

TC CL 98 010

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES  
IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

J U S



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Transcript of Reasons for Sentence delivered by The Honourable Judge R.M. Bourassa, sitting at Baker Lake, in the Northwest Territories, on Monday, February 2, A.D. 1998.

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APPEARANCES:

Mr. D. Littlefield: On behalf of the Crown

Mr. T. Boyd: On behalf of the Defence

(Charges under Sections 266 and 267(1)(a) of the Criminal Code)

1 THE COURT:

2 I have to sentence this mother for  
3 a charge of assault and assault with a weapon on her  
4 10-year-old daughter. I cannot take it in aggravation,  
5 but I condemn a parent who is drunk at the time of the  
6 offence and forces, by a plea, that her daughter come  
7 to court and testify. What do little children know?  
8 They love their parents, they don't know why they are  
9 being hurt. They still love them even though they are  
10 being hurt. Here is someone who was drunk at the time  
11 and does not remember what happened and refuses to  
12 accept what her little girl had to say and makes her  
13 come to court and testify. As I said, I can't take  
14 that in aggravation, in law, but I don't like it.

15 It is unfortunate that the accused did not plead  
16 guilty and, therefore, avail herself of the mitigating  
17 effect of such a plea.

18 How many people in this community have gone to  
19 jail for being drunk and beating up their spouses?  
20 Shooting, stabbing, beating them. Here is a woman who  
21 is drunk and attacks her little daughter. I don't  
22 doubt for a minute that raising two little girls by  
23 herself, especially one who is sick, is difficult - I  
24 don't doubt it for a minute - but resorting to abuse of  
25 alcohol does not make the difficulties go away.

26 Here is a bright little girl who probably has a  
27 future if she is cared for and loved. What does she  
gets from the hands of her mother - someone that she

1 obviously loves, someone that she is entitled to look  
2 to for protection, for guidance, for succor, and what  
3 does she find? Biting, scratching, slapping, and hit  
4 with a knife. This is awful.

5 I don't think I have any choice but to consider a  
6 term of imprisonment. Half, if not more, of the docket  
7 I am dealing with today has to do with acts of violence  
8 in a domestic environment. To attack a small child has  
9 to be the worse aspect of a domestic-violence  
10 situation.

11 If Miss S is so out of control or unable to  
12 control herself with her drinking, she should seriously  
13 look at doing something about her drinking. Failing  
14 that, she is not fit to have children, and they will be  
15 taken from her permanently. There is a lot at stake  
16 for Miss S . There is a lot at stake for the two  
17 little children.

18 This Court has to underline that violence in the  
19 home will not be accepted, and violence against  
20 defenceless children will be condemned in the strongest  
21 way.

22 Stand up, please, Miss S . Is there anything  
23 you want to say before I impose sentence?

24 THE ACCUSED: (Negative non-verbal response).

25 THE COURT: On the charge of assault, there  
26 will be a term of imprisonment of three months. On the  
27 charge of assault with a weapon, there will be a term

1 of imprisonment of ten months, concurrent.

2 While you are in custody, Miss S , I would  
3 strongly recommend that you do something about alcohol  
4 abuse and take whatever help or counseling is available  
5 to you while you are in custody, so that, when you come  
6 home, it won't be necessary to have a party to  
7 celebrate your safe arrival and you will be able to  
8 provide a home for your children that they are entitled  
9 to. Good luck.

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12 Certified pursuant to Practice  
13 Direction #20 dated December 28, 1987

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16 Jane Romanowich  
17 Court Reporter  
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