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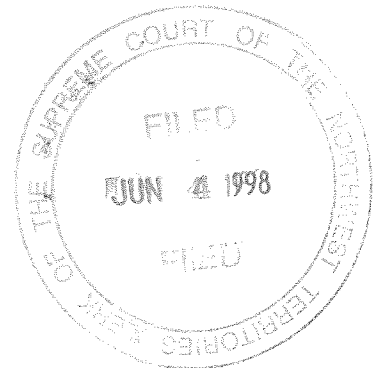
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

BERNICE RADDI



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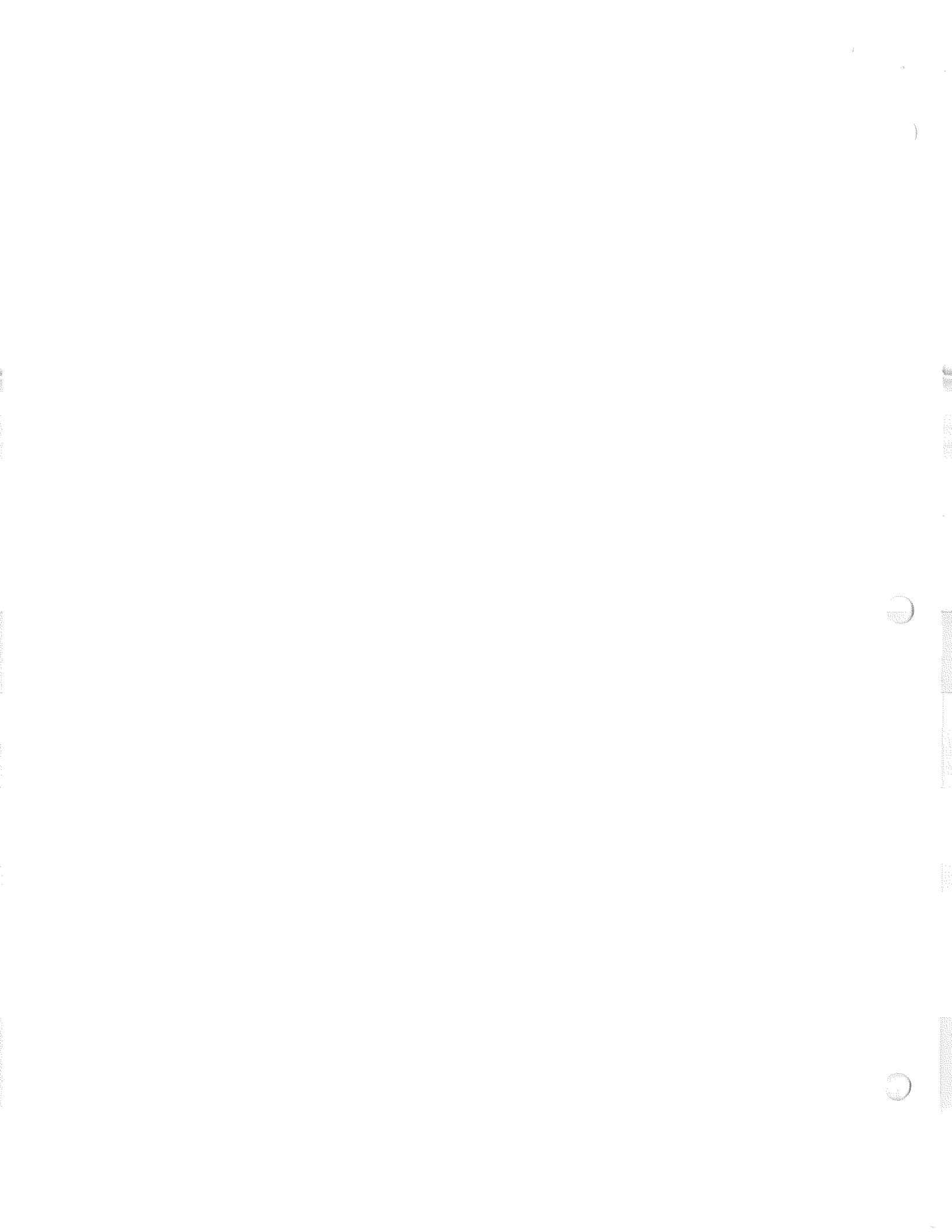
Transcript of the Oral Reasons for Sentence by The Honourable Justice J.E. Richard, at Tuktoyaktuk in the Northwest Territories, on Thursday, May 14th A.D., 1998.

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**APPEARANCES:**

Ms. D. Sylvain: Counsel for the Crown  
Ms. J. Lillegran: Counsel for the Accused

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Charge under s. 235(1) Criminal Code of Canada



1 THE COURT: The offender before the Court  
2 today, Bernice Raddi, has pleaded guilty to the serious  
3 crime of manslaughter. By this plea, she admits that  
4 she is responsible for the unlawful death of her  
5 common-law spouse Wallace Anikina.

