

**IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES**

**IN THE MATTER OF:**

HER MAJESTY THE QUEEN

- v -

WILLIAM DILLON

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Transcript of the Reasons for Sentence delivered by The Honourable Justice A.M. Mahar, sitting in Yellowknife, in the Northwest Territories, on the 3rd day of February, 2017.

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**APPEARANCES:**

Ms. A. Paquin: Counsel for the Crown  
Mr. P. Harte: 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: A jury trial was scheduled in  
2 Tuktoyaktuk to begin on October the 17th, 2016.  
3 On the day of trial, Mr. Dillon entered a guilty  
4 plea to a single count of sexual assault. He was  
5 remanded in custody approximately a week later,  
6 and he has been in custody, awaiting sentencing  
7 since then.

8 The facts underlying the plea are as  
9 follows, and I am reading from an Agreed  
10 Statement of Facts:

11 William Dillon is the biological  
12 father of IT, the victim.  
13 "I" was born on May 28th, 1983.  
14 On or between November the 1st,  
15 2013, and November 30th, the same  
16 year, IT and DF, her  
17 common-law at the time, went for  
18 drinks at a friend's house in  
19 Tuktoyaktuk, Northwest Territories.  
20 In the early hours of the morning,  
21 Ms. T and Mr. F decided to go to  
22 sleep at William Dillon's  
23 place, as they thought this would be  
24 a safe place.  
25 Once at William Dillon's place,  
26 both Ms. T and Mr. F  
27 eventually fell asleep in the living  
room, each of them on a different  
couch. Sometime later, Ms. T awoke  
to someone touching her between  
the legs. She felt a finger or  
fingers inside her vagina. She  
moved, and she felt the hand come  
out. She opened her eyes and saw her  
father, William Dillon, close to her,  
moving away from her taking a step  
back. William Dillon was  
approximately 3 or 4 feet from her  
facing her.  
She was scared and did not know  
what to do. She got up. Her ski  
pants were undone. She buckled and  
zipped her pants. She woke up  
Mr. F, and they both left the

1 residence immediately.  
2 As a result of the incident,  
3 Ms. T left Tuktoyaktuk  
4 approximately one week after it  
5 happened. She moved to Alberta.

6 I believe she is now back in the  
7 Northwest Territories.

8 About four months later, on April the  
9 9th, 2014, she reported the sexual  
10 assault to the RCMP in Edmonton.

11 No victim impact statement was provided,  
12 because Ms. T found the process of the  
13 interview for the presentence report "grueling  
14 enough", and she did not see the need to go  
15 through it again.

16 I indicated, during the comments on  
17 sentence earlier, that I agreed and that there  
18 was substantial information in the presentence  
19 report. The impact on the complainant or victim  
20 has been profound. It includes depression; an  
21 inability to work or take care of her children;  
22 thoughts of suicide; she left her community; and  
23 it has had a devastating impact. I can do no  
24 better than to read, for the record, what she had  
25 to say to the writer of the presentence report,  
26 in her own words.

27 I am repeating the section that was read  
in earlier by the Crown attorney, but since this  
is now going to be the formal record of these

1 proceedings, this should form part of it. And I  
2 quote:

3 I had a great job at the time,  
4 working with The Commissionaires in  
5 cells in Tuktoyaktuk. At the time, I  
6 was in a three-year relationship.  
7 After I got hurt, I gave up my  
8 daughter for adoption because I  
9 couldn't deal with it and raise her.  
I couldn't work for two years. I  
felt so embarrassed. I felt betrayed  
and scared. I bottled up all those  
emotions I had. When I got angry, I  
took it out on those who didn't  
deserve it.

10 When I was making my statement in  
11 Alberta, I became emotional, and I  
12 had nowhere to turn. I was in a  
13 relationship with a guy, and I don't  
14 know where I'd be without him. I  
15 took it out mainly on him. I  
16 couldn't work. I was mentally lost  
17 and ended the relationship and came  
18 home. I drank a lot.  
19 When I got the papers for my trial,  
20 the drinking picked up again.  
21 I was angry. I noticed I started  
22 taking things out on my daughter.  
23 That's when I went to counselling.

