

IN THE SUPREME COURT OF BRITISH COLUMBIA

PRINCE GEORGE, B.C.
7 APRIL, 1987

BETWEEN:

HER MAJESTY THE QUEEN,

AND:

BERNARD JOSEPH GODIN,

)
) REASONS FOR
) JUDGMENT OF
) THE HONOURABLE
) JUDGE CURTIS, C.C.J.
)

D.T.M. BRENNAN, ESQ.

appearing for the Crown,

D. BYL, ESQ.

appearing for the Accused

THE COURT: (oral): Bernard Godin has pleaded guilty to two counts of indecent assault involving a six year old girl. The offence occurred in 1982 at a time when Mr. Godin was living with the girl and her mother - although they are now separated.

The assault consisted of having the girl touching his penis twice within a two day period of time. Mr. Godin claims to have no memory of the incidents, although he admits he suffered from alcoholism and related periods of memory loss.

1 He accepts that he has committed the offence described by
2 the girl and his counsel has advised me that he expresses
3 sincere remorse concerning his behavior.

4 Mr. Godin has been assessed by Dr. Roy J. O'Shaughnessy.
5 He is a psychiatrist who, I'm advised, has considerable
6 experience in the field of sexual abuse of children.
7 Dr. O'Shaughnessy's opinion is that the incident was more a
8 product of his severe alcohol abuse and intoxication than
9 of any ongoing sexual interest in prepubescent children.
10 He says that he does not consider Mr. Godin to be an ongoing
11 risk for sexually assaulting children but there is a
12 potential for further assaults if he is intoxicated.

13 At the time the assault occurred, Mr. Godin and the
14 child's mother were both using alcohol and drugs heavily
15 and in the midst of a stormy period of their relationship.
16 Having considered Dr. O'Shaughnessy's report and counsel's
17 submissions, I am of the opinion that Mr. Godin's basic
18 problem is one of alcoholism. This factor distinguishes
19 this case from the vast majority of cases involving sexual
20 abuse of children. However, as Mr. Godin's alcoholism has
21 resulted in him committing these offences, it is clear that
22 he must bring this problem under control. Mr. Godin now
23 proposes to seek treatment for his problem. It is difficult
24 at this point to assess how successful he will be.

25 In the circumstances of the case, I think it
26 appropriate to impose a sentence of twenty-one days in jail
27 to be served intermittently on week-ends in Fort St. James,

1 and to require him to enter into a probation order with
2 the condition that he report to and be under the
3 supervision of a probation officer and that he take such
4 counselling and treatment for his alcoholism as is
5 necessary in the opinion of his probation officer.

6 The period of probation to be for eighteen months.
7 I am imposing a jail sentence on Mr. Godin to emphasize
8 that alcoholism, while certainly a mitigating factor, is
9 no excuse and to make it clear to him that further
10 occurrences of this nature would have very serious
11 consequences.

12 I wish to encourage him to deal with the problem before
13 others suffer from his actions related to the drinking.

14 MR. BRENNAN: The sentence, would that be two or three day
15 week-ends?

16 THE COURT: A three day week-end is fine.

17 MR. BRENNAN: With respect to intermittent sentences, you go in
18 Friday night and get out Sunday, that is three days. Perhaps
19 we might get a time, like from Friday evening and a time on
20 Sunday morning during which the --

21 THE COURT: Let's hear when he gets off work.

22 MR. BYL: He gets off work on Fridays at 4 p.m. so possibly -
23 Takla is a little distance out of town --

24 THE COURT: I was thinking 7 O'clock, after supper.

25 MR. BYL: Yes.

26 THE COURT: Seven O'clock - and what is the usual time to get
27 out Sunday?

1 MR. BRENNAN: I believe it would be about seven or eight in the
2 evening, Your Honour. Probably seven.

3 THE COURT: Whatever. 7 O'clock Sunday.

4 MR. BYL: Yes, that would be fine.

5 THE COURT: That is three days so that is going to be seven
6 week-ends in jail.

7 MR. BRENNAN: That would be commencing this week-end, Your Honour?

8 MR. BYL: Yes, Mr. Godin is ready to go this week-end.

9 THE COURT: Might as well.

10 MR. BRENNAN: Thank you.

11 MR. BYL: Thank you, Your Honour.

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