

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HIS MAJESTY THE KING

- v -

CHASE STRAKER

Transcript of the Reasons for Sentence delivered by the Honourable Chief Justice S.H. Smallwood, sitting in Yellowknife, in the Northwest Territories, on the 7th day of November, 2023.

APPEARANCES:

J. Andrews:

Counsel for the Crown

T. Pham:

Counsel for the Defence

Charges under s. 163.1(3), s. 163.1(4),
and s. 346(1.1)(b) of the *Criminal Code*

There is a ban on the publication, broadcast or transmission of any information that could identify

the complainant pursuant to s. 486.4 of the *Criminal Code*.

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Reasons for Sentence

3

1 T. PHAM: Your Honour, I have spoken to Mr. Straker
2 about this, but I find myself ill right now, and for that
3 reason, I am going to ask Mr. Straker to create a little
4 bit of space between us.

5 THE COURT: Okay. All right. So, Mr. Straker,
6 yesterday I had asked you if you wanted to say
7 anything and you said you might want to say something
8 today. So if you want to say anything before I pass
9 sentence, I will just ask you to stand up and you can
10 say whatever you wish.

11 THE ACCUSED: I stand today -- I stand before you
12 today as a criminal. I broke the law and, in doing so,
13 have caused pain on others that can't be lifted with just
14 a simple sorry. In fact, I'm not sure anything can be
15 done to remedy the hurt I've put on others, especially
16 on a young lady who put her trust in me which in turn I
17 took advantage of.

18 I've had a lot of issues which I realized after the
19 first time I went to rehab. I'm not sure why I didn't work
20 on it there, but part of the reason is embarrassment and
21 shame that follows. I can't imagine that even compares
22 to the embarrassment and shame I've caused others.

23 What I did is not only wrong, but it's cruel and
24 evil. I was reading the Victim Impact Statements, and
25 just hearing the pain that has been caused has deeply
26 disturbed me to the point where I couldn't sleep. I

1 haven't ever had time to focus on this up until I was put
2 in jail.

3 As apologetic as I am, I believe that saying sorry
4 will just cause more pain. I have a problem. I know for
5 a fact that the best thing that I can do not only for
6 myself but for my parents, my family and my
7 community and for the world in general is to get help,
8 which I'm ready to do and I will do as soon as I go
9 down south.

10 The only thing, however, is that even when I do
11 finish working on myself is that doesn't fix the pain that I
12 caused, nor does it prevent other people from doing the
13 same, but it will prevent me from doing this ever again.
14 I did wrong and I claim full responsibility for my actions.

15 Since I've been in custody, I've done a lot of
16 looking within myself and I recognize that I struggle a
17 lot with attachment, jealousy, anger issues, poor
18 decision-making, empathy, narcissism, sexual
19 desensitization and sexual addiction. At the time of
20 doing these crimes, I know I was doing cruel things, but
21 didn't realize how much it affects someone and their
22 family. I didn't know how much fear it puts into not only
23 the victim but to people around them as well.

24 The fear and shame is something I can't even
25 come close to imagining. I think of it as if I were to
26 have a daughter who went through this and I feel

1 anger, sadness, fear and a feeling of hopelessness, for
2 I know that if I were to have a child that had this
3 happened to, I would try my hardest to seclude her
4 from people like me looking for her, which isn't what a
5 child's youth should be.

6 I hurt other people -- I hurt people other than my
7 victims. I hope that it's not too late for me and I hope I
8 can work on myself while I am still young so I can have
9 a relatively normal life for when I'm older. I want to
10 show the community that I can change. I never want to
11 hurt others the way I did.

12 I want to get better. I am hoping I can start as
13 soon as I go down south. So yeah, I think that's all I'm
14 going to say.

15 THE COURT: Okay. Thank you. Chase Straker has
16 entered guilty pleas to three offences on an indictment.
17 So count 2, that he did transmit child pornography
18 contrary to section 163.1(3) of the *Criminal Code*;
19 count 5, that he possessed child pornography contrary
20 to section 163.1(4) of the *Criminal Code*, and count 6,
21 that he committed extortion by threatening to release
22 intimate photos of a person with the intent to make
23 them send him intimate photos contrary to section
24 346(1.1)(b) of the *Criminal Code*.

