

R. V. Suggashie, 2017 ONCJ 67, Ontario Court Of Justice (Gibson J.), 18 January 2017

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The Ontario Court of Justice sentenced two Aboriginal men in relation to charges of break and enter with an intent to commit mischief. The underlying offences took place on the evening of 27 June 2015 at the police detachment in the Pikangikum First Nation. Approximately 300 to 500 people had gathered outside the detachment to protest the arrest of a community member earlier that day which had involved the use of a taser device. The protest evolved into a "violent, dangerous riot". In the much-publicized Reasons for Judgment, Justice Gibson provides a discussion of not only the background of the two accused, but the circumstances of the Pikangikum First Nation itself. He stated:

It is true that the rule of law and administration of justice must be respected if we are to remain a country governed by laws and not by force exercised by either the strong or the irrational and intemperate passions of the mob. But it is also true that the administration of justice must be guided by understanding or risk losing that respect.

It would be wilful blindness not to recognise that Pikangikum is going through a terrible and deteriorating health crisis. I have travelled to this community on average once a month for the last 24 years, first as a lawyer and lately in my capacity as a Judge of this Court. I have seen first-hand the steady and rapid increase in the size of the community, the explosion in violent crime and the deterioration of living conditions. There are many good people here and the conditions they are living in are a national disgrace.

It is shameful that a country as wealthy as ours tolerates that any of its citizens should live as many of the people of Pikangikum do. But it is not only the appalling lack of basics like reliable electricity and water and sewer that is striking here. It is the fact that within one elderly person's lifetime, a small group of people, whose ancestors lived off the land, who developed deep understandings of the spirit of the land they inhabited for millennia, could one day meet strangers in the wilderness with such devastatingly consequences for their children and grandchildren.

The Court credited the two accused with 16 months of time already served, and suspended the passing of sentence for two years upon certain terms.

<http://www.canlii.org/en/on/oncj/doc/2017/2017oncj67/2017oncj67.html?resultIndex=1>

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