

Citation: *R. v. Joe*, 2018 YKTC 38

Date: 20181002
Docket: 16-00547A
Registry: Whitehorse
Heard: Pelly Crossing

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Chief Judge Chisholm

REGINA

v.

TRISTAN JOE

Appearances:

Ludovic Gouaillier and Lauren Whyte
Jennifer Cunningham

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCE

[1] Mr. Tristan Joe has pleaded guilty to the offence of manslaughter, contrary to s. 236(b) of the *Criminal Code* in relation to the death of Mr. Raine Silas on November 3, 2016, in Pelly Crossing, Yukon. Although Mr. Joe initially faced a second degree murder charge, on March 8, 2018, he accepted responsibility for having committed manslaughter.

[2] The guilty plea to manslaughter results from the fact that Mr. Joe was so intoxicated at the time of the offence that he was unable to form the specific intent required to be found guilty of the offence of murder. In other words, his actions led to the death of Mr. Silas, but his fault for these actions was short of an intention to kill (see *R. v. Creighton*, [1993] 3 S.C.R. 3 at para 72).

[3] As stated in *Creighton* at para. 83:

...The most important feature of the stigma of manslaughter is the stigma which is not attached to it. The *Criminal Code* confines manslaughter to non-intentional homicide. A person convicted of manslaughter is not a murderer. He or she did not intend to kill someone. A person has been killed through the fault of another, and that is always serious. But by the very act of calling the killing manslaughter the law indicates that the killing is less blameworthy than murder. It may arise from negligence, or it may arise as the unintended result of a lesser unlawful act. The conduct is blameworthy and must be punished, but its stigma does not approach that of murder.

[4] The Crown and the defence submitted an Agreed Statement of Facts, as set out below:

1. On November 3, 2016, around 8:00 pm, a number of individuals were drinking alcohol together at Norah Harper's residence at #11 Jon Ra Subdivision, Pelly Crossing, Yukon. Two of these individuals were Tristan Joe ("Joe") and Raine Silas ("Silas"). Joe was 30 years old and Silas was 18 years old. Joe and Silas grew up in the same community, socialized, and were well known to one another.
2. Joe was heavily intoxicated from consuming alcohol. Joe and Silas began to argue. Norah Harper told them to go outside if they were going to fight. Joe and Silas left the residence by the back door.
3. Outside the residence, Joe and Silas engaged in a brief physical confrontation. Joe picked up a piece of 2x4 lumber and hit Silas around his left temple with the piece of lumber.
4. Silas's [sic] aunt Angell Johnny ("Johnny") intervened and the fight between Silas and Joe ended. When Silas was brought inside the residence, he was bleeding heavily from his face. Silas left the residence with Johnny to attend the Pelly Crossing Health Centre (the "Health Centre"). Joe left the residence shortly after Silas.
5. At the Health Centre, Silas received two to three stitches on his left cheek from a nurse. The nurse observed a lump forming below his temple. She also observed that Silas was intoxicated, but conscious and alert. Silas and Johnny left the Health Centre around 8:45 pm.
6. Johnny drove Silas to his grandparent's residence at #1 Jon Ra Subdivision, Pelly Crossing and dropped him off. Throughout the night and into the early morning of November 4, 2016, various

members of Silas' family checked on him as he slept. The last check was done at 4:00 am on November 4, 2016. Silas was observed to be sleeping.

7. Around 11:30 am on November 4, 2016, family members checked on Silas and found him unresponsive. They called for medical assistance. Three Emergency Medical Service workers and two nurses attended and attempted to revive Silas. Silas was pronounced dead at 12:17 pm on November 4, 2016.
8. On November 5, 2016, Joe attended the Pelly Royal Canadian Mounted Police ("RCMP") detachment voluntarily upon request of the police and provided a statement to Cst. Monkman.
9. On November 9, 2016, an autopsy was performed on Silas' body by pathologist Dr. Matthew Orde in Vancouver, British Columbia. Dr. Orde concluded that Silas' death was a consequence of the head injury he sustained to the left temporal region of his scalp, primarily by way of associated skull fracturing and resultant extradural hemorrhage with compression of the brain substance. He found that the appearance of the injury was indicative of the application of blunt force.
10. On November 14, 2016, Joe was arrested and brought to the Carmacks RCMP detachment, then to the Whitehorse RCMP detachment, where he provided another statement to Cst. Monkman. In that statement, Joe acknowledged being responsible for Silas' injuries, although he did not admit the use of a weapon at that time, and recorded a tearful apology to Silas' family.
11. Joe has no memory of using the 2x4 piece of lumber during the physical altercation with Silas, but he does not contest this fact.

