

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

HER MAJESTY THE QUEEN

- and -

DERRALD TAYLOR

Sentencing Hearing held before His Honour
 Judge T.B. Davis, sitting at Tuktoyaktuk, in the
 Northwest Territories on Wednesday, January 22, A.D. 1992.

APPEARANCES:

M. Zigayer, Esq.,	Counsel for the Crown
H. Breier, Ms.,	Counsel for the Accused
J. McFarland, Ms.,	Court Reporter

(Charges under Sections 430(4), 145(3), 740(1),
 268 and 267(1)(a) of the Criminal



91-1240DW

INFORMATION
ON BEHALF OF HER MAJESTY THE QUEEN

Form
Formule 2
Section
Articles 506 and
788

DÉNONCIATION
(AU NOM DE SA MAJESTÉ LA REINE)

ADJUDICATION & DISPOSITION
JUGEMENT ET DÉCISIONS

CHARGE READ CHEF D'ACCUSATION

DATE: Dec 26/91 JUDGE OF JUSTICE: [Signature]

CROWN ELECTION CHOIX DE LA COURONNE

Summary Conviction Indictment
Condamnation sommaire Accusation

ACCUSED ELECTION CHOIX DE L'ACCUSÉ

Territorial Court Judge Judge & Jury Judge
Juge de la Cour territoriale Juge et jury Juge

PLEA DEFENSE

Guilty Not Guilty
Coupable Non coupable

FAILURE TO APPEAR DEFAUT DE COMPARAÎTRE

Default Mandate

DISPOSITION DÉCISIONS

Convicted Dismissed Withdrawn
Coupable Acquitté Abandonné

Fine Amende

Surcharge [Signature]

Default Non comparution

Conditional discharge Libération conditionnelle

Probation Probation

Restitution Restitution

Absolute discharge Libération absolue

Imprisonment for Durée de l'emprisonnement: 12 months temporarily

Order Driving Décision Conduite

Order Firearms Décision Armes à feu

Order to stand trial

Order of discharge

Stop of proceedings Suspension des poursuites

STATISTICS RENSEIGNEMENTS PERSONNELS

Date of birth: Date de naissance: 01/09/63 Sex: M

Marital status: État matrimonial: single

COURT NUMBER
NO DU TRIBUNAL: 392-3972

JUSTICE OF PEACE
NO DU JUGE DE PAIX

This is the information of / La présente constitue la dénonciation de

NAME / NOM: Lillian MORRIS

ADDRESS / ADRESSE: Tuktoyaktuk, Northwest Territories

OCCUPATION / OCCUPATION: a Peace Officer

hereinafter called the Informant. / ci-après appelé le dénonciateur.

THE INFORMANT HAS PERSONAL KNOWLEDGE OF THE DENOUNCED ACT OR OMISSION.
LE DÉNONCIATEUR A LA PAIX DE CONNAISSANCE PERSONNELLE DE L'ACTE OU DE L'OMISSION.

The informant says that / Le dénonciateur déclare que

THE INFORMANT DOES NOT HAVE PERSONAL KNOWLEDGE OF THE DENOUNCED ACT OR OMISSION.
LE DÉNONCIATEUR N'A PAS DE CONNAISSANCE PERSONNELLE DE L'ACTE OU DE L'OMISSION.

The informant has reasonable and probable grounds to believe and does believe that / Le dénonciateur a des motifs raisonnables de croire que

Derrald TAYLOR:

on or about the seventeenth day of Decemb 1991 at or near the Hamlet of Tuktoyaktuk in the Northwest Territories, did commit mischief by wilfully damaging without legal justification or excuse and without colour of right property to wit: the wooden window covering of the Tuktoyaktuk Housing Association, the value of which did not exceed one thousand dollars contrary to Section 430(4) of the Criminal Code.

Sworn before me / Assermenté devant moi.

this day of / ce 26th jour de December, 1991 at Tuktoyaktuk, in the Northwest Territories / aux Territoires du Nord-Ouest:

[Signature]
Signature of Informant / Signature du dénonciateur

[Signature]
Signature of Justice of Peace / Signature du juge de paix

INFORMATION
ON BEHALF OF HER MAJESTY THE QUEEN

91-1275(DP)
Form
Formule 2
Section
Articles 506 and 788

DÉNONCIATION
(AU NOM DE SA MAJESTÉ LA REINE)

