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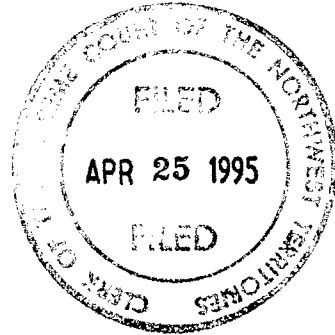
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

LUCASSIE EQILAQ



Transcript of the Oral Reasons for Sentence of The Honourable Mr. Justice M. M. de Weerd, at Sanikiluaq in the Northwest Territories, on Wednesday, April 12th A.D., 1995.

APPEARANCES:

MS. B. SCHMALTZ:	Counsel for the Crown
MR. R. GORIN:	Counsel for the Accused

(CHARGED UNDER s. 146 CRIMINAL CODE OF CANADA)

1 THE COURT: Lucassie Eqilaq is before the Court to
2 be sentenced following his conviction after trial on a
3 charge of unlawfully having sexual intercourse with a
4 female person, not his wife and under the age of 14
5 years, between January 1st, 1975 and December 31st,
6 1976 at Sanikiluaq in the Northwest Territories, all
7 contrary to Section 146 of the Criminal Code as it
8 stood at that time.

9 The victim of this offence was nine years old at
10 the time. The offender had told her not to tell
11 anyone what he had done to her.

12 The evidence shows that she suffered some internal
13 bleeding from her genitals as a result of the offence.
14 More significant, she did not see her way to reporting
15 the offence to the police until after the offender had
16 been convicted of another and somewhat similar offence
17 for which he was sentenced to serve a lengthy term of
18 imprisonment.

19 That the victim has suffered serious psychological
20 harm in her life as a consequence of the offence is
21 presumed even if, as the evidence shows, she has been
22 able to give birth to four children after coming to
23 sexual maturity.

24 The offence is one for which the law provides a
25 maximum penalty of life imprisonment together with a
26 possible firearms prohibition for a minimum period of
27 ten years pursuant to Section 100 of the Criminal

1 Code.

2 Even if the offence were subject to punishment at
3 the reduced scale now provided under the law, it is
4 clearly one which calls for a lengthy term of
5 imprisonment even for a youthful first offender.

6 This Court imposed a sentence of eight years'
7 imprisonment on a youthful first offender who pleaded
8 guilty in a case of this kind which I disposed of at
9 Hay River some nine years ago (see Regina v. Buckley
10 (1986) Northwest Territories Reports, page 42. That
11 sentence was within the range then in force for an
12 offence of this nature.

13 I am satisfied that the same range applies today.

14 Counsel are agreed that no order under Section 100
15 of the Criminal Code should be made in this case and I
16 therefore make none.

17 The offender is now close to 40 years of age. He
18 was about 18 years old at the time of this offence
19 and, since that time, he has accumulated a criminal
20 record as follows:

21 February 21st, 1978 at Sanikiluaq, N.W.T.,
22 convicted of indecent assault on a female contrary to
23 Section 149(1) of the Criminal Code, for which
24 sentence was suspended for two years.

25 1982, October 6th at Sanikiluaq, Northwest
26 Territories, two counts; convicted, one of indecent
27 assault on a female under Section 149 of the Criminal

1 Code for which he was sentenced to six months'
2 imprisonment with probation for a year. And a second
3 count of indecent assault on a female contrary to
4 Section 149 of the Criminal Code for which he was
5 sentenced to 15 months' imprisonment consecutive with
6 probation for two years consecutive to the probation
7 on Count 1.

8 Then in 1988, December 9th, at Kuujarapik,
9 Province of Quebec, a conviction on two counts. First,
10 forcible confinement under Section 247(2) of the
11 Criminal Code for which sentence was suspended with
12 probation for a period of two years; and secondly,
13 break, enter, and commit an indictable offence
14 contrary to Section 306(1)(b) of the Criminal Code and
15 (d) of the Criminal Code for which sentence was
16 suspended and probation was ordered for a period of
17 two years with what I take to have been some form of
18 penalty in the amount of \$500.

19 In 1991, on October 24th at Sanikiluaq, Northwest
20 Territories, the accused was convicted of sexual
21 assault contrary to Section 271 of the Criminal Code
22 for which he was sentenced to serve a term of five
23 years' imprisonment and was subjected to a firearms
24 prohibition for a period of five years.

25 In 1994, on August 30th at Sanikiluaq, Northwest
26 Territories, he was again convicted of sexual assault
27 according to this record but I am told that that

1 should be rape contrary to Section 143 of the Criminal
2 Code for which he was sentenced to serve three years'
3 imprisonment consecutive to the sentence last
4 mentioned.

