

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

TRAVIS JEROME

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Transcript of the Reasons for Sentence held before The Honourable Judge B.E. Schmaltz, sitting in Fort McPherson, in the Northwest Territories, on 16th day of May, 2013.

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APPEARANCES:

Mr. B. Demone: Counsel for the Crown

Mr. T. Boyd: Counsel for the Defence

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Charges under s. 266 of the Criminal Code of Canada

No information shall be published in any document or broadcast or transmitted in any way which could identify the victim or a witness in these proceedings pursuant to s. 486.4 of the Criminal Code

1 THE COURT: Travis Jerome has been found  
2 guilty of two counts of assault and has pled  
3 guilty to one count of breach of probation.

4 Last September Mr. Jerome was placed on  
5 probation for a period of six months following a  
6 six-month jail sentence. I understand that he  
7 was released some time in early January.

8 On January 5th is the day of the two  
9 assaults and that involved stomping on his  
10 sister's head, hitting his sister in the head in  
11 trying to punch her boyfriend, throwing her  
12 boyfriend down the stairs, punching her boyfriend  
13 several times in the face. The assaults were  
14 serious, and especially considering that you had  
15 just been released for jail for assaults that you  
16 were on probation at the time for assault and  
17 that had just started.

18 They are also serious considering the harm  
19 that was done to the victims, to the community.  
20 It was your sister, Mr. Jerome. And I agree with  
21 the Crown, there's a breach of trust there. You  
22 should -- she should be the last person that you  
23 are assaulting.

24 Mr. Jerome, when you think something bad has  
25 happened, if that is in fact the case, you react  
26 to it with violence. You are taking a bad  
27 situation and making it worse. That is what you

1 are doing. You are just making it worse. There  
2 are ways to deal with things. And Mr. Boyd's  
3 right, you are 25 years old now. You have been  
4 in and out of jail for too long.

5 You've got children that you should be  
6 caring for, that you should be supporting. They  
7 are in care. With this type of violent record I  
8 cannot imagine the harm that is being done to  
9 them, and I use "harm" in a broad sense there.  
10 But they are in foster care which is going to  
11 have some effect on them.

12 Whether or not you are an alcoholic,  
13 Mr. Jerome, you drink too much. You get into  
14 trouble. You act violently. What are you doing  
15 bringing a backpack full of liquor into the  
16 community?

17 Mr. Jerome, if you are doing anything with  
18 that liquor besides drinking it, I do not know  
19 whether you are or not, you are adding to the  
20 problems of the community.

21 Mr. Jerome, there are so many angles that  
22 you should examine your life from, and you have  
23 got to get some help. But I do not know -- in  
24 '05 you were placed on probation. In '07 you  
25 were placed on probation. That was in May. In  
26 October of '07 you were placed on probation.

27 In March of 2010 you were placed on

1 probation. In May of 2011 you were placed on  
2 probation. In March of 2012 you were placed on  
3 probation, and in September of 2012 you were  
4 placed on probation.

5 There is only so many things that any Court  
6 can do. Mr. Boyd refers to the public interest,  
7 that it would serve the public interest better if  
8 you were a more productive member of the  
9 community. It would. What I am worried about is  
10 the public safety. I am worried about you  
11 continuing to be violent, Mr. Jerome.

12 Mr. Jerome, sooner or later you are going to  
13 kill somebody if you keep this up. If that  
14 doesn't happen, you keep it up, sooner or later  
15 the Crown is going to bring a dangerous offender  
16 application. And that is an indeterminate  
17 sentence.

18 So, Mr. Jerome, for your sake, for your  
19 partner's sake, for your kids' sake, do  
20 something. But I cannot force you to do  
21 something. You have been given the tools. You  
22 have been placed on probation. There is never  
23 enough resources in any of the communities, but  
24 that does not mean that there are none. There  
25 are resources. You can get help. But you have  
26 to want to. I cannot make you. I cannot do  
27 anything today to protect the public other than

1 put you in jail, and that is very sad.

