





1 THE COURT: In this matter, Henry Paul  
2 Catholique has been convicted of one count of sexual  
3 assault involving two separate assaults: one on an  
4 adult and one on a child.

5 Briefly, the facts are that he had met up with the  
6 adult complainant and they and others were drinking  
7 together. Before going home, the adult complainant  
8 told the accused Mr. Catholique and others that they  
9 could stay at her home. She went home to bed and later  
10 woke up to find Mr. Catholique having sexual  
11 intercourse with her. She pushed him off, and he told  
12 her not to say anything. Very shortly after that, she  
13 found him in bed with her three year-old daughter, in  
14 the daughter's bed, under the covers; and upon  
15 checking, she found that the child's panties had been  
16 pulled down and Mr. Catholique's pants were also down.

17 The child was asleep and no penetration is alleged  
18 with respect to the child.

19 The mother went to telephone the R.C.M.P. and  
20 Mr. Catholique took the telephone away from her. But,  
21 subsequently, she was able to make the call.

22 We therefore have in this case what is known as a  
23 "major sexual assault" with respect to the adult  
24 complainant; and we also have a sexual assault on the  
25 child that I will call serious, particularly because it  
26 was on a very young child.

27 Mr. Catholique is 22 years old. He was born and

1 raised in Lutselk'e. He was raised by his grandparents  
2 who adopted him at a young age. He engages in  
3 traditional pursuits such as hunting and fishing; and I  
4 understand supports, by those methods as well as with  
5 money he makes, his grandparents and his great-grandmother.  
6 He has also had employment with the Band in Lutselk'e  
7 as a driver, and most recently was enrolled in a mining  
8 course sponsored by BHP with a view to obtaining  
9 employment in a diamond mine.

10 He is presently involved in a relationship and has  
11 a young child.

12 With respect to the sexual assault on the adult  
13 complainant, Violet Nataway, the starting point for  
14 sentencing for that offence is three years as reflected  
15 in previous decisions of this Court. The three-year  
16 starting point reflects the principles of deterrence  
17 and denunciation, and that sentence is then to be  
18 adjusted for the mitigating and aggravating factors.

19 I take into account in mitigation that  
20 Mr. Catholique has pleaded guilty. Although it comes  
21 at the last minute, I understand that the Crown was  
22 able to make arrangements that some witnesses not have  
23 to attend. And the guilty plea of course also saves  
24 the victim, or victims, from having to testify and  
25 indicates Mr. Catholique is taking responsibility for  
26 what he has done. I have noticed as well his demeanour  
27 here in court, and I accept from that and from his

1 guilty plea that he is remorseful.

2 Mr. Catholique's record is fairly brief, although  
3 it does include one assault in 1993. However, it is  
4 not in my view a weighty factor.

5 It is difficult, in my view, to view the fact that  
6 the child did not wake up during the assault as a  
7 mitigating factor. The fact that the child was asleep  
8 is simply indicative of the disregard that  
9 Mr. Catholique showed to her, and an assault on a  
10 sleeping and vulnerable victim is always serious in any  
11 circumstances.

12 In this case the aggravating factors are that  
13 Mr. Catholique took advantage of Ms. Nataway offering  
14 him a place to stay, he took advantage of a sleeping  
15 woman and a sleeping child; and that was in their own  
16 home where they were entitled to expect to be safe and  
17 secure. It's aggravating, of course, that there are  
18 two instances here of sexual assault.

19 Because of Mr. Catholique's actions, the mother,  
20 Ms. Nataway, is more concerned about her child.

21 Mr. Catholique, you have a child of your own and  
22 you should be aware that a child is to be protected and  
23 not used for your own selfish pleasure, just as a woman  
24 is not to be used.

25 Taking into account all of the circumstances, the  
26 aggravating and the mitigating factors, in my view the  
27 appropriate sentence in this case is one of three years

1 imprisonment.

2 I will not make the order under Section 100 based  
3 on the submissions that have been made to me about  
4 Mr. Catholique's lifestyle. I will direct the Clerk of  
5 the Court to endorse the warrant of committal with the  
6 Court's recommendation that Mr. Catholique be given the  
7 opportunity for counseling for alcohol problems while  
8 he is serving his term of imprisonment, and I also  
9 direct that the warrant be endorsed with the Court's  
10 recommendation that Mr. Catholique be given the  
11 opportunity to serve his term of imprisonment in a  
12 correctional institution inside the Northwest  
13 Territories.

14 Are there any other matters then that should be  
15 dealt with?

16 MR. REGEL: I take it the victim fine  
17 surcharge will be waived, My Lady.

18 THE COURT: That is right. Anything else?

19 MS. KAY: Nothing, My Lady.

20 THE COURT: Thank you.

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23 Certified Pursuant to Practice Direction #20  
24 dated December 28, 1987.

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26   
Jane Romanowich  
Court Reporter

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