6 Mr. Anikina died from stab wounds here in  
7 Tuktoyaktuk in March of last year. Shortly after  
8 Mr. Anikina was killed, Ms. Raddi was arrested and  
9 charged with murder. She has been incarcerated ever  
10 since that day in custody at the Women's Correctional  
11 Center in Fort Smith awaiting her trial. Her jury trial  
12 was scheduled to commence this week here in  
13 Tuktoyaktuk. She offers a plea of guilty to  
14 manslaughter and the Crown prosecutor, properly in my  
15 view, accepts that plea.

16 Manslaughter is the unlawful taking of another  
17 person's life. Therefore it is a very serious crime.

18 The law made by the Parliament of Canada is such  
19 that a person convicted of manslaughter can be  
20 sentenced to imprisonment in a penitentiary in southern  
21 Canada for the rest of his or her life. The maximum  
22 punishment is life imprisonment. There is no minimum  
23 punishment.

24 It is now my unpleasant but serious duty to  
25 determine a fit and appropriate sentence for Bernice  
26 Raddi and then to impose that sentence upon her. It is  
27 not an easy thing to do.

1            Sentencing or determining an appropriate sentence  
2            in a serious case like this one and then imposing that  
3            sentence is one of the most difficult tasks that a  
4            Judge is required to perform.

5            The main purpose of a sentence is to promote  
6            respect for the law and to provide for a peaceful and a  
7            safe community.

8            The sentence imposed by the Court should have as  
9            objectives,

10           (a) the removal of the offender from the community  
11           for a period of time if that is necessary for peace and  
12           safety in the community.

13           (b) a denunciation or condemnation of the  
14           offender's unlawful conduct as being unacceptable to  
15           the members of the community.

16           (c) a deterrence to the offender and other persons  
17           living in the community from committing similar  
18           unlawful acts.

19           (d) to instill in the offender a sense of  
20           responsibility for what he or she has done and an  
21           acknowledgment of the harm that he or she has done to  
22           the victim and to the victim's family and to the  
23           community.

24           And (e), the rehabilitation of the offender.

25           In this case, as in far too many cases in the past  
26           in this community of Tuktoyaktuk and other Northern  
27           communities, the excessive use of alcohol has led to

1 tragic circumstances, consequences; has led to the loss  
2 of the life of a member of the community, a person who  
3 was loved by his family and his friends, a person whose  
4 life should not have been taken.

5 The situation is such that, in my view, the  
6 community should take some time to reflect upon what is  
7 being done to change things in the community with  
8 respect to the excessive use of alcohol.

9 Many of the cases that the lawyers referred me to  
10 this morning, all of the cases that they referred me to  
11 this morning, involve homicide, wrongful death, in  
12 Northern communities. Every one of them was a  
13 consequence of the excessive use of alcohol.

14 A number of those cases originated in this  
15 community. Wallace Anikina's death is simply the latest  
16 of many deaths that have been caused by the excessive  
17 use of alcohol and I do hope that this case will,  
18 again, cause the community to reflect, the community's  
19 leaders to reflect, on what is being done, what is not  
20 being done, to address this serious social problem in  
21 this community.

22 But let me return to the present case.

23 The offender here, Bernice Raddi, is one week away  
24 from her 39th birthday. She is Inuvialuit and has lived  
25 all of her life in Tuktoyaktuk.

26 From what I read in the pre-sentence report and  
27 from what I am told by counsel, she has not had a happy

1 life.

2 She grew up in a violent home atmosphere where  
3 alcohol abuse was rampant. She lost an older brother to  
4 suicide when the brother was only 16 years of age and  
5 that incident has had a profound effect on her.

6 Ms. Raddi has three children - a son from an  
7 earlier relationship and two daughters, Amber and  
8 Crystal, from her common-law relationship with the  
9 victim Wallace Anikina. She and Mr. Anikina had been  
10 living together as man and wife for approximately eight  
11 years prior to Mr. Anikina's tragic death. Her  
12 daughters are now five and eight years of age and have  
13 been cared for here in Tuktoyaktuk by members of  
14 Ms. Raddi's family during her absence in jail this past  
15 year.

16 As to the eight-year relationship between this  
17 offender and her victim, the Court has no real hard  
18 evidence of specifics. From the second-hand information  
19 in the pre-sentence report, it is clear though that it  
20 was a troubled relationship that was characterized by  
21 excessive alcohol consumption, by jealousy, and by many  
22 loud heated arguments.

23 From Exhibit S-3, it appears that Wallace Anikina  
24 was convicted of assaulting Bernice Raddi in 1992 and  
25 received a two-month jail sentence.

26 Ms. Raddi's perception of the relationship is that  
27 her spouse, Wallace Anikina, was very controlling, very

1           jealous and abusive.

2           Members of Wallace Anikina's family have the same  
3 view of Bernice Raddi's own role in the troubled  
4 relationship.

5           Ms. Raddi told the Court today that she now  
6 regrets that she did not extricate herself from the  
7 relationship earlier.

8           As to the circumstances that led to the tragic  
9 death of Wallace Anikina at the age of 46, there are  
10 few facts. All we know for certain is that they were  
11 drinking and arguing.

