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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

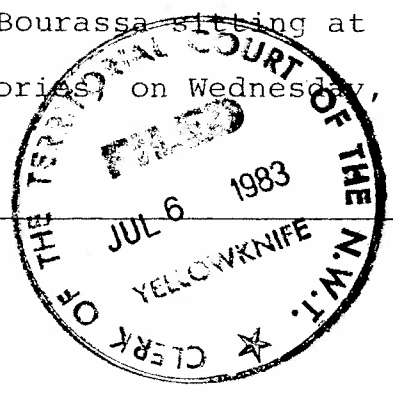
IN THE MATTER OF:

HER MAJESTY THE QUEEN

v.

ROLAND CODZI

Transcript of the proceedings of the sentencing delivered by His Honour Judge R. M. Bourassa sitting at Fort Good Hope, Northwest Territories, on Wednesday, May 25, A.D. 1983.



APPEARANCES:

MR. D. FRAYER Counsel for the Crown
MS. L. ERICKSON Counsel for the Defence



1 THE COURT: Roland Codzi is convicted of an offence
2 contrary to Section 245.(1)(b) of the Criminal Code of
3 Canada, committing an assault upon John Blanco that caused
4 bodily harm to him.

5 It is a serious offence, an indictable
6 offence which carries with it a maximum of five years in
7 gaol.

8 It is hardly surprising that the offence
9 occurred while Mr. Codzi was drinking. It was remarked by
10 Mr. Justice Tallis after six years on the Supreme Court
11 Bench here in the Northwest Territories, Mr. Codzi, that of
12 all the cases he dealt with, 90 percent involved alcohol;
13 and in the short time that I have been here, in the cases
14 that I have sat on in Territorial Court, 99 percent of
15 them involve alcohol.

16 I want to point out to you, Mr. Codzi, that
17 the law is such that it takes a man to presume the natural
18 consequences of his acts; and if you get drunk up and get
19 into a fight and because you are drunk you pick up a knife
20 and stab someone, so far as the law is concerned, that is
21 what you intended, and you cannot hide behind your drunken-
22 ness and say, "We would never have gotten in the fight if
23 I was sober".

24 You are responsible for the natural conse-
25 quences of what you do, and getting drunk almost invariably
26 leads to trouble in terms of an accused being in
27 Court. The Court regularly sees people brought up before



1 it accused of assaults, murders, rapes, beatings, shootings,
2 wounding, and in virtually every case the accused is drunk
3 at the time.

4 If you choose to drink, Mr. Codzi, you are
5 going to have to choose to accept the consequences of your
6 drinking. If that means getting into trouble, then you are
7 going to have to accept the consequences of getting into
8 trouble.

9 If there is one right people have in this
10 community of ours, that is the right to live their lives
11 without the fear of being stabbed or wounded or shot or
12 beat up by someone; and certainly Mr. Blanco, whatever his
13 relationship is with you, has the right to tell you to leave
14 his house, and he has the right to tell you to do that with-
15 out worrying about being stabbed.

16 It is something that the Courts will not
17 tolerate under any circumstances, and just because, as I say,
18 you were drunk, that is no help and no one can hide behind
19 your drunkenness.

20 One hears all the time in Court that this
21 particular accused is a really nice man except when he is
22 drunk. The Court takes a man the way he finds him, Mr.
23 Codzi, and on this particular night you were not very nice,
24 you were a dangerous person to be around.

25 As a result of your attitude that night,
26 someone was seriously injured. The Crown Attorney, on
27 behalf of all of the people in the community, in speaking for



1 the public, is asking for at least two months in gaol, and
2 I am to a degree sympathetic to what he states for the very
3 reason you must understand and everyone else must understand
4 that the Courts will not tolerate violence. There is no
5 room for that kind of violence.

6 Here in the Northwest Territories where there
7 are knives and guns lying around in every single house, if
8 a stern approach is not taken to those people who abuse
9 their rights to use knives and guns, the whole countryside
10 will fall apart with people stabbing and shooting themselves.

11 Mr. Codzi has been before the Courts on three
12 previous occasions, twice in 1980 and once in 1982. As with
13 every offender, the first time he appeared in Court for a
14 break and enter in 1980, Mr. Codzi was given probation and
15 a suspended sentence which might be looked upon as no punish-
16 ment at all. Again Mr. Codzi was back in Court in October
17 of 1980 and in June of 1982, and on both occasions he received
18 very light dispositions, and this is normal for a Court to
19 do in the hope that after a person comes to Court the first
20 time, they will learn their lesson and stay out of trouble.
21 If they do not learn their lessons, then they can expect
22 to get longer and longer terms in gaol.

23 While I believe at least a month in gaol
24 would be appropriate, Mr. Codzi, I am a little reluctant
25 to impose such a gaol term on someone such as yourself with
26 the particular circumstances surrounding your background.
27 However, I have to impose some penalty that I hope will



1 clearly bring home to you that the Court will have no
2 room and no use for violence.

3 Mr. Frayer, I take it the RCMP detachment
4 has an outpost camp with cells here?

5 MR. FRAYER: I gather they do not, your honour. They have
6 a cell here which is a holding cell, but they do not have
7 the guards to man that cell evidently.

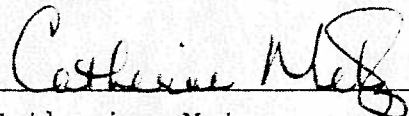
8 THE COURT: On this charge, Mr. Codzi, I am going to
9 sentence you to two days in gaol. I am imposing a fine of
10 \$750. In default of payment of the fine will be 90 days in
11 gaol. Do you require time to pay the fine?

12 MS. ERICKSON: Four months, sir.

13 THE COURT: Four months to pay the fine.

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16 Certified a correct transcript

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19 Catherine Metz
20 Court Reporter

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