

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

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IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

MORRIS SANGRIS



Transcript of the Oral Judgment delivered by His Honour
Judge R. M. Bourassa, sitting at Yellowknife, in the
Northwest Territories, on Wednesday, February 1, A.D.
1984.

APPEARANCES:

MS. N. BOILLAT On behalf of the Crown
MR. C. ROGERS On behalf of the Defence

1 THE COURT:

2 I think this could be the case of the phantom
3 identical twin. Theresa Sangris complains of being burned
4 on the face, twice, with a cigarette by her husband. She
5 claims that sometime later on the same day he beat her up,
6 he pulled her by the hair, kicked her in the face, twisted
7 her arm, knocked her to the floor three times. In his own
8 defence, the accused, Morris Sangris, takes the stand and
9 confirms that, yes, he was drinking, but his wife was
10 drinking a lot more. He skated through Friday and Saturday
11 hardly ever seeing his wife and certainly not having the
12 opportunity of inflicting these injuries.

13 I don't think the confrontation in evidence
14 is as direct as suggested by Defence Counsel. I think Mr.
15 Sangris attempted quite skillfully to skate around the basic
16 issue, which is whether or not he assaulted his wife. I'm
17 satisfied on the evidence of Mrs. Sangris. I believe her
18 Her evidence was straightforward. Even if she was drinking
19 as much as is alleged by Morris Sangris, her story is con-
20 firmed by Beaulieu, who saw her and her husband standing close
21 beside her at the bar.

22 While there may be some weaknesses in the Crown's
23 case, and I suppose one can say it would have been nice to
24 have the evidence of Archie Doctor, it would have been nice
25 to have the evidence of the Mrs. Mary Betsina, and that their
26 evidence may have been more valuable than the evidence of
27 Constable Powers or Breitkreuz; but as nice as it would have
been to have that evidence, I don't think I need it. I

1 don't think the Crown has to call a hundred witnesses to
2 prove a point. I believe Mrs. Sangris' evidence. I believe
3 that her husband burned her twice--once on the forehead,
4 once on the cheek--with a cigarette, and that later that
5 day, on the thirteenth, when she was at home, he came home
6 drunk and assaulted her. I don't believe Mr. Sangris when
7 he says he never fought with anyone. If he was drinking to
8 the degree that he says he was drinking, it is not surprising
9 that he shouldn't recollect some events.

10 Certainly, Mrs. Sangris' injuries didn't occur
11 out of the blue, and I don't have a direct denial by Mr. Sangris.
12 As I say, I have what I perceive to be a clumsy attempt to
13 skate around the main issue and to leave the door open for
14 reasonable doubt by the accused. I don't have any doubt,
15 and there will be a conviction for both Count One and Count
16 Two.

17 (AT WHICH TIME THIS MATTER PROCEEDED TO SENTENCING.)

18 THE COURT: Morris Sangris is convicted of two counts of
19 assault causing bodily harm. Both offences occurred on
20 a Saturday afternoon when the accused was drinking or drunk.
21 At first, he confronted his wife in a bar, and be it whether
22 it was arguments over where he spent his money or what
23 happened to the groceries or what is unimportant. He took
24 his cigarette and burned her twice, once close to the corner
25 of her eye and once on the cheek.

26 Sometime later, he went down to the house
27 occupied by his wife and went into the house and there

1 assaulted his wife, twisting her arm, attempting to--in her
2 words--sprain it, knocking her to the floor, pulling her
3 hair kicking her in the face; and I think it is important
4 to point out that Mrs. Sangris was worried that this was
5 going to happen, throughout the twelfth and thirteenth,
6 that she has given evidence about, and she took active steps
7 to hide--and I have to use that word--to hide from her
8 husband by going to other people's houses and wandering
9 around to stay away from her house, all this notwithstanding
10 the fact that the accused had been put on a peace bond under
11 Section 745 in July of 1983.