24 I've been down a negative road for  
25 too long. I know what it's like, and  
26 I don't want to die yet. I have a  
27 lot to accomplish.

28 On the day of trial, I had to fly  
29 out. I didn't want to. I wanted to  
30 keep drinking and kill myself. I do  
31 anything and everything now to keep  
32 my mind occupied. I get really  
33 depressed. I'm so angry.

34 There is no question this is a serious  
35 crime. The nature of the sexual assault is  
36 digital penetration. While not intercourse, this  
37 is a serious violation of the physical integrity  
38 of the victim. This occurred while she was  
39 sleeping in her father's home. One has to wonder

1 where she could possibly have been safer.

2 Under the circumstances, a denunciatory  
3 sentence is called for. I note, as well, that  
4 Mr. Dillon has a criminal record with one entry  
5 from 1996 where he received 60 days in jail for a  
6 sexual interference charge.

7 In mitigation, there must be substantial  
8 credit given for the guilty plea. While the  
9 timing of the plea could have been earlier, the  
10 Crown candidly conceded that it would have been  
11 very difficult for the complainant to testify in  
12 this case, if not impossible. So, obviously,  
13 there is a need for great credit.

14 More generally, a guilty plea is an  
15 indication of remorse. While that remorse could  
16 have been somewhat clearer in the presentence  
17 report, it was present. I so find. And I can do  
18 no better than to quote from the decision of  
19 Justice Charbonneau in *R. v. Holman, 2014 NWTSC*  
20 *13* heard January the 10th, 2014, in Yellowknife.  
21 I am quoting from paragraph 47:

22 ... guilty pleas do more, and this is  
23 especially important in a case like  
24 this one where there are family or  
25 other connections between the  
26 offender and the victim. Because no  
27 matter what the outcome of a trial  
is, there can always remain doubt in  
the minds of some about whether the  
allegation was really true. Even  
after conviction, there can still be  
victim blaming and assertions that  
the complaint was false. There are

1 situations where even after a  
2 conviction some of the offender's  
3 loved ones can simply not accept that  
4 the allegation is true and they  
5 continue to believe that the victim  
6 is lying. And this can cause more  
7 tension, more division, more pain  
8 long after the court proceedings are  
9 over, particularly so in small  
10 communities, and many of our  
11 communities in this jurisdiction are  
12 small and close knit. So when a  
13 person comes forward and admits the  
14 wrongdoing, it puts an end to that  
15 type of uncertainty. It removes the  
16 lingering doubts that some may have.  
17 It means that everybody has to  
18 believe the victim. It makes it  
19 clear who was at fault and who was in  
20 the wrong and hopefully it means  
21 everyone can try to move on, on that  
22 basis.

23 Mr. Dillon is of Inuvialuit decent. This  
24 requires me to consider section 718.2(b) of the  
25 *Criminal Code*. I must give particular attention  
26 to the circumstances of Aboriginal offenders in  
27 determining an appropriate sentence. The Supreme  
28 Court of Canada has made it clear in cases like  
29 *Gladue* and *Ipeelee* that a sentencing Court must  
30 consider the unique systemic or background  
31 factors which may have played a part in bringing  
32 an Aboriginal offender before the Court and the  
33 types of sentencing procedures and sanctions  
34 which might be appropriate in the circumstances  
35 because of an Aboriginal offender's background.

36 I have had the benefit of a presentence  
37 report. It is very complete. Mr. Dillon is

1           currently 60. When he was only 6 years old, he  
2           was taken away from his parents to residential  
3           school where he spent approximately 14 years. He  
4           has suffered abuse, both physical and sexual,  
5           there, as well as in Tuktoyaktuk. His parents  
6           died in a house fire when he was only 20 years  
7           old. He has suffered many losses in his life.  
8           He grew up in an atmosphere of violence and  
9           drinking in the home.

10           From the presentence report, and I alluded  
11           to this earlier in comments to counsel, I see a  
12           quiet, lonely man with few real social supports  
13           and no particularly close relationships. He  
14           seems somewhat erratic in his thought process,  
15           which I gather from the comments he made to  
16           various persons, including the writer of the  
17           presentence report.