25 Today it is my responsibility to sentence
26 Mr. Straker for these offences. The maximum

1 sentence for the transmit child pornography charge is
2 14 years imprisonment. For the possession charge,
3 the maximum sentence is 10 years imprisonment. For
4 both child pornography offences, there is a mandatory
5 minimum sentence of one year imprisonment. For the
6 extortion charge, the maximum sentence is life
7 imprisonment.

8 The Crown and defence have presented a joint
9 submission to the court that Mr. Straker should be
10 sentenced to a period of imprisonment of five years
11 less credit for his presentence custody.

12 The facts of the offences are detailed in an
13 Agreed Statement of Facts which I will briefly
14 summarize. On September 24, 2021, Dropbox, a cloud
15 storage company, reported an upload made the day
16 before to the National Centre for Missing and Exploited
17 Children. This upload was thought to contain child
18 sexual abuse material. The user's IP address was
19 identified in this report as well as other information.

20 On December 29, 2021, Snapchat, a social
21 media company, reported an upload made the day
22 before to the National Centre for Missing and Exploited
23 Children. This upload was of three images containing
24 child sexual abuse material from a given IP address.

25 The IP address identified Yellowknife, Northwest
26 Territories as the approximate location of the upload.

1 The report was forwarded to the Yellowknife RCMP's
2 Internet Child Exploitation Unit for investigation.

3 Investigation confirmed that the upload was child
4 sexual abuse material, that is child pornography, and
5 that the IP address associated with the upload was an
6 address in Yellowknife where Mr. Straker resided with
7 his parents.

8 On April 7, 2022, the RCMP executed a search
9 warrant at Mr. Straker's residence in Yellowknife and
10 seized two iPhones from his bedroom as well as a hard
11 drive. Analysis of the devices revealed that Mr. Straker
12 possessed 934 images of child pornography and 239
13 videos of child pornography which is also called child
14 sexual abuse material.

15 The analysis also revealed that on September
16 23, 2021, and on December 28, 2021, Mr. Straker
17 transmitted child sexual abuse material and that on
18 December 26, 2021, Mr. Straker extorted a teenage
19 girl, Madeline, to send him intimate images of herself,
20 threatening to send intimate images of her to others if
21 she did not.

22 The child sexual abuse material consisted of
23 children between the ages of two to 12 years old
24 engaged in sexual acts with adults and other children
25 and animals. There were cartoon images as well as
26 photographs and videos. It included adult males having

1 forced sexual intercourse with children.

2 The analysis of the phones also revealed that
3 Mr. Straker engaged in sexually explicit conversations
4 with unknown persons, including individuals that
5 Mr. Straker knew were under the age of 18 years old,
6 including a 15-year-old and a 16-year old.

7 In these conversations, Mr. Straker demanded
8 naked photos and threatened these individuals when
9 they expressed reluctance or did not comply with his
10 demands.

11 Mr. Straker also engaged in conversation with
12 Maddy and he threatened to send out explicit videos
13 that he had of her if she did not provide him with
14 additional sexually explicit material. He threatened to
15 send the videos to her mother and others.

16 Through investigation, the police were able to
17 locate Maddy who it was determined was a 15-year-old
18 girl in North Carolina. At the time, Mr. Straker was on a
19 probation order after having pled guilty to obtaining
20 sexually explicit material from a 16-year-old person. He
21 was under a number of conditions which prohibited him
22 from communicating with females under the age of 16
23 unless in the presence of an adult, and he was not
24 allowed to possess an internet connected device or to
25 access social media. In the conversations that
26 Mr. Straker had with these individuals, it was apparent

1 that he was aware that he was under these conditions
2 and that he was in violation of them.

3 Mr. Straker is of Métis descent, and this requires
4 me to consider section 718.2(e) of the *Criminal Code*
5 and in imposing sentence to consider all available
6 sanctions other than imprisonment that are reasonable
7 in the circumstances and to pay particular attention to
8 the circumstances of Aboriginal offenders.

9 Counsel have advised that Mr. Straker's
10 personal circumstances as an Indigenous person have
11 been taken into account in proposing the joint
12 submission to the court. I do not have the benefit of a
13 presentence report or a *Gladue* report, but I have heard
14 submissions from defence counsel regarding
15 Mr. Straker's background as an Indigenous offender.

