

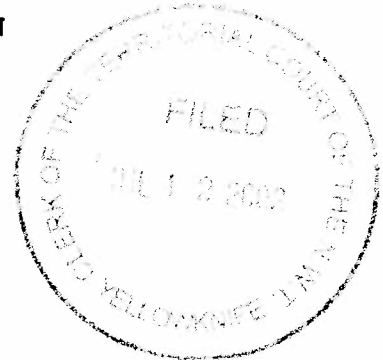
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

JALNA CAPOT BLANC



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Transcript of the Reasons for Sentence delivered by The Honourable Judge R.M. Bourassa, sitting in Yellowknife, in the Northwest Territories, on the 11th day of June, A.D. 2002.

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APPEARANCES:

|                   |                           |
|-------------------|---------------------------|
| Ms. S. Smallwood: | Counsel for the Crown     |
| Mr. G. Boyd:      | Counsel for the Defendant |

(Charges under s. 145(3), 267(a), 264.1(1) of the Criminal Code of Canada)

1 THE COURT: The accused has pleaded guilty to  
2 three charges: assault causing bodily harm, uttering  
3 death threats, and breach of recognizance.

4 The accused has a long prior criminal history  
5 going back to 1989, which most importantly in terms of  
6 sentencing, includes many convictions for acts of  
7 violence, and within that grouping, convictions for  
8 acts of violence against women.

9 The accused has been convicted of robbery,  
10 aggravated assault, uttering threats.

11 The circumstances have been described by the  
12 Crown with respect to this particular assault with a  
13 weapon, and I'm not going to go through and repeat  
14 them. Suffice to say that it was a brutal beating. A  
15 beating. An assertion of power over another person,  
16 violently. It can't be described as anything else.  
17 It was a beating.

18 The Victim Impact Statement has of course been  
19 noted. I don't understand the law to state that the  
20 reaction of a victim to a crime must influence the  
21 penalty for that conduct. Were that to be the case,  
22 then if someone was unperturbed by an assault,  
23 presumably counsel could argue for a more lenient  
24 sentence. However, I read the Victim Impact Statement  
25 as a person's reaction to this kind of beating that is  
26 probably not atypical of what happens to many women  
27 who are beaten like this.

1           In this particular case, the event so frightened  
2 the woman, terrified her, intimidated her, that she  
3 required hospitalization in the psychiatric ward for a  
4 period of time. She clearly, thoroughly, and  
5 completely believed he is capable of killing her and  
6 that he was going to kill her.

7           Again, I underline that while the Victim Impact  
8 Statement -- I don't understand the law to be that it  
9 can justify a more serious sentence. It certainly  
10 underlines the importance of sentencing in a  
11 meaningful way.

12           The accused came to Yellowknife hardly from a  
13 clean situation. He's facing charges in Alberta. I  
14 don't know which community. He's facing charges  
15 there; four charges. On a recognizance, which  
16 included keep the peace and be of good behaviour, he  
17 comes to Yellowknife and is involved in these  
18 offences.

19           I take into account that he's pleaded guilty.  
20 That is the only mitigating factor I can see that is  
21 before me. I have to take into account totality as  
22 well. The uttering death threats and the assault with  
23 a weapon are inextricably intertwined. The breach of  
24 recognizance is something that is totally separate.

25           This kind of conduct has to be condemned.

26           I'm not optimistic that anything this court does  
27 is going to change the accused's conduct, but the

1 public has to know that this kind of conduct will be  
2 condemned and it's unacceptable totally and  
3 absolutely.

4 In dealing with the two items, although,  
5 theoretically speaking, they probably should both be  
6 dealt with consecutively, in allocating what I think  
7 is within the appropriate range given the  
8 circumstances of the offender, one easily obtains a  
9 sentence in excess of two years. I'm reluctant to  
10 impose a sentence with respect to the assault with a  
11 weapon -- to reduce it, to make it a totally  
12 inappropriate sentence, because I don't want it  
13 understood or hinted or intimated that this kind of  
14 matter is anything less than the most serious. So  
15 what I am going to do to achieve the principles of  
16 sentencing, particularly totality, recognizing the  
17 position of the Crown and defence, is I am going to  
18 make them concurrent.

19 Stand up, please, Mr. Capot Blanc. Anything you  
20 want to say?

21 THE WITNESS: (Negative, non-verbal response).

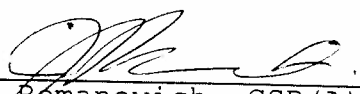
22 THE COURT: On the charge of assault with a  
23 weapon, seventeen months in custody. On the charge of  
24 breach of recognizance, four months concurrent. There  
25 will be a DNA order.

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Certified Pursuant to Rule 723  
of the Rules of Court



Jane Romanowich, CSR(A), RPR  
Court Reporter