18           The Crown attorney is asking for two and a  
19           half years in jail. Mr. Harte, on behalf of  
20           Mr. Dillon, suggests either two years less a day  
21           or two years, which would allow the Court to  
22           impose a period of probation.

23           Mr. Dillon has served 103 actual days in  
24           jail giving him credit on 1.5 to 1 basis. The  
25           time he gets credit for is 155 days. I am taking  
26           into account the guilty plea; the personal  
27           circumstances of the accused, both in terms of

1 the *Gladue* factors and personal circumstances;  
2 obviously, the damage that was done to the  
3 complainant or victim; and the case law that has  
4 been provided, although I do make a note that  
5 every case is unique, as is every offender.

6 The sentence of the Court is two years in  
7 jail. Mr. Dillon, giving you credit for  
8 155 days, that leaves 575 days remaining. I will  
9 place you on probation for a period of three  
10 years.

11 Following your incarceration, you are to  
12 keep the peace and be of good behaviour; report  
13 to a probation officer within three days of your  
14 release and after that, as directed; you are to  
15 have no contact, directly or indirectly, with the  
16 victim, unless: One, it is initiated by her in  
17 writing to the probation office; two, it is with  
18 the written permission of your probation officer.  
19 Both of those conditions have to be present  
20 before you can have contact with her. I am not  
21 sure if she is going to want to. But we are  
22 talking about a period of time close to five  
23 years. And, three, any permission is revokable  
24 by either the victim or the probation office.  
25 Meaning they can remove the permission if the  
26 permission is granted. And you will take  
27 counselling, as directed by your probation



1 officer.

2 Those are the only conditions. I will make  
3 an order under section 743.21(1) that you have no  
4 contact, directly or indirectly, with the victim  
5 while you are incarcerated. You will be placed  
6 on the Sex Offender Registry for a period of  
7 20 years.

8 Mr. Harte, does Mr. Dillon hunt or otherwise  
9 require a firearm for employment? I know that he  
10 worked for Environmental Services up until about  
11 two years ago.

12 MR. HARTE: Your Honour, my expectation is  
13 that Mr. Dillon would hunt if he has an  
14 opportunity to do so. At this point, I don't  
15 think he has a machine, so he would be hunting  
16 with others. But, in any event, when he is back  
17 in the community, my expectation is that he would  
18 hunt. And so if the Court is considering a  
19 firearms prohibition, which I expect is the case,  
20 I'd ask that the Court make an exemption under  
21 113.

22 THE COURT: Crown, any comment?

23 MS. PAQUIN: No, Your Honour.

24 THE COURT: There will be a section 109  
25 firearms order. It is mandatory, under the  
26 circumstances. You are to see to it that any  
27 firearms or ammunition in your possession in

1 Tuktoyaktuk, meaning in a residence controlled by  
2 you, are to either be turned over to someone with  
3 a valid Firearms Acquisition Certificate or to  
4 the authorities, within the next 30 days.

5 I will make an exemption under section 113  
6 allowing you to apply to a regional firearms  
7 office for a limited permit for the purposes of  
8 either sustenance hunting or employment, upon  
9 your release. All that does is allow you to  
10 apply. I am not granting you a licence, but it  
11 does allow you to apply to the regional firearms  
12 office for a licence.

13 THE ACCUSED: Excuse me, Your Honour. I  
14 have a hard time hearing everything you've just  
15 said, because of one of the guards in Fort Smith  
16 yelled in this ear and damaged my hearing a bit.

17 THE COURT: Which part would you like me  
18 to start at?

19 THE ACCUSED: I'm sorry, Your Honour. Just  
20 about everything you said, I could not hear  
21 properly. I am very sorry, Your Honour. If it's  
22 all written down, I will read it later.

23 THE COURT: Mr. Dillon, what I am going to  
24 do is start again at the sentence part of it.  
25 What I have done, you will be able to read, and I  
26 do not propose to start again at the beginning.

