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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

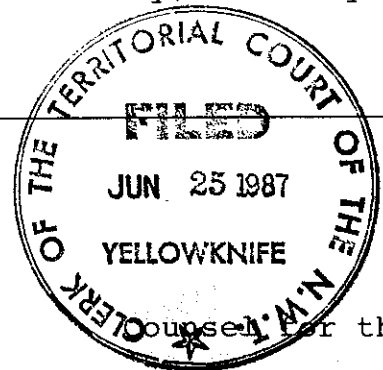
IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

JACQUES JOSEPH PERREAULT

Transcript of the Oral Sentencing Delivered by His Honour
Judge R. M. Bourassa, sitting at Yellowknife in the
Northwest Territories, on Tuesday, February 3rd, A.D.,
1987.



APPEARANCES:

MR. G. BICKERT:

Counsel for the Crown

MR. L. GOWER:

Counsel for the Defence



INFORMATION ON BEHALF OF HER MAJESTY THE QUEEN

86 NOV 25 YK86-6327

ADJUDICATION & DISPOSITION

CHARGE READ: NOV 25 1986 DATE JUDGE OR JUSTICE R.M. BOURASSA Judge

COURT NUMBER 123726

CROWN ELECTION: Summary Conviction: [] Indictment: [X] bench

J.P. or Judge's Number 1061/618

ACCUSED ELECTION: Dec 5/86 Magistrate: [X] Judge & Jury: [] Judge: []

THIS IS THE INFORMATION OF KEITH GREGORY WIENS (Insert full name, residence and occupation of informant)

R.M. Bourassa Judge Nov 25 1986 DATE JUDGE OR JUSTICE R.M. BOURASSA Judge

A MEMBER OF THE ROYAL CANADIAN MOUNTED POLICE OF YELLOWKNIFE, NORTHWEST TERRITORIES

PLEA: Guilty: [X] 2 Not Guilty: []

(PEACE OFFICER) HEREINAFTER CALLED THE INFORMANT

Dec 5/86 DATE R.M. Bourassa JUDGE OR JUSTICE

THE INFORMANT SAYS THAT [] THAT:

FAILURE TO APPEAR: Bench Warrant Issued: []

JACQUES JOSEPH PERREAULT COUNT #1:

DATE JUDGE OR JUSTICE

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

DISPOSITION: Dec 5/86 Convicted: [X] Dismissed: [] Withdrawn: [X] FINE: 750

ON OR ABOUT THE TWENTY-FOURTH DAY OF OCTOBER, 1986, AT OR NEAR THE CITY OF YELLOWKNIFE, IN THE NORTHWEST TERRITORIES, DID COMMIT MISCHIEF TO PROPERTY, NAMELY A 1979 MUSTANG, THE PROPERTY OF DENIS LABELLE, BY WILFULLY DAMAGING IT, THE VALUE OF WHICH EXCEEDS ONE THOUSAND DOLLARS, CONTRARY TO SECTION 387(3) OF THE CRIMINAL CODE.

J.P. COSTS: POLICE COSTS: RESTITUTION: TOTAL: 750=

AND FURTHER THAT: COUNT #2:

DEFAULT: 2 m consec TIME TO PAY: 4 mos.

ON OR ABOUT THE TWENTY-FOURTH DAY OF OCTOBER, 1986, AT OR NEAR THE CITY OF YELLOWKNIFE, IN THE NORTHWEST TERRITORIES, DID OPERATE A MOTOR VEHICLE ON A STREET, ROAD, HIGHWAY OR OTHER PUBLIC PLACE, NAMELY: LOW COST HOUSING PARKING LOT, IN A MANNER THAT WAS DANGEROUS TO THE PUBLIC, CONTRARY TO SECTION 233(1) OF THE CRIMINAL CODE.

SUSPENDED SENTENCE: [] CONDITIONAL DISCH: [] ABSOLUTE DISCH: [] PROBATION FOR: 20 sent served

IMPRISONMENT FOR: 300 intermi From Divg: 18m FEB - 2 1987 DATE JUDGE OR JUSTICE R.M. BOURASSA Judge

CARD O/S T.T.P. 3 D.B.S. J.P. M.V.B.

STATISTICS DATE OF BIRTH: 56-01-06 M [X] F [] DRIVER'S LICENCE: MARITAL STATUS:

Sworn before me this 12 day of NOVEMBER A.D. 19 86 at YELLOWKNIFE, NORTHWEST TERRITORIES

Signature of Informant (K.G. WIENS), CST.

