

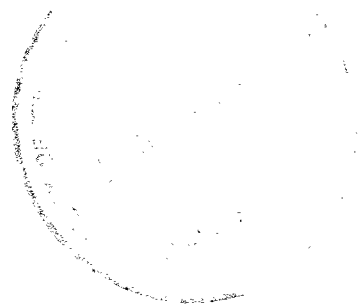
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

MICHAEL PELLISSEY



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

APPEARANCES:

Ms. L. Colton:

Counsel for the Crown

Mr. S. Toner:

Counsel for the Defence

1 THE COURT: I have to sentence the accused for
2 an assault causing bodily harm. For whatever reason in
3 a drunken rage, the accused hit his common-law over the
4 head with a chair literally breaking it over her head
5 which resulted in a large cut to the top of her head.
6 I do not have before me how many stitches were
7 required, but it required hospitalization.

8 The accused has a long history before the criminal
9 courts in the Northwest Territories, Alberta, British
10 Columbia, in Yellowknife, Fort Simpson, Fort Liard,
11 Fort Saint John, Lac la Biche, Hay River, Fort
12 McMurray, Edmonton, Vancouver.

13 The accused's record consists of approximately 47
14 criminal convictions but the worst part of the record,
15 in my respectful view, are the 13 convictions for
16 assaultive behaviour. I think of those 13, 12 are
17 assault causing bodily harm and one sexual assault and
18 uttering threats, another one uttering threats,
19 assault, assault causing bodily harm. It is a horrible
20 record.

21 The accused apparently recognizes that he is not
22 coping with or dealing with alcohol very well. That
23 recognition seems to be coming very late in his life.
24 The step to take Antabuse is a positive step, but who
25 knows how long this is going to last. I am looking at
26 a career here that spans over 25 years of criminal
27 behaviour. I ponder for a moment on the number of

1 victims that he has left in his wake as he has gone
2 through life. How much blood has been spilled? This
3 man is going to kill someone one of these days. He is
4 uncontrollable. I have little doubt he will kill
5 someone.

6 The lengthy territorial sentences have not
7 deterred him and in, fact, a short-term penitentiary
8 term in 1994 did not have much impact. In my view,
9 there is nothing that a territorial correction system
10 can offer this man. In my view, any rehabilitation is
11 best left in the hands of the administrative boards and
12 tribunals within the correction system. I do not see
13 that there is anything before me upon which I can put a
14 lot of weight on the concept of rehabilitation. The
15 use of Antabuse is a small spark of light, but that is
16 completely voluntary. It cannot be forced, and as
17 quickly as he is on it, he can be off it. It is just
18 terrible to live like this.

19 Crown is asking for 18 months. I think, with
20 respect, the Crown is being exceedingly generous. The
21 Crown has proceeded by way of indictment. This, as I
22 have said, is his 13th conviction for assault or
23 assault causing bodily harm. In my view, a
24 penitentiary sentence is more than justified. The only
25 way of protecting the public is to lock this man up for
26 a lengthy period of time, and it is a sad conclusion to
27 have to come to.

1 I am taking into account the position of the Crown
2 attorney which, of course, defence urges the Court to
3 accept. I am trying to consider, in the back of my
4 mind, other cases and other sentences that have been
5 imposed in similar circumstances. I think of
6 R. v. Otokiak: For his sixth conviction on the same
7 woman, two years less a day. There are a number of
8 other cases I have dealt with over the last few years.
9 Sentences far in excess of 18 months have been imposed
10 and upheld for assaults causing bodily harm.

11 If this was his first or second assault causing
12 bodily harm, I think there would certainly be room for
13 special consideration, and the Crown's submission would
14 fit comfortably; however, with all of those convictions
15 he has, notwithstanding the fact that he has not been
16 convicted of any assaults since 1994 -- he was in jail
17 for two years, so say 1996 -- the man is dangerous.

18 Stand up, Mr. Pellissey. Is there anything you
19 want to say before I impose sentence?

20 THE ACCUSED: I would like to ask the Court -- I
21 would like to apologise. I'm sorry for what happened
22 and to the Court. I would like to -- that's all I have
23 to say, Your Honour.

24 THE COURT: Well, I just hope and wish you
25 would be sorry when you get out of jail, Mr. Pellissey,
26 and not keep doing the same thing. I am going to
27 impose a sentence of two years in the federal

1 penitentiary and with respect to the firearms
2 prohibition, it is mandatory. I do not have anything
3 before me to indicate that this man is a hunter, a
4 subsistence hunter. It sounds from the brief
5 submissions of counsel that it is more of hunting by
6 recreation and a treat. When he is next out hunting
7 with his brothers, they can use the weapons and he can
8 help them rather than him having weapons. Prohibition
9 for ten years.

10 MS. COLTON: Sir, just with respect to the
11 prohibition, I wonder if Mr. Pellissey has any firearms
12 that should be forfeited.

13 THE COURT: Yes, thank you. Two weeks to
14 dispose of them or otherwise surrender them to the
15 RCM Police for disposal or destruction.

16 MS. COLTON: Thank you, Sir.

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18 Certified pursuant to Rule 723 of
19 the Rules of Court.

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Tara Taylor
Tara Taylor, CSR(A), Court Reporter