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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

EDDIE TEX DILLON

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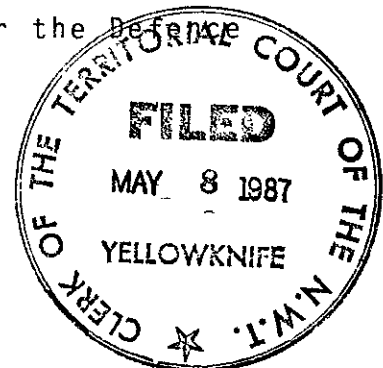
Transcript of Sentencing given by His Honour, Deputy Judge R. A. Fowler sitting at Tuktoyatuk in the Northwest Territories on Wednesday, March 11th, A.D., 1987.

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APPEARANCES:

MR. B. PURDY: Counsel for the Crown

MS. J. LILLEGRAN: Counsel for the Defence



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THE COURT: Mr. Dillon, you have quite a resume. You have achieved quite an element of distinction within your community and a lot of people have put a lot of trust and credence and credibility in your ability to handle your affairs. There is a saying that from those who are given much, much is expected and you have been given positions of great trust within your community and much is expected of you from that.

You are certainly to be considered one of the leaders in your community and because you have been given those kinds of distinctions, people look up to you and they expect that you will behave and that your manner will lead others in that fashion. When you break that trust by committing an offence such as this, then not only do you bring a degree of awareness, I suppose criminal awareness in your own home but you also send a message out to the community and the community now will pay for this as well as yourself because they have lost a certain element of trust in you and you have to restore that somehow. It's always harder to climb up a hill than to slide down one.

In any community in Canada, no matter where it is, whether it's in the South or the North or the East or the West, crimes of violence are always looked upon as serious offences. To further complicate that, crimes of violence that are visited upon women are considered to be even more serious because women generally in all societies are considered to be more vulnerable than the male population. We also consider children as being more in need of our attention and protection.

At the same time we are further concerned by the fact that

1 if women can't go to their own homes and their own husbands  
2 for protection, where can they go? Where can they go if in  
3 their own homes and with their own husbands they feel threat-  
4 ened or intimidated? It then becomes a very lonely life to  
5 assume a role as spouse in a situation where this behaviour  
6 exists.

7 In any event, these sorts of crimes, this sort of violence  
8 has to be treated seriously and not diminished at all. Any  
9 Court looking at these kinds of offences or generally any  
10 serious offences considers three basic principles of sentencing,  
11 the first being the protection of the public, and your wife is  
12 as much a member of the public as the Crown Attorney or the  
13 Police Officer or any of us. She has all the rights under  
14 the constitution of this country. Not you or anybody else can  
15 take those rights away from her. She has the right to security  
16 of the person. She has a right not to be assaulted, not to  
17 be hurt, not to be threatened, not to be intimidated. She has  
18 these rights under the Supreme Law of this country and whether  
19 she's a lady in Tuktoyatuk or in Montreal or in Vancouver or  
20 wherever she is, she is cloaked with those same rights.

21 Nobody has a right to take those away from her and you  
22 have done that. So, people have a right to be protected and  
23 they expect the laws of this country to protect and that's the  
24 first principle of sentence. A sentence must do that or it's  
25 meaningless.

26 The second principle of sentencing that I am bound to con-  
27 sider is the deterrence aspect, sufficient to deter you from

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doing this again and to deter anybody else from considering this kind of offence. That's called general deterrence and specific deterrence.

Specific in your case and general deterrence to everybody else. The third principle of sentencing is rehabilitation. It seems to me that you are well habilitated in your own environment in any event and that rehabilitation has to assume that the person is not habilitated in the first place and, from your credentials, it seems you have accomplished quite a bit in your lifetime and you have a lot going for you so rehabilitation is probably of a lesser significance except that it relates, as you put it through the words of your Counsel, you don't have a drinking problem and I will address that later.