16 He has been impacted by intergenerational
17 trauma, the legacy of residential schools, and has
18 unresolved trauma from his childhood. He was born
19 into a family where his mother and grandmother had
20 addiction issues. He was apprehended by Child and
21 Family Services and custom adopted at the age of
22 three.

23 He has faced challenges since then including
24 mental health problems. He has sought help in the
25 past for depression and has also faced challenges like
26 the abuse of hard drugs for which he has also sought

1 help.

2 His parents have tried to access help for him,
3 but it is a struggle to access resources which is
4 something unfortunately the court hears on a regular
5 basis. Options for people who wish to seek help with
6 their issues can be difficult to access, or alternately not
7 geared to their particular circumstances.

8 It is difficult to know specifically what issues
9 Mr. Straker needs to have addressed without the
10 benefit of a presentence report, a risk assessment or a
11 psychological evaluation. Hopefully, while in the
12 federal correctional system, he can access the
13 programming he needs and get the assistance he
14 needs with his particular issues.

15 At this point, I do not think it is a stretch to say
16 that Mr. Straker is a risk to teenage girls and to any
17 female that he would enter into a relationship with.

18 Sexual offences against children are serious and
19 the primary sentencing principles are deterrence and
20 denunciation. The increase of maximum sentences for
21 offences against children shows that Parliament
22 intended for these offences to be punished more
23 harshly and reflects the increased recognition of the
24 gravity of these offences.

25 There is as well in the sentencing case law an
26 increasing emphasis as reflected in the case of *Friesen*,

1 [2020] 1 SCR 424, from the Supreme Court of Canada
2 on the important of prioritizing denunciation and
3 deterrence for offences that involve children.

4 The internet, social media and cellphone have
5 changed our lives forever. What teenager does not
6 have a cellphone or one or more social media
7 accounts? They allow friends to communicate
8 instantly, to share photos, to exchange messages.
9 They allow parents to check in on their children, but
10 they also allow predators to take advantage of
11 teenagers, and in the hands of someone like
12 Mr. Straker, the cellphone becomes a weapon to extort
13 young girls for his own pleasure.

14 The prevalence of child pornography is also a
15 concern. As has been stated, the proliferation of child
16 pornography means that the sexual violence against
17 children has also increased because these are real
18 children who are victims to the horrors inflicted upon
19 them by the predatory acts of adults. Improvements in
20 social media and the prevalence of social media
21 designed for young people means that new forms of
22 sexual violence against children are enabled and there
23 are new ways to access and abuse children.

24 Child pornography is relatively easy to find even
25 for the unsophisticated internet user. The accessing
26 and possessing of child pornography creates a demand

1 for the production of more child pornography, putting
2 more children at risk and continuing the risk for those
3 who already are subject to that abuse.

4 Once created, these images and videos are
5 impossible to remove from the internet, and each time
6 they are accessed or shared, the child victims depicted
7 in them are revictimized. They live their lives knowing
8 that the images and videos of their abuse remain out
9 there and accessible and could be viewed by anyone at
10 any time. They live in fear of recognition by strangers
11 and deal with online harassment and stalkers who
12 search them out. It is a hell that never ends.

13 The Victim Impact Statements that have been
14 provided by the Crown from individuals identified in
15 child sexual abuse material or their parents
16 demonstrate the devastating and long term impact the
17 creation of this material results in, and it demonstrates
18 that the pictures and videos on the internet are not of
19 some made up imaginary child, but that these are real
20 children being subjected to real abuse by adult
21 predators.

22 Turning to the aggravating and mitigating factors
23 in this case, Mr. Straker is a young person who is
24 20 years old now. He was 18 and 19 years old at the
25 time of the offences. He is young. That is mitigating.

26 He is young enough that rehabilitation also has

1 to be a strong consideration despite his recent history.
2 It will be up to Mr. Straker to take the steps to make the
3 changes and rehabilitate himself. He has the support
4 of his family, and from what I have heard today, he is
5 determined to take those steps and hopefully he can
6 get the help that he needs.