ADJUDICATION & DISPOSITION
JUGEMENT ET DÉCISIONS

CHARGE READ CHEF D'ACCUSATION	
Date: <u>Dec 26/91</u> Judge: <u>[Signature]</u>	
GROUPE ÉLECTION CHOIX DE LA GOUVERNANCE	
Summarized Conviction Condamnation abrégée	
ACCUSED ELECTION CHOIX DE L'ACCUSÉ	
Term of Court Judge Juge de la Cour territoriale	
DATE: <u>[Signature]</u>	
PLEA DÉFENSE	
Guilty Coupable <input checked="" type="checkbox"/>	
Not Guilty Non coupable <input type="checkbox"/>	
DATE: <u>[Signature]</u>	
FAILURE TO APPEAR DÉFAUT DE COMPARAITRE	
Bench Warrant issued Mandat émis <input type="checkbox"/>	
DATE: <u>[Signature]</u>	
EVERY TIME THIS INFORMATION IS DEALT WITH APPROPRIATE ENTRIES SHALL BE MADE ON THE REVERSE TOUTES MESURES PRISES AU SUJET DE CETTE DÉNONCIATION DOY ÊTRE INSCRITES DANS LA CASE APPROPRIÉE AU VERSO	
DISPOSITION DÉCISIONS	
Convicted Coupable <input checked="" type="checkbox"/>	
Dismissed Acquitté <input type="checkbox"/>	
Adopted Adopté <input type="checkbox"/>	
Fine Amende	
Surcharge	
Jury	
Mandatory sentence Défaut de comparaitre	
Suspended sentence Civile	
Conditional discharge Libération conditionnelle	
Probation	
Restitution	
Absolute discharge Libération absolue	
Indemnity Durée de l'emp. sarnement: <u>4 years</u>	
Order Driving Décision Conduite	
Order Firearms Décision Armes à feu	
Order to attend Ordonnance de comparaitre	
Order of proceedings Ordonnance de poursuite	
Suspended order Suspension des poursuites	
STATISTICS RENSEIGNEMENTS PERSONNELS	
Date of birth Date de naissance: 01 09 63 Sex: M <input checked="" type="checkbox"/> F <input type="checkbox"/>	
MARRIAGE STATUS État matrimonial: Single	

COURT NUMBER
N^O DU TRIBUNAL: 392-3973

JUSTICE OF PEACE
or JUDGE'S OFFICE
N^O DU JUGE DE PAIX
ou OFFICE

This is the information of
La présente constitue la dénonciation de

NAME
NOM: Lillian MORRIS

ADDRESS
ADRESSE: Tuktoyaktuk, Northwest Territories

OCCUPATION
EMPLOI: Peace Officer

hereinafter called the Informant. ci-après appelé le dénonciateur.

IF THE INFORMANT HAS PERSONAL KNOWLEDGE
SI LE DÉNONCIATEUR A UNE CONNAISSANCE PERSONNELLE DE L'INFRACTION
The informant says that
Le dénonciateur déclare que

IF THE INFORMANT DOES NOT HAVE PERSONAL KNOWLEDGE
SI LE DÉNONCIATEUR N'A PAS DE CONNAISSANCE PERSONNELLE DE L'INFRACTION
The informant has reasonable and probable grounds to believe
and does believe that
Le dénonciateur a des motifs raisonnables de croire que

STATE THE OFFENCE
DÉCRIRE L'INFRACTION: Derrald TAYLOR

On or about the twentyfifth day of December 1991 at or near the Hamlet of Tuktoyaktuk in the Northwest Territories did wound Sonny KEEVIK thereby committing an aggravated assault, contrary to Section 268 of the Criminal Code.

Sworn before me
Assermenté devant moi

this day of
ce 26th jour de December
19 91 at Tuktoyaktuk
in the Northwest Territories.
aux Territoires du Nord-Ouest

APPEARANCE NOTICE
PROCÈS DE COMPARAITRE

ADVISE TO APPEAR
PROCESSE DE COMPARAITRE

RECOGNIZANCE
ENGAGEMENT

Confirmed by
Confirmé par

[Signature]
SIGNED BY DE NOTARY PUBLIC / SOUTIENNEUR DÉNONCIATEUR

[Signature]
JUDGE OF PEACE / JUGE DE PAIX

91-1275(DP)

INFORMATION
(ON BEHALF OF HER MAJESTY THE QUEEN)

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DÉNONCIATION
(AU NOM DE SA MAJESTÉ LA REINE)

ADJUDICATION & DISPOSITION
JUGEMENT ET DÉCISIONS

CHARGE READ / CHEF D'ACCUSATION
 DATE: Dec 26/91
 JUDGE OR JUSTICE / JUGE OU JUGE DE PAIX: J. P. [Signature]

