

(AMENDED)

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

KEVIN MANTLA

Amended Transcript of the Reasons for Sentence delivered by
The Honourable Justice L.A. Charbonneau, sitting in
Yellowknife, in the Northwest Territories, on the 8th day
of November, 2018.

APPEARANCES:

Ms. J. Andrews:	Counsel for the Crown
Mr. B. MacPherson:	Counsel for the Crown
Mr. T. Bock:	Counsel for the Accused

(Charges under s. 235(1), s. 239(1)(b) of the *Criminal Code*)

No information shall be published in any document or
broadcast or transmitted in any way which could identify
the identity of the children in these proceedings
pursuant to s. 486.4 of the *Criminal Code*

1 THE COURT: Kevin Mantla was found guilty
2 after trial of the second degree murder of Elvis
3 Lafferty and the attempted murder of E.M. Today
4 I must sentence him for those offences.

5 For the murder charge, the sentence is
6 prescribed in the *Criminal Code* and is life
7 imprisonment. The only question for my
8 consideration is how many years Mr. Mantla will
9 have to spend in jail before he is eligible for
10 parole. The *Criminal Code* says that it will be
11 at least 10 years, but it could be as long as 25.
12 I also have to decide what sentence he should
13 receive for the attempted murder charge.

14 The Crown's position is that I should set
15 the ineligibility period for parole to 20 years
16 and that the sentence on the attempted murder
17 charge should be 15 years concurrent. The Crown
18 also seeks a number of other orders which are not
19 in issue.

20 The defence does not dispute the sentence
21 that the Crown seeks on the attempted murder
22 charge, but says that the ineligibility period
23 should be between 15 and 17 years.

24 In my decision finding Mr. Mantla guilty of
25 these offences, which is reported at 2018 NWTSC
26 35, I referred to many details of the evidence
27 that was adduced at this trial, and I made very

1 specific findings of facts about what happened
2 before, during and after the attack on
3 Mr. Lafferty and E.M. I will not go over all
4 those details again today. My reasons for
5 judgment finding Mr. Mantla guilty can be
6 referred to for those details. For today's
7 purposes, I will only summarize the facts as I
8 found them simply to put the rest of this
9 decision in context.

10 Mr. Mantla and E.M. had been in a spousal
11 relationship for a number of years. They had
12 lived together at Lanky Court in Yellowknife.
13 They had two children together, and during their
14 relationship, Mr. Mantla had taken on the role of
15 stepfather to E.M.'s other children.

16 Their relationship ended during the summer
17 of 2015. Mr. Mantla had moved back to Gameti.
18 E.M. and the children remained in the family home
19 in Lanky Court in Yellowknife.

20 The morning of September 27th, Mr. Mantla
21 repeatedly tried to place collect calls to E.M.'s
22 home. He placed four calls close in time to one
23 another. She did not take those calls because
24 she did not want to talk to him.

25 Later that morning, she did speak to him and
26 told him that she was now in a relationship with
27 Mr. Lafferty and that she wanted Mr. Mantla to

1 leave her alone. Mr. Mantla said words to the
2 effect that he was going to come after them. In
3 a subsequent telephone conversation later that
4 same day, Mr. Mantla again threatened E.M.

5 I was not able to make a finding at trial as
6 to what specific words were used, but I did find
7 that whatever those words were, they conveyed a
8 threat to cause serious harm to E.M. and to
9 Mr. Lafferty. This call disturbed E.M. greatly.
10 She was concerned.

11 That same day, Mr. Mantla purchased a plane
12 ticket to fly from Gameti to Yellowknife. At the
13 Gameti Airport, he met up with a friend who was
14 returning to Yellowknife after having visited
15 family in Gameti. This friend said that
16 Mr. Mantla could stay with him while he was in
17 Yellowknife. This is something that had happened
18 before.

19 After they arrived in Yellowknife, the two
20 left the airport together. Mr. Mantla bought
21 liquor from a bootlegger, and the two of them
22 went to the friend 's apartment. They spent the
23 evening there. Mr. Mantla drank some liquor and
24 the two of them smoked crack. The friend went to
25 bed, leaving Mr. Mantla in the living room.

26 After the friend went to sleep, Mr. Mantla
27 left the apartment. He made his way to E.M.'s

1 residence. He walked in undetected. Once
2 inside, he armed himself with a knife from inside
3 the house and attacked Mr. Lafferty and E.M.

