

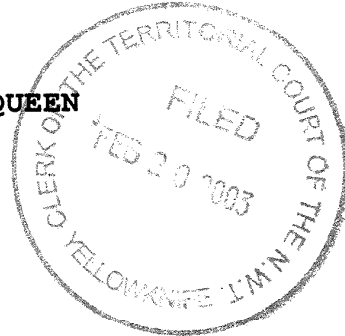
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

ARON ELLTON



Transcript of the Reasons for Sentence and Sentence
delivered by The Honourable Judge R.M. Bourassa, sitting in
Deline, in the Northwest Territories, on the 4th day of
February, A.D. 2003.

APPEARANCES:

Ms. S. Bond:

Counsel for the Crown

Mr. R. Gorin:

Counsel for the Defendant

(Charge under s. 264.1(1) of the Criminal Code of Canada)

1 THE COURT: Here is a man who can't control
2 himself, and the sad part about it is I can't help but
3 think about his children and the effect on them. I
4 may be thinking more about his children than he is.

5 What kind of effect does this non-stop violence
6 have on children? They grow up and do the same thing.
7 Little boys grow up; they watch their dads beating up
8 their moms and they figure it's okay; they grow up and
9 do it. Little girls get beaten up and they grow up
10 and figure, well, I'll get mine. And what a great
11 culture to pass on to children, the culture of
12 violence and domestic abuse. And at this stage, after
13 four - now five - convictions for assaulting his wife,
14 I can honestly say that the Court isn't too concerned
15 about Mr. Ellton and what's going on in his life. The
16 Court is concerned about those children and the Court
17 is concerned about this non-stop, numbing violence.

18 In terms of the conflict between what the Crown
19 has said and the letter that has been submitted, I am
20 of the view that the circumstances described by the
21 Crown are consistent, more consistent, with the truth
22 than the circumstances set out in Ms. Tutcho's letter
23 that's drafted after the fact and after being aware of
24 the repercussions.

25 It's unfortunate that Mr. Ellton is so selfish
26 that he can't think of his children.

27 The threat to "bust her up" is a real threat. He

1 has four prior convictions for beating her up, and to
2 say that to her implies something that's very real.

3 It's urged on me to consider that the conviction
4 in January of 2002 was minor. I can't make that leap
5 of faith. It may very well be he persuaded the Court
6 at that time that he was changing his life and taking
7 counselling. I don't know what transpired, I don't
8 know why the conditional sentence was issued, and I
9 don't know if it's related to the circumstances of the
10 offender or the circumstances of the offence. I
11 simply can't make any conclusions. What I can say is
12 that this is now Ellton's fifth conviction for beating
13 up his wife, or acts of violence against his wife.
14 I'm reminded of the *Etokiak* case where a man had six
15 convictions for attacking his wife and received two
16 years' imprisonment. In any event, I don't know if
17 I'm doing any favours for the accused with some kind
18 of lenient sentence because he clearly doesn't
19 understand the repercussions of his acts.

20 I take into account the Crown submission. I have
21 to take into account the circumstances. But at some
22 point the circumstances merit less consideration given
23 the non-stop, continuing, mind-numbing, grinding-down
24 violence, and particularly the effect on children.
25 There are six children in this family? Is that what I
26 understand? Three from one, three from the other?

27 MR. GORIN: Five children.

1 THE COURT: Five children. All being raised
2 in this environment of violence. Mr. Ellton might
3 take time and assess whether or not he belongs in that
4 relationship if he's unable to control himself. I'm
5 hard-pressed not to consider a jail sentence.

6 Stand up, Mr. Ellton. Anything you want to say?

7 THE ACCUSED: (No audible response).

8 THE COURT: I think nine months' imprisonment
9 is appropriate, Mr. Ellton, and nine months to protect
10 your children from you. It's a terrible thing that
11 your children have to be protected from your conduct
12 and the bad effect your conduct has on them, but
13 that's the case, setting aside Ms. Tutcho's situation.

14 I'm taking into account the submissions of the
15 Crown attorney and the assurances of the Crown
16 attorney that they're willing to act on a suspended
17 sentence. I'm going to suspend the passing of
18 sentence. I'm going to put you on probation for 18
19 months. You are to report once a month either to the
20 probation officer or the RCM Police here in Deline;
21 the probation officer when she's in the community.
22 You are to take any counselling as directed by the
23 probation officer at any time throughout the period of
24 probation. You are to report back to court within
25 nine months.

26 If you're convicted, Mr. Ellton, of breaching the
27 probation order or if you're convicted of any more

1 charges, whether assault on your spouse or anybody
2 else, any criminal crime at all, then the Crown
3 attorney is going to bring this matter back to court
4 and I'm going to sentence you to nine months in jail.
5 So for 18 months, Mr. Ellton, you've got a nine-month
6 sentence hanging over your head. You get into trouble
7 and that's going to come down on you. Do you
8 understand? That's the last break you're going to
9 get. Nine months.

10 MS. BOND: Yes.

11 THE COURT: You were going to say something?

12 MS. BOND: Sorry. You had mentioned a
13 report back to Court, sir?

14 THE COURT: I'm not going to give it a date
15 because the circuit is not fixed that far ahead.
16 However, the probation officer will know of the date.
17 So he'll have to report back to Court within nine
18 months.

19 Do you understand those terms? I'm saying to you
20 again, I can't say it to you any clearer, you've got a
21 nine-month jail sentence hanging over your head. You
22 get into more trouble, criminal, especially if you get
23 into trouble at home, then you'll be back in this
24 court, the Crown attorney will bring you back, and I'm
25 going to sentence you to nine months. Do you
26 understand?

27 You have a probation order to sign and you'll be

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free to go.

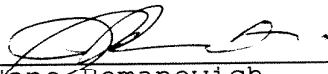
MS. BOND:

Thanks, sir.

(CONCLUDED)

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Certified Pursuant to Rule 723
of the Rules of Court



Jane Romanowich,
Court Reporter