CROWN ELECTION / CHOIX DE LA COURONNE
 Summary Conviction / Condamnation sommaire Indictment / Accusation

ACCUSED ELECTION / CHOIX DE L'ACCUSE
 Territorial Court Judge / Juge de la Cour territoriale Judge & Jury / Juge et jury Judge / Juge

PLEA / DÉFENSE
 Guilty / Coupable Not Guilty / Non coupable

FAILURE TO APPEAR / DÉFAUT DE COMPARAÎTRE
 Bench warrant issued / Mandat émis

DISPOSITION / DÉCISIONS
 Convicted / Coupable Dismissed / Acquitté Withdrawn / Abandonné

Imprisonment for / Durée de l'emprisonnement: 2 years concurrently

Order Firearms / Ordre Armes à feu

Order to stand trial / Ordre de subir un procès: 24 Dec 92

STATISTICS / RENSEIGNEMENTS PERSONNELS
 Date of Birth / Date de naissance: 01/09/68
 Sex / Sexe: M F
 Single

COURT NUMBER / NO DU TRIBUNAL: 392-3974

JUSTICE OF PEACE / NO DU JUGE DE PAIX: []

This is the information of / La présente constitue la dénonciation de
 NAME / NOM: Lillian MORRIS
 ADDRESS / ADRESSE: Tuktoyaktuk, Northwest Territories
 OCCUPATION / EMPLOI: Peace Officer

hereinafter called the Informant. / ci-après appelé le dénonciateur.

IF THE INFORMANT HAS PERSONAL KNOWLEDGE... / SI LE DÉNONCIATEUR A UNE CONNAISSANCE PERSONNELLE DE L'INFRACTION
 The informant says that / Le dénonciateur déclare que

IF THE INFORMANT DOES NOT HAVE PERSONAL KNOWLEDGE... / SI LE DÉNONCIATEUR N'A PAS DE CONNAISSANCE PERSONNELLE DE L'INFRACTION
 The informant has reasonable and probable grounds to believe and does believe that / Le dénonciateur a des motifs raisonnables de croire que

STATE THE OFFENCE / NOUVEAU DÉLIT: Derrald TAYLOR

On or about the twentyfifth day of Decembe 1991 at or near the Hamlet of Tuktoyaktuk in the Northwest Territories did in committing an assault on Stanley KEEVIX Sr use a weapon to wit a knife, contrary to Section 267(1)(a) of the Criminal Code.

Sworn before me / Assurément devant moi.
 this day of / ce 26th / ou de December
 19 91 at / Tuktoyaktuk
 in the Northwest Territories / aux Territoires du Nord-Ouest

[Signature]
 SIGNATURE OF INFORMANT / SIGNATURE DU DÉNONCIATEUR

[Signature]
 JUDGE OF PEACE / JUGE DE PAIX

APPEARANCE / PROCÈS TO BE HELD / RÉUNION

INFORMATION
(ON BEHALF OF HER MAJESTY THE QUEEN)

91-1275(DP)

Form
Formula 2
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788

DÉNONCIATION
(AU NOM DE SA MAJESTÉ LA REINE)

ADJUDICATION & DISPOSITION
JUGEMENT ET DÉCISIONS

CHARGE READ CHEF D'ACCUSATION

Date: Dec 26/91 Judge: J. J. Stott
JUDGE OR JUSTICE JUGE OU JUGE DE PAIX

CROWN ELECTION CHOIX DE LA COURONNE

Summary Conviction Indictment
Condemnation sommaire Accusation

ACCUSED ELECTION CHOIX DE L'ACCUSE

Territorial Court Judge Judge & Jury Judge
Juge de la Cour territoriale Juge et jury Juge

DATE JUDGE OR JUSTICE JUGE OU JUGE DE PAIX

PLEA DÉFENSE
Guilty Not Guilty
Coupable Non coupable

DATE JUDGE OR JUSTICE JUGE OU JUGE DE PAIX

FAILURE TO APPEAR DÉFAUT DE COMPARAÎTRE

Bench Warrant Mandat

DATE JUDGE OR JUSTICE JUGE OU JUGE DE PAIX

EVERY TIME THIS INFORMATION IS DEALT WITH APPROPRIATE ENTRIES SHALL BE MADE ON THE REVERSE
TOUTE MESURE PRISE AU SUJET DE CETTE DÉNONCIATION DOIT ÊTRE INSCRITE DANS LA CASE APPROPRIÉE AU VERSO

