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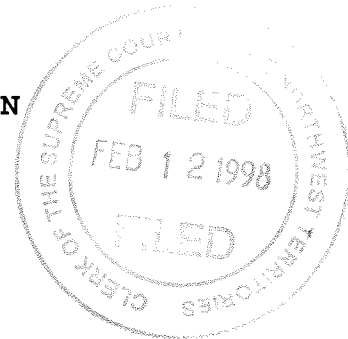
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

JERRY JAMES QUITTE



Transcript of the Oral Reasons for Sentence of The Honourable Justice J.E. Richard, sitting in Yellowknife, in the Northwest Territories, on the 6th day of February, A.D. 1998.

APPEARANCES:

Ms. M. Nightingale:	Counsel for the Crown
Mr. R. Gorin:	Counsel for the Defence

1 THE COURT: Jerry James Quitte has been
2 convicted of serious criminal offences and it is now
3 the Court's responsibility to impose an appropriate
4 sentence.

5 This offender is 26 years of age and is a
6 life-long resident of the community of Rae. I am told
7 that he has an education -- that he has a Grade 10
8 education, that he has had seasonal employment from
9 time to time in the construction field and other
10 fields, and that he comes from a fairly close-knit
11 family in Fort Rae. Indeed, some of the members of his
12 family are in court today for this sentencing hearing.

13 Mr. Quitte has a previous history of criminal
14 activity, although nothing as serious as the matters
15 that are now before the court. As a youth, he
16 committed several break and enters and thefts and
17 received both probationary orders and custodial time in
18 youth court. As an adult, he has a conviction for
19 resisting arrest and four convictions for breach of
20 recognizance.

21 One group of charges now before the Court arise
22 out of an incident in Fort Rae in August of 1992. The
23 victim, a woman of approximately 28 years of age at the
24 time, had been at a drinking party at her neighbour's
25 home and late at night she went to her own home. She
26 took a special precaution to lock the door using a
27 two-by-four and she went to bed. She was alone in her

1 house as her three-year-old daughter was staying with
2 the victim's own mother.

3 After she went to bed, she heard a noise in the
4 house and when she went to investigate she saw this
5 offender Jerry Quitte, who she knew, standing there in
6 her house. He apparently had entered through a window
7 and he was there uninvited. The offender then threw
8 the victim to the mattress, removed her clothes and
9 raped her. When he was finished, he got up and he told
10 her not to tell anyone what happened. In fact, he
11 threatened her that he would kill her if she told
12 anyone and he also said if she told anyone he would do
13 the same thing to her daughter.

14 Mr. Quitte's threats were successful in
15 intimidating the victim as she told the jury that she
16 did not tell the police about this incident for a
17 number of years simply because she was scared to do
18 so.

19 Yesterday the jury convicted Mr. Quitte of the
20 crime of sexual assault contrary to Section 271 of the
21 Criminal Code and of two counts of uttering threats
22 contrary to Section 264.1 of the Criminal Code. In
23 determining an appropriate sentence for this serious
24 crime, I note that there are aggravating
25 circumstances.

26 It is an aggravating circumstance that this
27 terrible crime occurred in the sanctity of the woman's

1 own home where she had taken the precaution of locking
2 her door against intruders. Any woman, any person
3 living in Fort Rae or any other community is entitled
4 to expect that they are free from physical attack, free
5 from unwanted sexual advances while sleeping in one's
6 own bed, in one's own locked house at night time. I do
7 not see any mitigating circumstances in this crime
8 which occurred in August of 1992.

9 I turn now to the other indictment. Mr. Quitte
10 was charged with sexual assault causing bodily harm to
11 which he pleaded not guilty but he did offer a plea of
12 guilty on the eve of a scheduled jury trial to an
13 offence of assault causing bodily harm contrary to
14 Section 267(b) of the Criminal Code. The Crown
15 accepted this plea.

16 MR. GORIN: I'm wondering if that shouldn't
17 have been Section 267(1)(b), Sir, I'm sorry to make you
18 pause, but given the date of the offence.

19 THE COURT: 267(b); is that not right?

20 MR. GORIN: It's currently correct, I'm
21 wondering about the date when this is alleged to have
22 happened. It has just occurred to me. It would have
23 been 267(1)(b) back then, I believe, and I simply draw
24 that to the Court's attention.

25 THE COURT: Fine then, the record will show
26 that he entered a plea and accepted by the Crown to
27 assault causing bodily harm currently prohibited by

1 Section 267(b) of the Criminal Code.

2 The factual circumstances surrounding the
3 commission of this crime which occurred in October 1996
4 also involve an altercation with a vulnerable woman in
5 her own home in Rae. The victim had been drinking
6 elsewhere and returned to her own home late at night.
7 Shortly afterwards this offender, Jerry Quitte, and
8 another man walked into her home uninvited. The victim
9 asked them to leave, but they refused. Instead, they
10 remained there in her home and drank from a bottle of
11 whiskey that they had with them.

