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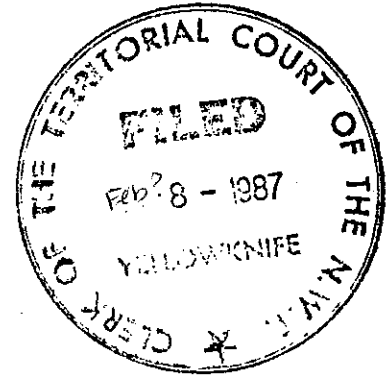
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

HER MAJESTY THE QUEEN

vs

JERRY DOYLE ROGERS

---Before His Honour CHIEF JUDGE J.R. SLAVEN at Inuvik,
Northwest Territories, on January 26th and 27th, 1987.



APPEARANCES:

BRIAN BRUSER	Counsel for the Crown.
JOYCE LILLEGRAN	Counsel for the Accused.

Remarks of His Honour on imposition of sentence at
conclusion of evidence and submissions of Counsel
on January 27th, 1987.

COURT NUMBER

123697

CHARGE READ:

DATE: JUDGE OR JUSTICE:

CROWN ELECTION:

Summary Conviction: Indictment:

ACCUSED ELECTION:

Magistrate: Judge & Jury: Judge:
Count 1, 2, 3.

DATE: JUDGE OR JUSTICE:

PLEA: Guilty: Not Guilty:
Count: 1, 2

DATE: JAN 16 1987 JUDGE OR JUSTICE: [Signature]

FAILURE TO APPEAR: Bench Warrant Issued:

DATE: JUDGE OR JUSTICE:

EVERY TIME THIS INFORMATION IS DEALT WITH APPROPRIATE ENTRIES SHALL BE MADE ON THE REVERSE

DISPOSITION: Count 3 & 4
Convicted: Dismissed: Withdrawn:

FINE:

DEFAULT:

TIME TO PAY:

SUSPENDED SENTENCE:

CONDITIONAL DISCHARGE:

PROBATION:

RESTITUTION:

ABSOLUTE DISCHARGE:

GOAL: ct 1: 4m ct 2: 2m Conc.

ORDER DRIVING:

FIREARMS:

DATE: JAN 27 1987 JUDGE OR JUSTICE: [Signature]

COMMITTED FOR TRIAL: STAY OF PROCEEDINGS:

STATISTICS: DATE OF BIRTH: 60-02-03 M F

DRIVER'S LICENCE:

MARITAL STATUS: single married

Sworn before me this: 21 day of December

A.D. 19 86

at Inuvik, Northwest Territories

A Judge or Justice of the Peace in and for the Northwest Territories

Appearance Notice: Promise to Appear: Recognizance:

J.P. or Judge's Number

6595 10/48

THIS IS THE INFORMATION OF Anthony Robert RANDALL a

(Insert full name, residence and occupation of informant)

member of the Royal Canadian Mounted Police

of Inuvik, Northwest Territories

a Peace Officer HEREINAFTER CALLED THE INFORMANT

THE INFORMANT SAYS THAT he has reasonable and probal

(If the informant has not personal knowledge, state that he has reasonable and probable grounds to believe and does believe and state the offence)

grounds to believe and does believe that:

Jerry ROGERS:
on or about the twenty-first day of December 1986 A.D. at or near the town of Inuvik in the Northwest Territories did in committing an assault on Terry ROGERS use a weapon to wit: a bottle contrary to section 245.1(1)(a) of the Criminal Code

and further that:

on or about the twenty-first day of December 1986 A.D. at or near the town of Inuvik in the Northwest Territories did in committing an assault on Liz POPE use a weapon to wit: a bottle contrary to section 245.1(1)(a) of The Criminal Code.

and further that:

on or about the twenty-first day of December 1986 A.D. at or near the town of Inuvik in the Northwest Territories did by person knowingly utter a threat to Terry ROGERS to cause death to Terry ROGERS contrary to section 243.4 of the Criminal Code.

and further that:

on or about the twenty-first day of December 1986 A.D. at or near the town of Inuvik in the Northwest Territories did in committing an assault on John KALINEK cause bodily harm to him contrary to section 245.1(1)(b) of the Criminal Code.

CARD: [Signature]
C/S: Anthony Robert RANDALL

T.P. Signature of Informant: [Signature]
M.V.E. Justice of the Peace

1 I have before me a young man who will be 27 years of age
2 next week, a native of the Mackenzie Delta, who was brought
3 up here and left school at a fairly early age, around grade
4 4 or 5. He started going in the bush then, and learning
5 to trap and hunt from his grandparents, and has chiefly made
6 his living off the land since then.

7 With the many opportunities for wage employment in the
8 Delta until this past year, and good wage employment, I
9 might say, he has been able to supplement his earnings from
10 hunting and trapping with some wage employment, and part-
11 icularly the type where he would be going out on the Beaufort
12 Sea and could work out there, and the usual thing was to
13 work two weeks and have two weeks off, and he could also
14 carry on his trapping business together with that employment.