What's positive in this case is that this is a first offence for you. You have no criminal record and your Counsel says that your wife supports you at this stage. That's not very uncommon, in fact, it's sometimes explicable and we are all familiar with situations, not just in the North but all over this country where there is a spousal dispute resulting sometimes in the most serious violence that inexplicably the family then supports the offender to the point almost contrary to their own safety again and people find it very difficult to rationalize that and justify it except that it does exist and in fact quite often the wife welcomes the husband back in the household.

As I said, quite often to their own detriment and it's very difficult to explain that but it does exist so that spousal

1 support becomes a shield and a sword, that kind of a fact, in  
2 any event. But in terms of it being a shield for you this time,  
3 because it is a first offence, it would be very difficult to  
4 use that as a mitigating factor for a repeated offence. Then  
5 I would suggest it would become a sword.

6 You have indicated here through your Counsel that there  
7 is remorse. You have entered a plea of guilty to this offence  
8 and that you have a family, a large family and that this I take  
9 it is an isolated incident in your family.

10 MR. PURDY: This is a charge, penalty of five years, max-  
11 imum penalty of 10 years so a fine alone in any event is not  
12 an option.

13 THE COURT: Thank you very much, Mr. Purdy. Mr. Dillon,  
14 this is a first offence for you. It's a serious offence, how-  
15 ever, a period of incarceration, a lengthy period of incarcer-  
16 ation at this point would not satisfy the principles of sentenc-  
17 ing that I have enunciated for the reasons that I have spoken  
18 to already. Your sentence, and this is symbolic in the first  
19 instance, and it's also because I want to follow it up by other  
20 reasons but your sentence is to serve one day in Her Majesty's  
21 prison to be served by today's appearance. \$1,000 or in default  
22 to be served, 30 days in Her Majesty's prison.

23 I want to make a probation order with one condition.

24 MR. PURDY: If there is a fine, imprisonment and a pro-  
25 bation--

26 THE COURT: I will leave that out. That's what I was look-  
27 ing for as well. I will leave it at that.

1 MR. PURDY: What was the default?

2 THE COURT: \$1,000, in default, 30 days. How much time  
3 do you need to pay this fine, Mr. Dillon?

4 MS. LILLEGRAN: Four months, sir.

5 THE COURT: Okay, the fine is due forthwith.

6 MR. PURDY: Sorry, Your Honour, I think she said four  
7 months.

8 THE COURT: I thought you said forthwith.

9 MS. LILLEGRAN: No, sir, I asked for four months to pay.

10 THE COURT: Does the Crown have any problems with that  
11 period of time?

12 MR. PURDY: Agreeable to that.

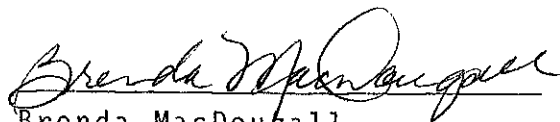
13 THE COURT: The fine is due in four months from today's  
14 date. Mr. Dillon, since I can't make a probation order, let  
15 me tell you what I was thinking about so you can take it away  
16 in your mind. This is what I would have thought about had I  
17 made a probation order. I would have placed you on probation  
18 for a period of time and I would have asked you to seek coun-  
19 selling for any drinking problem that you might have. Your  
20 responsibility to your community is one of very, very grave  
21 responsibility and you ought to consider that when you are  
22 drinking as to what kind of problems occur and you might even  
23 want to look into that program in terms of counselling other  
24 people and I would also caution you that this is not the way  
25 you will settle any disputes with your family, any member of  
26 your family and if it occurs again, you will expect to serve  
27 a much longer period of imprisonment than that of one day. I

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would say that is reasonable for this type of sentencing. Thank  
you very much.

(AT WHICH TIME THIS PROCEEDING WAS CONCLUDED)

Certified a correct transcript,



Brenda MacDougall

Court Reporter