2 Mr. Jerome, when you say you are not an  
3 alcoholic, what concerns me is you are not  
4 looking at it realistically. Because I expect,  
5 yes, you are. Because, Mr. Jerome, when you have  
6 had so much trouble in your life, and I expect  
7 most of your record is due to alcohol, when you  
8 have had that kind of trouble in your life, if  
9 you weren't an alcoholic, you probably would stop  
10 drinking.

11 If you are an alcoholic, you are going have  
12 trouble. It is going to be hard. You are going  
13 to need support to stop drinking. I don't know  
14 if you have accepted that you need help, because  
15 you have certainly been given the opportunities  
16 to get help.

17 Okay. Mr. Jerome, I'm going to try  
18 something different here. The Crown has  
19 suggested nine to ten months. I think that is an  
20 appropriate sentence here, if maybe even lenient.  
21 What I am going to do, Mr. Jerome, and I will  
22 structure it all here in a second, but on one of  
23 the counts of assault, I am going to impose a  
24 jail sentence.

25 On the second count of assault, I am also  
26 going to impose a jail sentence. I am going to  
27 make it consecutive. I am going to make that

1 conditional. And, Mr. Jerome, I am sure if  
2 somebody were only looking at your record or only  
3 looking at these circumstances would wonder how I  
4 can possibly think that will work, but I am going  
5 hope that you make it work.

6 What I am going to do is I am going to allow  
7 you to serve the second half of the sentence in  
8 the community under really strict conditions, and  
9 you do not have a good record for following  
10 conditions, but it is going to be your choice.  
11 You breach any of the conditions, you won't be  
12 charged with a breach of probation. You won't be  
13 charged with a breach of anything. You will end  
14 up serving the sentence in jail.

15 I am going to sentence you. You decide  
16 whether you can serve the second half in the  
17 community or not.

18 And, Mr. Jerome, I really hope by me doing  
19 it this way that I am not making -- or I am not  
20 setting you up for another victim. Because I am  
21 sure if you are still violent and don't get some  
22 help and you assault somebody else, they are  
23 going to get very little comfort from the fact  
24 that I tried to give you a chance.

25 On the charge of assault on John Semple,  
26 there will be a sentence of five months in jail.  
27 You will be given a credit of 45 days for the

1 pretrial custody that you have served, so that  
2 sentence will be five months less 45 days.

3 On the charge of assault on Caroline Alexie,  
4 there will be a sentence of six months  
5 conditional, and that will be consecutive to the  
6 first sentence. So once you have served the  
7 five-month sentence, Mr. Jerome, then you will  
8 have another sentence. It will be a jail  
9 sentence, but you will be allowed to serve it in  
10 the community. Do you understand that?

11 THE ACCUSED: What do you mean?

12 THE COURT: Okay. I'm going to explain it  
13 to you, then we are going to take a break. I am  
14 going to work on the conditions. You are going  
15 to get yourself together because I want you to  
16 understand this.

17 The second sentence, the six-month one, it  
18 is called a conditional sentence. It is a jail  
19 sentence, but you serve it here in the community,  
20 in your home, wherever you are living.

21 There is going to be conditions placed on you.  
22 So long as you comply with the conditions, you  
23 are allowed to stay in the community. You breach  
24 any of the conditions, you serve the sentence in  
25 jail. I am going to give you a chance to serve  
26 it in the community. It is not probation. It is  
27 a jail sentence, but it is in the community.

1           There will likely be house arrest, so I want  
2           you to talk to Mr. Boyd. I want to know an  
3           address, and I will give you two houses, because  
4           sometimes I find that helps with people. But you  
5           have to be at one or the other. You will be able  
6           to be out for work and meetings, counselling,  
7           meetings with your supervisor, things like that.  
8           But otherwise it will be house arrest for at  
9           least part of it.

10           I am going sit down. I am going to work the  
11           conditions out. But we are going to stand down  
12           for 20 minutes. Okay? So you can calm down  
13           because, Mr. Jerome, I can't stress strongly  
14           enough that I want you to understand exactly what  
15           it is. So I want you to be in a state there that  
16           you can pay attention and understand what I am  
17           doing. Because if you breach it, you will end up  
18           serving 11 months in jail. Okay.

