

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES
IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

STANLEY KEEVIK



Transcript of the Reasons for Sentence delivered by The Honourable Justice V.A. Schuler, in Yellowknife, in the Northwest Territories, on the 9th day of December, A.D. 2004.

APPEARANCES:

Mr. D. Mahoney: Counsel for the Crown

Mr. G. Boyd: Counsel for the Accused

Charges under ss. 264.1(1) C.C, 267(1)(b) C.C., 266 C.C.

1 THE COURT: The first thing I think that
2 stands out in this case is the record. It may
3 not be the worst record but it certainly is
4 approaching one of the worst. Since 1985, in
5 other words over the past just about 20 years,
6 Mr. Keevik has just been continually convicted of
7 assault, different kinds of assault - assault
8 peace officer, common assault, sexual assault,
9 assault causing bodily harm - as well as other
10 offences but obviously it's the assaults that are
11 the most relevant in this case.

12 It's difficult to know what to do with
13 someone in his situation. I haven't been told
14 whether he's ever sought or been afforded any
15 alcohol counselling but if indeed the problem is
16 that when he isn't working he gets depressed and
17 starts to drink, then the solution to that would
18 seem to be not to drink when he's not working,
19 but over 20 years he doesn't seem to have figured
20 that out.

21 This assault causing bodily harm of which
22 he's been convicted is in the nature, it's not a
23 spousal assault but it has some similarities to a
24 spousal assault in that this is a woman that he
25 had been dating for approximately a month, whom
26 he punched several times in the face leaving,
27 from the pictures, it certainly appears to be

1 pretty extensive bruising and swelling, in
2 particular what appears to be swelling to her
3 face from the photos that I've been given.

4 It's clear from the victim impact statement
5 that she was very upset by this incident, that it
6 scared her and it's caused her to be afraid. She
7 understandably doesn't want Mr. Keevik coming
8 anywhere near her.

9 I do take into account that Mr. Keevik has
10 pleaded guilty and that that does indicate
11 remorse on his part and it has saved the victim
12 the trauma and the worry about having to testify
13 in court. That means that she doesn't have to
14 concern herself with that so that is to his
15 credit.

16 As far as the remand time goes, he was
17 remanded in custody, as I understand it from what
18 counsel has said, because he breached the process
19 he was on. In those circumstances, in my view
20 there really isn't the same reason there is to
21 give credit to remand time as when someone is
22 remanded simply because they aren't able to make
23 bail. In this case it's quite different, he's
24 been remanded in custody because he didn't follow
25 the conditions of his release. So I really don't
26 put any emphasis on the remand time which, in any
27 event, is not very long, it's just approximately

1 a month.

2 I note from the record that Mr. Keevik in
3 1998 received a sentence of two years less a day
4 for what was a common assault, section 266 of the
5 *Criminal Code*, and then in 2001 received a
6 two-year sentence for assault causing bodily
7 harm. It seems to me that in the circumstances,
8 considering the record, something more has to be
9 done to try to deter Mr. Keevik, and in this case
10 it seems to me that the main principle has to be
11 specific deterrence because he is just
12 continually assaulting people. Now I don't know
13 whether these other assaults are spousal assaults
14 or whether they're on men or women, but in any
15 event it's quite a lengthy history of assault.

16 Stand, please, Mr. Keevik.

17 Mr. Keevik, you're 42 years old. It seems
18 to me that if you want to have any sort of a
19 normal life at your age you have to do something
20 about your drinking if that's what's at the root
21 of this. I'm sure it is depressing to be laid
22 off and not have work but you seem to know that
23 that's what makes you drink and you obviously
24 know that when you drink you get into problems,
25 you assault people. If this continues, at some
26 point you may be looking at the Crown bringing a
27 dangerous offender application and trying to have

1 you locked up forever. You're old enough that
2 you should be able to figure this out and it's up
3 to you to make the decision. Nobody else can
4 make you stop drinking. You just have to decide
5 you're going to do it.

6 In the circumstances, in my view the
7 appropriate sentence considering everything is
8 two and a half years in jail and that's the
9 sentence that I impose.

10 As the Crown has indicated that there
11 already is a DNA order, I won't make another one.

12 There will be a firearm prohibition order in
13 the usual terms which will commence today and
14 will expire ten years after Mr. Keevik's release
15 from imprisonment.

16 In the circumstances, the victim fine
17 surcharge will be waived.

18 I will direct the clerk to endorse the
19 warrant with a recommendation that Mr. Keevik be
20 given access to alcohol treatment and counselling
21 and also anger management treatment and
22 counselling.

23 I make that recommendation, Mr. Keevik, but
24 whether it's successful or not it seems to me is
25 entirely up to you. I don't think I can say
26 anything more. There's no point in me lecturing
27 you, you're a mature man. I'm sure you are sorry

1 that you've done this but only you can make sure
2 it doesn't happen again.

3 You can have a seat.

4 Is there anything else that I haven't dealt
5 with?

6 MR. MAHONEY: Your Honour, the Crown will
7 withdraw the 264(1). And I believe you have
8 another indictment before you --

9 THE COURT: Well I think because they're
10 on an indictment you have to stay them rather
11 than withdrawn them.

12 MR. MAHONEY: Yes, Your Honour, I'll stay
13 the 264.1. I'll also direct a stay on the
14 remaining indictment.

15 THE COURT: All right, that's the 266
16 indictment?

17 MR. MAHONEY: Yes, Your Honour. Thank you.

18 THE COURT: Anything further?

19 MR. MAHONEY: No, Your Honour.

20 MR. BOYD: No, Your Honour.

21 THE COURT CLERK: Is victim impact statement to
22 be entered as an exhibit?

23 THE COURT: I don't think it needs to be
24 marked as an exhibit; it's on the file in any
25 event.

26 Thank you very much, counsel.

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Certified to be a true and
accurate transcript pursuant
to Rule 723 and 724 of the
Supreme Court Rules of Court.

Annette Wright

Annette Wright, CSR(A), RPR
Court Reporter