

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HIS MAJESTY THE KING

-v-

PAMELA ANN LOUISE RABESCA

Transcript of the Facts and Sentencing held before the Honourable Justice A. Piché, sitting in Yellowknife, in the Northwest Territories, on the 4th day of March, 2026.

APPEARANCES:

J. Kelly:	Counsel for the Crown
C. Davison:	Counsel for the Defence
P. Ross:	Counsel for the Defence

Charges under s. 266, 267(a), 267(b), 88, and 129(a) of the *Criminal Code*.

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Ms. Rabesca was charged with a number of offences, including assault with a weapon. She entered a guilty plea to the lesser-included offence of common assault. The other charges were withdrawn, and now I need to impose sentence on the single count of common assault.

The parties have presented a joint submission. They are asking me to impose a suspended sentence with probation for a period of 12 months. At the sentencing hearing, the parties filed an Agreed Statement of Facts that sets out the circumstances of the offence. These circumstances can be summarized as follows.

On October 4, 2024, at approximately 8:15 a.m., the victim, Alison Minoza, was walking in the downtown area of Yellowknife. A truck pulled over. Ms. Rabesca and another woman exited the truck. They confronted Ms. Minoza, and during the confrontation, Ms. Rabesca attempted to strike Ms. Minoza multiple times, and physically connected at least one time with the left side of her body.

Ms. Minoza retreated. Ms. Rabesca and the other woman got back in the truck and drove away. Ms. Minoza was located by the RCMP and paramedics at approximately 8:37 a.m. She was suffering from an injury, but the Crown concedes that they are unable to

1 prove that it was caused by Ms. Rabesca.

2 There are a few things I want to say
3 about these facts. There was a *Charter* and
4 voluntariness *voir dire* in this case. During the *voir dire*,
5 I heard evidence from police officers about their
6 investigation. I gave a ruling, and soon I will release
7 written reasons.

8 Anyone who reads that decision will see
9 that the facts reported in it are very different from the
10 facts I just set out. The police were investigating a
11 stabbing, and it might raise questions about how we got
12 from a stabbing to a common assault. And I believe it
13 is important that I try to provide some explanation.

14 The evidence I heard at the *voir dire* was
15 about the police investigation. It was about what they
16 believe happened at the time. Because of the nature of
17 the decisions I had to make at that stage, that was the
18 focus of the hearing.

19 But it is not always possible for the Crown
20 to prove what the police believed, and there are many
21 reasons that can explain that. What I know are the
22 facts the parties have admitted and presented before
23 me, and for the purpose of imposing sentence today,
24 they are the facts that are proven.

25 And it is on the basis of these facts that I
26 am considering the joint submission that is presented to
27 me. Negotiated resolutions are compromises, and they

1 play a vital role in the administration of justice. I will
2 have more to say about that in a few minutes.

3 But before I turn to the joint submission, I
4 want to set out Ms. Rabesca's personal circumstances.
5 She is 42 years old. She does not have a criminal
6 record. She was born in Inuvik, but she grew up in
7 Łutsek'e. She identifies as Chipewyan.

8 Ms. Rabesca has mostly lived between
9 Łutsek'e and Yellowknife, although she has also spent
10 time in Alberta as a teenager. I heard about her
11 childhood, her upbringing and the many challenges she
12 has faced. I will not go into details, but I will say that
13 she has experienced an unstable childhood and
14 significant hardship throughout her life.

15 Ms. Rabesca is the mother of five
16 children. Not all of them live with her, but she is
17 working hard towards being reunited with all of them.
18 Ms. Rabesca has received limited formal education, not
19 surprisingly considering her circumstances. She has
20 some history of employment, but it has been very
21 sporadic and for short periods.

22 She does not have a traditional way of
23 living, although she does participate in some traditional
24 activities, and she has some traditional skills such as
25 beading and she has participated in traditional activities
26 at times.

27 Ms. Rabesca admits that she has an

1 alcohol use issue and that it is linked to the offence.
2 She has already made efforts to address her alcohol
3 use, and she is interested in attending counselling to
4 continue on that path.