Positions of the Crown and the defence

[5] The Crown seeks a period of imprisonment in the range of six to eight years, less credit for time spent on remand. The Crown points to the dangerousness of Mr. Joe's actions in seeking a weapon and subsequently striking the victim in the temple area with it. The Crown submits that this conduct was likely to cause life-threatening injuries.

[6] The Crown also points out that Mr. Joe was bound by a Probation Order at the time of the offence and was in contravention of two conditions on November 3, 2016, namely, 1) to keep the peace and 2) to not be outside of his residence when under the influence of alcohol.

[7] The Crown argues that these circumstances bring Mr. Joe within the mid-range category of seriousness for manslaughter offences.

[8] The defence takes the position that an appropriate sentence for this crime is in the three-and-one-half year range, considering Mr. Joe's early expressions of remorse; his guilty plea; his steps toward rehabilitation and his network of support.

[9] The defence also submits that there are many *Gladue* considerations that should be taken into account when determining a proper sentence.

[10] It is not disputed that Mr. Joe, who has been in custody since November 14, 2016, is entitled to pre-sentence custody of 34 months.

Analysis

Victim Impact

[11] Numerous Victim Impact Statements were submitted at the sentencing hearing. Although the process was heart wrenching, it was also clearly part of the healing process for the victims. Most of the statements were read in court either by the author of the statement or by a victim services worker. It is an understatement to say that Mr. Silas' death is a tremendous loss for his family and friends.

[12] Mr. Silas was a young man whose potential will never be realized.

[13] It is difficult enough to deal with the death of a loved one, but as many expressed, it is more trying when the death is as the result of a senseless act of violence.

[14] This offence has caused divisions within the community of Pelly Crossing. Unfortunately, the sentence imposed today will not undo the harm that has been caused. In fact, there is no sentence that could lessen the loss that the family and friends of Raine Silas endure.

[15] It is also important to highlight that a number of the Victim Impact Statements mention the concept of reconciliation within the community and specifically with respect to the two families devastated by this tragedy. As articulated in one of the Victim Impact Statements:

My concerns are for the community as well, because the community has been through enough, and we do not need any more conflicts or trauma.

[16] And in another:

I feel for Tristan's family also and how they must be feeling too; this is not easy to deal with but somehow we really need to overcome this and love and respect each other.

[17] In my view, these are wise comments that all members of the community should heed.

Circumstances of Mr. Joe

[18] I have the benefit of comprehensive reports, namely a Pre-Sentence Report and a *Gladue* Report, which provide me with detailed information about Mr. Joe's personal circumstances as well as the circumstances of his family and community.

[19] Mr. Joe is 32 years of age and a member of the Selkirk First Nation. He is a intergenerational survivor of the residential school system. He experienced a chaotic, unstable, abusive and traumatic childhood. His father was mostly absent from his life and his mother, who suffers from the effects of pre-natal alcohol exposure, struggled with an alcohol addiction. In addition to his struggles at home, he reports having been bullied at school.

[20] Nonetheless, Mr. Joe did benefit from some positives supports in his upbringing which allowed him to learn traditional life skills. Some of his best childhood memories are of participating in cultural and traditional practices, including culture camps, canoe trips and moose hunts.

[21] However, he was apprehended and removed from his home on a few occasions. When he was in Grade 9, he states he was apprehended and sent to Regina, Saskatchewan to attend a school program. He attended schooling in Regina until he was in Grade 12. During that school year, he contacted his social worker and advised her that he wished to return home. He was 17 years of age. He feels that he lost parts of his culture during this period of time.

[22] As Mr. Joe became a young adult, he drifted into a lifestyle that embraced the abuse of drugs and alcohol. Despite this, he has secured employment for periods of time. Although he has been generally described as a good worker, he also has displayed some negative attitudes at times. While working in the carpentry field a number of years ago, he became increasingly absent towards the end of his employment.

