

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

T N

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

CHARGE: 271 CCC

COUNSEL:

S. COUPER, Esq.

Counsel for the Crown

S. COOPER, Ms.,

Counsel for the defence

THE COURT: This 19 year old young man
T N must be sentenced by the Court for
the rape of his aunt at the family home here in
Iqaluit in December of 1993.

5 At the time of his crime, this offender was
only a few months past his 18th birthday, and his
crime is, like many others that come before the Court,
difficult to understand. He has no previous record of
criminal activity. He does have a documented history
10 of severe depression since he was a young child. He
comes from a family environment where he witnessed
domestic violence firsthand, in particular the abusive
behaviour by his alcoholic father towards his mother.

15 On the date in question, Mr. N was
living in the same residence as his 32 year old aunt.
When he suggested that they have sex, she said no and
told him not to bother her. Mr. N then talked
of committing suicide. He then got a butcher knife
from the kitchen and pointed it towards himself and he
20 also repeated his demands for sex.

The Crown suggests that the knife was taken
up by the offender for the purpose of facilitating the
sexual assault, whereas the accused insists that he
initially took up the knife with the intention of
25 using it against himself. In either event, the
presence of the knife had to have the effect of
terrifying the victim. After the forced sexual

intercourse, the offender went to the bathroom and the victim took this opportunity to escape from the residence, and she fled naked to her sister's house one block away. I am told that Mr. N 's victim
5 still suffers emotional trauma to this day, some 18 months after the incident.

This was a major sexual assault committed by a very young man with no previous criminal record. The case law is clear that a meaningful term of
10 incarceration is required because of the principles of deterrence and denunciation, and generally for the protection of the members of the community. With the emotional or mental problems being experienced by this
15 young man, in my view a lengthy stay in a federal institution is necessary in order to give the authorities the time and resources to attempt to rehabilitate him.

I am tempted to sentence this young man to something less than three years simply because of his
20 young age, but taking into consideration all of the circumstances, the seriousness of this crime, the effect on the victim, and the need to protect the members of the community from those who commit major sexual assaults for whatever reason, I am unable in
25 conscience to do that.

While it is true that Mr. N offered to the Crown a plea of sexual assault simpliciter at

5 the time of his arraignment before the jury panel
yesterday, and thereby at that time accepting
responsibility for his actions, I am also mindful of
the fact that he did not remain in this jurisdiction
to face this charge in 1994 and had to be arrested in
the province of Quebec and brought back to the
Northwest Territories. As I understand it, that is
the main reason for the 18 month delay in having this
matter brought to trial, or rather to this conclusion
10 today.

Please stand now, Mr. N. . For the
crime that you have committed, the sexual assault of
U N , contrary to Section 271 of the
Criminal Code, it is the sentence of this Court that
15 you be imprisoned for a period of three years. In
addition, as I am required by law to do so, I hereby
order pursuant to Section 100 of the Criminal Code of
Canada, that you are prohibited from having in your
possession any firearm or ammunition or explosive
20 substance for a period of time commencing on today's
date and expiring ten years after your release from
your term of imprisonment, and any such item in your
possession at this time shall be surrendered to a
police officer or otherwise disposed of within one
25 month of today's date. In the circumstances, there
will be no victim fine surcharge. You may sit down.
now.

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



Laurie Belsito, CSR