

IN THE SUPREME COURT  
OF THE NORTHWEST TERRITORIES

HER MAJESTY THE QUEEN

- and -



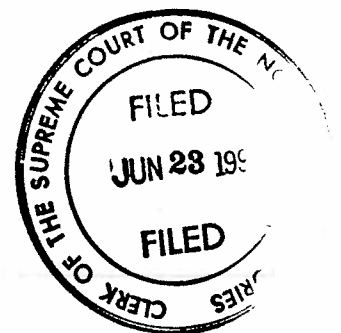
SIMEONI NATSECK

Reasons for Sentence given by The Honourable Mr.  
Justice J.E. Richard, at Repulse Bay, Northwest  
Territories, on the 4th day of May A.D. 1994

APPEARANCES:

A.R. Regel, Esq.,	Appeared for the Crown
D. Blais, Esq.,	Appeared for the Defence
Cheryl Mendryk, Ms.,	Court Reporter

(Charged under Section 268 and 271  
of the Criminal Code)



1 THE COURT: I'm going to have the Court  
2 interpreter translate consecutively into Inuktitut  
3 for the benefit of the members of the community  
4 that are present.

5 Simeoni Natseck is before the Court this  
6 morning to be sentenced by the Court for a serious  
7 crime that he committed against a member of this  
8 community.

9 Last night a jury of 12 citizens of this  
10 community found Simeoni Natseck guilty of the  
11 aggravated assault and the sexual assault of a  
12 24-year old woman, a woman who was a friend of  
13 Simeoni Natseck and his wife, Abbie Natseck.

14 The victim told the jury that one evening in  
15 December 1992 she was at the Natseck residence and  
16 was drinking there with Simeoni Natseck and his  
17 wife. She said that Mr. Natseck got angry with  
18 her when she resisted his advances and that he  
19 punched her on the face several times.

20 At one point he was also choking her. He  
21 then ordered her to go to his bedroom, and once  
22 there, he told her to remove her clothes. When  
23 she resisted removing her clothes, he hit her  
24 again, and she then complied with his wishes. She  
25 said Simeoni Natseck then had sex with her without  
26 her consent.

27 She also said that when Mr. Natseck's wife,

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1 Abbie, came into the bedroom, that Mr. Natseck  
2 ordered his wife to undress and join him in bed.  
3 Mrs. Natseck did so, and the victim says that she  
4 was then forced to stay in the bed while Mr.  
5 Natseck had sex alternately with her and with his  
6 wife.

7 By their verdict, a jury obviously believed  
8 the victim's testimony, and in my view, the jury  
9 was correct to do so. She gave very credible  
10 testimony, and there was no reason for the jury  
11 not to believe her.

12 Mr. Natseck did not testify at his trial.  
13 His wife testified and told the jury that she was  
14 too intoxicated to remember what happened.

15 The victim received medical treatment from  
16 the nurse at the nursing station. Stitches were  
17 required to close the wounds on her forehead, her  
18 nose, and her lip. Also, she was required to  
19 travel to Churchill and undergo plastic surgery on  
20 her nose. The victim still has nightmares from  
21 time to time about this incident, and she  
22 continues to live in fear of the offender.

23 Both sexual assault and aggravated assault  
24 are considered to be very serious criminal  
25 offences, and the law provides that the maximum  
26 sentence to be imposed for these crimes are 10  
27 years and 14 years in a federal penitentiary in

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1 southern Canada.

2 The offender here, Simeoni Natseck, is 39  
3 years of age now and is married with five  
4 children. He has a formal Grade 7 education, but  
5 he has received much other training through  
6 courses and seminars. He has a great number of  
7 accomplishments in his life in different fields,  
8 and I am told that he was, in fact, mayor of this  
9 community at one point in the past.

10 He is a skilled guide and a trainer of  
11 guides. He has used a firearm most of his life to  
12 provide sustenance for his family and to follow  
13 the traditional pursuits of the Inuit on the  
14 land. For these reasons, and for those mentioned  
15 in Section 100 of the Criminal Code, I am  
16 satisfied by the offender here that this is not a  
17 case where I should make any firearms prohibition  
18 order.

19 Mr. Natseck has a prior criminal record as  
20 follows: in November 1989 he was convicted of  
21 assault causing bodily harm and was fined \$800.  
22 In July 1992, here in Repulse Bay, he was  
23 convicted of assault and fined \$1,000. I am told  
24 that both victims of those prior assaults were  
25 women and that both crimes were committed at a  
26 time when Mr. Natseck had been consuming alcohol.