4 What resulted was a chaotic situation in the
5 apartment. Exactly what happened, in what order,
6 was not entirely clear on the evidence at trial,
7 but what is clear is that Mr. Lafferty was
8 stabbed multiple times in the bedroom. He was
9 found seriously injured on the bed and died from
10 those injuries.

11 Without going into the details of the
12 findings from the autopsy, there were multiple
13 stab wounds to various parts of his body, some
14 very deep, suggesting that considerable force was
15 used during the attack.

16 E.M. was also stabbed numerous times. She
17 tried to protect herself and to get away but was
18 not able to. She was injured very seriously.
19 One of her hands was almost cut off. The attack
20 on E.M. occurred, in part, in a hallway, right
21 next to the living room area, where three of her
22 children had been sleeping on the couch.

23 The two daughters, aged 11 and 9 at the time
24 of the events, testified about what they saw at
25 trial. The eldest testified that as Mr. Mantla
26 was stabbing her mother and she, the daughter,
27 was crying and telling Mr. Mantla to stop, he

1 told her that he would kill her, too.

2 The youngest daughter also saw her mother
3 being stabbed. During this she asked Mr. Mantla
4 why he was doing this to them, and he answered,
5 "because she's cheating on me."

6 Before he left, Mr. Mantla cut the telephone
7 cord with the knife.

8 Mr. Lafferty's parents were also at the
9 house that night. They, too, testified at trial.
10 Their recollection of what took place was limited
11 and somewhat confused, but they were there. And
12 it is clear from their victim impact statements
13 that, quite apart from having to cope with their
14 son's violent death, the fact that they were
15 actually in the house when it happened has made
16 all of this all the more devastating.

17 I have heard that their relationship has
18 suffered because they blame one another for what
19 happened. I am not sure that me saying this will
20 change anything to that, but I want to say
21 clearly, they should not blame themselves, they
22 should not blame one another. There is only one
23 person who bears responsibility for what
24 happened, and that person is Mr. Mantla.

25 A number of other victim impact statements
26 were filed and read to me last week. Many were
27 read out loud in court at the sentencing hearing,

1 and since then I have reread them all.

2 Mr. Lafferty's death has had a terrible
3 impact on those around him. It has left his
4 children orphaned as their mother, sadly, had
5 died about six months before this happened. They
6 had been looked after by a relative while
7 Mr. Lafferty was working on getting his life in
8 order so they could go back and live with him.
9 Mr. Mantla took that opportunity away from all of
10 them, and that is unbelievably sad. Thankfully,
11 a family member is taking care of those children
12 now, but as they grow up, what happened will have
13 to be explained to them and that will mean trying
14 to explain the unexplainable.

15 Mr. Lafferty's parents and other family
16 members are suffering. That is to be expected,
17 and that pain and suffering was obvious to me
18 throughout these proceedings. I wish the Court
19 had the power to help with that pain, but I know
20 that no matter what sentence I impose today,
21 nothing will make up for the loss of Mr. Lafferty
22 for his loved ones.

23 E.M. has suffered a terrible impact from
24 these events, too. She was very seriously
25 injured, and she is still affected by all of
26 this, not surprisingly. In addition to having to
27 cope with her own trauma, she has the added pain

1 of seeing every day the effect that these events
2 had on her children. They were traumatized by
3 these events. Who wouldn't be?

4 Her description of the difference between
5 the children who were in the house that night and
6 those who were not is particularly chilling and
7 sad. She says the ones who were not there are
8 normal children, they are alive. But the ones
9 who were in the house that night are not the
10 same, they are always on alert. That is not how
11 a child should be. The Court can only hope that
12 with help their hearts can be repaired as much as
13 it is possible to have one's heart repaired after
14 something like this.

15 The victim impact statements prepared by
16 E.M.'s two daughters, the two who testified at
17 trial, are also very heartbreaking. They saw
18 this helpless. They thought their mother was
19 going to die. They had to relive it all,
20 testifying about it in court, and they both refer
21 to that in their victim impact statement. They
22 had to go live in Behchoko for a while after this
23 while their mother was in hospital undergoing
24 surgery and recovering.

25 I do not think that it is actually possible
26 to imagine the impact that these events had on
27 these two young girls and their younger brother,

1 who was also present even though he was not
2 called at trial. Such an experience would be
3 traumatic for any adult. Trying to imagine what
4 it would do to a child is dizzying.