15 Among others, I heard evidence from Mr. Ed. Lennie, a
16 respected gentleman in Inuvik. He is a business man here,
17 and also has been involved through the years with the Hunters
18 and Trappers Association, and also in the field of running
19 bush camps for young offenders and others. He characterized
20 this young man as a real hunter and trapper who lives off
21 the land, and is considering hiring him as an instructor
22 in trapping at his camp. He characterized him as a man who
23 works hard when he is out on business and, like many, parties
24 hard when he comes to town. Mr. Rogers' record with the
25 court bears this out. There was a very sad record during
26 the period from 1976 until 1987. When he first appeared
27

1 in court in 1971, he would have been 16 years of age.
2 He was convicted first for impaired driving, and then for
3 assault causing bodily harm, which apparently was not too
4 serious, as he was given a conditional discharge on that one.
5 There was a further assault causing bodily harm in 1978, which
6 drew a fine of \$300.00; resisting arrest in 1979; and
7 another drinking and driving in July of 1981, together with a
8 failure to appear for which he received 4 weeks in jail.

9 In 1980, he had his first taste of jail; 2 months for
10 breach of probation; and then there were 4 convictions in
11 1981, including common assault and indecent assault, assault-
12 ing a peace officer, together with breach of probation, and
13 he drew 18 months' jail time then. He would not have been
14 long out when he was convicted for assault again in 1982,
15 and failure to appear, and spent some more jail time. Again
16 in 1983, impaired driving, assaulting a peace officer, and
17 impersonating a peace officer; more jail time in excess of
18 6 months, which brought him up to 1983. Unfortunately,
19 there are many his age in this area who accumulate similar
20 records but, thankfully, praise the Lord, as so often hap-
21 pens, having left his teens, he seems to have rehabilitated
22 himself, after the convictions in 1983. He had acquired a
23 wife, I believe it was 7 years ago, and they are still
24 together and have 4 children. Thankfully, this often happens.
25 Again, a boy in his teens, often in his early 20s, seems to
26 outgrow them for various reasons, often because, in this
27 man's position, he takes on family responsibilities.

1 Outside of one mischief conviction in 1984, he kept out
2 of trouble until things started to fall apart in the spring
3 of 1986, beginning with an occurrence in the spring, in May,
4 resulting in his conviction for driving with over .08 in
5 November of 1986; a mischief conviction at the same time,
6 together with failure to attend court. He said himself he got
7 back to drinking, and drinking, as with most who appear in
8 court, is a major contributor to criminal offences. Despite
9 the problems he had in the spring and summer of last year,
10 culminating in his appearance in court on November 24th,
11 he still continued to drink. On the 21st -
12 it commenced on the 20th of December - there was a heavy
13 drinking party at his home. He was told something about his
14 wife, and whether it was true or not, it sent him into a
15 rage, and he attacked her and hit her and kicked her, causing
16 bruising to her so she had to be admitted to hospital. In
17 the course of this assault on her, he apparently picked up a
18 bottle and hit her with it, and also hit Liz Pope who tried
19 to intervene and stop the assault that was taking place. He
20 was arrested, and, in the course of that arrest, assaulted,
21 by kicking, one of the peace officers who was doing the
22 arresting and trying to get him out and into the police vehicle.
23 He was released on an undertaking. After having appeared in
24 Justice of the Peace Court, the matter was adjourned without
25 plea to the next sittings of the Territorial Court in Inuvik,
26 scheduled for the 12th of January of this year, and he was
27 released on an undertaking on the 22nd to refrain from

1 communicating with Terry Rogers and his children, and to submit
2 to a breathalizer test on the demand of a peace officer. He
3 went out on the land some time between the 21st and the 25th,
4 and stayed until December 30th. When he came back to town
5 on thd 30th, he immediately breached his undertaking in two
6 ways: first, by visiting his wife at her home, when he was
7 supposed to reside outside outside the house, but did visit
8 her there, and at that time stayed for awhile - the first
9 breach of the undertaking - and then went to a friend's
10 place and commenced drinking - another breach - and that is
11 the breach he is charged with, with breaching an undertaking.
12 That commenced well before the assault on his wife on January
13 21st, and I will be imposing a consecutive sentence for that.
14 In due course, he ran into his wife during this drinking
15 spree. There was an argument, culminating in an assault, with
16 a punch to the eye, and I have a photograph which shows a
17 badly-bruised left eye.