Appearance Notice [X] Promise to Appear [] Recognizance []

Signature of Justice of the Peace

DISTRIBUTION: 1. Clerk of the Judge's Court 2. Registrar of Motor Vehicles 3. Police Copy 4. Crown Attorney 5. Defence

CRIMINAL CODE FORM 2 (Sections 456, 456-1 and 723) NWT 1981-80/1180

1 THE COURT: At the outset I would like to thank Miss
2 Gruben for the presentence report. It is one of the more
3 comprehensive that the court has had the opportunity of
4 studying. It is of significant assistance in this matter.

5 The accused is convicted on his plea of the offence
6 of dangerous driving. I think it is clear on the evidence,
7 and I am prepared to find, that the accused was bound and
8 determine to hurt as best he could Mr. Labelle, and he
9 determined that that hurt could be administered by, in
10 his own words, destroying his vehicle. That was his intent,
11 and he executed his intent.

12 In that sense, he armed himself with his own vehicle
13 using it as a battering ram to smash the car. In the
14 process, certainly Mr. Stirrett's life and health were
15 put in jeopardy and to a lesser degree, Mr. Labelle's life
16 and health were put in jeopardy. It would be of no
17 assistance to Mr. Perreault to say that he didn't mean
18 to run over one of them and didn't mean to kill them.
19 There was a real danger involved.

20 As far as the damages with respect to the vehicle
21 go, in my view of the situation it would appear that Labelle's
22 damages are in the neighborhood of \$500. I arrive at
23 that conclusion from a combination of what he paid for
24 the vehicle and the information contained in Exhibit 4.
25 I can't see that the vehicle was worth what was paid for
26 it, and that was \$2,600. There was approximately \$1,500
27 in pre-existing damage, and there is a \$600 salvage value.

1 That leads me to conclude that the damages are in the
2 neighborhood of \$500.

3 The accused has a criminal record. In the last two
4 years he has crossed that threshold from acting out as
5 "one of the boys", I suppose, to acting out in a criminal
6 way. I note as well in the presentence report that he
7 is heavily into the use of drugs. I would, as an aside,
8 caution Mr. Perreault that people go to jail for using
9 drugs. He can do what he chooses to do about that, but
10 he may very well cross the threshold into criminality
11 again in the future.

12 The offences in the last two years involve one
13 of assault, in which he obviously lost control of himself,
14 and one in 1987 of driving with over 80 milligrams of
15 alcohol in his blood.

16 The accused admits that he was out of control and
17 admits a criminal intention. The Defence and the
18 presentence report put before the court that the reasoning
19 or at least the background behind this loss of control
20 which was apparently a spousal dispute surrounding
21 a sexual connection between the accused's common-law
22 spouse or wife and Mr. Labelle and that that led to two
23 confrontations. Obviously it led to a build up in rage
24 in Mr. Perreault, which rage exploded on the 24th of October.
25 That puts everything in perspective, I suppose, but be
26 that as it may, it doesn't justify, excuse or explain away
27 what occurred.

1 The Defence argues persuasively for a substantial
2 fine by way of penalty - a penalty I believe would be
3 considered as lenient - and the presentence report is a
4 positive one.

5 The court has to carefully consider the offence and
6 the penalties. Surely it is higher on the scale of harm
7 to the public, it is more grievous in its potential than
8 say, for example, driving with over 80 milligrams of alcohol
9 in the blood. The penalties are greater at first instance.
10 Surely that has to be reflected where the court starts
11 in imposing penalty or sentence.

12 I recognize that the court has to address the offender
13 and the offence, and that the offender is usually the most
14 important consideration. If there is a minimal record
15 or no previous criminal convictions, notwithstanding that
16 it is one thing to go after someone with a pair of fists,
17 it is something else to go after their property, and
18 incidentally them, with a ton or so of steel. The injuries
19 can just become totally disproportionate. The potential
20 for harm is great. People get killed like this, Mr.
21 Perreault, whether you intend it or not.

22 I diverge for a moment and say clearly by his actions
23 Mr. Perreault has forfeited his privilege of driving for
24 an extended period of time until he learns how to control
25 himself. He can't be left on the road regardless of his
26 employment, regardless of anything else.