12           These two people, the offender and the victim,  
13 were drinking heavily in their own home on the day and  
14 evening in question. During the evening, there were  
15 four other adults drinking there with them but those  
16 people eventually left around midnight. Both Bernice  
17 Raddi and Wallace Anikina were quite drunk at that  
18 time.

19           Mr. Anikina received his fatal stab wounds just  
20 before 1 a.m. An intoxicated Ms. Raddi went to the  
21 neighbour's for assistance, that is, in phoning the  
22 nursing station and the police at approximately 1 a.m.  
23 Ms. Raddi does not remember exactly what happened  
24 because of her intoxication. She does not know why she  
25 stabbed Wallace Anikina.

26           There is evidence that the two of them were  
27 engaged in an argument around midnight.

1           There is forensic evidence to indicate that  
2 Mr. Anikina was sitting on a chair at the kitchen table  
3 when he was stabbed. He received two stab wounds, one  
4 to his chest, which was the fatal wound, and one to his  
5 back.

6           It is clear to the Court that members of the  
7 victim's family still have a great deal of anger and  
8 animosity towards Bernice Raddi. It is also clear that  
9 Peter Anikina and Tina Anikina continue to suffer  
10 greatly because their father has been taken from them.

11           It is this Court's sincere hope that with the  
12 imposition of sentence on Ms. Raddi today, marking the  
13 end of the court proceedings, that members of Wallace  
14 Anikina's family can now turn to a new phase in their  
15 difficult dealing with this tragic death and that they  
16 can get assistance in the healing process.

17           Bernice Raddi today expresses remorse for what she  
18 has done. She feels shame and finds it difficult to  
19 face her friends and relatives. She obviously has had a  
20 great deal of time to think about these matters during  
21 the past year.

22           I am satisfied that Ms. Raddi's remorse is genuine  
23 and that she truly acknowledges her own responsibility  
24 for Wallace Anikina's death.

25           Ms. Raddi has no criminal record, no history of  
26 committing violent acts. She has a Grade 11 equivalent  
27 education and limited employment experience.



1           Ms. Raddi advises through her counsel that when  
2 she is eventually released from prison, in all  
3 likelihood she will not return to live in Tuktoyaktuk  
4 because of the animosity which still exists here and  
5 other circumstances.

6           She realizes that she will receive a further term  
7 of imprisonment and she wants to use that time to  
8 receive more education and particularly job skills so  
9 that she can gain meaningful employment upon her  
10 release in order to raise and support her daughters.

11           In determining an appropriate sentence for  
12 Ms. Raddi, I am mindful that she has already spent 14  
13 months in custody while awaiting her trial. That is a  
14 significant period of time in itself and forms part of  
15 the total sentence.

16           I also must acknowledge Ms. Raddi's plea of guilty  
17 and formal acceptance of responsibility for her  
18 unlawful conduct.

19           It is difficult to comment one way or the other on  
20 the timing of this plea as I have not been given any  
21 information by counsel as to why this particular  
22 resolution could not have been achieved much earlier in  
23 the process.

24           Notwithstanding the plea of guilty, there must  
25 still be a meaningful term of imprisonment imposed on  
26 Ms. Raddi for her crime. The law requires that a  
27 sentence, any sentence, must be proportionate to the

1 gravity of the crime committed.

2 Here, a life has been taken by drunken and  
3 unlawful conduct and without any rational explanation  
4 of why that happened.

5 The aggravating features here are the use of a  
6 lethal weapon, the fact that there was more than one  
7 stabbing action, the fact that the stabbing occurred  
8 within a spousal relationship.

9 I am also satisfied that an additional substantial  
10 period of incarceration is required in order that  
11 Bernice Raddi might have an opportunity to receive  
12 long-term treatment to assist with her rehabilitation.

13 Would you please stand now, Ms. Raddi.

14 Bernice Raddi, for causing the death of Wallace  
15 Anikina thereby committing the crime of manslaughter,  
16 it is the sentence of this Court that you be imprisoned  
17 for a period of four years.

18 In addition, as I am required by law to do so, I  
19 hereby order pursuant to Section 100 of the Criminal  
20 Code of Canada that you are prohibited from having in  
21 your possession any firearm or ammunition or explosive  
22 substance for a period of time commencing on today's  
23 date and expiring on a date ten years after your  
24 release from prison. Any such item in your possession  
25 at this time shall be surrendered to a police officer  
26 or otherwise disposed of within one month of today's  
27 date.

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In the circumstances, there will be no Victim Fine surcharge.

I direct the Clerk of the Court to endorse the Warrant of Committal that takes you to prison with this Court's recommendations as follows:

Firstly, that you be given every opportunity to receive further education and job training programs.

Secondly, that you receive access to alcohol counseling and also anger management courses.

And finally, the Court recommends that you be allowed to serve your term of imprisonment at the Women's Correctional Center at Fort Smith.

You may sit down.

Counsel, is there anything further with respect to this case?

MS. SYLVAIN: No, My Lord.

MS. LILLEGRAN: No, My Lord.

THE COURT: Fine, then we will close court.

(AT WHICH TIME THE ORAL REASONS FOR SENTENCE CONCLUDED)

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



Lois Hewitt,  
Court Reporter

