to be
6 imposed by the National Parole Board. You can
7 sit down.

8 I am going to make the following ancillary
9 orders: First, there is going to be a DNA order
10 which will require Mr. Andre to submit to the
11 taking of bodily substances reasonably required
12 for forensic DNA analysis.

13 Second, pursuant to Section 490.012(3) (a) of
14 the Criminal Code, Mr. Andre will be required to
15 comply with the terms of the Sex Offender
16 Information Registration Act, and that will be in
17 effect for life.

18 For six years from the date of your release,
19 you will be subject to a prohibition order under
20 Section 161(1) (a) and Section 161(1) (c) of the
21 Criminal Code. Specifically, Mr. Andre will not
22 be allowed to attend a public park or swimming
23 area, where children under 16 are present or
24 could reasonably be expected to be present; or a
25 daycare; school ground; playground, or community
26 centre, and he may not have any contact with a
27 child under 16 unless he does so in the

1 supervision of someone the Court considers
2 appropriate. And that means communication by any
3 means, be it face to face, telephone, texting,
4 Facebooking, Skyping, or any other means of
5 communication.

6 There will be a Section 109 firearms
7 prohibition, which will also be in effect for
8 life, subject to any exemption granted upon
9 application under Section 113 of the Criminal
10 Code.

11 There will be a non-contact order
12 prohibiting Mr. Andre from contacting F.J., S.J.,
13 or J.J., and that order will be in effect for the
14 custodial portion remaining in your sentence. I
15 will recommend that this term be included in the
16 conditions that the National Parole Board
17 ultimately imposes.

18 With respect to some of the other conditions
19 that the Crown asked me to recommended to the
20 National Parole Board, I am declining to do so;
21 and the reason for that is that I think the
22 individuals who structure and come up with the
23 terms that are going to be effective for
24 Mr. Andre will have a better insight into his
25 needs, and I do not want to do anything that
26 might interrupt that process.

27 Finally, with respect to the documents

1 pursuant to Section 760 of the Criminal Code, I
2 order that a copy of Dr. Klassen's report and a
3 transcript of these reasons and a transcript of
4 the trial be prepared on an expedited basis and
5 forwarded to the Correctional Service of Canada
6 by the Supreme Court registry in accordance with
7 its usual practice.

8 Is there anything else from the Crown or
9 defence?

10 MR. FIX: No, Your Honour, on behalf of
11 Mr. Andre.

12 Mr. Andre, if there's any of that that you
13 do not understand, just call the office, okay?

14 THE ACCUSED: Okay.

15 MS. MILLER: Nothing from the Crown,
16 Your Honour. Thank you.

17 THE COURT: All right. Counsel, thank you
18 very much for your very helpful submissions.

19 Mr. Andre, I do hope that your
20 rehabilitation is successful this time.

21 We will close court.

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1 CERTIFICATE OF TRANSCRIPT

2
3 I, the undersigned, hereby certify that the
4 foregoing pages are a complete and accurate
5 transcript of the proceedings taken down by me in
6 shorthand and transcribed from my shorthand notes
7 to the best of my skill and ability.

8 Dated at the City of Edmonton, Province of
9 Alberta, this 29th day of September, 2016.

10
11 Certified Pursuant to Rule 723
12 of the Rules of Court

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14 _____
15 Janet Belma, CSR(A), B.Ed.
16 Court Reporter
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