27 I gave you credit for your guilty plea. I

1           took into account all of the circumstances. The  
2           sentence of the Court is two years in jail. Not  
3           two and a half years. Two years. It falls more  
4           or less in the middle of the range of sentences  
5           that I concede to be appropriate in a case like  
6           this. And, again, giving you substantial credit  
7           for the guilty plea and taking into account the  
8           substantially aggravating factor of you being the  
9           father of the victim.

10           I have given you credit for the time you  
11           have served in custody on a 1.5 to 1 basis, so  
12           you have credit for 155 days, and that leaves you  
13           with 575 days to serve.

14           After your sentence is completed, you will  
15           be on probation for three years. The only  
16           conditions of your probation are that you are to  
17           keep the peace and be of good behaviour; you are  
18           to have no contact, directly or indirectly, with  
19           the victim, your daughter, unless two things  
20           happen: One, she has to provide her written  
21           authorization to probation services; and, two,  
22           you have to have the written permission of  
23           Probation Services before you can have contact  
24           with her. Permission by either one of them can  
25           be revoked by either one at any time. So they  
26           can take it back. That is what you need before  
27           you can have contact with your daughter.

1           You are to report to Probation Services  
2           within three days of your release, and you are to  
3           take whatever counselling is recommended for you  
4           by the probation officer.

5           There are some other orders that I have  
6           made. There is one that you should know about  
7           immediately, is that you are ordered to have no  
8           contact, directly or indirectly, with the victim  
9           while you are incarcerated. You are going to be  
10          placed on the Sex Offender Registry for a period  
11          of 20 years. That is a mandatory order. I have  
12          no say in that. Simply mandatory.

13          I also have no discretion about the  
14          imposition of a firearms order. You will be on a  
15          firearms order for a period of ten years. I have  
16          allowed you to apply to the regional firearms  
17          office for a limited permit under section 113.  
18          But you still have to apply to the regional  
19          firearms office. And that is for either  
20          subsistence hunting or for jobs. You are to  
21          turnover any firearms or ammunition that is in  
22          your control, in other words, in a residence that  
23          is in your control in Tuktoyaktuk, within the  
24          next 30 days, either to someone with a valid  
25          Firearms Acquisition Certificate or to the  
26          authorities.

27          And I think that is as far as I got before

1           you raised the issue of not hearing me.

2           There has to be a surcharge of \$200. I will  
3           give you five years to pay that.

4           Crown, is there anything I have neglected?

5       MS. PAQUIN:                    I'm not sure that you  
6           mentioned if -- whether there was a DNA order or  
7           not.

8       THE COURT:                    There is a DNA order. Thank  
9           you. I might have mentioned it the first time  
10          through. There will be a DNA order. Thank you.

11       MS. PAQUIN:                   Thank you, Your Honour.

12       THE COURT:                    Anything else?

13       MS. PAQUIN:                   No, thank you.

14       THE COURT:                    Mr. Harte, anything?

15       MR. HARTE:                    Sir, for the sake of clarity,  
16          I'm wondering if the word "verbal" should be  
17          referenced in the revocation of permission, just  
18          to make that clear. I'm in the Court's hands.  
19          It may be clear the way it is. But just that  
20          it's clear that permission has to be given in  
21          writing, but it can be revoked verbally.

22       THE COURT:                    I will put a comma in there  
23          that permission for contact may be revoked by  
24          either probation services or the victim, "comma",  
25          either verbally or in writing.

26                    Thank you, Mr. Harte.

27                    Anything else?

1 MR. HARTE: No, sir. Thank you.

2 THE COURT: Mr. Dillon?

3 We will close court. Thank you.

4 -----

5 **CERTIFICATE OF TRANSCRIPT**

6

7 I, the undersigned, hereby certify that the  
8 foregoing pages are a complete and accurate  
9 transcript of the proceedings taken down by me in  
10 shorthand and transcribed from my shorthand notes  
11 to the best of my skill and ability.

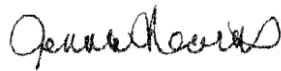
12 Dated at the City of Edmonton, Province of  
13 Alberta, this 6th day of March, 2017.

14

15 Certified Pursuant to Rule 723  
16 Of the Rules of Court

17

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Jenna Mearns, CSR(A)

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Court Reporter

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