12 I want to point out to you, Morris, something
13 that is very clear to me. If you had lived up to the promise
14 you made me in Court in July to stay away from your wife,
15 none of this would have happened, and you wouldn't be in
16 Court today; but for one reason or another the you were
17 unable to live up to your promise, unable to live up to
18 the bond you were subject to, and you assaulted your wife.

19 I note that the accused and his wife are no
20 longer living together. I note as well that the victim has
21 been in fear of her husband for a lengthy period of time;
22 although, I certainly caution myself that I am not sent-
23 encing the accused on the Section 745 matter, nor am I
24 sentencing him for anything that might have occurred in the
25 past. I am, and I only can, sentence him for the facts
26 before me today.

27 The accused is apparently now separated from
his spouse. I don't have any certainty that this is a

1 situation that is going to continue. Surely if there is
2 one right Mrs. Sangris has, it is the
3 right to live her life free from worrying about this man
4 coming after her, drunk or sober. And as far as the Court
5 can attempt to protect Mrs. Sangris, I think it should.
6 I am going to do that by way of a probation order; however,
7 I want to make it very, very clear to Mr. Sangris if he breaks
8 this probation and goes back and bothers his wife again that
9 the consequences are going to be serious, very serious, and
10 I think the best way of doing that is to suspend the passing
11 of sentence on the first count, and to place the accused on
12 probation for two years. The term of that probation is
13 that the accused is to keep the peace and be of good behav-
14 iour. That simply means not to get into trouble. And
15 secondly, the accused is to have no contact, direct or in-
16 direct, with Theresa Sangris, nor is he to be anywhere within
17 one hundred yards of her house.

18 With respect to Count Two, I think a term of
19 imprisonment is justified for these assaults. As I say, I
20 am using my sentencing powers on Count One in an effort to
21 keep the accused from the victim so she can have a measure of
22 certainty of safety in her life. The offence is
23 a serious one. I note that the accused has no previous
24 criminal record, and the Courts have said time and time again
25 when a person does have a criminal record, that can be used
26 in a reverse way, to eliminate mitigation that is otherwise available
27 if a record is not present, and certainly the fact that this man

1 has lived the years that he has without ever being in con-
2 frontation with the law operates in his favour. It is
3 something I can and I must take into consideration, and I
4 do. I have to weigh that with the importance or the sig-
5 nificance of the assault. I have to weigh the concerns that
6 the Court has for the individual against the concerns that
7 society has generally. I believe that in this particular
8 instance the most important concern must be that of deter-
9 rence, that this individual clearly understand that the
10 Courts will not tolerate him beating up his wife, or anyone
11 else for that matter. Closely following that concern, of
12 course, must be one for the individual. He is still at the
13 point where one would hope that he will learn a lesson, and
14 that lesson is very simply to stay away from his wife.

15 As I have indicated, I am satisfied and I
16 believe that a jail term is appropriate, but taking into
17 account what has been said on behalf of Mr. Sangris by his
18 Counsel, the fact that he has virtually no criminal record
19 that is available in substantial mitigation.

20 Mr. Sangris, would you stand, please? On
21 this charge I am going to impose a jail term of thirty days.
22 That is consecutive to any other time you are now serving.
23 I want to point out to you, Mr. Sangris, under the terms of
24 the Criminal Code, I am obliged to point out some provisions
25 to you. I've suspended passing of sentence and placed you on
26 probation for two years under certain conditions. If you
27 don't comply with those conditions, you may be charged with

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an offence known as breach of probation and upon conviction
be subject to a sentence of a maximum of five hundred dollars
or six months in jail, or both. In addition to that, if
you are convicted of any criminal offence while you are on
probation, which includes breach of probation, you can be
brought back to this Court, and I can sentence you on the
original charge of assaulting your wife by burning her with
a cigarette. Do you understand that?

THE ACCUSED: (Nods head.)
THE COURT: Is that everything, Ms Boillat?
MS BOILLAT: Yes, sir.
THE COURT: Mr. Rogers?
MR. ROGERS: Yes, sir.

(AT WHICH TIME THIS MATTER WAS CONCLUDED.)

Certified a correct transcript

Edna Thiessen
Edna Thiessen, Court Reporter