27 I do not enjoy sending people to jail,

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1 especially a capable, healthy man such as Simeoni  
2 Natseck, who has the intelligence and the ability  
3 to continue to be a contributing member of this  
4 community as he has been in the past. But in my  
5 view, a substantial penitentiary term is required  
6 in this case because of this terrible terrible  
7 thing that he did to this young woman.

8 He displayed a contemptuous disregard for her  
9 personal feelings. He showed a singular lack of  
10 respect for her as another human being. He  
11 treated her like a cruel, cruel person might treat  
12 an animal.

13 The Court does not send people like Simeoni  
14 Natseck to jail merely for the sake of punishing  
15 them. The purpose of the Court's sentence is to  
16 protect the public, to protect the members of the  
17 community, to protect other young women. The  
18 Court's sentence must send a message, a strong  
19 message, and not just to Simeoni Natseck, but also  
20 to other men in the community, a message that they  
21 cannot conduct themselves in this way towards a  
22 woman or else they too will be taken out of the  
23 community, away from their families and friends,  
24 to a prison or institution many hundreds or  
25 thousands of miles away from Repulse Bay for a  
26 substantial period of their life.

27 The Court's sentence must also show that our

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1 society generally, and this community of Repulse  
2 Bay in particular, denounces or condemns this kind  
3 of criminal behavior or violent behavior as  
4 unacceptable to the people here, and that this  
5 kind of behavior or conduct is not wanted here in  
6 Repulse Bay.

7           Until this morning during his sentencing  
8 hearing, Mr. Natseck did not appear to have shown  
9 any remorse or concern for the serious crime that  
10 he's committed. Mr. Natseck is an articulate  
11 person in both languages, and he explained that he  
12 has not said anything to anyone in the community  
13 up until now because of legal advice that he  
14 received that he should not talk to anyone about  
15 this while the charges were pending. As he points  
16 out, this silence is contrary to the traditional  
17 Inuit way, which is to talk openly about a problem  
18 until there is a resolution of the problem by the  
19 community.

20           It appears to me that this observation of Mr.  
21 Natseck points out again the need for there to be  
22 some coordination and cooperation by everyone in  
23 reforming the criminal law process to take into  
24 account the traditional ways and values of the  
25 Inuit, as well as modern Canadian values. The key  
26 to this, in my view, is the early involvement of  
27 the community whenever someone in the community

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1 commits a crime in the community, especially a  
2 serious crime, such as happened here. If the  
3 community gets involved at an early stage, perhaps  
4 we would then not be dealing with a case like this  
5 one some 16 or 17 months after the fact.

6 In any event, I do note that Mr. Natseck this  
7 morning has told the community that he accepts the  
8 decision of the jury and that he holds no grudge  
9 against the members of the jury or against the  
10 victim in this case. And Mr. Natseck has urged  
11 the community not to hold any grudge against the  
12 victim for having come forward.

13 In the final analysis, however, I must carry  
14 out my responsibility and impose an appropriate  
15 sentence which must be a lengthy period of  
16 incarceration for the reasons that I've  
17 mentioned.

18 Please stand now, Mr. Natseck. Mr. Natseck,  
19 for the crimes that you have committed on Count  
20 number 1, for the aggravated assault of Irene  
21 Katorka, it is the sentence of this Court that you  
22 be imprisoned for a period of two years.

23 And on Count number 2, the sexual assault of  
24 Irene Katorka, it is the sentence of this Court  
25 that you be imprisoned for a period of five years,  
26 concurrent to the sentence on Count number 1.

27 Because you will be incarcerated for the

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1 foreseeable future, I decline to impose any victim  
2 fine surcharge. I will have the Clerk endorse the  
3 warrant of committal that takes you to jail with  
4 this Court's recommendation that you be permitted  
5 to serve your sentence at a facility within the  
6 Northwest Territories. Please sit down, now,  
7 sir.

8 Counsel, is there anything else required with  
9 Mr. Natseck's case?

10 MR. REGEL: Not that I'm aware of, My  
11 Lord.

12 MR. BLAIS: No, My Lord.

13 THE COURT: Then we will close Court.

14 (SENTENCING CONCLUDED)  
15 -----

16 I, Cheryl Mendryk, C.S.R.(A), hereby certify  
17 that I attended the above Proceedings and took  
18 faithful and accurate shorthand notes and the  
19 foregoing is a true and accurate transcript of my  
20 shorthand notes to the best of my skill and  
21 ability.

22 Dated at the City of Calgary, Province of  
23 Alberta, this 7th day of June, A.D. 1994.

24  
25  
26 Cheryl Mendryk  
27 Cheryl Mendryk, Ms.  
Court Reporter.

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