27 I am inclined to accept the Crown's perspective that

1 a jail sentence is called for under all of the circumstances.
2 I have grave concerns because of the accused being apparently
3 solely responsible for four small children. I don't want
4 to particularly penalize the children. The court's only
5 concern is that Mr. Perreault get his act together, and
6 whatever his problems are resolve them, walk away from
7 them, and solve them, because this is a small community.
8 He is going to run into Labelle again in the future. He
9 is going to run into his wife in the future, and it may
10 very well be that Perreault will be in the Rec Hall, and
11 he will see his wife with someone else, or Labelle or whoever,
12 and he is going to have to control himself. He can't hide
13 from his problems, and this court is concerned about what
14 he does when he is out of control. He is too dangerous,
15 and I think for that reason, if only that reason, to bring
16 home to Mr. Perreault that enough is enough, there must
17 be a jail sentence imposed. I think there must be a
18 deterrent sentence. It has to be balanced with the need
19 of his children and to reflect his personal situation as
20 described in the presentence report.

21 I don't want him to lose his job particularly. Nor
22 do I want to see him enter into further complications or
23 debts with respect to his children.

24 Stand up, please, Mr. Perreault. Taking into account
25 what has been said on your behalf and the argument by your
26 counsel, your plea of guilty as well as what was said by
27 the Crown attorney, for the reasons that I have given I

1 am going to sentence you to a term of imprisonment of
2 thirty days together with a fine of \$750, in default of
3 payment, a futher two months in jail consecutive. I am
4 going to prohibit you from driving a motor vehicle anywhere
5 in the dominion of Canada for a period of 18 months by
6 virtue of the Criminal Code. I am going to direct that
7 your term of imprisonment be served on the 6th of February
8 commencing at 8 p.m. until the 9th of February at 7 a.m.,
9 and thereafter each Friday to each Monday at the hours
10 indicated until your sentence is served in full.

11 While you are at liberty during the week, Mr. Perreault,
12 you will be subject to a probation order to keep the peace
13 and be of good behavior. Do you require time to pay the
14 fine?

15 THE ACCUSED: Yeah, because I have another outstanding
16 one for the impaired. It is due on February 6th.

17 THE COURT: How long do you require to pay the fine?

18 THE ACCUSED: I just started to work. It is my fourth
19 day.

20 THE COURT: Well, you have got \$1,500 in fines now,
21 Mr. Perreault. How long do you have to pay the other fine,
22 the other \$750?

23 THE ACCUSED: It is due on the 6th of February, three
24 days from now.

25 MR. GOWER: My understanding, sir, is Mr. Perreault
26 intended to make application for an extention on that
27 fine.

1 THE COURT: Was this court not the presiding court?

2 MR. GOWER: Yes, it is, sir. He is going to be dealing
3 with that on his own through the native court worker.

4 THE COURT: I will give you four months from today,
5 Mr. Perreault, to pay this fine.

6 MR. BICKERT: Sir, may I make some comment with respect
7 to restitution?

8 THE COURT: I am not going to make an order with respect
9 to restitution.

10 MR. BICKERT: Sir, the submission of the Crown, and
11 I appreciate Your Honour has made the decision, but the
12 submission of the Crown is that he has no other recourse
13 than to sue him for it, and that is clearly the direct
14 result of a criminal act of the accused in this case.
15 Either restitution by means of a probation order or a
16 compensation order under Section 653 could clearly be imposed
17 at the discretion of the court, and in my submission, it
18 would be a necessary part of rehabilitation of the accused.

19 THE COURT: I understand that, Mr. Bickert, but in
20 mulling this matter over and arriving at my reasons, the
21 accused is paying a fine with respect to this. There is
22 another fine outstanding. He has only commenced employment,
23 and my concern is that he not be totally stripped of
24 financial resources in order that he can continue to provide
25 for his children. Finally that this matter has to come
26 to an end, and I really don't see that the interests of
27 justice would be advanced by having him paying fines and

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and being on probation or making applications for extentions
for five or six or seven months after this. Mr. Labelle
has his recourse in Territorial Court on a civil claim
and the exact amount or value of the vehicle, whether or
not he sells it, can be established if that is the case.
Is that everything then?

MR. BICKERT: Yes, that is, thank you.

THE COURT: Thank you, counsel.

(AT WHICH TIME THESE PROCEEDINGS WERE CONCLUDED.)

Certified a correct transcript,

Laurie Ann Young
Laurie Ann Young
Court Reporter