

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

CANADA

In the matter between:

HER MAJESTY THE QUEEN

Complainant

SAMUEL SIDNEY KAONAK
alias SAMUEL SIDNEY
SELAMIO

Defendant

REASONS FOR JUDGMENT OF
The Honourable Mr. Justice
W.G. Morrow, given at
Aklavik, N.W.T. on the
16th day of May AD 1974

Orval J.T. Troy Esq. Q.C.

for the Complainant

John Bailey Esq.

for the Defendant

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

C A N A D A
NORTHWEST TERRITORIES

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HER MAJESTY THE QUEEN,
-against-
SAMUEL SIDNEY KAONAK
alias SAMUEL SIDNEY SELAMIO

I N D I C T M E N T

SAMUEL SIDNEY KAONAK alias SAMUEL SIDNEY SELAMIO stands charged that he on or about the 9th day of February, A.D. 1974, at or near the Hamlet of Aklavik, Northwest Territories, did have sexual intercourse with MAGGIE AREY, a female person who was not his wife, without her consent, contrary to Section 144 of the Criminal Code.

DATED this 11th day of April, A.D. 1974 at the City of Yellowknife in the Northwest Territories.

Orval J.T. Troy

ORVAL J.T. TROY, Q.C.
Crown Attorney and Agent
of the Attorney General of
Canada and the Northwest
Territories.

Under the provisions of Section 507 of the Criminal Code, Upon application of the Crown Attorney, I hereby consent to the filing and preferment of this Indictment.

DATED at Yellowknife, Northwest Territories this 11th day of April, A.D. 1974.

[Signature]
Judge of the Supreme Court

CONSENTED TO:

[Signature]
John Bayly, Defense Counsel

(Mr. Troy and Mr. Bayley having addressed the court, Mr. Justice Morrow gave judgment as follows)

The Court:

Stand up Mr. Selamio.

Mr. Selamio, you are at your age, and with the record that has been pointed out to me, just about got to the end of any chance of the court trying to help you. I hope you realize that. The probation report, and my own observation would confirm it, says that you have intelligence, you know how to work, you have recently demonstrated you can work and do business, but you have been unable to stay away from alcohol, and unfortunately that is the big problem in the Northwest Territories. It is a problem all over Canada, and particularly in the Northwest Territories.

The Government of Canada, for this offence have indicated that up to two years jail term is the appropriate punishment, dependent on the circumstances, so you have some idea of what the punishment may be. Now you, at approximately thirty years of age, are almost double the age of this young girl, and she did to some extent

contribute to things perhaps, because she didn't run away, and didn't fight back and try to get away, but the whole idea of the law is to protect young female employees in the very circumstances that you have found here, and it is really no excuse for you to come before the court and say you were drunk, because you didn't have to get drunk, and you certainly didn't have to feed her liquor.

Now I take into consideration the fact that you have already served one month, and I am taking into consideration the fact that you have demonstrated within the last twelve months the possibility of doing business, or having a job and holding it, but I am beginning to wonder if there is that hope for you, so taking all those things into consideration, I am sentencing you to eight months in the Yellowknife Correctional Centre, with these recommendations:

- (1) that you receive psychiatric treatment if it is found appropriate.
- (2) that if arrangements can be made you be sent to the Henwood Institution for alcoholic rehabilitation and treatment, and that the people there

keep the local probation authorities,
 or Social Development authorities
 at Inuvik apprised or informed as to
 what treatment has been carried out,
 so that the local people can follow
 it up when the discharge from the
 Institution takes effect, and

- (3) I also recommend that if possible
 arrangements be made by the
 authorities at Inuvik when you are dis-
 charged, to be given work, on coming out,
 in a community other than Aklavik.

Now let's see if you can't rehabilitate your-
 self now, Mr. Selamio, because this is just
 about your last chance, I am afraid. Other-
 wise you are going to be hopeless.

Is there anything I have missed, gentlemen?

Mr. Troy: No, My Lord, but would it be possible to
 have a transcript of your remarks.

The Court: Yes, when we get back I will ask the
 court reporter to prepare a copy of that.

W.G. Morrow
 J.S.C.