[23] He has been engaged in upgrading through Yukon College while on remand. At the same time, he has had difficulty interacting appropriately with correctional personnel and has had conflict with other inmates.

[24] Mr. Joe commenced sessions with a provisional psychologist, Ms. Weber, in January of this year and has completed 12 sessions to date. Ms. Weber indicates that he is engaged in his therapy sessions and is willing to explore his issues. She indicates that he is “struggling with severe shame and regret”. She believes that he is sincere in his desire to make meaningful changes that will permit him to become a productive member of society.

[25] As noted, Mr. Joe is genuinely remorseful for his crime. He was cooperative with police and apologetic to the family of Mr. Silas. Mr. Joe again expressed his remorse to the family and friends of Mr. Silas during the sentencing hearing.

[26] Mr. Joe has accumulated a number of convictions on his criminal record, including convictions for assaultive behaviour and uttering threats. He has also been convicted on multiple occasions for breaching conditions of court orders.

Principles of Sentencing

[27] As stipulated in *R. v. Ipeelee*, 2012 SCC 13, and *R. v. Gladue*, [1999] 1 S.C.R. 688, a sentencing court must impose a sentence that fits the offence, the offender, the victim, and the community. Sentencing is a highly individualized process which reflects the circumstances of the offence and of the offender (see *Ipeelee* at para. 38 and *R. v. C.A.M.*, [1996] 1 S.C.R. 500 at para. 92). Sentencing is a "profoundly contextual process" wherein the judge has a broad discretion (*R. v. L.M.*, 2008 SCC 31 at para. 15; see also *R. v. Lacasse*, 2015 SCC 64 at para. 11).

[28] A sentencing court must consider all relevant sentencing principles in determining an appropriate sentence. The fundamental principle of sentencing is found at Section 718.1 of the *Criminal Code*. It stipulates that a sentence is to be proportionate to the seriousness of the offence and the degree of blameworthiness of the offender. Section 718 outlines the fundamental purpose of sentencing which is:

...to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:

- (a) to denounce unlawful conduct and the harm done to victims or to the community that is caused by unlawful conduct;
- (b) to deter the offender and other persons from committing offences;
- (c) to separate offenders from society where necessary;
- (d) to assist in rehabilitating offenders;
- (e) to provide reparations for harm done to victims or to the community; and

- (f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims or to the community.

[29] A sentencing principle that applies in any sentencing is the principle of restraint, which means, in the context of a jail sentence, that the length should not be more than is necessary to achieve the relevant sentencing objectives.

[30] I must also be cognizant when dealing with Aboriginal offenders of the principles enunciated by the Supreme Court of Canada in *Ipeelee* and *Gladue*. The presence of *Gladue* factors may diminish the offender's moral blameworthiness. As stated recently in *R. v. Sellars*, 2018 BCCA 195, at para. 33:

...However, the unique circumstances of Aboriginal offenders can diminish their degree of moral blameworthiness for an offence and therefore the weight to be given to those principles of sentencing.

[31] I have considered the principle of restraint and Mr. Joe's overall circumstances in my deliberations on this matter.

Case law

[32] The range of sentencing in manslaughter cases is wide (see *R. v. Clarke*, [2003] 172 O.A.C. 133 at para. 7). In addition to the numerous cases provided by counsel, I have reviewed a number of other sentencing decisions. I will provide a summary of some of the most relevant decisions. I begin with Yukon sentencing decisions.

[33] The decision in *R. v. C.M.A.*, 2005 YKSC 58 involved a 27-year-old Aboriginal offender who stabbed her common-law partner in the chest with a butcher knife during an argument. There was a history of mutual violence. The offender attempted to assist

the victim after the stabbing and was genuinely remorseful. The offender's upbringing included dysfunction and abuse. She had a criminal record including one adult offence for assault in 1998. The Court found her consumption of alcohol to be an aggravating factor. A sentence of five years' imprisonment was imposed.

[34] In *R. v. Charlie*, [1987] Y.J. No. 35 (Y.K.S.C.), the offender and his friend were drinking alcohol. For no apparent reason, Mr. Charlie stabbed his friend once in the stomach. The offender, an alcoholic, had a history of petty crime. The sentencing Justice found that the offender's consumption of alcohol was an aggravating factor. He received a sentence of four years' imprisonment, taking into account 11 months of pre-sentence custody, for an effective sentence of five years.