19           THE ACCUSED:                    Yes.

20           THE COURT:                      We'll stand down for  
21           20 minutes.

22           (BRIEF ADJOURNMENT)

23           THE COURT:                      Okay. Continuing with  
24           Travis Jerome's matter and with respect to the  
25           conditional sentence that I am going to impose on  
26           Count number 2, the assault on Caroline Alexie.

27    First off, is there a Breathalyzer in

1 Fort McPherson?

2 THE COURT OFFICER: Yes, Your Honour, there is.

3 THE COURT: You do have a Breathalyzer.

4 Okay.

5 So, Mr. Jerome, it is for a period of six  
6 months. It is called a jail sentence, but you  
7 are here in the community. It is going to be  
8 consecutive to your other sentence, so when you  
9 are released, it will come into effect. Okay.

10 There is the mandatory conditions that I  
11 have to impose. The first one is keep the peace  
12 and be of good behaviour. Appear before the  
13 Court when you're required to do so.

14 You are to report to your supervisor, the  
15 conditional sentence supervisor -- it will likely  
16 be the same person as a probation officer, but  
17 she is called your supervisor on a conditional  
18 sentence -- within three days of your release  
19 from jail. So you are to report in that -- and  
20 the first reporting can be either by phone or in  
21 person, but within three days of your release  
22 from jail, you report to your supervisor.  
23 Thereafter, as and when directed by your  
24 supervisor.

25 You are not to leave the Northwest  
26 Territories unless you have the written  
27 permission of the Court. Okay? So you have to

1 stay in the Northwest Territories.

2 You are to obtain the written permission of  
3 your supervisor before changing your address.  
4 You also have to notify your supervisor if you  
5 change your name or your employment or your  
6 occupation. Okay? Those are the statutory  
7 conditions.

8 Now, the other conditions will be, you are  
9 to take any counselling or programs recommended  
10 or directed by your probation officer. You are  
11 not to possess or consume any alcohol or illicit  
12 drugs.

13 You are not to go into any bars, lounges,  
14 taverns, any establishment whose primary business  
15 is the sale of alcohol.

16 You are to provide a sample of your breath  
17 to any police officer who has reasonable grounds  
18 to believe that you have consumed alcohol. If  
19 you do not provide a sample of your breath to a  
20 police officer who has reasonable grounds to  
21 think you have been drinking, you will be  
22 breaching your conditional sentence order. Okay?  
23 So don't think that you can avoid anyone knowing  
24 that you have been drinking by not providing a  
25 sample. If you don't provide the sample, that is  
26 a breach in itself. Understand that?

27 THE ACCUSED: Yes.

1 THE COURT: Okay. Now, for the first four  
2 months of your six-months conditional sentence,  
3 that is, for two thirds of it, you are -- it is  
4 called house arrest. You are to be inside your  
5 residence or in the yard that is in the immediate  
6 vicinity of your residence with the following  
7 exceptions, and these are all if you are going  
8 directly to, you are at, or you are coming  
9 directly home from. This is all going to be  
10 written out for you. Okay?

11 So the exceptions are, if you are going to,  
12 you are at, or you are coming home from work or  
13 an appointment or an interview to find work. If  
14 you have a job interview, you can go to that. If  
15 you are going to any counselling or programs  
16 directed by your supervisor to attend. If you  
17 are at a meeting with your supervisor. If you  
18 are at a location doing community service work,  
19 because I am going to impose community service  
20 work on this one. Okay?

21 If there is a medical emergency for you or  
22 your spouse or one of your children, you can  
23 attend that. If you have a medical appointment  
24 for you or one of your children, and you have  
25 told your supervisor about that beforehand.  
26 Okay? So you can go to your medical  
27 appointments. You can go to your kids' medical

1           appointments. The medical emergencies also  
2           include your spouse, but if your spouse is going  
3           to the doctor, you don't need to go to the doctor  
4           with her.

5           If you are attending any education or  
6           employment program that you are directed to  
7           attend by your supervisor. Now, Mr. Jerome, you  
8           can talk to her. If there is something -- if  
9           there is a program that you want to take, talk to  
10          her and she will likely direct you where to  
11          attend that. Okay?

