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IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

BILLY TEDJUK

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Transcript of the Oral Reasons for Sentence of The Honourable Mr. Justice J. E. Richard, at Yellowknife in the Northwest Territories, on Friday, the 3rd day of February A.D., 1995.

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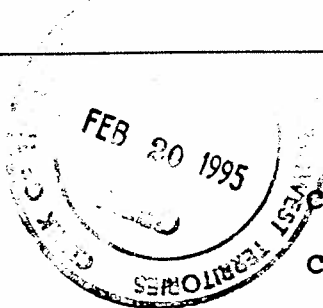
APPEARANCES:

MS. B. SCHMALTZ:

Counsel for the Crown

MR. J. TARLTON:

Counsel for the Accused



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(CHARGE UNDER s. 271 CRIMINAL CODE OF CANADA)

AN ORDER HAS BEEN MADE IN THIS CASE PROHIBITING PUBLICATION OF ANY INFORMATION THAT COULD DISCLOSE THE IDENTITY OF THE COMPLAINANT PURSUANT TO s. 486(3) OF THE CRIMINAL CODE

1 THE COURT: Billy Tedjuk is a serving prisoner who  
2 has been convicted of a serious offence which was  
3 committed prior to his present incarceration.

4 In December 1988, he was convicted of sexual  
5 assault causing bodily harm and was sentenced to five  
6 years' imprisonment. The offence for which he was  
7 sentenced to five years' imprisonment occurred in  
8 October 1988.

9 In October 1989, he was convicted of another  
10 offence of sexual assault and sentenced to three  
11 years' imprisonment consecutive to the five-year  
12 sentence. And the offence for which he was sentenced  
13 to three years' imprisonment occurred in August 1988.

14 Last month, in his home community of Cambridge  
15 Bay, Mr. Tedjuk was convicted of the sexual assault of  
16 a 9-year-old girl which occurred in 1987 or 1988 in  
17 Cambridge Bay, at a time when Billy Tedjuk was 21  
18 years old.

19 The evidence indicated that he took the young  
20 girl, an acquaintance, for a ride on his  
21 three-wheeler. He drove outside of town to a cabin  
22 and once there, Mr. Tedjuk had forcible intercourse  
23 with this young girl. Shortly thereafter, the victim  
24 told two young friends what had happened to her but  
25 she did not report the matter to the authorities until  
26 1993 when she was in a Group Home. By then, of  
27 course, the offender Billy Tedjuk was incarcerated in

1 a penitentiary down south.

2 The starting-point for a sentence for this offence  
3 is four years.

4 There are aggravating factors here such as the  
5 young age of the victim, the extent of the physical  
6 violence used, and the psychological harm that has  
7 been inflicted upon the victim; harm that is still  
8 being experienced by her and harm that will  
9 undoubtedly be with her for the rest of her life.

10 There are no mitigating circumstances in my view.

11 An important issue, however, is how the Court  
12 should treat the sentence to be imposed in conjunction  
13 with the other two sentences imposed in December '88  
14 and October '89.

15 The sentence to be imposed clearly must be  
16 consecutive to the sentences that he is now serving.

17 In my view, I am compelled to take into account  
18 the global effect of these three sentences even though  
19 they have been imposed on three separate dates. In my  
20 view, that is necessary because all three offences  
21 occurred before he had been convicted on any one of  
22 them.

23 In my view, the Court should sentence Mr. Tedjuk  
24 for this serious crime in a manner that the Court  
25 might have done in 1988 or 1989 had all three  
26 convictions been before the Court at the same time for  
27 disposition.

1           In that hypothetical situation, the Court would  
2 have had specific regard, and properly so, to the  
3 totality of the three sentences. And in my view, I  
4 must give specific regard to that principle on this  
5 occasion, and I do so in imposing the sentence that I  
6 am about to impose.

7           Please stand now, Mr. Tedjuk.

8           Mr. Tedjuk, for the crime that you have committed,  
9 the sexual assault of P.           A           , contrary to  
10 Section 271 of the Criminal Code, it is the sentence  
11 of this Court that you be imprisoned for a period of  
12 four years consecutive to the sentences that you are  
13 now serving.

14           And as I am compelled by law to do so, I hereby  
15 order pursuant to Section 100 of the Criminal Code  
16 that you are prohibited from having in your possession  
17 any firearm, ammunition, or explosive substance for a  
18 period commencing on today's date and expiring on a  
19 date ten years after your release from prison. Any  
20 such item in your possession at this time shall be  
21 surrendered to a police officer or otherwise disposed  
22 of within one month of today's date. There will be no  
23 Victim Fine surcharge.

24           You may sit down now, Mr. Tedjuk.

25           Is there anything further on the Tedjuk matter?

26       MS. SCHMALTZ:           No, My Lord.

27       MR. TARLTON:            No, My Lord.

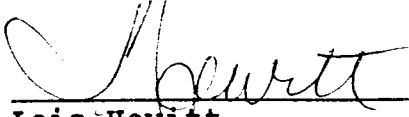
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THE COURT:

Fine, we will close Court then.

(ADJOURNMENT)

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



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Lois Hewitt,  
Court Reporter