7 Mr. Straker has entered a guilty plea and has
8 done so at an early opportunity. There is a real benefit
9 to a guilty plea. Beyond being an acknowledgment of
10 responsibility, it also saves the resources required for
11 trial. It also means that those impacted by the offences
12 do not have to go through a trial and victims do not
13 have to testify about what happened.

14 Mr. Straker is also remorseful. I have heard
15 from him today, and his counsel indicated this
16 yesterday that he does have remorse and he takes
17 responsibility for his actions, and I think that is a good
18 step to demonstrating insight into his activities and to
19 hopefully beginning to change his behaviour.

20 There are as well aggravating factors. It is
21 aggravating that Mr. Straker had a prior related criminal
22 record that was recent. In Youth Court in 2021, he was
23 sentenced for three counts of extortion, two counts of
24 failing to comply with conditions, and distribution of
25 intimate images without consent.

26 He received a conditional supervision order and

1 22 months of probation. He was still subject to a
2 number of conditions which he was clearly aware of.
3 He flouted those conditions and engaged in the same
4 behaviour that resulted in his prior convictions.

5 This case also involved the possession of
6 934 images and 239 videos of child sexual abuse
7 material and the transmission of several images of child
8 sexual abuse material. The child sexual abuse material
9 that Mr. Straker possessed contained -- involved
10 children between the ages of 2 to 12 years old being
11 subjected to serious sexual abuse. As I said, these are
12 images and videos of real children, young children,
13 being horrifically sexually abused.

14 There is also the sharing of the child sexual
15 abuse material by Mr. Straker. He transmitted it. He
16 repeatedly demanded intimate photos from multiple
17 teenage girls and used social media apps to engage
18 with these girls. He threatened to expose them to
19 others and to distribute their intimate photos to others.
20 This behaviour is reprehensible and cannot be
21 condemned strongly enough.

22 The Crown is seeking a number of ancillary
23 orders, some of which are mandatory. There is the
24 firearms prohibition order. It is mandatory that there be
25 one pursuant to section 109 of the *Criminal Code*. So
26 Mr. Straker will be subjected to a firearms prohibition

1 order that begins today and ends ten years after his
2 release from imprisonment.

3 These offences are designated offences
4 pursuant to section 490.012 of the *Criminal Code*, so
5 there will be a SOIRA order requiring Mr. Straker to
6 comply with the registration requirements of the *Sex
7 Offender Information Registration Act*. The duration of
8 that order is for 20 years.

9 These offences are primary designated offences
10 pursuant to section 487.051 of the *Criminal Code* and it
11 is mandatory that Mr. Straker's DNA be taken for
12 inclusion in the DNA databank. So there will be a
13 DNA order.

14 The Crown is also seeking a prohibition order
15 pursuant to section 161 of the *Criminal Code* to prohibit
16 Mr. Straker from attending certain places where
17 persons under the age of 16 might be and to place
18 restrictions on his access to the internet. The Crown
19 has provided draft terms for this order which I have
20 reviewed. The defence is in agreement with the need
21 for an order and with the proposed terms.

22 Section 161 of the *Criminal Code* permits the
23 court to restrict Mr. Straker's activities for a period of up
24 to life. In this case, counsel have agreed to a ten-year
25 order.

26 In making these orders, it is important to ensure

1 that they are tailored to the offender and to consider the
2 nature of the offences and the risk to reoffend. These
3 orders are also punitive in nature as they restrict an
4 offender's activities for a specified period of time. An
5 order is important in this case because of Mr. Straker's
6 predatory activities towards teenage girls which has
7 persisted despite his prior convictions for similar
8 offences.

9 Mr. Straker has expressed a willingness to seek
10 help and is young, so presumably he is a good
11 candidate for rehabilitation. I do not have a risk
12 assessment, however, or a strong sense of the
13 challenges he might face or the programming which
14 might be best for him. So there also a need to ensure
15 the safety of children and any female that he might be
16 in contact with following his release from prison.