12 As the victim was lying on the couch and trying to
13 go to sleep, she noticed this offender, Jerry Quitte,
14 touching her and she thought that he was going to put
15 his -- or trying to put his hands in her pants. She
16 got scared, she got angry, she swore at Mr. Quitte. A
17 physical struggle ensued and in the course of the
18 struggle Mr. Quitte choked the victim, punched her to
19 the point of unconsciousness and he also kicked her.
20 When this victim awoke, her whole body ached and her
21 clothes were covered in blood. She had a badly swollen
22 face, bite marks on her shoulder and arm, and extensive
23 bruising on her face and arm. She received medical
24 attention at the nursing station the next day.

25 The offender, Jerry Quitte, says that because of
26 his intoxication he does not remember the details of
27 the incident but he accepts that these things did

1 occur.

2 Again, I find that it is an aggravating
3 circumstance that this assault occurred in the sanctity
4 of the victim's home and that the offender was there
5 uninvited.

6 Mr. Quitte was charged with these two crimes and
7 then released on his own recognizance. In September
8 '97 he breached one of the terms of that recognizance
9 and was arrested. After serving a 30-day sentence for
10 the breach of recognizance, he has been detained in
11 custody a further four months awaiting his trial. In
12 these circumstances I do not give any particular credit
13 towards the eventual term of imprisonment because of
14 this four months in pre-trial custody.

15 In determining what sentence to impose for these
16 crimes both individually and in the aggregate, I remind
17 myself that the fundamental purpose of the sentencing
18 process is to promote respect for the law and to
19 provide for a safe and peaceful community. To that
20 end, I find that one of the main objectives of any
21 sentence that I impose on Jerry Quitte is to have him
22 removed from the community of Rae-Edzo for the
23 protection of the people of that community; in
24 particular, for the protection of the women of that
25 community.

26 Jerry Quitte has shown by his conduct that he has,
27 at present, no regard or respect for the personal

1 integrity, the personal privacy, the personal feelings
2 of women in the community of Rae, nor does he have any
3 respect for the privacy of other people's homes in that
4 community. At present, it is clear that Jerry Quitte
5 constitutes a danger in the community of Fort Rae. I
6 see a complete absence of remorse in Jerry Quitte for
7 the terrible crimes that he has committed. The
8 sentences imposed must reflect the seriousness of these
9 crimes and Mr. Quitte's personal responsibility for his
10 criminal behavior.

11 I could not help but note the terror that was
12 displayed by the rape victim when she testified in this
13 courtroom earlier this week. There is no doubt in my
14 mind that this woman has suffered emotional or mental
15 trauma in the five and a half years that has passed
16 since the assault and that she'll continue to suffer.
17 It is the Court's hope that our society will make
18 available to her counselling and other treatment to aid
19 in her recovery now that she has gotten through the
20 ordeal of the criminal justice process. It is also my
21 clear impression that it took a great deal of personal
22 courage for this woman to finally speak out against the
23 perpetrator of this terrible crime.

24 The time has come for Mr. Quitte to be held
25 accountable, to be held responsible for his own
26 conduct. It is unfortunately, for Jerry Quitte and for
27 his extended family, necessary to impose a significant

1 period of incarceration. Mr. Quitte, himself, needs a
2 great deal of help in coming to grips with his behavior
3 and his denial of responsibility for what he's done.

4 Would you please stand now, Mr. Quitte. On Count
5 Number 1, for the sexual assault of Mary Christine
6 Whane contrary to Section 271 of the Criminal Code, it
7 is the sentence of this Court that you serve a term of
8 imprisonment of three and a half years. On Count
9 Number 2, uttering a threat to cause harm to Annie
10 Madeleine Whane contrary to Section 264.1, the sentence
11 is six months imprisonment consecutive to the sentence
12 on Count 1. On Count Number 3, uttering a threat to
13 cause death to Mary Christine Whane contrary to Section
14 264.1, the sentence is six months imprisonment
15 concurrent to the sentence on Count 2; and on the other
16 indictment for the crime of assault, assaulting Vivian
17 Wanazah causing bodily harm to her contrary to the
18 present Section 267(b), the sentence is 18 months
19 imprisonment consecutive to the sentences imposed on
20 the other indictment. That is a total of five and a
21 half years imprisonment.

22 Further, pursuant to Section 100 of the Criminal
23 Code of Canada, you are hereby prohibited from having
24 in your possession any firearm or ammunition or
25 explosive substance for a period of time commencing on
26 today's date and expiring on a date ten years after you
27 have served your term of imprisonment. Any such item

1 in your possession at this time shall be surrendered to
2 a police officer or otherwise disposed off within one
3 month of today's date.

4 In the circumstances, there will be no victim fine
5 surcharge. Take a seat.

6 THE COURT: Anything further on this case,
7 counsel?

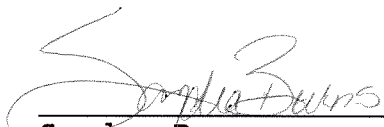
8 MS. NIGHTINGALE: No, thank you.

9 MR. GORIN: No, My Lord.

10 THE COURT: Thank you, we'll close court.

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



Sandra Burns
Court Reporter

