

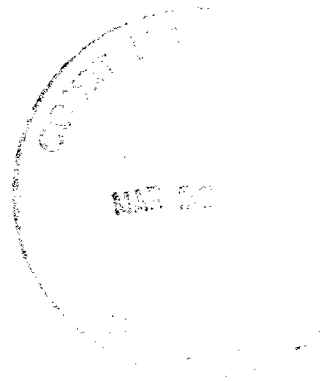
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

NORMAN HENNEL

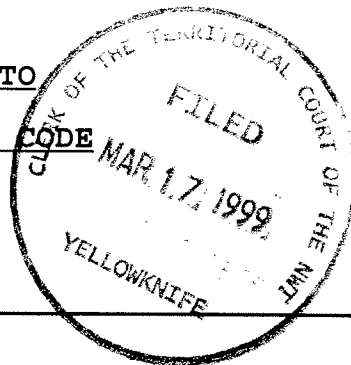


Transcript of the Reasons for Sentence
held by The Honourable Judge R. M. Bourassa,
sitting in Yellowknife, in the Northwest Territories,
on Thursday, the 4th day of March, A.D., 1999.

APPEARANCES:

Mr. M. Scrivens: Counsel for the Crown
Mr. G. Boyd: Counsel for the Defence

BAN ON PUBLICATION PURSUANT TO
SECTION 539(1) OF THE CRIMINAL CODE



1 THE COURT: Thank you. Well, at the outset, I
2 would like to sincerely thank counsel, Mr. Scrivens,
3 and before him, Ms. Arvanetes, and particularly you,
4 Mr. Boyd, for the work that you have done here. It is
5 not something that is taught in law school, I know, but
6 it is something that humanity cries for.

7 The accused at the time he was first before me was
8 in very serious legal trouble as a result of his
9 illness. He was terrifying the victims set out in the
10 Information and constituted in my respectful view a
11 danger to the public and possibly a danger to himself.
12 As a result of the efforts of counsel, this is one of
13 the few cases where a door perhaps can be opened and an
14 accused person will begin to at least start the
15 beginnings of a new life. That has not been through
16 the efforts of the Court but through the efforts of
17 counsel and people like Charlene Chartrand.

18 Mr. Hennel is not for a minute a master criminal.
19 He is in one way a victim as well, and that has to be
20 taken into account. The Court's overriding concern in
21 sentencing has to be the protection of the public.
22 Untreated and left to his own devices, Mr. Hennel could
23 very well continue to be a danger to the public. He
24 could be a danger to the particular person involved.
25 He may find himself in a situation where he is unable
26 to take medication. In my view, leaving him to his own
27 devices is not only an injustice to Mr. Hennel, but it

1 is, more significantly, an injustice to the public.

2 There are many authorities that write about
3 rehabilitation, how important it is. Surely this is a
4 case where a rehabilitation schedule can be almost
5 itemized, the steps to be taken, with a very
6 substantial probability of success. Dr. Singh wrote
7 that as long as Mr. Hennel takes his medication, he
8 will be a normal, functioning member of society. What
9 more could we ask for?

10 The problem, of course, is that there is an
11 expense involved. There is an expense in sending him
12 to jail. Surely the expense, the very modest expense
13 that I have been advised will be incurred by placing
14 him with Ms. Chartrand for a period of time is
15 insignificant compared to the benefit that will result
16 to Mr. Hennel and the benefit that will result to
17 society as a whole, in particular, the victim in this
18 case who was literally terrorized. Therefore, perhaps
19 while straining the bounds of my jurisdiction, I am
20 prepared to make the order requested by counsel. It
21 seems to be one that both defence and Crown feel would
22 be appropriate for this very particular case and
23 peculiar case.

24 Having regard then to all the circumstances that
25 are before me, what I am going to do here is suspend
26 the passing of sentence. I am going to place the
27 accused on probation for two years. He is not to have

1 any contact directly or indirectly and not to be within
2 200 metres of Enna Vittrekwa or her residence.

3 Furthermore, Mr. Hennel, you will take reasonable
4 steps to maintain yourself in such a condition that (a)
5 your schizophrenia will not likely cause you to conduct
6 yourself in a manner dangerous to yourself or anyone
7 else; and (b) it is not likely that you will commit
8 further offences. (2) you will report forthwith to a
9 probation officer here in Yellowknife and thereafter if
10 directed. You will -- no, just a probation officer as
11 often as directed. You will (3) thereafter attend as
12 directed from time to time by your probation officer
13 for the purposes of receiving medical counselling and
14 treatment as may be recommended. You should submit
15 yourself to your presiding physician at Great Slave
16 Medical clinic; is that right? Who is his physician?

17 MR. BOYD: Yes, we're currently in the
18 process of transferring. He will be seeing
19 Dr. Clemmey, Sir. As far as the Great Slave Medical
20 clinic --

21 THE COURT: Well, all right. Then I will just
22 say as your physician, and you shall not be required to
23 submit to any treatment or medication to which you do
24 not consent. If you do not consent to the form of
25 medical treatment or medication that is prescribed or
26 recommended by Dr. Clemmey or other presiding
27 physician, you shall forthwith report to your probation

1 officer and thereafter report daily to your probation
2 officer if directed to do so by your probation officer
3 for the purpose of being monitored with respect to a
4 possible breach of Condition No. 1. You are to provide
5 (5) your treating physician with a copy of this order
6 with the name, address, and phone number of your
7 probation officer and you are to instruct your treating
8 physician that if you fail to take medication as
9 prescribed by him or fail to keep any appointments made
10 with him, he is to advise your probation officer
11 immediately of any such failures.

12 You are to be released into the care and
13 supervision of Charlene Chartrand of Chartrand Homes --
14 is it Limited? Incorporated?

15 MS. CHARTRAND: No.

16 THE COURT: -- who is to be provided with a
17 copy of this order. Now, do I have to make a direct
18 reference to financial matters?

19 MR. BOYD: I believe that it might be of some
20 assistance, Sir.

21 THE COURT: Let me ask. This provisional time
22 that you mentioned where there is going to be an
23 increased expense and then after the provisional time,
24 there is a regular program that Mr. Hennel can key
25 into?

26 MR. BOYD: Yes. Just for clarification, Your
27 Honour, the program will be the same, but Mr. Hennel is

1 in just the -- currently there is no funding available
2 for the program.

3 THE COURT: By the Department of Social
4 Services.

5 MR. BOYD: That is correct, Sir.

6 THE COURT: All right then. You are to
7 surrender yourself into the care and supervision and be
8 under the care and supervision of Charlene Chartrand of
9 Chartrand Homes at the expense of the Department of
10 Social Services and/or Justice as required.

11 I will direct a copy of my reasons be prepared. I
12 am sure they will be there. Well, there may be some
13 difficulties with respect to payment of the account,
14 but I have given my reasons why I think it is a valid
15 and fair matter to be addressed.

16 Now, it will take a while for the probation order
17 to be prepared. I do not anticipate it will be
18 prepared until tomorrow, so I will remand the accused
19 into custody. I will deal with him tomorrow morning at
20 9:30. Well, court opens at 9:30, and I will see that
21 he is released around 11.

22 MR. BOYD: Thank you, Sir.

23 THE COURT: All right.

24 MR. SCRIVENS: I don't believe there's anything
25 further.

26 THE COURT: Okay. Again, counsel, I thank you
27 for your efforts on this matter.

1 THE CLERK: All rise. Court stands adjourned
2 to 9:30 tomorrow morning.

3
4 Certified correct to the best of
5 my skill and ability.

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9 *Tara Taylor*
10 Tara Taylor, CSR(A), Court Reporter

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