18 I have to try and achieve things in sentencing here. I
19 have a certain amount of regard for this young man, just as
20 Mr. Ed. Lennie has. We heard Mr. Lennie speak up, and he
21 has known him since he was a baby. During the course of speak-
22 ing to sentence, Mr. Rogers has had an opportunity to address
23 me directly, and I am inclined to agree with his counsel that
24 he does show genuine remorse, that he is concerned about his
25 family, and I accept that after - in any event, some time in
26 December, likely after the 21st occurrence, he did go to see
27 a mental-health counsellor, particularly concerned with

1 spousal assault, if I may call it that, and I accept that both
2 he and his wife look forward to counselling in the future, both
3 jointly, regarding their marital affairs, and particularly
4 counselling for him regarding his drinking. Apparently his
5 wife is genuinely afraid for herself and the children when he
6 is drinking.

7 There is the matter of the use of firearms,, which he needs
8 for his life on the land, but I have to have very much in my
9 mind that on December 21st he threatened to kill his wife and
10 children and himself by shooting. There is nothing in his
11 record to indicate that he had ever used a weapon in any of
12 the previous assaults of which he had been convicted. But
13 here now he is threatening to use a firearm. So I must bring
14 home to him that this type of behaviour, particularly directed
15 towards his wife and family, is not acceptable. I must deter
16 him; there is a great deal of this type of thing going on
17 in this area, that is, spousal assaults, assaults of all
18 kinds, and particularly while drinking, and I must look at
19 the matter of general deterrence also. Most particularly, I
20 must try to ensure the safety of his wife and children when
21 he returns from jail. I will not be imposing a probation
22 order after the time spent in jail. I will not be making
23 it obligatory that he take any alcohol or family counselling,
24 and, as he said himself when he was in jail in 1983, and
25 possibly at other times, he was sent for counselling, and he
26 was sent to the Yellowknife Detoxification Centre, and he was
27 sent to any AA meetings he went to at the time, and he was

1 directed to go to counselling so he could get out on day
2 release. Generally speaking, that type of counselling will
3 only be effective if the person wants it, if the person wants
4 to quit drinking, and changes his mode of drinking. He has
5 been forthright in talking to me today, and I think he is
6 genuinely remorseful. I will take that into consideration,
7 and also the fact that he has been in close custody since the
8 1st of January.

9 Would you stand up. (accused stands) I convict you on
10 the charge of using a weapon while assaulting Terry Rogers,
11 your wife, and direct you be imprisoned for a period of
12 four (4) months. At the expiration of the term of imprison-
13 ment imposed today, you will be placed on probation for a
14 period of two (2) years, to keep the peace and be of good
15 behaviour, and a further condition that you are not to have
16 any firearms in your place of residence or for any purpose
17 other than hunting, fishing, or trapping.

18 I convict you of the charge of assault with a weapon on
19 Liz Pope; two (2) months consecutively.

20 I convict you of the assaulting of a peace officer, which
21 was related to the assaults on your wife and Liz Pope, but
22 I feel that as a general deterrence and as a deterrence to
23 you, that term is consecutive. On that conviction, I direct
24 that that you be imprisoned for one (1) month, to be served
25 consecutively. The probation order that you were on that you
26 breached was imposed by me largely for the purpose of seeing
27 that restitution was made to that party at that time. There

1 was a probation order. You have been convicted a couple of
2 times for breach of probation, and I feel you should do some
3 jail time for that. I direct you to be imprisoned for one (1)
4 month, to be served consecutively. In my earlier remarks, I
5 remarked on the seriousness of your breaching the undertaking.
6 It is not the same thing as the January 1st assault on your
7 wife. You came back from the bush, and immediately breached
8 the undertaking about your wife, by seeing your wife, and
9 starting to drink. So, three (3) months to be served con-
10 secutively.

11 On the assault on your wife on the 1st of January, I
12 convict you and direct you be imprisoned for two (2) months,
13 to be served consecutively; so the consecutive time is eleven
14 (11) months consecutive, and two (2) months concurrent for
15 the assault on Liz Pope, and, in addition to that, two (2)
16 years probation.

17 MR. BRUSER: I think your Honour said originally "consecutive"
18 for the assault on Liz Pope.

19 THE COURT: I mean "concurrent" for the assault on Liz Pope
20 because it was the same assault and the same occurrence.

21 I suppose the police would appreciate it if the probation
22 order could be prepared now, and have him take the firearms-

23 MR. BRUSER: A number of items were seized on the 21st of
24 December. Could there be an order that those be given per-
25 haps to his uncle James Rogers?

26 THE COURT: Yes. It would be unfair for me to ask you to
27 waive your right of appeal at this moment. They were

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not exhibits. Can I simply say that they be turned over forthwith to the uncle James Rogers?

MR. BRUSER: I think so.

THE COURT: I will order the firearms seized on the 21st of December from the accused's home be turned over as soon as practicable to the uncle of the accused, James Rogers. So if you want to remain here, Constable, with the accused, we can prepare the papers in court and then reconvene.

MS. LILLEGRAN: Mr. Rogers is making inquiries about his trap-line.

Certified correct

G. Mitchell

(G. Mitchell - CSR RPR - Court Reporter)
