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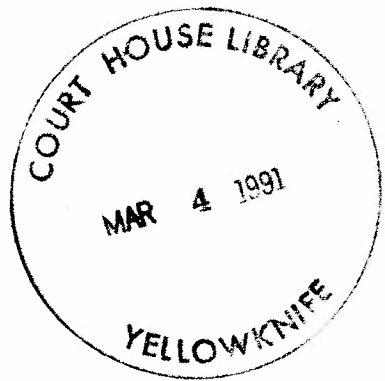
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS.

JIM RADDI



Transcript of the Oral Sentencing delivered by His Honour
Judge B. A. Bruser, sitting at Tuktoyaktuk in the Northwest
Territories, on Wednesday March 7th, A.D. 1990

APPEARANCES:

MR. JOHN CLIFFE: Counsel for the Crown
MISS JOYCE LILLEGRAN: Counsel for the Defence

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1 THE COURT:

2 This is a most unfortunate case. I have listened
3 attentively to what Mr. Raddi had to say. I trust that what
4 Mr. Raddi had to say will have its effect on other people in
5 the community. At his age he has gone through a lot in his
6 life and his words for the most part were words of wisdom.

7 I am sentencing him today for two of the more serious
8 offences in the Criminal Code of Canada. The evidence of
9 your wife, Mr. Raddi, which I chose to prefer over your
10 testimony, shows the circumstances of what happened to have
11 been most alarming. In effect you laid a beating upon her.
12 I rejected, as I indicated, your version. The facts were
13 related earlier in this courtroom at the request of the
14 Crown, and I will not repeat them.

15 What you did was to terrorize your wife so much that she
16 fled the home in the middle of winter without footwear and in
17 fleeing the home, she was fleeing you, her husband.

18 Constable Mayo, who attended at the home in response to
19 the complaint noticed that your wife was very upset and
20 crying. In spite of what you had to say to the people in
21 this courtroom, and in spite of what is in the presentence
22 report, I intend to quote the words of Justice De Weerd't of
23 our Supreme Court in a case he decided on November 28th,
24 1989. He was dealing with a man named Stanley Desjarlais
25 who had beaten a woman and who had a record for beating
26 women. You have a record consisting of one conviction for
27 having beaten your wife. While the record is almost five

1 years ago, it is not very old.

2 Justice De Weerdts had this to say -- he was dealing
3 with a man who was found guilty of assault with a weapon as
4 you have been found. He sentenced that man to one year
5 imprisonment, to be followed by one year of probation. Mr.
6 Desjarlais's record was far worse than yours. Here are the
7 words of the Supreme Court Judge, in part:

8 " ... It doesn't take very much
9 to be the kind of man that beats up
10 on women. That sort of thing is
11 beneath contempt. It is a sign of
12 someone who is so weak that he
13 looks for someone weaker than
14 himself. If a man is strong then
15 he can contend with himself and
16 control himself and not take out
17 his anger on those who are weaker
18 than himself."

19 I understand that you were in a situation in which you
20 exploded. I understand that you felt, without my passing
21 judgment on your wife, that she was carrying on in an
22 irresponsible manner. Nevertheless you had a duty under
23 the law to control your temper. As you put it earlier
24 in this courtroom, "... you best ought to leave and not
25 put up with this". You said words to that effect. In
26 my view those were wise words.

27 I believe that you are coming around in terms of your
ability to control your drinking and in your ability to
manage your temper. You still do have, (at least you did
last month in this courtroom), an explosive side to your
personality. I saw you explode two times in court. You
have to deal with your alcohol problem and you have to deal

1 with your temper.

2 Taking into account everything including the record,
3 what your lawyer has said, what the Crown has said, the facts
4 of what happened, the contents of the excellent presentence
5 report, most of which is favourable and all the other factors
6 that I have to consider, I am of the view that imprisonment
7 is needed. You are going to jail. The ultimate purpose of
8 the criminal justice system is to protect the public. I
9 can do that by helping you, by stopping you from doing this
10 type of thing again and I can do it as well by imposing a
11 punishment which is firm enough to help to get your message
12 across to other people in the community, that they too must
13 not put themselves in a similar situation. I also consider
14 public condemnation as a factor of sentencing. All of these
15 things are important in protecting the public. Weighing all
16 of those things along with what I said earlier, I feel
17 that a fit period of imprisonment is five months on each
18 count concurrent, along with probation for a period of
19 twelve months after your release.

20 I recognize that jail will be hard on you. If it were
21 not for your age and your medical problem, the period I can
22 assure you, would have been longer. Jail may be hard on your
23 family. The Department of Social Services and your family
24 will have to get together to do what they can.

25 The probation terms of one year will be the following:
26 You will keep the peace and be of good behaviour. You will
27 appear before the court when and as required to do so by

1 the Court. Within 7 days of your release you will report
2 to the probation officer and thereafter report when and as
3 directed by the probation officer. Throughout the entire
4 time you will be under the supervision of the probation
5 officer. You will take counselling when, and as directed
6 by the probation officer, along with any treatment directed
7 by him or her. This is to include alcohol counselling
8 anger management counselling and family counselling. You
9 will, for the first six months of that term, abstain
10 absolutely from the possession and consumption of alcoholic
11 beverages. You will have no contact in a direct manner with
12 your wife.

13 Finally I make an order under Section 100 of the
14 Criminal Code on Count 1, prohibiting you from possessing any
15 firearms, ammunition, or explosive materials for a period
16 beginning today and ending five years after your release from
17 imprisonment. Do you own any firearms, ammunition or
18 explosive material? If so, how long will you need to
19 surrender them in a lawful manner?

20 MR. RADDI: Well, I guess I got so much belongings
21 in my house it's going to take me a while to gather my stuff.

22 THE COURT: Could you do that within 30 days?
23 You can't do it yourself, but you could authorize someone
24 to do so on your behalf. I will give you 30 days to do that.

25 I see no reason not to impose the mandatory victim of
26 crime surcharge in this case and I do that. The amount
27 will be \$35,00. That is set by law. The default will be

1 five days consecutive. How long will you need to pay that
2 amount?

3 MR. RADDI: I could pay it now.

4 THE COURT: I will give you until the end of
5 this month, March 30th.

6 (DISCUSSION RE WEAPON)

7 THE COURT: Fine, I will do nothing about it.

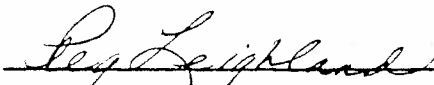
8 Do you have anything further, Miss Lillegran?

9 MISS LILLEGRAN: No, Your Honour.

10 THE COURT: That is all then.

11 (CONCLUDED)

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13 Certified a correct transcript

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17 Peg Leighland, Court Reporter