

Citation: *R. v. Raddi*, 2015 YKTC 38

Date: 20150923  
Docket: 15-00129A  
15-00129  
Registry: Whitehorse

**IN THE TERRITORIAL COURT OF YUKON**  
Before His Honour Judge Cozens

REGINA

v.

WILLIAM DEAN RADDI

Appearances:  
Paul Battin  
David J. Christie

Counsel for the Crown  
Counsel for the Defence

**REASONS FOR SENTENCE**

[1] COZENS T.C.J (Oral): William Raddi has entered a guilty plea to having committed the offence of assault causing bodily harm against Mariah Greenland and breaching a probation order he was bound by not to have any contact with Mariah Greenland when either of them had alcohol in their bodies.

[2] The circumstances are that Mr. Raddi was in a domestic relationship with Ms. Greenland and on June 6, 2015, he punched her in the face hard enough to cause her to receive a cut requiring 11 stitches in the mouth and four stitches in the forehead. A considerable amount of blood was noted to have resulted from these wounds. Both

parties had been consuming alcohol at the time. And, again, Mr. Raddi was under a condition that he not have contact with Ms. Greenland when either of them had been consuming alcohol.

[3] The victim impact statement makes it very clear that this has had a significant impact on Ms. Greenland, both physically and emotionally. This was a significant breach of trust and is not a trivial incident, it is not a minor assault, and I can imagine the concern and the fear that Ms. Greenland felt at the time and that she continues to feel to a large degree. The impacts of being the victims of such assaults in a relationship go far beyond the physical injuries and can take a long time to recover from.

[4] There is a joint submission before me for nine-and-a-half months of custody, with credit for five-and-a-half months time in remand, leaving four months remaining.

[5] Mr. Raddi is 41 years of age. He is Inuvialuit. He has a prior criminal history that goes back to 1994. There are mischief charges in 1994 and 1995; possession of a weapon in 1998; two uttering threat charges in 1998; breach of probation in 2000; an impaired in 2003; and assault with a weapon in 2006, for which he received nine months custody, which certainly is indicative that it was not a minor assault; then a break and enter, fail to appear, and fail to attend court in 2008; and a mischief charge in 2015, which, as I understand it, involved the same complainant.

[6] I have read a report from the Whitehorse Correctional Centre and, in the 110 days that Mr. Raddi has been in custody, he has been employed and he has taken programming. There are two minor incidents that occurred from disrespectful behaviour. It is his plan to leave the Yukon once he is released from custody and to

move back to assist his parents in Inuvik. He is remorseful. This is a late guilty plea and the indication I have is that there was good cause for the delay and there has been intent to accept responsibility for a considerable period of time.

[7] He has been employed with Northwood Industries. He has obtained his Class 1 licence. When he returns, he wants to be involved in some of the traditional Inuvialuit cultural aspects of his upbringing, including being on the land.

[8] I am satisfied that he is remorseful for his actions. He has indicated that alcohol is a problem. It is clear from his record that it is a problem. He, in fact, wishes to continue to abstain from alcohol. Counsel have agreed that an abstention clause should be part of the probation order to help him do this. He has provided letters to the Court.

[9] There certainly are *Gladue* factors here. Both his parents attended residential school and there has been some tragedy and trauma in his life as a child. This is clear from the letters that he has provided.

[10] The sentence will be as follows:

[11] With respect to the 267(b), there will be a sentence of nine-and-a-half months, less credit for five-and-a-half months, leaving a remanet of four months custody.

[12] With respect to the 733.1(1), there will be a sentence of 60 days, which would be a sentence of one day deemed served, taking into account 60 days of pre-trial custody.

[13] There will be a period of probation. It will attach itself to both the terms of the probation order. It will be as follows:

1. Keep the peace and be of good behaviour;
2. Appear before the court when required to do so by the court;
3. Notify the court or the Probation Officer in advance of any change of name or address, and promptly of any change of employment or occupation;
4. Have no contact directly or indirectly or communication in any way with Mariah Greenland;
5. Remain 15 metres away from any known place of residence, employment or education of Mariah Greenland;
6. Report to a Probation Officer immediately upon your release from custody, and thereafter, when and in the manner directed by the Probation Officer;
7. Reside as approved by your Probation Officer and not change that residence without the prior written permission of your Probation Officer;
8. Not possess or consume alcohol;

9. Not attend any premises whose primary purpose is the sale of alcohol, including any liquor store, off sales, bar, pub, tavern, lounge or nightclub;
10. Attend and actively participate in all assessment and counselling programs as directed by your Probation Officer and complete them to the satisfaction of your Probation Officer for the following issues:
  - i) alcohol abuse,
  - ii) spousal violence,
  - iii) any other issues identified by your Probation Officer,and provide consents to release information to your Probation Officer regarding your participation in any program you have been directed to do pursuant to this condition;
11. Make reasonable efforts to find and maintain suitable employment and provide your Probation Officer with all necessary details concerning your efforts;
12. Not possess any firearm, ammunition, explosive substance or any weapon as defined by the *Criminal Code* within 24 hours of having consumed alcohol;
13. Not attend within the Yukon Territory, except for the purposes of court or except if you have the prior written permission from your Probation Officer;

[14] While this is not a term of the order, it would certainly make sense that if he is required to be back here for any reason or he is back here, that notice be provided to Ms. Greenland, I cannot make that part of this order, but certainly that is a recommendation of Victim Services and the Probation Office can have that discussion between themselves.

14. Return to reside in Inuvik, Northwest Territories, within 72 hours of being released unless with the prior written consent of your Probation Officer;
15. During the period of time that you are in Whitehorse following your release and your return to Inuvik, you will abide by a curfew by being inside your approved residence from 9:30 p.m. to 7:00 a.m., daily. You will answer the door or the telephone for curfew checks. Failure to do so during reasonable hours will be a presumptive breach of this condition.

[15] This is a primary designated offence. For the provision of a DNA, that order will go for you to provide a sample of your DNA.

[16] The only issue of dispute between the parties was a s. 110 firearms prohibition. Crown is suggesting it would be appropriate and defence counsel has indicated that Mr. Raddi wishes to be involved in being on the land and other associated Inuvialuit traditions. I am not going to make the s. 110 order. I look at the dated nature of the assaults prior to this and the fact that this assault did not involve use of a weapon, other than the weapons that are the fists of Mr. Raddi. I do not consider it necessary to make

this order at this point in time, but should he find himself convicted of a further assaultive offence, he may well find such an order being made.

[17] There are victim surcharges. They are a total of \$200. I will make them payable forthwith. I note Mr. Raddi to be in fault, then direct a warrant of committal be issued that he serve his default time concurrent to the remaining time that he has in custody.

[18] Count 2?

[19] MR. BATTIN: Crown enters a stay of proceedings.

[20] THE COURT: And on the Information 129, that will be withdrawn, I take it?

[21] MR. BATTIN: Yes. Thank you, Your Honour. That Information needs to be withdrawn.

[22] THE COURT: Okay.

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COZENS, T.C.J.