DISPOSITION DÉCISIONS

Convicted Dismissed Withdrawn
Coupable Acquitté Abandonné

Fine

Amende

Surcharge

Days of Imprisonment

Time of Day

Days of Payment

Suspended Sentence

Surplus

Conditional Discharge

Libération conditionnelle

Probation

Probation

Restitution

Restitution

Absolute Discharge

Libération inconditionnelle

Imprisonment for

Order Driving

Order Firearms

Order to attend

Order to attend

Stay of proceedings

Suspension des poursuites

STATISTICS RENSEIGNEMENTS PERSONNELS

Date of Birth

Date de naissance

DRIVER'S LICENSE NO. PERMITS OR CONDITIONS OF MARRIAGE STATUS

Single

Sworn before me
Asserments devant moi
this day of
ce 26th jour de December
19 91 at Tuktoyaktuk
in the Northwest Territories
des Territoires du Nord-Ouest

COURT NUMBER
NO DU TRIBUNAL 392-3976
JUSTICE OF PEACE
OF JUDGE'S NO
NO DU JUGE DE PAIX

This is the information of:
La présente constitue la dénonciation de

NAME NOM Lillian MORRIS

ADDRESS ADRESSE Tuktoyaktuk, Northwest Territories

OCCUPATION EMPLOI Peace Officer

hereinafter called the informant. ci-après appelé le dénonciateur.

IF THE INFORMANT HAS PERSONAL KNOWLEDGE OF THE OFFENCE
SI LE DÉNONCIATEUR A LA CONNAISSANCE PERSONNELLE DE L'INFRACTION

The informant says that
Le dénonciateur déclare que

IF THE INFORMANT DOES NOT HAVE PERSONAL KNOWLEDGE OF THE OFFENCE
SI LE DÉNONCIATEUR N'A PAS DE CONNAISSANCE PERSONNELLE DE L'INFRACTION

The informant has reasonable and probable grounds to believe and does believe that
Le dénonciateur a des motifs raisonnables de croire que

STATE THE OFFENCE NOUVEAU DÉLIT
Derrald TAYLOR

On or about the twentyfifth day of December 1991 at or near the Hamlet of Tuktoyaktuk in the Northwest Territories did, while bound by a probation order made by Judge B.A. BRUSER of Territorial Court on the fifteenth day of March 1990, wilfully fail to comply with such order, to wit keep the peace and be of good behaviour, contrary to section 740(1) of the Criminal Code.

[Signature]
SIGNATURE OF INFORMANT / SIGNATURE DU DÉNONCIATEUR

[Signature]
SIGNATURE OF JUDGE / SIGNATURE DU JUGE

PRESENCE
PRÉSENCE

91-1275(DP)

INFORMATION
ON BEHALF OF HER MAJESTY THE QUEEN

Form
Formule 2

DÉNONCIATION
(AU NOM DE SA MAJESTÉ LA REINE)

Section
Articles 506 and
788

ADJUDICATION & DISPOSITION
JUGEMENT ET DÉCISIONS

CHARGE READ / CHEF D'ACCUSATION
 Date: 26/91
 CROWN ELECTION / CHOIX DE LA COURONNE
 ACCUSED ELECTION / CHOIX DE L'ACCUSÉ
 PLEA / DÉFENSE
 FAILURE TO APPEAR / DÉFAUT DE COMPARAÎTRE
 DISPOSITION / DÉCISIONS
 STATISTICS / RENDIREMENTS PERSONNELS

COURT NUMBER / NO DU TRIBUNAL: 392-3977
 JUSTICE OF PEACE / JUGE DE PAIX: []
 JUDGE'S NO. / NO DU JUGE: []

This is the information of / La présente constitue la dénonciation de
 NAME / NOM: Lillian MORRIS
 ADDRESS / ADRESSE: Tuktoyaktuk, Northwest Territories
 OCCUPATION / EMPLOI: Peace Officer
 hereinafter called the informant. / ci-après appelé le dénonciateur.
 The informant says that / Le dénonciateur déclare que
 Derrald TAYLOR

On or about the twentyfifth day of December 1991 at or near the Hamlet of Tuktoyaktuk in the Northwest Territories did being at large on his undertaking given to a Justice and being bound to comply with a condition of that undertaking directed by the said Justice fail without lawfully excuse to comply with that condition to wit: Keep the peace and be of good behaviour, contrary to Section 145(3) of the Criminal Code.