5 I thank those who had the courage to try to
6 put words to their loss and their sadness. I
7 know that it is very hard to find words to
8 explain those feelings, and I hope that in time
9 you will be able to find some peace and that you
10 will find some comfort in your good memories
11 about Mr. Lafferty and in the knowledge he was a
12 good person as has been said by many people. But
13 I also know that this, if it can happen, will
14 take some time.

15 I am talking about the victim impact
16 statements because they are important. They are
17 important because they show how much harm, pain
18 and suffering was caused by these events.

19 Section 745.4 of the *Criminal Code* says that
20 in deciding the parole ineligibility period, the
21 Court has to take into account the character of
22 the offender, the nature of the offence and the
23 circumstances surrounding its commission.

24 The case of *R v Shropshire* provided guidance
25 about how this provision should be applied. It
26 said that, like in all sentencing decisions, this
27 decision must be made taking into account the

1 general sentencing framework set out in the
2 *Criminal Code*.

3 Parole ineligibility is part of determining
4 a fit sentence, and therefore it is governed by
5 the same fundamental principle of proportionality
6 that informs all sentencing decisions. And all
7 the other usual sentencing principles apply as
8 well, including the special considerations that
9 govern the sentencing of Indigenous offenders.

10 I have the benefit of a thorough presentence
11 report. It includes useful information about
12 Mr. Mantla's background.

13 Mr. Mantla is 39 years old and Tlicho. He
14 was born and raised in Gameti. Gameti is about
15 200 kilometres northwest of Yellowknife and has a
16 population of about 300 people.

17 Mr. Mantla was adopted as a baby by
18 relatives on his mother's side. According to the
19 report, he grew up in Gameti in a loving, caring
20 environment. There was no domestic violence in
21 the home. Mr. Mantla reports that his parents
22 taught him what was right and what was wrong
23 through speaking with him. They did not abuse
24 him. He was expected to assist with chores at
25 home. His parents led a very traditional
26 lifestyle. His father went out on the land to
27 fish, hunt and trap, sometimes for extended

1 periods of time, and sometimes he took Mr. Mantla
2 with him. Mr. Mantla has fond memories of these
3 experiences.

4 Alcohol abuse does not appear to have been
5 an issue in the home. He reported to the author
6 of the presentence report that his father
7 sometimes drank when he returned from time away
8 on the land, but Mr. Mantla's mother would take
9 him and his sister to another residence when this
10 happened so they would not be around people
11 drinking.

12 As an adult, Mr. Mantla remained close with
13 his parents. He was helping them with house
14 chores and various things after he returned to
15 live in Gameti before these events occurred. He
16 is concerned for them now that he knows he will
17 be in custody for a long time.

18 My understanding from the report is that he
19 has not had any contact with them since being
20 found guilty. He says he does not want to cause
21 them any more concern, and he did not want the
22 person who prepared the report to contact them as
23 she was working on the report.

24 Mr. Mantla reported that he started using
25 alcohol as a young teen, and his use increased
26 when he was 16 or 17. Alcohol abuse caused him
27 difficulties such as ending up in the drunk tank,

1 missing work, which sometimes got him fired,
2 getting into arguments. There are indications on
3 his criminal record of alcohol-related issues as
4 well, in the sense that there are convictions for
5 drinking and driving offences.

6 Mr. Mantla's experiences in school were not
7 positive from his perspective. He says he was
8 emotionally and physically punished for mistakes
9 instead of being taught to learn from them.

10 Mr. Mantla suffered a traumatic experience
11 when he was nine. There was a house fire at the
12 residence of his biological parents. His birth
13 mother and two of his brothers died in that fire.
14 His father escaped by jumping out the window.
15 Mr. Mantla was there when the fire happened, and
16 he remembers the fire truck being there, people
17 trying to put the fire out.

18 He told the author of the report that he has
19 never understood how his father made it out and
20 everyone else died, and he suspected that his
21 father was somehow responsible for what happened
22 and this is something he still wonders about.

23 Mr. Mantla, and this was confirmed at the
24 sentencing hearing itself, continues to say he is
25 innocent of the crimes I have found him guilty
26 of. That being the case, and this is to be
27 expected given his position, he did not express

1 any remorse or any acknowledgment of
2 responsibility to the author of the presentence
3 report.