[35] In *R. v. MacPherson*, 2017 YKSC 19, the offender, who was 32 years old at the time of the offence, stabbed the victim four or five times during a fight. Another individual had inadvertently left a knife on a table near where the altercation ensued. The offender and victim had been drinking alcohol with others. The offender was on the run for 10 days before turning himself in to police. He had two somewhat dated convictions involving significant violence. He expressed remorse and demonstrated an intention to become clean and sober. The Court sentenced him to seven years in jail.

[36] In *R. v. Tucker*, [1995] Y.J. No. 48 (Y.K.S.C.), the 18-year-old offender had been drinking alcohol at a house party with others, including the deceased who the Court described as the offender's best friend. For some reason, the two became embroiled in an argument. In the course of the argument, the accused used a knife he had been using to slice food to stab the victim to death. The offence, which happened quickly,

resulted in the offender stabbing the victim once gravely and once superficially. The offender had a youth record that included significant entries for violent offences and a disregard for court orders. The offender was remorseful. The sentence imposed was one of two-and-one-half years.

[37] I am aware that Cozens J. in *R. v. Chief*, 2018 YKTC 36, recently delivered a sentence involving an offender with Fetal Alcohol Spectrum Disorder convicted of manslaughter. The offence involved a sustained beating of the victim. I should point out that, in my view, the overall circumstances of that offender and that offence are different than in the matter before me.

[38] Crown counsel also referred me to the decision in *R. v. Stewart*, 2005 YKTC 74, however, in my view, the offender's sustained beating of the victim distinguish it from the matter before me.

[39] Counsel also referred to a number of out-of-jurisdiction decisions, including:

R. v. Able, 2017 NWTSC 22

[40] The 31-year-old Aboriginal offender drank to the point of extreme intoxication. He had no memory of attacking his uncle while he slept. He punched the victim and kicked him in the head a number of times. The victim died from head injuries. The offender had one unrelated and minor conviction. He had a relatively positive upbringing. He expressed remorse for his actions. He was sentenced to five years' imprisonment.

R. v. Cooper, 2002 BCCA 259

[41] The 19-year-old offender became involved in an altercation with other youths when they showed up at his apartment. He ultimately stabbed the 20-year-old victim in the heart. He had an extensive record for violence. He was breaching a bail release abstain clause at the time of the offence. The Court of Appeal upheld an eight-year sentence.

R. v. Francis, 2007 NSSC 184

[42] During a house party the 39-year-old Aboriginal offender, who had been drinking alcohol, attacked the victim in an unprovoked manner. The offender approached the victim and struck him once in the neck area with a beer glass. The resulting impact caused a fatal wound. After his guilty plea to manslaughter, the offender displayed remorse. He enjoyed a relatively stable upbringing, although the community in which he lived at the time of the offence suffered from poverty, substance abuse, and lack of employment opportunities. The offender had a small and unrelated criminal record. He was sentenced to seven years' imprisonment.

R. v. M.C.K., 2015 MBQB 82

[43] The 28-year-old offender stabbed the 16-year-old victim three times, after the victim had taunted him. Both individuals were under the influence of alcohol. The offender experienced a difficult upbringing and suffered from intellectual deficits. He was profoundly remorseful for what he had done. The Court deemed him to be at high risk to re-offend. He was sentenced to seven years' imprisonment. Due to the

significant amount of time he had spent on remand, 20 months remained to be served. The sentencing judge also imposed a three-year probationary period.

R. v. Kappi, 2016 NUCJ 28

[44] The 26-year-old Aboriginal offender became involved in a physical altercation with others. As these individuals backed him into the kitchen, he located a knife and stabbed the victim in the neck. His upbringing at home was positive, although he had been bullied at school. He had two previous convictions for assault. He was immediately remorseful. The Court sentenced him to three years in custody.

R. v. Korgak, 2013 NUCA 9

[45] After an evening of drinking alcohol, the Aboriginal offender responded to the victim's challenge to fight him by getting on his ATV, driving at and striking the victim with force. He left his injured friend – who later died from head trauma – and went home to bed. The offender expressed remorse. He had experienced a difficult upbringing. The Court of Appeal upheld a three-year term of imprisonment that it described as being at the very low end of the range.

