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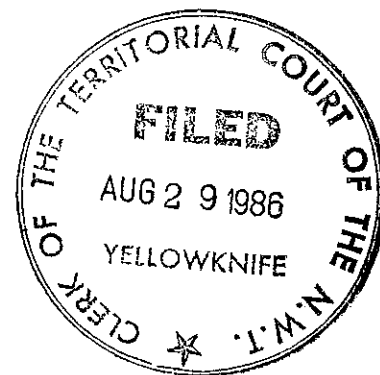
IN THE YOUTH COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

C.F.B.



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Transcript of the oral sentencing delivered by His Honour Judge T.B. Davis, sitting at Yellowknife, in the Northwest Territories, Monday, April 28th, A.D. 1986.

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APPEARANCES:

MS. L. WALL Counsel for the Crown  
MR. A. WRIGHT Counsel for the Defence

1 THE COURT: C.F.B., a resident of Fort Providence, in the  
2 Northwest Territories, is represented by counsel in the Youth  
3 Court and has entered a plea of guilty to a charge that on the  
4 26th of January, 1986 he attempted to murder his girlfriend,  
5 Patricia Constant, by stabbing her, contrary to Section 222 of  
6 the Criminal Code.

7 C. had been interviewed by Andrew Langford,  
8 the psychologist associated with the Youth Court and the Young  
9 Offenders Act in the Northwest Territories, and his report  
10 indicates that C. has come from a family that over the years has  
11 been plagued with alcohol problems. Some of the members of his  
12 family have been in jail at various times in the past. He had  
13 one previous assault charge, and when interviewed was polite  
14 and cooperative and had the ability to answer the questions  
15 sufficiently when put to him by the psychologist at the interview.  
16 He is in a low average range of intelligence with the greatest  
17 weakness noted by the psychologist as being in the logical  
18 thinking and verbal concept formation theory. On the non-verbal  
19 tests of intellectual ability, C. performed at average to  
20 above average levels in comparison to some of the reference  
21 groups used by the psychologist. He seems to have a personality  
22 which indicates that he is emotionally immature and an unstable  
23 youth prone to excessive worry and anxiety. C. becomes upset  
24 easily and is easily frustrated and has a demanding and possessive  
25 temperament. The report indicates that overall C.'s personality  
26 profile indicated a poorly integrated emotionally immature  
27 individual. In the past, he has shown signs of moderate depression

1 and is, unfortunately, a person who has not had an easy back-  
2 ground or an easy life, even though he presently is still only  
3 seventeen years of age.

4 On the 26th of January, 1986 C. was attending a  
5 teen dance, after which his girlfriend left with a group of  
6 other persons, she being fourteen years of age. When C.B.  
7 saw her leaving another residence, he went to the location of  
8 his girlfriend and punched her and knocked her to the ground.  
9 Fortunately, there were two other young men present who jumped  
10 C., and the victim ran away. C. ran after her after calling to  
11 her, and he shortly thereafter caught her, punched her in the  
12 face and the body and kicked her on that occasion, as well,  
13 and then followed her to the Bonnetrouge residence. She asked  
14 at the time to be allowed to go to the washroom, and C. refused  
15 to allow her to do so. After taking two knives from the kitchen  
16 he then pushed his victim ahead of him downstairs to the base-  
17 ment and had her half kneeling and half lying on the floor, and  
18 he stabbed her in the back, I believe it to be a ten inch knife.  
19 She tried to yell, but he put his hand over her mouth. When  
20 he did move from her, she called to other persons in the house  
21 to get the Police because C. had stabbed her.

22 After being observed in a state where there was  
23 a substantial amount of blood on her clothes and a cut on her  
24 jacket, she was treated, taken to the nursing station and  
25 subsequently flown to Hay River Hospital from Fort Providence.  
26 At the time that the persons in the house had observed her,  
27 they also observed that C. was holding the other knife towards

1 himself, and they were under the impression that he was inferring  
2 that he might take his own life.

3 After being treated in the hospital, this fourteen  
4 year old victim seemed to be making recovery and was released  
5 shortly thereafter. An infection was observed, and she had to  
6 be operated on, because there was not only a cut in her lungs,  
7 but also a nick of the liver which caused internal problems  
8 that required substantial operation and further medical treat-  
9 ment. She now appears to be on the mend and has returned to  
10 her community. Because of the ten inch length of the blade of  
11 the knife it was considered that the stab was a very deep  
12 penetration. When the young man was arrested, breath samples  
13 were given, and he had a reading of one hundred and fifty  
14 milligrams of alcohol in a hundred milliliters of blood, which  
15 put him in a somewhat intoxicated state.