4 Mr. Mantla is an Indigenous offender, and
5 this imposes certain obligations and duties on me
6 in deciding what a fit sentence is for his crime.
7 As I already noted, this is something that I must
8 consider in setting the period of this parole
9 ineligibility. I must take into account systemic
10 and background factors that have had an impact on
11 Indigenous people in this country, and I must
12 also take into account specific factors that have
13 played a part in Mr. Mantla's life and
14 contributed to his coming into conflict with the
15 law.

16 With respect to those specific factors, and
17 without taking anything away from the effect of
18 the trauma from having witnessed the house fire
19 where members of his biological family died,
20 Mr. Mantla appears to have had, in general, a far
21 more positive upbringing than many Indigenous
22 people who come before the Court. He was raised
23 in a traditional family. He participated in
24 activities on the land with his father. He grew
25 up feeling loved by parents who taught him well,
26 protected him and did not abuse him.

27 From the many presentence reports I have

1 read and the many sentencing decisions I have
2 read in this jurisdiction, I can say that many
3 Indigenous offenders who are sentenced in this
4 Court and the Territorial Court have much more
5 difficult, tragic and challenging backgrounds.

6 Mr. Mantla has a criminal record. He should
7 not today be punished again for the offences on
8 that record, but his criminal history is a
9 relevant consideration in the decision I have to
10 make today as it would be in any sentencing; and
11 in the specific context of determining parole
12 ineligibility, the offender's character is one of
13 the factors that is specifically referred to in
14 Section 745.5.

15 Mr. Mantla's criminal record includes
16 convictions for a variety of offences, including
17 convictions for crimes of violence, as well as
18 numerous convictions for breaches of court orders
19 and drinking and driving offences.

20 What is particularly aggravating is that
21 there are a number of convictions on this record
22 that are related to E.M. None of them are
23 assaults, but they suggest that Mr. Mantla's
24 behaviour towards her was problematic for a long
25 time, and they show he had great difficulty
26 staying away from her, even when he was ordered
27 by the Court to stay away.

1 In 2009, Mr. Mantla was convicted of
2 mischief for having damaged her vehicle. In
3 2011, he was convicted of another mischief, this
4 time for damaging her door. He was also
5 convicted of breaching an order not to have
6 contact with her. In 2013, he was convicted of
7 being unlawfully in her house.

8 In 2014, he was convicted four separate
9 times for breaching court orders that had
10 conditions designed to protect her from him. One
11 was a breach of a condition that he have no
12 contact with her when drinking, and three were
13 for breaching a condition not to attend her
14 residence. For those four charges, he received a
15 total jail term of three and a half months
16 followed by a year's probation.

17 I do not know what the terms of that
18 probation order was, but considering the date of
19 the convictions, the sentence imposed and the
20 duration of the order, that probation period
21 would have had to have expired only a matter of
22 months before the offences I am dealing with
23 today were committed.

24 Looking at the number of times when
25 Mr. Mantla was found guilty of damaging E.M.'s
26 property, for being in her home when he was not
27 supposed to and for being in contact with her

1 despite court orders preventing him from doing
2 so, it does not take a lot of imagination to get
3 a picture of just how unhealthy this relationship
4 was.

5 This adds chilling context to some of E.M.'s
6 statements in her victim impact statement: that
7 being in a relationship with Mr. Mantla was like
8 walking on eggshells, that she always had to be
9 alert, that he was a very jealous and controlling
10 person, that he did not like her talking to her
11 friends and that sometimes she could not have
12 family over at her place.

13 Based on what is before me, it appears
14 Mr. Mantla has no insight at all into his
15 behaviour. Leaving aside the fact that he still
16 claims his innocence with respect to the
17 September 2015 events and going back briefly to
18 the presentence report, he did talk a little bit
19 to the author of the report about his
20 relationship with E.M.

21 He said it was not healthy. He said there
22 was conflict around who would stay at home and
23 look after the children and who would work. They
24 both wanted to work outside the home. Mr. Mantla
25 was the one who stayed at home to look after the
26 household but, evidently, he was not happy about
27 this arrangement. And as far as how the

1 relationship ended, the report states, "Kevin
2 advised they were arguing, so he opted to leave
3 so things did not get out of hand."

