



OJEN • ROEJ

ONTARIO JUSTICE EDUCATION NETWORK
RÉSEAU ONTARIEN D'ÉDUCATION JURIDIQUE

Aboriginal Sentencing Scenario

R. v. James

Charge: Carrying a concealed weapon

At 6:00 p.m. a hockey game was taking place in the local arena. A large number of people were watching the game and some were shouting rude comments at the players. The spectators started yelling and cursing at each other. After the game, a fight broke out between these spectators and some of the hockey players. One of the hockey players, Andrew James, started the fight. He had been on the bench but was not dressed to play because he had previously received a one-game suspension. Andrew is a member of the local First Nations community.

A police car was making a routine patrol of the neighbourhood and saw the fight in progress. When the police officers got out of the car, they saw Andrew land two punches on one of the members of the opposing hockey team. As the police approached, Andrew saw them, grabbed his bag and started to run away. The police chased after him and stopped him in the parking lot. When the police searched his bag, they discovered a large knife. They immediately arrested Andrew for carrying a concealed weapon.

Andrew pleaded guilty to the charge of carrying a concealed weapon. The Judge accepted his plea and entered a conviction accordingly.

Discussion Questions:

1. What should happen to the hockey player and why?
2. What is the significance of the fact that Andrew James is a member of a First Nations community?
3. Does the fact that Andrew pleaded guilty before trial change what should happen? Why?
4. *New Fact:* the knife was a hunting knife. Does this change what should happen? Why?
5. *New Fact:* Andrew James found the knife in the bushes outside his school. Does this change what should happen? Why?
6. *New Fact:* Andrew James was being bullied by another kid in the community and brought the knife to the hockey game in case the bully showed up. Does this change what should happen? Why?
7. *New Fact:* Andrew James does not have a previous criminal record. Does this change what should happen? Why? Would things be different if he did have a criminal record for assault?
8. What factors should be considered in determining an appropriate sentence?
9. What sentence do you suggest? Why?

Note to facilitators: once the discussion has ended, describe the typical range of sentences for this type of situation.