16 C. has a short criminal record incurred in 1983  
17 for possession of stolen property and in 1985 for taking an  
18 automobile without consent, and being sentenced on October the  
19 3rd, 1985 for an assault charge for which he was fined One  
20 hundred dollars.

21 The Court is required in the Youth Court not to  
22 take into account general deterrence, but to put the emphasis  
23 on sentencing on the protection of the public and the need for  
24 rehabilitation of the young person. Therefore, specific  
25 deterrence and protection of the public are the factors that  
26 can be considered. The pre-disposition report and the  
27 psychological report support one another substantially in that

1 it is noted on the pre-disposition report that there is a  
2 tendency for this young man to become violent when he drinks,  
3 and that usually when he is not drinking or not affected by  
4 alcohol he is what is referred to in the report as a nice kid.  
5 When he drinks, he becomes hostile, and other persons become  
6 afraid of him. -

7 At the time of the offence the accused was on  
8 probation and has not had a substantial academic background,  
9 but left school last year when his grandfather, with whom he  
10 was closely associated with, had died. All reports indicate  
11 that the young man is affected by feelings of jealousy and a  
12 lack of control over his temper, which is violent at times.  
13 He has shown remorse over this assault and stabbing, and the  
14 pre-disposition report indicates that no matter what else  
15 happens to C. he should be directed to abstain from the  
16 consumption of alcohol and should be required to attend alcohol  
17 counselling and treatment programs as well as psychiatric or  
18 psychological counselling and treatment programs which are  
19 recommended by the supervising youth court worker.

20 While the young man has been in custody since  
21 February the 4th, 1986 he has been a very good resident of the  
22 youth facilities, but as yet has not had sufficient counselling  
23 to understand that Patricia was not to blame for his actions,  
24 which he still somewhat believes. The Court has available to  
25 it a number of dispositions, but it seems to have been reasonably  
26 agreed by counsel that the Court must consider a stabbing of a  
27 fourteen year old girlfriend to be a very serious offence and

1 that some form of secure custody would be appropriate. I am  
2 going to take into account the fact that C. has already spent  
3 approximately three months in custody and feel that the range  
4 of one year would be a minimum that the Court could consider  
5 in secure custody at this time. I am saying that because I  
6 am taking into account that the custody that he has been in  
7 until now might have been more severe than secure that the  
8 Court will be directing in the future.

9 Under the circumstances, it would appear to me  
10 that one year in secure custody will be a finding of the Court  
11 to be followed by two years on probation; the terms being that  
12 he will report when and as directed to the youth court worker.  
13 The second will be that he will participate in any alcohol  
14 or psychiatric counselling or treatment programs as recommended  
15 by the youth court worker. The third term will be that for  
16 the first year of the term of probation he will refrain  
17 absolutely from the possession or consumption of alcohol.  
18 In addition thereto, I am going to put a term in the probation  
19 order that he will refrain from possession of any firearm,  
20 weapon or explosive substance.

21 MS. WALL: Perhaps you would also add ammunition, Your  
22 Honour. It's normally included.

23 THE COURT: Yes. All right. In addition to the firearm,  
24 weapon we will put also ammunition or explosive substance. I  
25 had considered putting a restriction in the order of no contact  
26 with the victim for a period of time, but that doesn't seem to  
27 have been recommended, and the victim seems to have been making

1 some contact with the accused. So, possibly it is not necessary  
2 for the Court to consider that.

3 MS. WALL: Perhaps, if I might, Your Honour, I take it, then,  
4 that means that the firearm prohibition order is two years in  
5 duration?

6 THE COURT: Yes, the length of the probation order.

7 MS. WALL: Thank you.

8 THE COURT: Is there anything that I have forgotten to  
9 consider, counsel?

10 MR. WRIGHT: No, Your Honour.

11 MS. WALL: Just to be clear, Your Honour, you're not making  
12 a Section 98 order? You're putting a term in the probation  
13 order?

14 THE COURT: Yes. Instead of a five-year term I am restricting  
15 it to the term of the probation order that is in effect.

16 MS. WALL: I was just going to speak to the question of  
17 forfeiture of firearms in his possession, Your Honour.

18 THE COURT: Would counsel know if he actually has any firearms  
19 himself?


20 MR. WRIGHT: He tells me that he doesn't, Your Honour.

21 THE COURT: All right. Thank you. Do you understand all  
22 that, C.?

23 MR. B.: Yes.

24 THE COURT: The probation order will be prepared by the Clerk,  
25 and that will be available for your signature, I expect, some-  
26 time throughout the day.

27 Certified a correct transcript,

  
Jill MacDonal, Court Reporter.