R. v. K.E.M., 2004 BCCA 663

[46] The 38-year-old Aboriginal offender kicked the deceased on a number of occasions in the head and face area. When the victim tried to crawl away, the offender continued to kick him. The offender had a lengthy criminal record including 13 convictions for assaultive behaviour. His upbringing included living in a number of foster homes. The Court of Appeal increased the sentence to six years' incarceration.

R. v. Larson, 2017 ABQB 79

[47] The 23-year-old offender and the victim engaged in a spontaneous altercation at a house party. During the altercation, the victim pushed the offender into the kitchen, where the offender found a knife and stabbed the victim once in the side of the chest. He pleaded guilty to manslaughter and expressed remorse. He came from a broken home and had little support. He had a criminal record, including convictions for offences of violence. The Court sentenced him to a term of incarceration of five years and five months.

R. v. McMahon, 1996 ABCA 116

[48] During an altercation, the 21-year-old offender struck the victim over the head once with a club which was designed to be used as a weapon. The victim had indicated that he did not wish to fight. The victim was struck from behind as he retreated. He died almost immediately. The victim did not pose any threat to the offender or his companions. It was an aggravating factor that the offender was on bail at the time of the crime. The Court of Appeal upheld an effective sentence of eight years in custody.

R. v. Padluq, 2016 NUCJ 22

[49] The offender killed the victim at a house party by stabbing him. The two individuals had an ongoing, difficult relationship. At the time of the offence both were under the influence of alcohol and drugs. They became involved in a physical altercation, after which the offender located a knife and returned to confront the deceased. The offender stabbed the victim in the heart. The offender had a serious

criminal record, including offences of violence. He had done well while on remand. He was sentenced to six years' imprisonment.

R. v. Peters, 2014 BCSC 1009

[50] The 50-year-old Aboriginal offender pleaded guilty to manslaughter in the death of his spouse. He stabbed her in the heart while both were extremely intoxicated. He had no recollection of the crime. He had attended residential school. He had two dated offences of violence on his record. He was sincerely remorseful for his actions. He was sentenced to a term of imprisonment of four years and five months.

R. v. Sayine, 2014 NWTSC 85

[51] After consuming alcohol with his spouse, the Aboriginal offender and his spouse had an altercation. He kicked her in the head after she had thrown an object at him. He assisted her after the fact, but she ultimately died due to her head injury. He had a criminal record that included assaultive behaviour. He had been brought up in a dysfunctional home. The offender was sentenced to five and one-half years of imprisonment.

Aggravating factors

[52] Mr. Joe has a history of violence, including a conviction for assault causing bodily harm in 2013.

[53] Mr. Joe was on probation at the time of this offence. The Court had ordered him to keep the peace and be of good behaviour and not to be outside of his residence if

under the influence of alcohol. He was in breach of both conditions when he committed this crime.

[54] Mr. Joe, who was 30 years of age at the time of the offence, agreed to fight with an 18-year-old. This difference in age is, in my view, aggravating.

Mitigating factors

[55] Mr. Joe entered a guilty plea to the manslaughter charge. Not only has he taken responsibility for the offence, he is also remorseful for his actions. He displayed this remorse when interviewed by the police soon after the offence.

[56] Family and friends of Mr. Joe support him in his stated desire to rehabilitate himself. He has sober friends and family who are willing to help him and to whom he can turn for assistance.

[57] He has taken steps while on remand to initiate programming and therapy in an effort to get to the root of his problems in order to become a productive member of society.

[58] As I must, of course, consider the particular circumstances of Aboriginal offenders, I take into account the *Gladue* factors that are present with respect to Mr. Joe and consider his personal circumstances in assessing his moral blameworthiness.

The appropriate sentence

[59] There is a broad range of sentence for manslaughter, from near accident to near murder. In the cases I have referenced, which have some similarity to the matter before me, the range is from two-and-one-half to eight years' incarceration.

[60] In the case of Mr. Joe, his use of a piece of lumber as a weapon was dangerous and violent. The level of dangerousness increased when he used the weapon to strike the victim's head. The actions of Mr. Joe clearly subjected Mr. Silas to a risk of serious bodily injury.

