

SUPREME COURT OF YUKON

Citation: *R. v. Mantla*, 2018 YKSC 44

Date: 20180808
S.C. No.: 12-01502
12-01502A
Registry: Whitehorse

Between:

HER MAJESTY THE QUEEN

And

LAWRENCE MANTLA

Publication of information that could disclose the identity of the complainant or witness has been prohibited by court order pursuant to s. 486.4 of the *Criminal Code*.

Before Mr. Justice R.S. Veale

Appearances:
Amy Porteous
David C. Tarnow

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCE

[1] VEALE J. (Oral): Lawrence Mantla has pled guilty and I have convicted him of one count of sexual assault committed on October 25, 2011; and one count of harassment under s. 264(2)(a) of the *Criminal Code*, which involved several events of harassment over a period of time after he was first charged for the sexual assault on October 26, 2011. The sexual assault was sexual intercourse, while he was intoxicated, that was not consented to by the complainant.

[2] The aspect of harassment afterwards took place over several months. It was very concerning at the time. He seemed to be oblivious of the fact that he was not entitled to do that. Perhaps he felt that the complainant was going to drop the charges, but it just led to a further number of charges and consequences that he really was not alive to because on those occasions, as I understand it, he was not intoxicated. He was fully employed and was following and harassing the complainant over a number of months.

[3] After four or five months in custody, Mr. Mantla was placed on bail and released to return to Yellowknife. That was the last time he was seen in this jurisdiction until he was picked up in Edmonton on a warrant and brought back to the Yukon. He has been in jail since March of this year.

[4] Mr. Mantla has a small and dated criminal record. In 2009, he was convicted of an assault, which the Crown has indicated was an assault on the complainant in Alberta.

[5] It is not the practice of this Court to interfere with Crown and defence joint submissions unless there are substantial reasons to do so.

[6] I am concerned, Mr. Mantla, that if you drink, you will commit offences again. That is very concerning. The fortunate thing is that you reside in Yellowknife and you will be going there immediately following this sentencing.

[7] Your apology is well-received because the complainant has indicated in her victim impact statement that she has suffered a great deal throughout your relationship, including post-traumatic stress disorder (PTSD). She and her son are very concerned about their safety going forward.

[8] I am going to approve the terms of the sentence.

[9] It is my understanding that Mr. Mantla has served 21 months in jail (pre-sentence) and the credit for that time served amounts to 31½ months at a ratio of 1.5:1.

[10] The sentence that has been agreed to and that the Court accepts is two years less a day on the sexual assault count; four months consecutive on the harassment count; and 45 days on the failure to appear.

[11] It is also my understanding that Mr. Mantla will be released today under a two-year probation order, since he resides in Yellowknife, 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. Report to your probation officer in Whitehorse immediately upon your release.
4. 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.
5. Have no contact directly or indirectly or communication in any way with T.H., the complainant; M.B., her son; T.C.; and A.C. The exception to this will be on one occasion, with arrangements from the residents where T.C. resides, to be arranged by the probation officer in Whitehorse in consultation with Victim Services, so as to retrieve your personal belongings. Photographs of the personal belongings will be provided to the probation officer and subsequently to Mr. Mantla, and then the arrangement will be made with D.E. and her son to pick up those items.

[12] There will also be a mandatory DNA order.

[13] Mr. Mantla will also be required to register with the Sexual Offender Registry for a period of 20 years.

[14] There will be a firearms prohibition order for 10 years. However, I will authorize a lifting of this order for sustenance hunting to be authorized by the chief firearms officer in Yellowknife.

[15] The remaining charges have been withdrawn.

VEALE J.