12        THE ACCUSED:                Yes.

13        THE COURT:                 Now, Mr. Jerome, I'll give you  
14          two periods a week, it is usually for two hours,  
15          when you can be out doing your personal business  
16          and stuff you have to do. When would you like  
17          those?

18        THE ACCUSED:                What's that?

19        THE COURT:                 Okay. Twice a week I am going  
20          to let you go out. You might have to get  
21          groceries. You might have to get your hair cut.  
22          You know, there are things that we have to do.  
23          You get two times a week where you don't have to  
24          be under house arrest, so you are allowed to go  
25          out and do your stuff, whether it is your  
26          banking, things like that.

27                 Is there days that are better? Like, I

1           would expect if you have your kids back, perhaps  
2           one of those days would be on a Saturday or a  
3           Sunday so you can go out and do something maybe  
4           with your kids. Do you want one of those?

5       THE ACCUSED:                Yes.

6       THE COURT:                 Okay. Let's make it Saturdays  
7           1:00 until 4:00. I will give you three hours on  
8           Saturday afternoon. Okay? So you can be outside  
9           your house Saturdays from 1:00 p.m. until  
10          4:00 p.m.

11                 And is there another day that would be good?

12       THE ACCUSED:               Maybe Sundays too.

13       THE COURT:                 Sundays? Okay. We will make  
14          it Sundays from 1:00 p.m. to 4:00 p.m.

15                 Again, do you want it in the afternoon on  
16          Sundays as well, or do you want it in the  
17          morning?

18       THE ACCUSED:               Maybe in the afternoon.

19       THE COURT:                 Okay. So from 1:00 until  
20          4:00? Okay. Saturdays and Sundays you can be  
21          outside your residence.

22                 You can also be outside of your residence if  
23          you are going at -- you are going to, you are at,  
24          or you are coming directly home from a spiritual  
25          or religious service. So you are allowed, if you  
26          want to go to church or any other religious or  
27          spiritual service, you can go to that. Okay.

1                   Tell, me, Mr. Jerome, can you think of any  
2                   other reason you would have to be outside of your  
3                   house, be outside of your residence. Is there  
4                   anything I have missed?

5           MR. BOYD:                   Your Honour, I asked  
6                   Mr. Jerome if there's things that he's doing for  
7                   his mother when her health is worse.

8           THE COURT:                You know what, Mr. Boyd,  
9                   that's going to have to be on the Saturday or  
10                  Sunday.

11          MR. BOYD:                Yes.

12          THE COURT:                During the two periods that  
13                  you have. I have given you those two periods per  
14                  week. I appreciate that you may have to do  
15                  things for your mom, but you also have to realize  
16                  this is a jail sentence, so you cannot be out for  
17                  absolutely everything. If you have got stuff to  
18                  do for your mom, you get it done during those two  
19                  periods. Okay? But I think I have covered all  
20                  the reasons that are necessary for you to be  
21                  outside of your house.

22                   For the last two months of that sentence,  
23                   you will be on a curfew. You will not be on  
24                   house arrest anymore, but you do have to be  
25                   inside your residence between 9:30 p.m. and  
26                   7:00 a.m. every day with those same exceptions.  
27                   Okay?

1 THE ACCUSED: Yeah.

2 THE COURT: You are to also complete  
3 60 hours of community service work at the  
4 direction of and to the satisfaction of your  
5 supervisor. It has to be done at a rate of at  
6 least ten hours per month. You can do more than  
7 that, but at least ten hours. Okay?

8 THE ACCUSED: Yeah.

9 THE COURT: Any other conditions you would  
10 suggest, Mr. Demone?

11 MR. DEMONE: No. Thank you, Your Honour.

12 THE COURT: Mr. Boyd?

13 MR. BOYD: Did Your Honour wish to have  
14 the residences where --

15 THE COURT: Yes.

16 MR. BOYD: -- it is proposed that  
17 Mr. Jerome reside?

18 THE COURT: Can you tell me where you're  
19 going to be living?

20 MR. BOYD: It would be his mother's  
21 residence at 558A Johnny Kaye Avenue.

22 THE COURT: And it's just a "K"; right?  
23 It's not K-A-Y?

24 THE ACCUSED: K-A-Y-E.

25 THE COURT: K-A-Y-E? Okay.  
26 Johnny Kaye Avenue here in Fort McPherson. Okay.

27 MR. BOYD: The second residence is the

1 home of Debra Kendi and Mr. Jerome,  
2 226A Edward Snowshoe Street.