4 Mr. Mantla appears to have made no mention
5 to the author of the report of the numerous times
6 when he was charged and convicted for crimes that
7 were linked to E.M.; that he damaged her
8 property; that he went to her house when he was
9 not supposed to; that he breached court orders
10 requiring that he stay away from her and her
11 house. To be sure, this relationship was
12 unhealthy, but I think it is fairly clear that
13 Mr. Mantla has a long way to go to begin to gain
14 insight into his behaviour, his issues and how
15 those played out in that relationship.

16 A few years ago in *R v Corrigan*, 2015 NWTSC
17 22, I had to sentence another man who could not
18 accept the end of a relationship and who, in a
19 fit of jealous rage, went after his ex-spouse and
20 her new partner with a knife. He killed them
21 both. The circumstances of this case compel me
22 to say some of the things I said when I imposed
23 sentence on Mr. Corrigan.

24 As the Crown noted during submissions, what
25 Mr. Mantla did in September 2015 is the ultimate
26 form of domestic violence. It is an extreme
27 manifestation of a phenomenon that is all too

1 present in our communities, an all-too-present
2 reality for many people here and in every
3 community in this jurisdiction and in this
4 country and in many places in the world.

5 The problem with domestic violence and
6 spousal abuse is rampant. It crosses
7 geographical, cultural and generational
8 boundaries. Every week the Courts in this
9 jurisdiction hear cases and sentence people for
10 crimes committed against their spouse. Some
11 cases are more serious than others, obviously,
12 but the prevalence of this type of crime cannot
13 be denied. It is a major social problem.

14 We understand now more than we once did the
15 dynamics of abusive relationships. We understand
16 that it is a cycle that is very difficult to
17 break. Sometimes it starts with abusive
18 language, name calling, putting the person down,
19 isolating the person from their friends and
20 support networks. It often manifests through
21 verbal abuse and controlling behaviour even
22 before any actual physical force is used.

23 We also know that for many reasons, it can
24 be very hard for the victim of this abuse to talk
25 about it, and even when they do, it can be very
26 hard to follow through and to leave the
27 relationship. And where a crime has been

1 committed, the police have been called and
2 charges are laid, it can be extremely difficult
3 to follow through with that process and testify
4 against an abusive spouse, and there are many
5 reasons for this. We also know that, sadly, for
6 some of those who do leave, it can be very
7 dangerous.

8 This is a very serious problem. It causes
9 immense harm. It is not just the problem of the
10 police, the courts and the emergency shelters.
11 It is everyone's problem and it should concern
12 everyone.

13 Some things make the problem worse such as
14 consumption of alcohol or other intoxicants, but
15 I repeat here what I said in *Corrigal*: when it
16 comes to violence and, in particular, domestic
17 violence, it is an error to say that the problem
18 comes from alcohol and drugs. What is at the
19 real root of this type of conduct, which taken to
20 an extreme leads to things like what Mr. Mantla
21 did in this particular case, is an unhealthy and
22 extreme sense of possessiveness of one's spouse
23 and a need to control that spouse at all costs.
24 Mr. Mantla may have been drinking and smoking
25 crack that night, but this is not what caused
26 this.

27 I do not have any direct evidence or

1 information from any source about what was going
2 on in Mr. Mantla's mind at the time he did this,
3 but clearly, jealousy and possessiveness were at
4 the core of what happened. That is the only
5 conclusion that one can draw looking at the
6 overall circumstances of these offences,
7 including the threats Mr. Mantla made after E.M.
8 told him she had a boyfriend and she wanted him
9 to leave her alone and his answer "she's cheating
10 on me" when his stepdaughter asked him in the
11 middle of all of this why he was doing it.

12 This is very reminiscent of Mr. Corrigan's
13 case. Mr. Corrigan had told the police officer
14 shortly after the events that he killed his
15 ex-spouse so no one else could have her, and he
16 killed her new boyfriend because he got in the
17 way.

18 As I already said, these cases are an
19 extreme manifestation of a very prevalent and
20 serious problem. It is not just the problem of
21 those who are trapped in this cycle. It is
22 everyone's problem. Everyone should be concerned
23 about it, and everyone should try to support
24 those who are dealing with it so that the victims
25 are not left isolated, ashamed and with nowhere
26 to turn, so that the children do not grow up in
27 an environment where this type of violence is

1 normalized such that when they grow up they
2 repeat the pattern in their own relationships,
3 and so the abusers get the help they need to
4 address the underlying issues that make them act
5 in this way.