SIGNATURE OF DEONCIATEUR / ÉCRITURE DU DÉNONCIATEUR

SIGNATURE OF DEONCIATEUR / ÉCRITURE DU DÉNONCIATEUR

Sworn before me / Assermenté devant moi
 this / ce: 26th / jour de: December / Décembre
 19 91 / à: Tuktoyaktuk
 in the Northwest Territories / aux Territoires du Nord-Ouest

392-3977

DATE	PLACE OF HEARING LEU DE L'AUDIENCE	CLERK GREFFIER	REPORTER STENOGRAPHE	CROWN AVOCAT DE LA COURONNE	DEFENCE DEFENSE	WITNESSES & INTERPRETERS ET INTERPRETES	EXHIBITS PREUVES	ENDORSEMENTS AUTORISATIONS	JUDGE or JUSTICE of PEACE; SIGNATURE du JUGE ou de JUGE de PAIX
Dec 26/91	Jud			RMP AK MURDO	Agd AK		How Court bill changed. Bill in court copy of bill in court bill Court Jan 23/92		AK AK
2-2 Jan 5/92			M. Ireland	Jeggin	AK				AK

1 MR. ZIGAYER: Your Honour, I'd ask the Court to
2 deal with the matters of the 25th of December, first.

3 THE COURT: Mr. Taylor, you're charged with an
4 aggravated assault with a use of a weapon in an assault and
5 breach of an undertaking Section 145(3).

6 MR. ZIGAYER: Summarily, sir.

7 THE COURT: Charge under Section 740 on the
8 two charges that I have mentioned, that committing an
9 aggravated assault and assault with a weapon, you have an
10 option to elect to be tried by this Court or you may elect
11 to have a Preliminary Inquiry and be tried by a judge alone
12 or by a judge and jury.

13 MS. BREIER: Election is Territorial Court and
14 I can indicate that the intended pleas to both charges is
15 guilty.

16 THE COURT: Both charges entering pleas of
17 guilty. Accept the pleas of guilty.

18 MS. BREIER: We would also enter guilty pleas
19 to Section 740 and the 145.

20 THE COURT: Accept pleas of guilty to the
21 summary matters all relating to the 25th day of December.

22 MR. ZIGAYER: Your Honour, with regard to the
23 two matters arising or alleged to have occurred on the 5th
24 of December, 1991, Section 86(2) and Section 740(1), Crown
25 withdraws both.

26 THE COURT: There had been a not guilty plea
27 on the Section 762.

Gabe's

1 MR. ZIGAYER: We offer no evidence.

2 THE COURT: The matter is dismissed on the
3 Section 86(2) and under Section 740, the Crown is
4 withdrawing the charge. Three charges relating to the 17th
5 of December, as well.

6 MR. ZIGAYER: The Crown will be withdrawing the
7 charges under 740 and 145.

8 MS. BREIER: We intended to plead guilty.

9 THE COURT: Charge under 430 as a mischief,
10 that's within the jurisdiction of this Court and I'll accept
11 a guilty plea.

12 MS. BREIER: We are ready to proceed with facts
13 and sentencing on those charges.

14 THE COURT: I expect we will be able to
15 finalize the sentencing. There won't be any complications?

16 MS. BREIER: Yes.

17 THE COURT: Thank you.

18 MR. ZIGAYER: Your Honour, I'll deal first with
19 the matter of the 17th of December, 1991. On that date in
20 the early morning hours, police in Tuktoyaktuk in the
21 Northwest Territories, received a complaint from a Mr. Joe
22 Hick who reported that persons had been trying to break into
23 his house at number 54.

24 Constable West went to that location and found several
25 large rocks on the ground in front of the door and also
26 found that a window frame had been pried out and the
27 covering of the window removed. He also found chop marks

1 consistent with an axe having been used in both the front
2 and side doors of that location. The occupants of house 54
3 had been frightened by this incident and too scared to look
4 out and see who was trying to get in. Several persons were
5 located later and the accused was identified as being one of
6 the individuals responsible for this incident.

7 MS. BREIER: Those fact are admitted.

8 THE COURT: Conviction is entered on the
9 mischief charge.

10 MR. ZIGAYER: Thank you, your Honour. Your
11 Honour, with the regard to the incident which occurred on
12 Christmas day, the 25th of December, 1991, again, the police
13 were contacted in the early morning hours by a resident of
14 Tuktoyaktuk in the Northwest Territories who advised that
15 there was someone on the porch of her home and apparently
16 that person had been stabbed in the abdomen.

