

CR 03440

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

SANGANI OSUITOK

Transcript of the Reasons for Sentence
held before The Honourable Justice J.Z. Vertes,
sitting in Cape Dorset, in the Northwest Territories,
on Monday, the 2nd day of February, A.D., 1998.

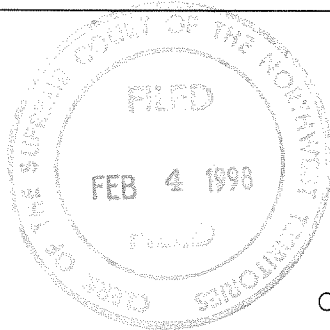
APPEARANCES:

Mr. D. Garson:

Counsel for the Crown

Mr. V. Foldats:

Counsel for the Defence



1 THE COURT: Sangani Osuitok has been convicted
2 by a jury of the charge of sexual assault.

3 Basically, the accused, under a pretext, took the
4 victim to his home and there, despite her protests and
5 because of her fear of him, he raped her. The acts
6 consisted of both vaginal and anal intercourse.
7 Fortunately, the victim suffered no overt physical
8 injuries.

9 To say that the accused has exhibited no remorse
10 would be an understatement. He sat before this jury,
11 made up of members of his community, and gave an
12 unbelievable and totally self-serving account of how,
13 as he claimed, the victim willingly participated in
14 sexual relations with him. The jury obviously rejected
15 his story and, in my opinion, they were totally
16 justified in doing so.

17 The law says that the primary purpose of
18 sentencing a criminal offender is the protection of
19 society. It is all too apparent that the people of
20 Cape Dorset require protection from this offender. To
21 accomplish that, there is only one alternative, and
22 that is the imposition of a term of imprisonment. This
23 man must be removed from the community so there will be
24 no more victims. Hopefully, he will also learn from
25 this sentence that he must change his life; otherwise,
26 he is likely to end up spending the rest of his life
27 behind bars.

1 Mr. Osuitok's personal history reveals a pattern
2 of criminal behaviour and violent acts.

3 The accused, prior to this offence in November
4 1996, was convicted of 24 offences between 1978 and
5 1994. Of these, 12 related to crimes of assault,
6 threats, or the use of weapons. Three are directly
7 related to the type of crime before us now.

8 In 1978, the accused was convicted of indecent
9 assault and sentenced to four months' imprisonment; in
10 1983, he was convicted of rape and sentenced to 18
11 months in jail; and, in 1988, he was convicted of
12 sexual assault and sentenced to four years in the
13 penitentiary. He obviously learned nothing from these
14 past periods of incarceration.

15 Since this offence in 1996, he was subsequently
16 convicted in 1997 of two assault with weapon charges.

17 This offender is an obvious danger to the members
18 of his community. He has failed to respond to any
19 measures attempted in the past, whether it be periods
20 of probation or lengthy terms of imprisonment.

21 Mr. Osuitok is now 37 years old. He was brought
22 up in the traditional Inuit ways. He is a carver of
23 some renown. I am told that he does not blame anyone
24 for his criminal record. So it seems to me that he
25 understands that only he has the power to change his
26 life, to turn away from violence and become an accepted
27 member of his community. But my main concern at this

1 moment must be the protection of the people of Cape
2 Dorset, and that can only be achieved by removing this
3 man from Cape Dorset for a long time.

4 It is the sentence of this Court that Sangani
5 Osuitok be imprisoned in a federal penitentiary for a
6 term of seven years.

7 In addition, having regard to the repetitive
8 nature of this type of crime committed by this accused,
9 having regard to the fact that he has not complied with
10 supervised programs previously as evidenced by his past
11 violations of probation orders, having regard to the
12 fact that past efforts at rehabilitation have failed
13 despite lengthy periods of incarceration, and having
14 regard to the need to emphasize the aspects of
15 protection of the public and specific deterrence of
16 this individual, I direct that he must serve at least
17 one half of his sentence before he may be released on
18 parole, pursuant to Section 743.6 of the Criminal
19 Code. In my opinion, this is an exceptional case, and
20 I am not at all satisfied that the likelihood of
21 rehabilitation will be achieved within the normal
22 period of parole ineligibility and thus the need to
23 protect the community becomes paramount.

24 Also, I hereby make an order prohibiting the
25 accused from having in his possession any firearms or
26 ammunition for a period of ten years from the date of
27 his release. If he has any such items, they are to be

1 provided to the RCMP forthwith.

2 I realize that the ability to use and possess a
3 firearm in hunting activities is very much a part of
4 the Inuit culture and self-image. But this man has
5 shown in the past that he cannot be trusted with
6 weapons. He has several convictions related to the
7 criminal use of weapons. Therefore, once again, the
8 protection of the community must be paramount.

9 Finally, under the circumstances, there will be no
10 victim of crime fine surcharge.

11 Is there anything else, counsel?

12 MR. GARSON: No, My Lord.

13 MR. FOLDATS: No, My Lord.

14 THE COURT: All right. I want to express my
15 appreciation to both of you for your work. I want to
16 especially thank our two interpreters for their good
17 work. Thank you to the staff. We will close court.

18 THE CLERK: Order, all rise. Court stands
19 adjourned without a day.

20 **ADJOURNED SINE DIE**

21 Certified pursuant to Practice
22 Direction #20 dated December 28, 1987.

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Tara Taylor-----

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Tara Taylor, CSR(A), Court Reporter

