

3 of 25 DOCUMENTS

*Case Name:*

**R. v. Ipeelee**

**Manasie Ipeelee**

**v.**

**Her Majesty the Queen**

[2010] S.C.C.A. No. 129

[2010] C.S.C.R. no 129

File No.: 33650

Supreme Court of Canada

Record created: April 16, 2010.

Record updated: May 25, 2011.

**Appeal From:**

ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO

**Status:**

Motions for leave to intervene granted May 25, 2011.

**Catchwords:**

*Criminal law -- Sentencing -- **Aboriginal** Offenders -- Application of R. v. Gladue, [1999] 1 S.C.R. 688, and s. 718.2(e) of the Criminal Code -- Whether the sentencing judge erred in failing to give adequate consideration to the circumstances of the Applicant as an **aboriginal** offender -- Whether the offence is one of those offences for which the sentence will not differ as between **aboriginal** and non-**aboriginal** offender -- Whether the duration of the sentence is excessive -- Whether the sentencing principles were properly applied.*

**Case Summary:**

The Applicant was found in possession of alcohol and in a severely intoxicated state riding a bicycle the wrong way on a one-way portion of a major downtown street. The Applicant plead guilty to this offence of breaching the alcohol abstention condition of his long-term supervision order. The sentencing judge imposed the following sentence: 30 months imprisonment, in addition to six months pre-sentence custody. The Court of Appeal allowed leave to appeal the sentence and dismissed the appeal.

**Counsel:**

Fergus J. O'Connor, for the motion.

Megan K. Williams (A.G. of Ontario), contra.

---

**Chronology:**

1. Application for leave to appeal:

FILED: April 16, 2010. S.C.C. Bulletin, 2010, p. 579.  
SUBMITTED TO THE COURT: July 12, 2010. S.C.C. Bulletin,  
2010, p. 965.  
GRANTED WITHOUT COSTS: October 28, 2010 (without  
reasons). S.C.C. Bulletin, 2010, p. 1353.  
Before: Binnie, Fish and Rothstein JJ.

The motion for an extension of time to serve and file the application for leave to appeal and the application for leave to appeal are granted without costs.

2. Notice of appeal filed November 24, 2010. Appeal not yet inscribed for hearing. S.C.C. Bulletin, 2010, p. 1609.
3. Motions for leave to intervene

BY: Director of Public Prosecutions;  
**Aboriginal** Legal Services of Toronto Inc.

Granted May 25, 2011. Before: Fish J. S.C.C. Bulletin, 2011, p. 878.

UPON APPLICATIONS by the Director of Public Prosecutions and the **Aboriginal** Legal Services of Toronto Inc. for leave to intervene in the above appeal;

AND THE MATERIAL FILED having been read;

IT IS HEREBY ORDERED THAT:

The motions for leave to intervene of the Director of Public Prosecutions and the **Aboriginal** Legal Services of Toronto Inc. are granted and the said interveners shall be entitled to serve and file a factum not to exceed 10 pages in length.

The request to present oral argument is deferred to a date following receipt and consideration of the written arguments of the parties and the interveners.

The interveners shall not be entitled to raise new issues or to adduce further evidence or otherwise to supplement the record of the parties.

Pursuant to Rule 59(1)(a) of the Rules of the Supreme Court of Canada, the interveners shall pay to the appellant and respondent any additional disbursements occasioned to the appellant and respondent by their intervention.

**Procedural History:**

Judgment at first instance: Sentence imposed: 30 months imprisonment, in addition to six months pre-sentence custody.

Ontario Court of Justice, Megginson J., February 24, 2009.

Judgment on appeal: Leave to appeal sentence granted; appeal dismissed.

Court of Appeal for Ontario, Laskin, Sharpe, Cronk JJ.A., December 15, 2009.

2009 ONCA 892; [2009] O.J. No. 5402.

e/qlhbb