5 As I mentioned, the parties have
6 presented a joint submission. As the Supreme Court of
7 Canada decided in *R v Anthony-Cook*, when this
8 happens there are significant limits to judicial discretion
9 in imposing sentence.

10 I can only depart from the joint
11 submission if I find that it would bring the administration
12 of justice into disrepute or would otherwise not be in the
13 public interest. It is a very high threshold. The reason
14 judges will very rarely depart from negotiating
15 resolution is that they bring important benefits to the
16 criminal justice system.

17 They are beneficial to the parties. The
18 accused is unlikely to give up their right to a trial unless
19 they have some certainty about the outcome. And the
20 prosecution can secure a conviction when their case
21 might present weaknesses or challenges, and I
22 understand that this is one of those cases where the
23 Crown was facing challenges.

24 The fundamental principle of sentencing
25 is proportionality. A sentence must always be
26 proportionate to the gravity of the offence and the
27 degree of responsibility of the offender, and it must take

1 into consideration aggravating and mitigating
2 circumstances. The parties have pointed out, and I
3 agree, that the following mitigating and aggravating
4 factors are present in this case.

5 One aggravating factor is that this was an
6 unprovoked attack. Ms. Minoza was just walking on
7 the street minding her own business when the truck
8 pulled over and she was attacked. Although it does not
9 appear that the other woman who was with
10 Ms. Rabesca participated in the physical aggression,
11 her presence certainly made Ms. Minoza more
12 vulnerable.

13 I have not heard anything from the victim
14 Ms. Minoza. I know she was informed of her right to file
15 a Victim Impact Statement, and she chose not to. But
16 from what I know of the circumstances of the offence, I
17 infer that it must have been a very scary experience for
18 her.

19 Now, there are mitigating factors. There
20 is a guilty plea. It was not entered at the first
21 opportunity; it was entered on the first day of trial. But
22 there was a *Charter* and voluntariness *voir dire* in this
23 case, and Ms. Rabesca was successful on the
24 voluntariness issue. And she only pled guilty to a
25 lesser included offence.

26 Ultimately, she is taking responsibility for
27 her conduct, so despite what could be perceived as a

1 late guilty plea, Ms. Rabesca deserves significant
2 mitigation for it. She is a first-time offender; that is also
3 mitigating. She is 42, and the parties describe her
4 involvement in this offence as out of character for her. I
5 agree.

6 Ms. Rabesca's circumstances as an
7 Indigenous person must also be taken into
8 consideration. Section 718.2(e) of the *Criminal Code*
9 requires that the Court consider all available sanctions
10 other than imprisonment that are reasonable in the
11 circumstances with particular attention to the
12 circumstances of Aboriginal offenders.

13 And there are *Gladue* factors in this case.
14 I have already set them out. I accept Ms. Rabesca's
15 alcohol use, which stems from the her background and
16 personal circumstances, played a role in her offending.
17 These circumstances reduce Ms. Rabesca's moral
18 blameworthiness and require the exercise of restraint in
19 imposing sentence.

20 The parties highlighted that because
21 Ms. Rabesca is a first-time offender and because of her
22 substance use issues, rehabilitation is an important
23 objective both for her but also for the protection of the
24 public, and I agree.

25 I am also taking into consideration that
26 Ms. Rabesca spent four days in custody when she was
27 arrested. As a first-time offender, this would certainly

1 have had an effect on her, and I agree with the defence
2 that this immediate consequence to her conduct plays
3 a role in addressing the principles of deterrence and
4 denunciation.

5 So considering the circumstances of the
6 offence, the guilty plea, Ms. Rabesca's personal
7 circumstances, including the fact that she is a first-time
8 offender, the proposed sentence would not bring the
9 administration of justice into disrepute and I will follow
10 it.

11 So, I will suspend the passing of
12 sentence and impose probation for a period of
13 12 months' probation, with the following conditions.
14 You will keep the peace and be of good behaviour, you
15 will appear before the Court when required.