[61] It is true that Mr. Joe's use of the piece of lumber was opportunistic and impulsive. Nonetheless, the gravity of this offence is serious.

[62] In my view, the principles of denunciation and deterrence are to be given paramount consideration in this crime of violence. However, in the circumstances of this offence and offender, the principles of rehabilitation also play a part.

[63] After balancing all of these factors, I conclude that an appropriate sentence is four and one-half years' incarceration. Mr. Joe has served 687 days in custody. As is standard, I give him credit at a rate of 1.5:1 for his time in custody on remand, which amounts to 34 months (or two years and 10 months).

[64] Therefore, I sentence Mr. Joe to an additional period of imprisonment of 20 months.

[65] Additionally, I place Mr. Joe on probation for a period of three years following his release from custody.

[66] The terms of the probation order are that he:

1. Keep the peace and be of good behaviour;
2. Appear before the court when required to do so by the court;
3. Notify his Probation Officer, in advance, of any change of name or address, and, promptly, of any change in employment or occupation;
4. Have no contact directly or indirectly or communication in any way with Richard Baker, Audrey Baker, Valerie Silas, April Baker, Carmen Baker, Angell Johnny, Milly Johnson, Carol Duquette, Dawn Duquette, Candice Silas, Isiah Silas, Annesia Hager, Atticus Baker, Keisha Baker, Shaheen Baker, Gina Gill, Madison Silas-Gill, Mackenzie Silas-Gill, Charlene Baker;
5. Remain within the Yukon unless he obtains written permission from his Probation Officer or the court;
6. Report to a Probation Officer immediately upon release from custody and thereafter, when and in the manner directed by the Probation Officer;
7. Reside as approved by his Probation Officer and not change that residence without the prior written permission of his Probation Officer;
8. For the first 12 months of this order abide by a curfew by being inside his residence between 11:00 p.m. and 6:00 a.m. daily except with the prior

- written permission of his Probation Officer or except in the actual presence of a responsible adult approved in advance by his Probation Officer. He must answer the door or the telephone for curfew checks. Failure to do so during reasonable hours will be a presumptive breach of this condition;
9. Not possess or consume alcohol and/or controlled drugs or substances that have not been prescribed for him by a medical doctor;
 10. Not attend any premises whose primary purpose is the sale of alcohol including any liquor store, off sales, bar, pub, tavern, lounge or nightclub;
 11. Attend and actively participate in all assessment and counselling programs as directed by his Probation Officer, and complete them to the satisfaction of his Probation Officer, for the following issues: substance abuse, alcohol abuse, anger management, psychological issues, and any other issues identified by his Probation Officer, and provide consents to release information to his Probation Officer regarding his participation in any program he has been directed to do pursuant to this condition;
 12. Perform 100 hours of community service as directed by his Probation Officer or such other person as his Probation Officer may designate. This community service is to be completed at least 6 months prior to the end of this probation order. Any hours spent in programming may be applied to the community service at the discretion of his Probation Officer;

13. Participate in such educational or life skills programming as directed by his Probation Officer and provide your Probation Officer with consents to release information in relation to his participation in any programs he has been directed to do pursuant to this condition;
14. Make reasonable efforts to find and maintain suitable employment and provide his Probation Officer with all necessary details concerning his efforts;
15. Not possess any firearm, ammunition, explosive substance or any weapon as defined by the *Criminal Code* except with the prior written permission of his Probation Officer.

[67] I also make the following ancillary orders with respect to Mr. Joe:

1. An order, pursuant to s. 487.051 of the *Criminal Code* authorizing the taking of the number of samples of bodily substances that is reasonably required for DNA analysis and recording;
2. A 10-year firearms prohibition pursuant to s. 109 of the *Code*. Mr. Joe may apply for an exemption for sustenance hunting and trapping purposes;
3. Pursuant to s. 743.21 of the *Code*, I order that during his time in custody, Mr. Joe have no communication directly or indirectly with the individuals listed in clause (4) of the Probation Order, without a prior court order;
4. A victim surcharge of \$200, payable forthwith;

5. An order for the return of exhibits to their lawful owners at the expiration of the appeal period; otherwise, such exhibits shall be destroyed.

CHISHOLM C.J.T.C.