

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

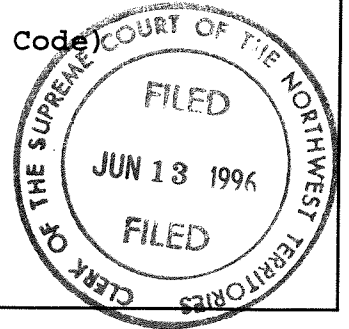
JACKIE ITTIGAITOK

Transcript of Reasons of Sentence delivered by The Honourable Mr. Justice S.R. Kurisko, sitting at Rankin Inlet, in the Northwest Territories, on Thursday, May 30, A.D. 1996.

APPEARANCES:

Ms. M. Nightingale:	On behalf of the Crown
Mr. D. Blais:	On behalf of the Defence

(Charge under Section 271 of the Criminal Code)



1 THE COURT: The accused has been found guilty
2 and a conviction registered for sexual assault after
3 trial by a jury.

4 This Court is bound by the approach adopted in
5 Sandercock. The starting point for this major sexual
6 assault is three years. The mitigating circumstances
7 stated in Sandercock include:

- 8 1. Prompt plea of guilty indicating not
9 only remorse but a willingness to
10 spare the victim the need to
11 testify;
- 12 2. Remorse; and
- 13 3. Immaturity.

14 The fact that the matter has proceeded to trial is
15 self-evident of the failure of the first mitigating
16 circumstance.

17 There is no evidence of remorse. The accused has
18 remained silent throughout, even to this moment in
19 time.

20 As to immaturity, the accused is 32 years old,
21 single, and has a record for violence and other crimes
22 including sexual assault for which he was still serving
23 time although out on parole at the time this offence
24 was committed.

25 He is well aware of the consequences of criminal
26 behaviour. In short, there are no mitigating factors
27 in this case.

1 The pain suffered by Patricia Aklunark was
2 apparent from the instant she began her testimony at
3 trial.

4 It would be easy to be carried away by her
5 poignant, eloquent, heart-rendering expression of the
6 impact of this event on her life and her family. I
7 must, however, temper my approach to deterrence and
8 denunciation by the reality that an undue length of
9 sentence cannot ameliorate the hurt she has
10 experienced. The Court can only say to Patricia
11 Aklunark that society recognizes the harm that has been
12 done to her. She must make every effort to realize she
13 is not to blame. She has done nothing wrong. She
14 deserves credit for her courage in testifying and
15 expressing her hurt and pain in open court. The Court
16 respects her for what she has done.

17 One of the factors the Court must take into
18 consideration is that the accused has spent seven
19 months in custody. I have considered that in arriving
20 at my conclusion.

21 Having regard to the need for denunciation and
22 deterrence, the lack of remorse and the other
23 aggravating circumstances I have mentioned, the accused
24 is sentenced to five years in jail.

25 The firearms and explosives prohibition under
26 Section 100 of the Code for ten years shall issue.


27 I have endorsed the Indictment as follows: "For

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reasons stated in open court, the accused is sentenced to five years in jail. Ten-year prohibition under Section 100 to issue." I have registered the conviction consequent upon the finding of guilt by the jury.

.....

Certified correct to the best of my skill and ability (subject to editing by presiding Judge)



Jane Romanowich
Court Reporter