6 I am saying all of this because listening to
7 and reading the heart wrenching victim impact
8 statements that were filed in this case, after
9 hearing how much sorrow these events have caused,
10 I was left, as I often am, wondering whether any
11 good at all can come from this. And the only
12 thing that I can think of, the only positive
13 thing that could come out of terrible events like
14 this is people taking stock of what is going on
15 around them in their community and being moved to
16 join those who are trying to make a difference so
17 that other families do not have to go through
18 things like this.

19 All that being said, today I have to decide
20 what sentence should be imposed.

21 There are many aggravating factors in this
22 case that justify a significant increase from the
23 minimum ten-year parole ineligibility. The
24 defence has acknowledged as much through the
25 position it has taken. Those aggravating factors
26 include:

27 First, the criminal record for reasons I

1 have already mentioned;

2 Second, the fact that this occurred in a
3 domestic context. Mr. Mantla was no longer with
4 E.M., but this attack was the result of his
5 jealous rage about her being with someone else;

6 Third, the presence of children and the
7 threat that Mr. Mantla uttered to one of them;

8 Fourth, the persistence, focus and extremely
9 violent nature of the attacks against both
10 victims as evidenced by the number and nature of
11 the injuries they sustained;

12 Fifth, Mr. Mantla damaged the phone before
13 leaving, and this is aggravating because it took
14 away a means for the victims to call for help.
15 It also says something about the depth of his
16 resolve;

17 Sixth, it is also aggravating that this was
18 not a spontaneous attack. Far from it. I was
19 left with a reasonable doubt on the issue of
20 planning and deliberation as it is defined in
21 law, but that is a far cry from saying this was a
22 spontaneous attack.

23 In my decision, finding Mr. Mantla guilty of
24 second degree murder, I said at page 87 of my
25 decision:

26 I am easily able to find that Mr. Mantla
27 was jealous and angry, that he threatened
E.M. and Mr. Lafferty, that he wanted

1 to intimidate and scare them, and even that
2 he came to Yellowknife with some
3 confrontation in mind. I have also no
4 difficulty in finding that based on the
5 evidence as a whole, Mr. Mantla was not
6 animated by good or innocent intentions
7 when he went to the Lanky Court Apartments
8 that night.

9 So although, as properly noted by
10 Mr. Mantla's counsel, I found that the Crown had
11 not proven beyond a reasonable doubt that this
12 was planned and deliberate, I also found that
13 this was not a spontaneous attack in that
14 Mr. Mantla was not animated by good or innocent
15 intentions when he went to the Lanky Court
16 residence that night. This was not an innocent
17 visit gone bad, and this is analogous to the
18 situation described in *R v Diebel*, 2007 ABCA 418.

19 There are no mitigating factors in this
20 case. While there was evidence of consumption of
21 alcohol and crack, my findings of fact were that
22 Mr. Mantla was not highly intoxicated. Being
23 under the influence of alcohol or intoxicants is
24 rarely mitigating. All it sometimes does is
25 suggests spontaneity, but that is not the case
26 here.

27 I am required to take into account
28 Mr. Mantla's circumstances as an Indigenous
29 offender, and I have, but in the circumstances of
30 this case, I am unable to find that those should

1 result in a reduction of the sentence.

2 The offences were extremely serious. They
3 were perpetrated against Indigenous victims.
4 They caused immense harm to the Indigenous
5 members of Mr. Lafferty's family, E.M.'s family,
6 as well as their Indigenous communities. The
7 public safety concerns and the need for
8 denunciation and deterrence are immense.

9 The Supreme Court of Canada in *R v Gladue*
10 and *R v Ipeelee* made it clear that even when all
11 the things that must be considered are
12 considered, there are cases where the sentence
13 that is appropriate for an Indigenous offender
14 for an offence will be the same as the sentence
15 that would be appropriate for a non-Indigenous
16 offender, and in my view, this is one of those
17 cases.

18 Mr. Mantla faced challenges in the education
19 system, and he witnessed a traumatic event when
20 he was still very young, but he also had the
21 benefit of being raised in a loving home, learned
22 many traditional skills from his adoptive
23 parents, remained closely connected to his
24 heritage. That is not to take away from the
25 difficulties and trauma he faced. But, on
26 balance, these considerations and everything I am
27 required to take judicial notice of do not change

1 the need, in this case, for a sentence that
2 places paramount importance on public safety,
3 deterrence and denunciation.

