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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:



HER MAJESTY THE QUEEN

- and -

NORMAN VOISEY

Transcript of Reasons for Sentencing and Sentencing delivered by His Honour, Judge R. M. Bourassa sitting at Whale Cove in the Northwest Territories on Wednesday, May 18th, A.D., 1988.

APPEARANCES:

MS. B. KOTHE: Counsel for the Crown
MS. L. AUSTIN: Counsel for the Defence



(CHARGES UNDER SECTION 169 AND SECTION 133 (3) OF THE CRIMINAL CODE)

1 THE COURT:

2 Norman Voisey has pleaded guilty to
3 two criminal offences; one offence which I will call 'indecent
4 exposure' and another offence of failing to comply or obey the
5 promise that he made to the Court to stay away from a little
6 nine year old girl.

7 Generally speaking I don't think anyone would view these
8 offences as being terribly serious in isolation. Both of them
9 are punishable by a maximum of a \$2,000 fine or six months in
10 jail or both, however, this is not a usual context, it's a
11 very difficult and troublesome one.

12 Norman Voisey was before the Court in February of this
13 year for a Preliminary Inquiry on a charge of sexual assault
14 on the same nine year old girl. He was ordered to stand trial
15 for that very serious offence which can result in imprisonment
16 of up to 10 years. He was released on what's called an under-
17 taking which is just another word for a promise. He was let
18 out of jail in return for promises that he made, one of those
19 that he would not have anything to do with the same little
20 girl.

21 He was found standing on his porch inviting the same little
22 girl to come over and not only did he break his promise to the
23 Court, which is a criminal offence, but by dropping his pants
24 and exposing himself and inviting the girl over, he committed
25 a further criminal offence. What is worrisome to the Court is
26 that it may very well be that Mr. Voisey might have to wait
27 as long as a year before he has his trial in Supreme Court
and that little girl is entitled to protection.

1 If the impact of the Court action and police action in
2 February did nothing to modify Mr. Voisey's conduct, I believe
3 that I have solid grounds for being concerned about him and
4 that little girl throughout this summer and fall.

5 Now, it's argued on his behalf that there may be a medical
6 condition here which may have contributed or somehow have been
7 involved in this act. It may very well be that a psychiatric
8 assessment would be appropriate and useful for the ultimate
9 disposition of the other charge but absent expert or profession-
10 al opinion before me today, I can't do anything with that sub-
11 mission. I have to assume, and I do assume, that Mr. Voisey
12 knows right from wrong, good from bad. No one has to read the
13 criminal code to understand that dropping ones pants in front
14 of a nine year old girl is not acceptable.

15 In one way one could treat the indecent exposure in an
16 off-hand manner in that obviously it didn't bother the little
17 girl, at least she kept going, and it just exposes Mr. Voisey
18 to the ridicule of the community. The only thing that act in
19 itself does is bring shame on Mr. Voisey and his whole family,
20 however, because of the other matter that is pending in Court,
21 and the fact that this was the same little girl, such a breach,
22 apart from any other reasons, a nominal sentence is totally out
23 of the question.

24 I take into account he has pleaded guilty and that is im-
25 portant. It saved the nine year old girl from having to come
26 to Court and go through the whole ordeal again. I take into
27 account as well that Mr. Voisey has no criminal record which

1 obviously shows that he knows right from wrong and without
2 question as a matter of law, first offenders, if possible,
3 ought not to be sent to jail.

4 In aggravation, what makes these offences worse, are the
5 facts that first of all the victim is a nine year old little
6 girl, a child. Children are entitled to look to adults for
7 guidance and to look to adults to assist them in deciding what
8 is right and what is wrong. Mr. Voisey standing on his porch
9 is far removed from that ideal.

10 Secondly, as I have already indicated, this little girl,
11 the victim of this offence, is the alleged victim of another
12 earlier sexual assault. In this tiny community how is she
13 to escape him? Is she supposed to hide in her house in order
14 to stay away from Mr. Voisey? None of this is her doing, none
15 of this is her fault. If anyone should be kept away, it's
16 Norman Voisey.

17 I think it's important that community peace be reestablished
18 and everyone become reconciled but at the same time, I want
19 Norman Voisey to understand without a shadow of a doubt that
20 this conduct is totally unacceptable and that he is to leave
21 that little girl alone -- and any other little girl. In light
22 of all the circumstances, particularly the fact that this
23 occurred under the cloud of another sexual assault charge, I
24 am of the view that a jail sentence must be imposed.

25 I accept that it should be reasonably short and it must
26 reflect the principles that I think I have already referred to
27 raised in argument by Crown and Defence. Perhaps stepping out

1 of my role for a moment, I would urge Counsel to see that a
2 psychiatric assessment is made available to this accused. It
3 may be of assistance to him in the future. It may spare this
4 little girl or some other little girl further problems but I
5 have to make a decision on what is before me.

6 Mr. Voisey, you are going to jail for what you did. When
7 and if you are released from jail, you leave little girls and
8 boys alone. Finally, Mr. Voisey, when you make promises to
9 the Court, you remember, they have to be obeyed.

10 With respect to the Section 169 offence, there will be a
11 term of imprisonment of one month and that is for exposing
12 himself to the little girl; for failing to obey the promise that
13 he made to the Court, his undertaking, firstly I am going to
14 cancel the undertaking and secondly impose a term of imprison-
15 ment of one month consecutive.

16 There will obviously have to be another bail hearing when
17 he has served his time on the original offence. Is that
18 everything?

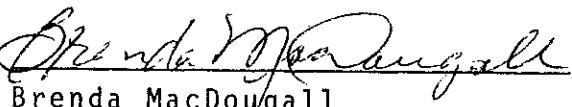
19 MS. KOTHE: There is the other information under
20 Section 169 which is a duplicate and I would ask that be marked
21 withdrawn.

22 THE COURT: There is no evidence offered and I will
23 mark it dismissed.

24 MS. KOTHE: And I believe that would be also the
25 most appropriate means to deal with the Section 307 offence,
26 Your Honour.

27 THE COURT: Thank you.

1 MS. KOTHE: Thank you.
2 THE COURT: Thank you, Counsel.
3 MS. KOTHE: Thank you, Your Honour.
4 (AT WHICH TIME THIS PROCEEDING WAS CONCLUDED)

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6 Certified a correct transcript,
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8 Brenda MacDougall
9 Court Reporter
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