

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

TAKUTIE AKPIK

Transcript of the Reasons for Sentence of
Justice J.E. Richard, sitting
at IQALUIT, NORTHWEST TERRITORIES
on June 7, 1995

CHARGE: 272(c) CCC

COUNSEL:

S. COUPER, Esq.

Counsel for the Crown

S. COOPER, Ms.,

Counsel for the defence

THE COURT: Takutie Akpik is before the Court this morning to be sentenced for a serious crime of violence committed by him here in Iqaluit last November.

5 Mr. Akpik is 24 years of age with no dependents. He has a grade 11 equivalent education and has always lived here in Iqaluit. Throughout his childhood, I'm told that he lived in a dysfunctional home environment that was characterized by alcohol
10 abuse and domestic violence.

He has an extensive criminal record both as a young offender and as an adult. Although he has in excess of 20 prior convictions as an adult, those were mainly property offences. And with one minor
15 exception, none of those prior Criminal Code convictions involved any violence against another person. He has been sentenced to a period of incarceration on four separate occasions as an adult. I have no information about any employment he may have
20 had, but I am told that he's had an extensive involvement with the cadets and he also spent six months with the regular armed forces in southern Canada.

25 On November 19th of last year he committed a terrible crime of violence against a young woman, an acquaintance of his, when he raped her in her home at Apex after she had allowed him to spend the night

there when he had told her that he had nowhere else to stay. In the course of forcing himself on her, he punched her with his fists, causing extensive bruising to her face and a cut to her lip which required stitches. By all accounts, this terrible violent crime was out of character for this young man.

By his own words in a letter written to the Court, he does not understand what caused him to behave as he did. He specifically does not use alcohol as an excuse and he indicates that he wishes to receive further counselling and professional help to assist him to understand why he did this. In this letter which he wrote to the Court, he expresses remorse and apologizes to his victim. Mr. Akpik's words in this letter are an encouraging sign that he wants to start working towards rehabilitating himself. Mr. Akpik's plea of guilty to this crime is an acknowledgment that he indeed accepts responsibility for his conduct even though he has difficulty understanding why he behaved as he did.

He has been in custody since the date of this offence, a period of six and a half months, and he is entitled to have that taken into consideration in determination of the sentence to be imposed upon him. Because of the serious nature of this crime, a substantial penitentiary term is required, in the range of four years. This is required to achieve the

purpose of the sentencing process, which is the protection of the public, and to give effect to the important principles of deterrence and denunciation. In addition, in my respectful view, a substantial
5 period of incarceration is necessary in order to give Mr. Akpik the time and resources to rehabilitate himself, consistent with Mr. Akpik's own thoughts contained in his letter to the Court. Of that
10 four-year sentence, Mr. Akpik shall be given credit of one year for the time that he has already spent in custody on remand without statutory or other remission.

I wish to address the matter of the statutory requirement for a firearms prohibition order pursuant to Section 100 of the Criminal Code. Upon
15 considering the submissions of Mr. Akpik's counsel on his behalf, I am satisfied that it is not desirable in the interests of the safety of Mr. Akpik or others that the Section 100 order be made, nor is it
20 appropriate in the circumstances to make the order.

In making this decision, I take into consideration the factors listed in subsection 1.2 of Section 100. In particular, I note that no firearm
25 was involved in the commission of the offence, nor for that matter in any of the many criminal offences committed by Mr. Akpik in the past. I acknowledge that Mr. Akpik is not a sustenance hunter, nor has it

5 been shown that a Section 100 order would constitute a
virtual prohibition against Mr. Akpik obtaining
employment in the future. However, I find merit in
the submissions of Mr. Akpik's counsel to the effect
that hunting on the land is a significant and vital
10 aspect of the Inuit culture and way of life and that
the Court should not foreclose Mr. Akpik from turning
to or returning to this important characteristic of
the Inuit upon his release from his term of
imprisonment. That may be the very thing that this
young man will need in two or three years' time to
assist him to return to the traditional non-violent
life of the Inuit that he has lacked in recent years.

15 Now, please stand now, Mr. Akpik. Takutie
Akpik, it is the sentence of this Court for the crime
that you have committed, that is the sexual assault of
Martha Ningeogat, causing bodily harm to her, contrary
to Section 272(c) of the Criminal Code, that you serve
a term of imprisonment of three years. And I will
20 make the recommendation to the correctional
authorities that you be permitted to serve your
sentence at the Baffin Correctional Center. In the
circumstances there will be no victim fine surcharge.

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



Laurie Belsito, CSR