4 The Crown and defence are not actually very
5 far apart in their position. I have reviewed the
6 cases that they have filed. Of course, no two
7 cases are ever alike, and in the ones filed, some
8 are more relevant than others. Cases that arose
9 in a domestic violence context are the most
10 relevant, in my view, but again, each case has to
11 be examined in light of its own facts.

12 *Corrigan*, which I have already talked about,
13 is a recent case from this jurisdiction. The
14 parole ineligibility in that case was set at 17
15 years. It had similarities with this case and
16 some differences as well.

17 One significant difference is that, in this
18 case, children were in the house and one of them
19 was threatened. Another is that although
20 Mr. Corrigan's actions could not be characterized
21 as spontaneous, there was a much shorter period
22 of time between the moment when he realized his
23 relationship with his victim was over and that
24 she had someone else in her life and when the
25 attack was perpetrated.

26 As well, and this is obviously a very
27 important difference, Mr. Corrigan pleaded

1 guilty, and that was a significant mitigating
2 factor at his sentencing. It saved the resources
3 required to hold a trial. It provided certainty
4 of outcome, and it spared the witnesses from
5 having to testify about those events.

6 What I am saying now should not be
7 interpreted as an indication that Mr. Mantla is
8 being punished for having a trial. That was his
9 right. But it means that he does not, unlike
10 Mr. Corrigan did, get the benefit and the
11 mitigating effect of having pleaded guilty.

12 Finally, in *Corrigan*, there was a joint
13 submission that the parole ineligibility should
14 be between 15 and 17 years. Any time a sentence
15 is imposed in the context of a joint submission,
16 the precedential value of that sentence must be
17 assessed with great caution. Given the current
18 state of the law, a sentencing judge has very
19 limited discretion to depart from a joint
20 submission. In any event, the conclusion that I
21 reached in *Corrigan* was that the higher end of
22 that jointly proposed range was the very minimum
23 that could be imposed.

24 The overall circumstances of Mr. Mantla's
25 case and the complete lack of mitigating factors
26 lead me to conclude that the parole ineligibility
27 period must be longer in this case.

1 This murder, to the extent that these things
2 are always on a spectrum, is, in my view, at the
3 very high end of the spectrum of what represents
4 second degree murder, much closer to being first
5 degree murder than it is to being manslaughter.
6 The period of parole ineligibility must reflect
7 this.

8 The ancillary orders that the Crown has
9 sought will issue. They are not opposed. There
10 will be a DNA order. There will be a lifetime
11 firearms prohibition order. There will be an
12 order under Section 744.21 that Mr. Mantla be
13 prohibited from communicating with E.M., L.M.,
14 K.M., A.M., Mary Jane Lafferty and Archie
15 Lafferty.

16 Section 743.21 refers to this no-contact
17 order being in effect during the custodial
18 portion of the sentence. In this case, the
19 sentence is life imprisonment, and in my view,
20 this means that even if Mr. Mantla is released on
21 parole, he would still be in the custodial part
22 of his sentence, so the non-communication order
23 would remain in place.

24 In any event, I would hope that out of an
25 abundance of caution, a similar non-communication
26 order should be included in any parole conditions
27 that are set out should release on parole be

1 contemplated.

2 In making this non-communication order, I am
3 not overlooking the fact that one of these
4 children is Mr. Mantla's son, but the reality is
5 that Mr. Mantla tried to kill his mother right in
6 front of him, with complete disregard for the
7 effect that this would have on him and the other
8 children present. The order is justified, in my
9 view, even for Mr. Mantla's own son.

10 Mr. Mantla, for the second degree murder of
11 Mr. Lafferty, I sentence you to life
12 imprisonment, with no eligibility for parole for
13 20 years, and for the attempted murder of E.M., I
14 sentence you to 15 years' imprisonment
15 concurrent.

16 Close court.

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18 **PROCEEDINGS CONCLUDED**

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CERTIFICATE OF TRANSCRIPT

I, the undersigned, hereby certify that the foregoing transcribed pages are a complete and accurate transcript of the digitally recorded proceedings taken herein to the best of my skill and ability.

Dated at the City of Sault Ste. Marie, Province of Ontario, this 20th day of November, 2018.

Certified Pursuant to Rule 723
of the Rules of Court



Kerri Francella
Court Transcriber