16 You will notify the Court or your probation
17 officer in advance of any change of name or address
18 and promptly notify the Court or the probation officer of
19 any change of employment or occupation. You will
20 report to a probation officer within --

21 And, Mr. Kelly, I do not recall if you
22 indicated a specific time --

23 J. KELLY: I didn't. I would suggest two days.

24 THE COURT: Okay. Within 48 hours, and then as
25 directed. You will have no contact with Alison Minoza.
26 You will not attend the place of residence, employment
27 or education of Alison Minoza. You will attend and

1 participate in intake programming and counselling as
2 directed by your probation officer.

3 In terms of ancillary orders, Mr. Kelly, I
4 did not hear you asking for a 110 firearms prohibition?

5 J. KELLY: No. That's correct.

6 THE COURT: Or a DNA secondary order; you do not --
7 you are not asking for them?

8 J. KELLY: No. That's correct.

9 THE COURT: So there is the victim of crime surcharge.
10 I heard from the Crown that there would be an
11 application from defence to waive it for undue hardship,
12 but I have not heard from you, Mr. Davison.

13 C. DAVISON: Sorry, I did mean to say that in my
14 submissions and given her employment or lack of
15 employment situation and the other things she has
16 going on in her life, I would ask it be waived on the
17 basis of hardship, please.

18 THE COURT: Okay. So I am waiving the victim of
19 crime surcharge on the basis of undue hardship.

20 So I had a look, counsel, at the forfeiture
21 order.

22 Mr. Kelly, I have one issue with the
23 section that is mentioned, 491(1)(a) of the *Criminal*
24 *Code*. When we read that, it says -- it connects the use
25 of the weapon with the commission of the offence, and I
26 am not sure on the basis of the facts as they were
27 proven before me that I can reach that conclusion with

1 respect to the knife.

2 J. KELLY: What section is that referring to?

3 THE COURT: 491(1)(a).

4 J. KELLY: That might be -- that's an oversight on my

5 part. I -- specifically last night when drafting this I

6 referenced 490(9)(d) in that -- that would have been

7 meant to replace 491(1)(a).

8 THE COURT: Okay. So it is in the body, but it is not in

9 the preamble.

10 J. KELLY: Yes. That's my mistake.

11 THE COURT: Okay.

12 J. KELLY: Yeah.

13 THE COURT: So let's -- let me check that. So maybe it

14 just requires a new draft order.

15 J. KELLY: And we can -- I can undertake to have that

16 filed with the court this week.

17 THE COURT: Okay. I just want to see. Okay.

18 So, Mr. Davison, are you admitting that

19 the possession of the knife was unlawful because that

20 is a requirement for 491(9)(d).

21 C. DAVISON: For the limited purpose of the forfeiture

22 order, yes.

23 THE COURT: Okay.

24 C. DAVISON: We will make that admission.

25 THE COURT: Okay. Perfect. So just file a new draft

26 order.

27 And, Mr. Clerk, just bring it to me in

1 chambers, and it will issue.

2 THE CLERK: Yes, Your Honour.

3 THE COURT: Okay. All right.

4 So, Ms. Rabesca, a suspended

5 sentence, I am sure your lawyers have explained that

6 to you, but what it means is that for the next 12 -- I am

7 not imposing a specific sentence. You are going to be

8 on probation, but suspending the passing of a sentence

9 means that if you breach your conditions, if something

10 happens, the Crown can bring it back before me so that

11 I can impose a different sentence at that time. Do you

12 understand that?

13 THE ACCUSED: Yes.

14 THE COURT: I hope you take advantage of the help

15 that is going to be given to you now, going to

16 counselling and doing the things that you need to

17 address your issues and hopefully be reunited with your

18 children.

19 THE ACCUSED: Yes.

20 **(PROCEEDINGS CONCLUDED)**

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1 **CERTIFICATE OF TRANSCRIPT**

2 Veritext Legal Solutions, Canada, the undersigned, hereby
3 certify that the foregoing pages are a complete and accurate
4 transcript of the proceedings transcribed from the audio
5 recording to the best of our skill and ability.

6 Judicial amendments have been applied to this transcript.

7

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9 Dated at the City of Toronto, in the Province of Ontario, this
10 14th day of April, 2026.

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12 *Veritext Legal Solutions, Canada*

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