17 The terms of the order endeavour to do that. So
18 Mr. Straker will be required to: you are prohibited from
19 attending a daycare centre, schoolground, playground
20 or community centre except while in the presence of an
21 adult over the age of 19 years who is aware of your
22 convictions;

23 You are prohibited from seeking, obtaining or
24 continuing any employment, whether or not the
25 employment is remunerated, or becoming a volunteer
26 in a capacity that involves being in a position of trust or

1 authority towards persons under the age of 16 years;
2 You are prohibited from having any contact,
3 including communications by any means, with a person
4 who is under the age of 16 unless under the
5 supervision of an adult over the age of 19 who is aware
6 of your convictions;

7 You are prohibited from using the internet or
8 other digital network to access any content that violates
9 the law. While using the internet, you shall not delete
10 your browser history;

11 You are to provide any internet connected
12 device and any password used to lock the device to a
13 peace officer upon their request in order for them to
14 monitor the compliance with this order.

15 The duration of the order will be for ten years
16 from the date of Mr. Straker's release from
17 imprisonment.

18 Mr. Straker has been in custody since his arrest
19 on October 6, 2022, a period of 13 months. At credit of
20 one and a half days for every day spent in custody, that
21 equates to 19.5 months of presentence credit which will
22 be deducted from the sentence that I am about to
23 impose.

24 The sentencing submission is a joint one. The
25 Supreme Court of Canada has said that sentencing
26 judges are required to follow a joint submission unless

1 to do so would bring the administration of justice into
2 disrepute or would otherwise be contrary to the public
3 interest. This means that my discretion to depart from
4 a joint submission is extremely limited and can only
5 occur when a joint submission does not meet the public
6 interest test. The public interest test set out by the
7 Supreme Court of Canada is a high standard and a
8 joint submission should not be rejected lightly.

9 In this case, the joint submission is one that is
10 within the range of appropriate sentences in totality. It
11 would not bring the administration of justice into
12 disrepute or be contrary to the public interest.

13 While I would have imposed a higher sentence
14 for the extortion offence, I am prepared to impose the
15 joint submission. In doing so, I take into account the
16 circumstances of the offences, the sentencing principle
17 of totality, the early guilty plea, and Mr. Straker's
18 personal circumstances including his Indigenous
19 background and his youth.

20 Please stand, Mr. Straker. For the offence of
21 transmitting child pornography, I impose a period of
22 incarceration of three years. For the offence of
23 possessing child pornography, I sentence you to a
24 period of incarceration of two years to be served
25 concurrently. For the offence of extortion, I sentence
26 you to a period of two years incarceration to be served

1 consecutively.

2 That is a total of five years imprisonment. From
3 that will be deducted your remand time of 19.5 months,
4 leaving a sentence to be served of 40.5 months or
5 3 years and 4.5 months. You may have a seat.

6 Now, there is also the Forfeiture and Return
7 Order that was submitted by the Crown seeking the
8 return of some exhibits and the disposal of others, and
9 that is agreed to as well by the defence. So the order
10 that was submitted, the Forfeiture and Return Order,
11 will go as submitted.

12 In addition, the Crown had sought to have a no
13 contact order on the Warrant of Committal, while
14 Mr. Straker is in custody that he have no contact with
15 H.C. and that the name of that person was to be
16 provided by the Crown to the Clerk, and I am not sure if
17 that has been done.

18 J. ANDREWS: Not yet, Your Honour, but the Crown will
19 do so.

20 THE COURT: Okay. And so that will be included on the
21 Warrant of Committal as well. All right. So I want to
22 thank counsel, Mr. Fane who is not here today, and the
23 defence counsel for your work on this case to resolve
24 this case and the submissions and getting this matter to
25 resolution. Is there anything else?

26 T. PHAM: Nothing further, thank you.

1 J. ANDREWS: Not from the Crown, thank you.

2 THE COURT: Okay. All right. Thank you. So,
3 Mr. Straker, good luck. I hope that you are able to
4 access the programming that you need and that you
5 are able to get the counselling and other treatment that
6 you need while you are in custody.

7 **(PROCEEDINGS CONCLUDED)**

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18 **CERTIFICATE OF TRANSCRIPT**

19 Veritext Legal Solutions, Canada, the undersigned, hereby
20 certify that the foregoing pages are a complete and accurate
21 transcript of the proceedings transcribed from the audio
22 recording to the best of our skill and ability. Judicial
23 amendments have been applied to this transcript.

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26 Dated at the City of Toronto, in the Province of Ontario, this

1 1st day of December, 2023.

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4 *Veritext Legal Solutions, Canada*

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6 Veritext Legal Solutions, Canada

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