3 Your Honour, at the break I asked Mr. Jerome  
4 if it's likely he might get back to the  
5 employment he had in Inuvik.

6 THE COURT: Mm-hmm.

7 MR. BOYD: He was living while working  
8 there at the home of his father, Robert Alexie,  
9 6 Nanuk Street, Inuvik.

10 THE COURT: Okay. I am not going to put  
11 that. I am not going to put Inuvik on there  
12 right now because basically then that is allowing  
13 him just to fly back and forth between them. But  
14 if you get that job, okay -- and Ms. Nerysoo can  
15 help you do this -- you can bring an application  
16 to change your residence, and we will move the  
17 residence to the one in Inuvik. Okay? And then  
18 you will have the same conditions but from that  
19 residence.

20 THE ACCUSED: Yeah.

21 THE COURT: Okay? That can -- Mr. Jerome,  
22 that can be done in writing. You don't have to  
23 wait for the court to come here. There is an  
24 application you can fill out, and unless the  
25 Crown or your supervisor, if they want to have a  
26 hearing, then there is a hearing. But if nobody  
27 wants a hearing and that is the only change you

1 want, you have to explain it, but Ms. Nerysoo can  
2 help you do that. Then it is just done. I would  
3 get the request in my office, and if it is all in  
4 order, and I know why, then I can approve it  
5 there. Okay? So it can be done quickly.

6 Mr. Jerome, I don't know how to stress to  
7 you strongly enough, don't breach these  
8 conditions because otherwise it's another  
9 six-month sentence in jail.

10 Mr. Jerome, speaking quite candidly with  
11 you, looking at your record, hearing you over the  
12 last two days, up until this point you don't seem  
13 to have had a lot of respect for court orders.

14 Mr. Jerome, turn things around and get this  
15 all over with. Okay? Don't serve that six-month  
16 sentence in jail because that's another year of  
17 your kids' life that will be gone.

18 When you are finished your conditional  
19 sentence, you will be placed on probation.

20 Mr. Jerome, I am doing this to help you. This is  
21 not part of the punishment. It is just I think  
22 that if you use the resources available to you  
23 here in the community, you can get things on  
24 track and keep them on track. It is up to you.  
25 It would be the statutory conditions which are  
26 keep the peace and be of good behaviour; report  
27 to the Court when you are required to do so; tell

1           either the Court or your probation officer if you  
2           change your name, address, or employment.

3           The only other conditions will be that you  
4           are to report to your probation officer as and  
5           when directed by your probation officer. You can  
6           take any counselling or programs recommended by  
7           your probation officer. There will not be any  
8           other conditions. And I'm sure Ms. Nerysoo  
9           understands that you have got to want to take  
10          counselling and programs for it to be effective,  
11          so you are in control of a lot of that.

12       MR. BOYD:                    Your Honour, what was the  
13          length of the probation order?

14       THE COURT:                  Two years.

15                 Now, Mr. Jerome, because I want this to be  
16                 really clear, I am going to get this form done  
17                 up. I a, going to go back and do it up when I  
18                 get to Inuvik. You will be served with a copy of  
19                 it at NSCC next week. Okay? The clerk will come  
20                 out and give you a copy with it all written out.

21                 Do you have any questions about anything  
22                 I've said?

23       THE ACCUSED:                 Not really. I just I thought  
24          I'd have more time being out.

25       THE COURT:                  Hey?

26       THE ACCUSED:                 I thought I'd have more time  
27          being out.

1 THE COURT: You thought you'd have your  
2 time being out? Like, you thought you'd get out  
3 today?

4 THE ACCUSED: Like, I thought I'd get out,  
5 and I thought I'd have more time to be out doing  
6 stuff on my curfews and that.