5 It is true that none of these offences had brought
6 the offender into Court before he committed the
7 offence for which he is now to be sentenced. So far
8 as this offence is concerned, it was therefore
9 committed while he was still a youthful first offender
10 as was the situation in the case of Regina v. Buckley.

11 But it is also true that the offender has by now
12 shown that he has had a serious problem in his choice
13 of sexual partners and activities.

14 As I am informed by counsel, this is not the only
15 young girl whom he has criminally assaulted and if the
16 present offence had come before the Court in the year
17 or years immediately following its commission, he
18 might never have committed those other offences or,
19 still another possibility, he would have been marked
20 out by the time that he came to Court for those later
21 offences as a potentially dangerous sexual offender.

22 Mr. Eqilaq, please stand.

23 As your counsel Mr. Gorin will no doubt advise
24 you, you now have the sort of very serious criminal
25 record of convictions for sexual offences which makes
26 you vulnerable to proceedings to have you declared a
27 dangerous offender. If you are so declared, you might

1 find yourself going to prison for a very long time and
2 possibly for the rest of your life.

3 As you now know, the offence for which you are now
4 to be sentenced is one which carries a maximum term of
5 life imprisonment. This sort of crime is looked upon
6 by decent people as disgusting and depraved, the sort
7 of thing that a decent man could never do to a child.
8 It is a cruel and irresponsible abuse of power by a
9 person over a much smaller and weaker person.

10 Mr. Eqilaq, I noticed that many local people came
11 up to you and shook your hand during the jury
12 selection proceedings last Monday. This may be their
13 way of showing you that they are prepared to welcome
14 you back.

15 I will only say that I assume that they did not
16 know the extent and nature of your criminal record,
17 that they were unaware of what you have done to harm
18 innocent victims of your sexually expressed need to
19 feel powerful even if only over a defenseless, small
20 child.

21 Have you anything to say before the Court passes
22 sentence upon you? If so, please say so now. Do you
23 wish to say anything?

24 THE ACCUSED: Yes, I do. Just like the Court to
25 know that I myself was abused by those older than I
26 am. When I first got sentenced to five years, I was
27 depressed. I am a widower a long time, since '88 and

1 '89, I have raised my boy for almost two or three
2 years, and we love each other very much. That's all I
3 have to say now.

4 THE COURT: Keeping in mind the principles of
5 sentencing law which I must apply in this case and all
6 of the circumstances, including the sentences that you
7 are now serving, it's clear to me that I have no
8 choice but to impose a sentence which will be seen to
9 uphold the law and which expresses the outrage and
10 disgust which the general public must naturally feel
11 for crimes of violence and particularly sexual crimes
12 against young children.

13 The sentence must discourage not only you but also
14 others who might otherwise commit such crimes. And it
15 must be tempered by the principle of totality so that
16 this sentence, when added to those that you are now
17 serving, will not be seen as excessive for those
18 purposes.

19 The sentence to be imposed will also serve to some
20 extent to protect you for some time to come from the
21 anger of those who might otherwise seek to exact their
22 revenge upon you. It will give you an opportunity to
23 work so as to rehabilitate yourself and atone for your
24 crime, and it will remove you from any opportunity to
25 repeat the offence for some time to come.

26 I direct the clerk to endorse the warrant of
27 committal to show this Court's recommendation that you

1 receive counselling and treatment during the period of
2 your incarceration for any sexual problems which you
3 may have in relation to young children. And to
4 recommend that upon your eventual release, steps be
5 taken to monitor your ability to refrain from the
6 temptation to repeat offences against young children.

7 You will be glad to know that the sentence you are
8 to serve is to be served concurrently with your
9 present sentences and not consecutively.

10 The sentence of this Court is that you shall serve
11 a term of imprisonment for eight years to be served
12 concurrently with your present sentences.

13 Please be seated.

14 Is there anything further then before we conclude?

15 Ms. Schmaltz?

16 MS. SCHMALTZ: Not on this case, My Lord.

17 THE COURT: Mr. Gorin?

18 MR. GORIN: No, My Lord.

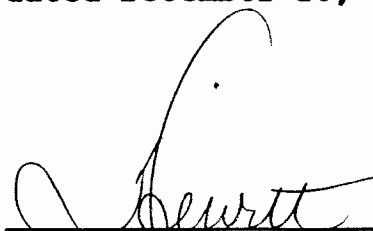
19 THE COURT: I wish to thank the interpreters, the
20 court staff, and counsel for making it possible for us
21 to deal with these matters at this sittings and we
22 will now conclude. And I may add, the Royal Canadian
23 Mounted Police.

24 (AT WHICH TIME THIS SENTENCING CONCLUDED)

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Certified Pursuant to Practice Direction
dated December 28, 1987.



Lois Hewitt,
Court Reporter