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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

ERNEST MANTLA

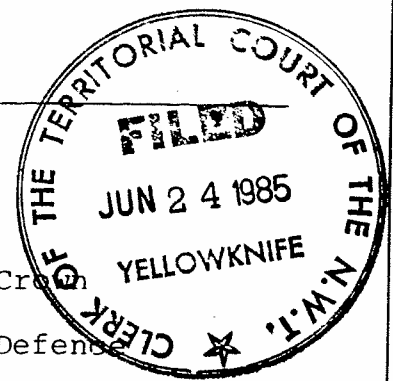
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Transcript of the oral sentencing delivered by His Honour Judge R.M. Bourassa, sitting at Yellowknife, in the Northwest Territories, Wednesday, April 17th, A.D. 1985.

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APPEARANCES:

MR. D. GATES Counsel for the Crown  
MR. G. CARTER Counsel for the Defence



1 THE COURT: Ernest Mantla was charged with an offence of  
2 attempted murder and has pleaded guilty to the offence of  
3 assaulting which occasions bodily harm. I have accepted the  
4 plea. The Crown has consented to the plea to that lesser  
5 and included offence.

6 One can only marvel at the restraint showed  
7 by the Police in this particular matter. Someone with less  
8 training, perhaps less dedication, would simply have pulled  
9 the trigger and shot Mr. Mantla, and that would have resolved  
10 the situation. I am urged by Defence counsel to view the  
11 acts of the Defendant as defensive. Well, I suppose possibly  
12 they could be viewed as such if we accept the cliché that  
13 the best defence is an offence. But I have great difficulty  
14 with that submission. The accused was sitting down on the  
15 couch when Constable Searle arrived at the house in response  
16 to a telephone call. The accused was not arrested. The  
17 R.C.M.P. Constable simply arrived in the dwelling whereupon the  
18 accused got up and pulled a knife of his own accord. As a  
19 gesture of self-defence, the Constable pulled his service  
20 revolver. The Constable was attacked at least three times  
21 in the house by this man wielding his knife. On each  
22 occasion the Constable refrained from taking drastic action,  
23 which even in hindsight would be hard to criticize. The  
24 worst the Constable did was hit the accused over the head  
25 to attempt to subdue him. In any event, the Constable urged  
26 the accused repeatedly to put the knife down. The accused  
27 disregarded those warnings, and, as I said, attacked the

1 R.C.M.P. Constable three times, slashing at his arms, hands.  
2 All in all, the Constable received a number of cuts and  
3 nicks, none of them greatly serious. One finger was  
4 apparently cut to the bone. A ring that he was wearing on  
5 one hand apparently shows six nicks where the knife struck  
6 the ring. The combination of good luck, perhaps, the clothing  
7 that the Constable was wearing, and his own actions prevented  
8 a gross injury to himself. I can't accept that that is a  
9 defensive action. I can accept that the accused didn't  
10 want to be put in the drunk tank and the accused  
11 recognized when the Police arrived that there were going to  
12 be further difficulties as a result of his drinking, but  
13 I can't colour the accused's actions as defensive. If all  
14 he wanted to do was run away, he could have done that without  
15 pulling the knife.

16 The situation I think is very serious. It's  
17 a bad example of assault that caused bodily harm. The potential  
18 for injury to the Constable, the accused and the innocent people  
19 in the house is significant. As I said, someone with less  
20 training or another police force, another place, Mr. Mantla  
21 could well be stretched out in a coffin rather than standing  
22 here. It is amazing the Policeman simply didn't shoot to protect himself

23 In any event, this Court, other Territorial  
24 Courts, as well as the Supreme Court and Court of Appeal have  
25 said on a number of instances that the Police are entitled  
26 to the protection of the Court, and the communities must  
27 understand that the Police will be protected from this kind

1 of conduct by denunciatory sentences. With a Policeman all  
2 alone in a community with the heavy cross to bear of protecting  
3 the lives and property of all the people in the community,  
4 it must be understood that in that kind of circumstance  
5 the last thing one should ever consider is attacking a  
6 Policeman. If he makes a mistake, if the arrest is unlawful,  
7 there are always remedies available. But there is no remedy  
8 to be found in attacking a Policeman with a weapon such as  
9 this accused did.