17 The person did not know the circumstances surrounding
18 the injury but had requested the assistance of police. The
19 police went immediately to the residence and found a victim
20 on the floor with a stab wound approximately three-quarters
21 of an inch in width just above the navel.

22 While that person was being placed in the police
23 vehicle, police officers advised that a second victim, a
24 person who had also been stabbed during the same incident,
25 had a received an injury to the hand. Members of the second
26 victim's family brought that person directly to the nursing
27 station.

Gabe's

1 At that time, the victim of the stabbing to the abdomen
2 was not in any condition to provide details to the police
3 officers with regard to the cause of the injury apart than
4 saying it was a friend who had done it at the -- this
5 stabbing victim's, the one who received the stab wound to
6 the abdomen. His condition deteriorated rapidly and he had
7 to be medivaced to Inuvik.

8 The second victim was the father of the first victim
9 and he advised the police officers that he and his son had
10 been at a friends residence drinking until about 3:20 in the
11 morning. At that point, the accused knocked at the door and
12 was allowed to enter by one of the residents of the home.
13 When he had entered into the living room area, he produced a
14 knife and attempted to stab the first victim. At that point
15 the father attempted to stop Mr. Taylor from continuing with
16 the assault and that resulted in his receiving a deep stab
17 wound to the outer part of his right thumb which began to
18 bleed profusely.

19 At that point, Mr. Taylor made a second lunge and
20 stabbed the victim, the first victim, the one time in the
21 abdomen. There was apparently no conversation which took
22 place before the attack, no provocation, and there was no
23 conversation or explanation or anything said by anyone after
24 the attack. At this time, Mr. Taylor fled the residence.

25 After being transported to the Inuvik hospital, the
26 victim who had received a stab wound to his abdomen
27 underwent surgery to repair a perforated intestine. The

Gabe's

1 nursing staff advised that apart from a considerable amount
2 of blood that was lost in Tuktoyaktuk, the doctor discovered
3 a further litre of blood pooled in the abdomen during the
4 course of treatment in Inuvik.

5 The victim in this case, in the case of the stabbing,
6 was 29 years of age and this wound had the potential of
7 being life threatening had the victim not been so quickly
8 evacuated to Inuvik. The second victim received a wound to
9 the hand which required three sutures to close. He, too,
10 lost a considerable amount of blood and he is 55 years of
11 age and is considered an Elder in the community of
12 Tuktoyaktuk. The identity of the second victim, the one who
13 received the injury to the hand was Stanley Keevik and the
14 one who received the wound to the abdomen was Sonny Keevik,
15 also known as Stanley Keevik, Junior.

16 At the time this incident occurred, your Honour, the
17 accused was on probation requiring him to keep the peace and
18 be of good behavior. He also was on an undertaking given to
19 a Justice requiring him to keep the peace and be of good
20 behavior.

21 Sir, those are the circumstances of those four
22 offences.

23 MS. BREIER: Those facts are admitted.

24 THE COURT: Convictions are in order on the
25 four charges, that is wounding, assault with a weapon,
26 breach of probation and breach of an undertaking.

27 MR. ZIGAYER: Your Honour, in the matter of

Gabe's

1 sentencing, I have a two-paged document to hand to you. It
2 is a record of previous convictions.

3 MS. BREIER: This record is admitted.

4 MR. ZIGAYER: I'll be making a submission to you
5 that what is appropriate in this case is a lengthy period of
6 incarceration, that the Crown does not object to all these
7 matters being dealt with by way of concurrent sentencing, at
8 least with regard to the two assaults. I note that the
9 accused has previous convictions for assault causing bodily
10 harm in 1986, assault in 1990, and assault on a police
11 officer also in 1990. I also note that he has numerous
12 breaches of undertakings for which he has already been
13 incarcerated on numerous occasions.

14 Your Honour, my submission would be that you may want
15 to consider a period of incarceration up to and including a
16 period of penitentiary duration. And in fact, Mr. Taylor
17 should consider himself lucky that the victim of the stab
18 wound to the abdomen received appropriate medical treatment
19 in Inuvik which preserved his life or he might be facing a
20 much more serious charge today. Those are my submissions.

21 One more thing just to remind you, of course, that I
22 think in these circumstances, you would be obliged to impose
23 a five year firearm prohibition under Section 100(1) of the
24 Criminal Code.

