

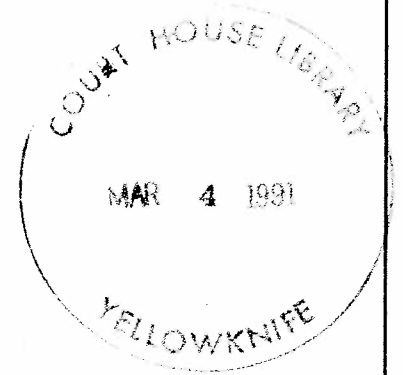
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

CHARLIE MANTLA



Transcript of the Oral Sentencing of His Honour
Judge R. M. Bourassa, sitting at
Yellowknife, in the Northwest Territories,
on Friday, November 2, A.D. 1990.

APPEARANCES:

MR. H. PRUDEN

For the Crown

MR. T. BOYD

For the Defence

Charge under Section 266 C.C.

1 THE COURT: The accused was convicted yesterday in
2 Rae-Edzo of assault on his ten-year old son. The
3 Crown sought to tender proof of previous convictions
4 by way of consent, or agreement. The Crown has filed
5 with the Court today, in accordance with Section 667
6 of the Code, three certified summary conviction
7 informations, three court documents indicating a
8 conviction for assault in reference to Charlie
9 Mantla. I can not go beyond what those records reveal
10 on their face and speculate as to who filled them in,
11 how they were changed, or how it came to be that they
12 are written up in the form that they are written up.

13 It is open for defence counsel to seek permission
14 of the Court to cross-examine the clerk of the court
15 who produced this record, but has not requested to do
16 so. The uncontradicted evidence before me is that I
17 have Charlie Mantla before me, born the 27th of April,
18 1942. One of the documents filed by the defence names
19 a Charlie Phillip Mantla, born 16 July, 1955. On the
20 evidence that is before me, notwithstanding Charlie
21 Mantla's denial, I find that he is one and the same as
22 the Charlie Mantla set out in Exhibit one.

23 I don't believe Mr. Mantla when he says he
24 doesn't remember, or everyone is lying. He testified
25 before me at his trial. I had the opportunity of
26 observing him and listening to him, he is not a
27 credible witness. On the evidence before me I am

1 satisfied that he has three previous convictions for
2 assault as set out in Exhibit one.

3 In regards to sentence; Charlie Mantla was seen
4 to strike his ten-year old son in the face. His son
5 received injuries to the bridge of his nose, his lip,
6 and a substantial black eye. Apparently the other
7 conviction relates to acts of violence against family
8 members as well.

9 I am deeply concerned with the allegation by the
10 Crown that as a result of having to testify one
11 daughter has been ejected from the home. In a way the
12 criminal law is making a bad situation at home
13 apparently worse. Society can't afford to sit back
14 and allow this level of violence to exist within a
15 family. I have no information and no power to go
16 beyond a sentence on this accused today, so that some
17 way the rest of the family can be
18 protected. Mr. Mantla's daughter didn't testify
19 because she wanted to, she testified because she had
20 to, and for someone in the family to punish her for
21 that is most unjust. Mr. Mantla, you are in court for
22 what you did, not for what anyone else is doing to
23 you. As I told you yesterday, you can correct your
24 son, but you can't go punching him in the face like
25 this.

26 I take into account that there is no remorse;
27 there is a denial of what I found in fact to have

1 occurred.

2 Stand up please Mr. Mantla. On this matter I am
3 going to sentence you to a term of imprisonment of one
4 month. You are supposed to be a role model for your
5 children and your son, Mr. Mantla, I suggest you might
6 want to reconsider how you deal with a ten-year old
7 boy, but I tell you that the law will not accept
8 punches to the face like this, and that the truth
9 can't be hidden behind locked doors.

10 You will also be placed on probation for one
11 year, and be required to keep the peace and be of good
12 behaviour, which means stay out of trouble. You will
13 be required to report twice a month to the probation
14 worker in Rae, that's it.

15 (AT WHICH TIME THIS MATTER WAS CONCLUDED)

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Certified a correct transcript,

Loretta Mott

Loretta Mott, Court Reporter