

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

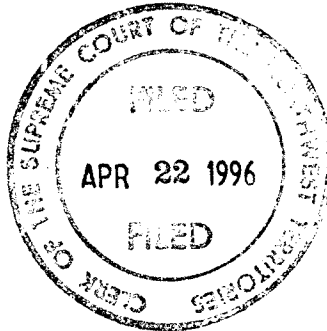
ISADORE WASHIE

Transcript of the Oral Reasons for Sentence by The Honourable
Mr. Justice J.E. Richard, at Rae in the Northwest Territories,
on Friday, April 12th, A.D. 1996.

APPEARANCES:

Mr. S. Couper:

Mr. S. Duke:



Counsel for the Crown

Counsel for the Accused

CHARGE UNDER s. 146(1) and s. 144 CRIMINAL CODE OF CANADA

1 THE COURT: The offender before the Court,
2 Isadore Washie, has committed a very serious crime. He
3 has been found guilty by members of the community of
4 extensive sexual abuse of his young niece many years
5 ago. It is now my grave responsibility to impose an
6 appropriate sentence upon Mr. Washie.

7 In 1975, the victim's father died, leaving behind
8 a large family for her mother to care for. As a
9 result, the victim, then a 12-year-old girl, was sent
10 to live with her maternal aunt, Melanie Washie, and her
11 husband Isadore Washie.

12 The offender and his wife did not have any
13 children of their own but they later adopted a
14 two-year-old boy.

15 The victim says that a few months after she
16 started living in her aunt's house, the offender
17 started touching her in a sexual way when her aunt was
18 absent from the house. Eventually, he started having
19 sexual intercourse with her against her will.

20 She told the jury that he started having sex with
21 her when she was only 13 and that he did so once or
22 twice a week for over a year.

23 The victim said that the sexual assaults always
24 occurred when her aunt was away from the house in the
25 evening. The victim said that she would say "no" and
26 tell him not to do it, but he would just do it anyway.

27 She threatened to report him, and he told her that

1 no one would believe her. She said that he was very
2 possessive of her. He would not let her go out with
3 her friends.

4 The sexual assaults continued until the summer of
5 1977 when the victim learned that she was pregnant. A
6 son was born to her in October of '77 when she was 15
7 years old. This offender, Isadore Washie, is the
8 father of that child.

9 The victim is now 33 years old.

10 For years, she has tried to put the matter behind
11 her and to forget about it. But in 1994, she finally
12 went to the police after receiving some professional
13 counseling to deal with her emotional and psychological
14 health.

15 Mr. Washie's crime is a very serious one, and the
16 sentence that is imposed must reflect the gravity of
17 what he has done.

18 He is now a man of 56 years of age. He has spent
19 most of his life in the traditional way of the Dogrib
20 people. He was born on the land and he has lived a
21 great deal of his life on the land and he has lived off
22 of the land, hunting and trapping, and still does so in
23 recent years at Snare Lake. He has also spent some
24 time in the wage economy working for Forestry and the
25 mining industry.

26 Mr. Washie does not appear in court today as a man
27 with a crime-free history. He has a half dozen

1 convictions for minor assaults and an another half
2 dozen convictions for property offences. His record,
3 Exhibit S-1, shows that he has been to jail in the past
4 but not in recent years.

5 He has been separated from his wife these past few
6 years and has been living alone in a house in Snare
7 Lake.

8 The Court has always stated that a crime involving
9 the sexual abuse of young women, or children, will
10 result in a harsh, meaningful sentence in order to
11 deter or discourage other men from conducting
12 themselves in this kind of way in the community.

13 A lengthy term of imprisonment is required in a
14 case like this in order for the Court, on behalf of the
15 community, to denounce, or condemn, this kind of
16 appalling behaviour towards a young girl as being
17 totally unacceptable to members of the community and to
18 society generally.

19 It is a particularly aggravating factor in this
20 case that Isadore Washie took advantage of his position
21 as an adult in that household. He was an adult person
22 that his 13-year-old niece should have been able to
23 trust. And yet he took advantage of that trusted
24 position to have his way with a very vulnerable and
25 defenseless young girl for his very selfish purposes.

26 It is an additional aggravating circumstance that
27 he raped her not once or twice, but regularly over a

1 period of a year or more.

2 It is, in my view, a further aggravating
3 circumstance that he expresses no remorse whatsoever
4 for what he has done, for the psychological damage that
5 he has caused his niece.

6 Indeed, during his testimony at trial, he spoke of
7 her in very disparaging terms. It is a sad reflection
8 on his humanity that he can not accept responsibility
9 for what he, and he alone, has done. He presents
10 himself as a very selfish person.

11 I do not see any mitigating aspects or
12 circumstances in Mr. Washie's situation today. In the
13 end result, a harsh punishment must be meted out to
14 reflect the gravity of what he has done. Justice
15 requires that.

16 Would you please stand now, Mr. Washie.

17 Mr. Washie, for the crimes that you have
18 committed; on Count 1, sexual intercourse with an
19 underage girl contrary to the former Section 146(1)
20 of the Criminal Code, it is the sentence of this Court
21 that you be imprisoned for a period of six years. And
22 on Count 2, for the crime of rape contrary to the
23 former Section 144 Criminal Code, the sentence of the
24 Court is that you be imprisoned for a period of six
25 years concurrent to the sentence on Count 1.

26 In your personal circumstances, I am declining to
27 impose the Section 100 prohibition order. And there

1 will be no Victim Fine surcharge. And I recommend to
2 the prison authorities that you be allowed to serve
3 your time at a correctional facility in the Northwest
4 Territories.

5 You may sit down now, sir.

6 Anything further in this case, counsel?

7 MR. COUPER: No, My Lord.

8 MR. DUKE: Nothing, My Lord.

9 THE COURT: Fine, then we will adjourn court
10 until 10 a.m.

11 (ADJOURNMENT)

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14
15 Certified Pursuant to Practice Direction
16 #20 dated December 28, 1987

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19 Lois Hewitt,
20 Court Reporter
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