25 MS. BREIER: Your Honour, I have to agree with
26 Crown counsel that you must be considering a period of
27 incarceration for Mr. Taylor. The question then becomes the

1 duration of that. I would urge you to consider something
2 shorter than penitentiary time as Your Honour is probably
3 aware, people from the Northwest Territories, particularly
4 people from isolated communities like Tuktoyaktuk, can have
5 a very difficult time in penitentiary and it often can be
6 tantamount to a far worse sentence than it is on its face.

7 In mitigation, I would ask your Honour to consider his
8 very prompt guilty pleas on these offences. Mr. Taylor has
9 little or no recollection of the mischief events and he has
10 no recollection, whatsoever, of the more serious stabbing
11 offences before you. And the reason for that lack of
12 recollection is excessive drinking of alcohol. He has been
13 in custody since December 25th, and I understand that
14 custody has been done in Inuvik. And I would ask your
15 Honour to take that also into consideration in determining
16 the length of his sentence and particularly that Inuvik
17 time, although it hasn't been that long, is again considered
18 to be hard time. There are no facilities in Inuvik. People
19 are held in custody there. They can't leave. They aren't
20 allowed reading materials. They can't smoke, have little or
21 no access to exercise facilities, so I would ask you to keep
22 that in mind.

23 Turning to Mr. Taylor, himself, I would advise your
24 Honour that he is 28 years old. He admits to having a
25 problem with alcohol. He has told me that he started
26 drinking when he was 17 years old and there was alcohol
27 abuse in his family while he was growing up. He knows that

Gabe's

1 he must get his alcohol problem under control. He has gone
2 as far as Grade 8 in school, but then he did go on to get
3 his Grade 12 general diploma through Adult Education.

4 He was scheduled to start a course in Fort Smith as a
5 heavy equipment operator starting this-coming September. He
6 is currently unemployed. His last job finished at the end
7 of September of 1991. He had been working with a local
8 contracting company here and was doing carpentry work. This
9 job had taken him through a good part of the summer. Since
10 September, he has supported himself -- or actually, he has
11 contributed to the parents' household expenses, because he
12 lives with his parents, by selling his carvings.

13 I can personally vouch for the fact that he is a very
14 talented carver. He enjoys carving and has a great deal of
15 skill with it. He first started carving about two years ago
16 and he works with bone and ivory and stone and has
17 considerable talent in that area. So he had been able to
18 sell his carvings to contribute to the household expenses.

19 Other than that, most of his employment throughout his
20 fairly young life has been doing labor work. He is single
21 and he has no dependents. He feels very badly about these
22 offences. In his own words, he told me that he didn't know
23 until he sobered up. Then as he said to me, "It hit me I
24 was that close to taking a life." He feels a great deal of
25 remorse for that and realizes that he is facing further
26 incarceration for these acts. His only hope is what he can
27 benefit in custody from some of the counselling services

Gabe's

1 that are available and that hopefully that period of time
2 will help him to deal with his alcohol problem.

3 Taking those factors into consideration, your Honour, I
4 would simply ask that you consider a period of time that is
5 something short of a penitentiary term.

6 THE COURT: Thank you. I want to check some
7 cases to see what courts have decided is appropriate for
8 wounding and aggravated assault charges so I think we will
9 take five minutes.

10 (BRIEF ADJOURNMENT)

11 THE COURT: Derrald Taylor is before the Court
12 for sentencing on five matters, that on December 17th, 1991,
13 he was involved with damaging property by throwing rocks and
14 breaking windows and damaging a door and committing mischief
15 on that occasion. He also admits that on Christmas Day, he
16 was heavily intoxicated. He committed an aggravated assault
17 on Sonny Keevik and wounding Sonny Keevik when he stabbed
18 him after entering the Keevik residence. Keevik was 29
19 years of age and the accused is 28 years of age.

20 At the time of this stabbing and wounding, Stanley
21 Keevik's father attempted to stop the accused and the
22 accused committed an assault on him with a knife and cut his
23 hand. Sonny Keevik or the Stanley Keevik, Junior, was
24 medivaced and found to have had a three-quarter inch wide
25 abdominal wound that was life threatening. It penetrated
26 part of his body and there was a pool of blood in his
27 abdomen at the time he was checked in the hospital in

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1 Inuvik. Fortunately, the perforated intestine did not cause
2 death.