10 By way of aggravation, the accused was awaiting  
11 trial for an offence of break, enter and theft at the time  
12 of this offence. The assault, as I said, was totally and  
13 absolutely unprovoked. This isn't a situation where an  
14 accused is arrested and then reacts, or who after being  
15 arrested takes it into his mind that he is being improperly  
16 or unfairly treated by the Police and reacts, or an individual  
17 who is caught in the middle of committing a crime and is  
18 caught. This came out of the blue, as it were.

19 The accused was drinking at the time, and  
20 all I can say on looking at the accused's record and what  
21 counsel have said about his drinking is that society just  
22 can't afford this man's drinking habits any longer. Obviously,  
23 his family doesn't want him to drink. Obviously, the  
24 community of Fort Franklin doesn't want him to drink. And  
25 the whole of the society the Crown represents just cannot  
26 afford drinking habits that lead to anti-social conduct such  
27 as the accused has demonstrated since 1980 and on this

1 particular occasion. Mr. Mantla is going to have to do some-  
2 thing about his drinking. He is the only person who can do  
3 that. If he doesn't do something about his drinking, I fear  
4 for his future.

5 I take into account as an aggravating  
6 factor that this occurred in Fort Franklin, which is a dry  
7 community. The accused had no business and, in fact, was  
8 breaking the law by drinking in that community. I take in  
9 mitigation the fact that he has pleaded guilty to this lesser  
10 offence almost at the first opportunity, which would demon-  
11 strate some remorse. I note, as well, that while the  
12 accused has a record for a number of property offences, up  
13 until now there has been no record of offences against the  
14 person. I accept what Defence counsel says, that the  
15 accused was acting as no thinking man would act. But I  
16 don't know if that helps him much by way of mitigation. I  
17 wouldn't have believed up until last year that a person  
18 could be killed by a broomstick through an eye, but it has  
19 happened. The accused's conduct in this case is difficult  
20 to comprehend. It is logically impossible to explain. But  
21 unfortunately, it is common. It is nothing new to the Courts,  
22 and this kind of rage-like violence directed at whoever  
23 happens to come by is sadly all too frequent. I pause to  
24 note that in the Northwest Territories the single greatest  
25 cause of death are acts of violence. Unfortunately, related  
26 with that is the consumption of alcohol. I think the Court  
27 has to impose a significant sentence to reflect the principles

1 that have been enunciated by the higher Courts in dealing  
2 with offences of this nature.

3 Stand up, please, Mr. Mantla. On this charge  
4 I am going to sentence you to five month's imprisonment. I  
5 would strongly suggest to you, Mr. Mantla, that you take  
6 advantage of any alcohol education or rehabilitation programs  
7 that are available in the Yellowknife Correctional Centre.  
8 If you don't, as I said, I don't think life is going to hold  
9 must promise for you.

10 THE CLERK: Those are all the matters on the docket for  
11 today, Your Honour.

12 THE COURT: Thank you, counsel.

13 (PROCEEDINGS ADJOURNED)

14 (UPON RESUMING)

15 THE COURT: Section 98, Mr. Gates?

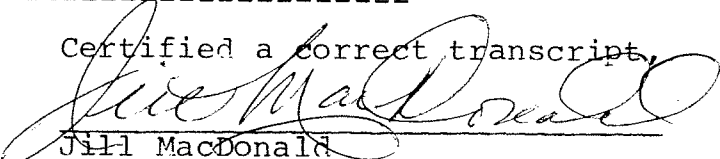
16 MR. GATES: Yes, sir.

17 THE COURT: What is the Defence's position on that?

18 MR. CARTER: The Defence advised Mr. Gates that a Section  
19 98 order had not been made and should have been made in the  
20 circumstances for the protection of the accused as well as  
21 the public.

22 THE COURT: All right. There will be an order pursuant  
23 to Section 98 prohibiting the accused from possessing fire-  
24 arms or ammunition for a period of five years.

25 -----  
26 Certified a correct transcript.

27   
Jill MacDonald  
Court Reporter