7 THE COURT: Yeah. Do you have any  
8 questions about that? Like, I've given you the  
9 two periods. You said you want Saturday and  
10 Sunday. Those can also be changed, but you have  
11 to make an application to change them. Okay?

12 Mr. Jerome, I am not trying to fool you and  
13 don't try and fool yourself. Conditional  
14 sentences aren't easy. It is a pain. You have a  
15 lot of controls on your life, hopefully a little  
16 bit less or at least a little more productive  
17 than spending your time at the North Slave  
18 Correctional Centre. But this isn't supposed to  
19 be fun. This is hopefully supposed to also make  
20 you think twice about -- well, about taking a  
21 drink next time and about how you behave after.

22 THE ACCUSED: Yes, I know. And I know I  
23 don't -- I know I don't belong there, and I  
24 belong out here with my family.

25 THE COURT: Yes, you do. And you belong  
26 with your kids. But everybody has to be safe if  
27 you are going to be out here with your family and

1           your kids. And you have to be setting the right  
2           kind of example for your kids as well. Okay?

3           There will be a DNA order. Taking into  
4           account your record and the fact that your  
5           record's getting very violent, a sample of your  
6           DNA will be taken. It will be taken in  
7           compliance with the provisions set out in the  
8           Criminal Code or in the relevant legislation. It  
9           is usually done by them pricking your finger. A  
10          sample of your DNA is sent to the DNA databank.  
11          Okay?

12          I have considered whether or not to make the  
13          firearms prohibition. I am not going to make the  
14          firearms prohibition at this point because,  
15          Mr. Jerome, I expect that you are an entirely  
16          different person if you are not drinking and that  
17          I don't need to do that.

18          Right now, you cannot drink while you are on  
19          that conditional sentence. Okay? I am hoping  
20          that will keep everyone a lot safer.

21          The breach of probation charge, what I will  
22          do is there will just be a 60-day concurrent  
23          sentence on that. That is 60 days as well, but  
24          that sentence is concurrent to the first one you  
25          are serving. That means it is served at the same  
26          time. Okay?

27          But I will also tell you, Mr. Jerome, you

1           have a terrible record for breaching court  
2           orders, so when you are on the probation after,  
3           pay attention to that too. Because the maximum  
4           sentence for breaching a probation order is two  
5           years. Okay?

6                   Victim of crime surcharge waived on all  
7           counts in the hopes that Mr. Jerome gets a job  
8           when he gets out and gets supporting his kids.

9                   Mr. Demone, have I missed anything?

10       MR. DEMONE:                   No, I believe that's  
11           everything. Thank you, Your Honour.

12       THE COURT:                   Mr. Boyd, anything else that  
13           would be helpful?

14       MR. BOYD:                    No, Your Honour. Thank you.

15       THE COURT:                   Okay. Mr. Jerome, like I  
16           said, you will get a copy of this next week, the  
17           order. If there is anything you don't  
18           understand, you can likely contact Ms. Nerysoo.  
19           You can likely contact Mr. Boyd. If it is not  
20           clear and you want it brought back to explain it,  
21           Mr. Boyd can get the matter brought back to  
22           court. I will be in Yellowknife next week. I  
23           can explain anything you don't understand on it.  
24           Okay? Because I want you to understand it so  
25           that you don't end up serving a jail sentence.

26                   Any questions?

27       THE ACCUSED:                 No, Your Honour.

1 THE COURT: Good luck, Mr. Jerome.

2 That's everything, counsel?

3 MR. DEMONE: I believe so.

4 THE COURT: We'll close court.

5 -----

6 (PROCEEDINGS CONCLUDED)

7 -----

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9

10 CERTIFICATE OF TRANSCRIPT

11

12 I, the undersigned, hereby certify that the  
13 foregoing pages are a complete and accurate  
14 transcript of the proceedings taken down by me in  
15 shorthand and transcribed from my shorthand notes  
16 to the best of my skill and ability.

17 Dated at the City of Edmonton, Province of  
18 Alberta, this 28th day of June, 2013.

19

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22 \_\_\_\_\_  
Lindsey Byrt, CSR(A)

23

Court Reporter

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