3 The accused admits, as well, that on this occasion,
4 Christmas, 1991, he breached his probation order and had
5 also been on an undertaking and breached his undertaking.
6 He comes before the Court as a single person with no
7 dependents and with a criminal record starting in 1983 and
8 continuing regularly until 1990, having been before the
9 Courts on 9 occasions and having been convicted of
10 approximately 30 criminal offences; a number of them of a
11 similar nature. In 1983, he was convicted of an assault, in
12 1986, of an assault causing bodily harm, again, in 1986, of
13 a weapons offence. In March 1990, he was convicted both of
14 an assault and assaulting a police officer and he has had
15 numerous breaches of undertakings and probation. He has
16 been in jail on a number of occasions for periods in excess
17 of 15 months.

18 On hearing the circumstances of the offences before me
19 today, I felt it appropriate to make some inquiries as to
20 what Courts have felt and have imposed as suitable penalties
21 for wounding and for aggravated assaults.

22 Mr. Justice Richard of the Northwest Territories
23 Supreme Court in December, 1989, imposed a 12-month jail
24 term on a somewhat minor wounding in the Mandeville case.
25 That was one of the lesser jail terms imposed for this type
26 of offence.

27 A stabbing case that had taken place in the Northwest

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1 Territories under the heading of the Queen versus Oscar in
2 1986, was dealt with at Fort McPherson by our former Chief
3 Judge Slaven who had indicated a benchmark for stabbing or
4 an aggravated assault should be a two-year jail term, which
5 would mean that depending on the circumstances of the
6 offence and the offender, the term could either be increased
7 or decreased. If there are aggravated factors, it would be
8 increased and if it was a lesser serious stabbing, the jail
9 term may be decreased.

10 The Court must consider the incidents of crime of that
11 nature. In other words, it must take into account the ratio
12 of assaults to other offences. If there is a high ratio of
13 violence and assaults in the Northwest Territories, then
14 that's the kind of offence that must be dealt with more
15 severely than others.

16 The Court had noted in the case of R v Oscar that
17 incidence of violence is high in the Northwest Territories
18 and usually involves alcohol. In that instance, the Court
19 imposed only eight months in jail, but the victim had no
20 permanent injury and had been the spouse of the accused and
21 had returned to living with him. The accused was remorseful
22 and received the benefit of the consequences being of a
23 minor nature.

24 In the Bradshaw case, Saskatchewan, 1988, reported at
25 page 195, the Saskatchewan Court of Appeal had increased the
26 jail term to two years because of the seriousness of the
27 aggravated assault which was bordering on attempted murder

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1 because a wife had shot her husband and he had lost the use
2 of his arm because of nerve damage. In that instance, the
3 accused persons had a very short criminal record, if any, at
4 all.

5 On the case against Aijo in October, 1989, in New
6 Brunswick, Queen versus Aijo, an accused person was
7 threatening his mother and struck her, tied her up for more
8 than a couple hours while terrorizing her in attempt to
9 obtain money. And that assault resulted in substantial and
10 serious injuries to her. The Court of Appeal in New
11 Brunswick felt that an assault of that nature should result
12 in a five-year period of time in jail.

13 I take from the records, cases that involve serious
14 assaults require serious penalties. And in this instance I
15 think it would be appropriate to impose more than two years
16 in jail on the accused in total to ensure the public that
17 repeat offenders who do injury to others, even though they
18 are drunk and don't remember it, still must face the
19 consequences and accept the consequences for their act.

20 Mr. Taylor, is there anything you wish to say to the
21 Court before I complete sentence?

22 A No.

23 THE COURT: All right. Thank you. On the
24 charge relating to the mischief, I'm going to impose one
25 month in jail. That will run concurrently to any other.
26 There will be no surcharge.

27 On the wounding of Sonny Keevik, I'm going to impose

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four years in jail. There will be no surcharge.

On the assault with a weapon, I'm going to impose two years in jail to run concurrently, that means to be served at the same time as the four-year jail term.

On the breach of probation, I'm going to impose three months in jail and allow that to be served concurrently, as well. Also, no surcharge. No surcharge on any of them.

On the breach of an undertaking, five months in jail to run concurrently.

Do you understand, Mr. Taylor? The total is a four-year jail term. The others are all being served concurrently. I would hope that you'll make an effort to get some counselling to do what you can to overcome any alcohol problems. That's all.

(SENTENCING HEARING ADJOURNED)

I, Joanne McFarland, Court Reporter, hereby certify that I attended the above Hearing and took faithful and accurate shorthand notes and the foregoing is a true and accurate transcript of my shorthand notes to the best of my skill and ability.

Dated at the City of Calgary, Province of Alberta, this 2nd day of April, A.D. 1992.

Joanne McFarland

Joanne McFarland
Court Reporter.

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