

Jan

CR 03639

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

MIKE AMMAKLAK

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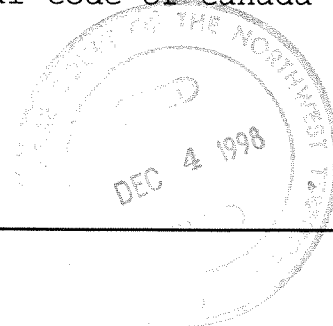
Transcript of the Oral Reasons for Sentence by The Honourable Justice V.A. Schuler, at Hall Beach in the Northwest Territories, on Friday, November 27th A.D., 1998.

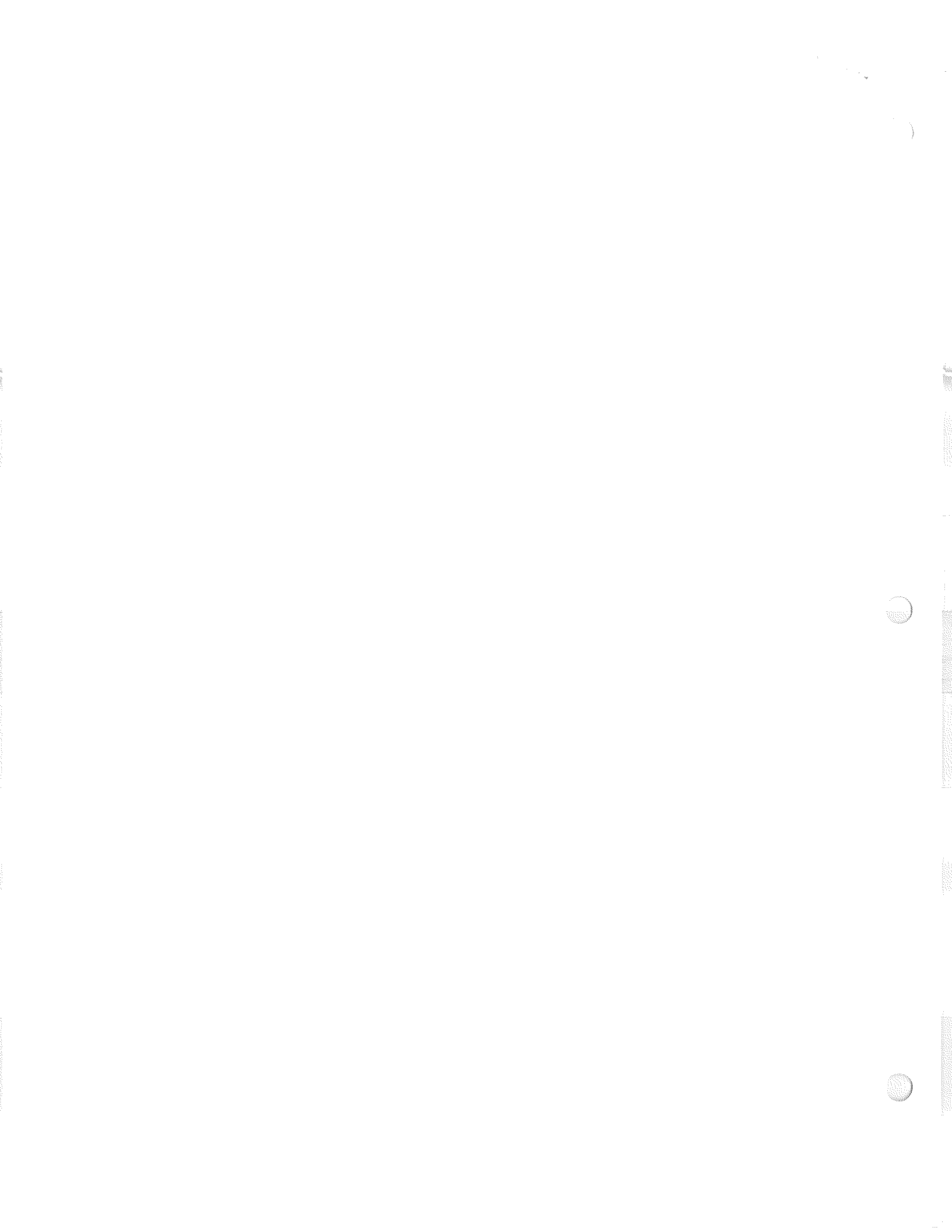
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**APPEARANCES:**

Ms. D. Sylvain: Counsel for the Crown  
Mr. R. Gorin: Counsel for the Accused

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Charge under s. 271(1) Criminal Code of Canada





1 THE COURT: Well, this sexual assault  
2 unfortunately is fairly typical of many of the sexual  
3 assaults that come before the Court. In other words,  
4 it's a situation where a young man takes advantage of a  
5 young woman while she is asleep or not realizing what's  
6 happening and takes advantage of her sexually which is,  
7 of course, a sexual assault.

8 I must say, Mr. Ammaklak, that considering that  
9 you have previously been convicted of exactly the same  
10 thing, you are very lucky that the Crown has taken the  
11 position that she has because for a second conviction  
12 of this nature, you could easily be looking at a jail  
13 term of five or six years.

14 Now, the Crown is asking for a term of  
15 incarceration of three years. That has been put before  
16 me as a joint submission by both counsel and certainly  
17 I would be, I think, remiss in not accepting a joint  
18 submission unless I thought it was completely  
19 inadequate.

20 In this case, I can't say that it is inadequate or  
21 that it is completely out of line with the offence but  
22 I do think that, as I say, you are very lucky,  
23 Mr. Ammaklak, because you could very easily be looking  
24 at more time than that for this offence.

25 In the circumstances from what I have heard, I  
26 take into account that Mr. Ammaklak has pleaded guilty  
27 and so although the complainant had to testify at the

1 preliminary inquiry, she did not have to come here and  
2 testify at a trial in front of a jury and I think that  
3 we all recognize that can be very difficult for a  
4 complainant to do and therefore she has been saved the  
5 trauma of having to do that, so that is to  
6 Mr. Ammaklak's credit that he has owned up to his  
7 responsibility for this. I also take it as an  
8 indication of remorse on his part.

9 Now I should have asked, and I didn't, but I will  
10 now ask Mr. Ammaklak if there is anything that he  
11 wishes to say.

12 MR. GORIN: Indicating no.

13 THE COURT: All right, that's fine, thank you.

14 In all of the circumstances then and considering  
15 from what I understand quite apart from the joint  
16 submission that he is from this small community and I  
17 am sure that a term in a federal institution will be  
18 difficult for him to deal with, I accept the  
19 recommendation, the joint submission, and I will impose  
20 the sentence recommended, in other words, a sentence of  
21 three years' imprisonment.

22 I will also direct the clerk to endorse the  
23 warrant that Mr. Ammaklak should be given consideration  
24 for counselling or programs for behavioural problems  
25 and also should be given the opportunity to pursue his  
26 education.

27 MR. GORIN: Thank you, My Lady.

1 MS. SYLVAIN: My Lady, one final thing, the  
2 firearms section, Section 100, applies in this case. I  
3 don't know if my friend has submissions.

4 MR. GORIN: No submissions.

5 THE COURT: There are no submissions?

6 MR. GORIN: No.

7 THE COURT: Well, on the face of it, being a  
8 sexual assault offence, it would apply and there not  
9 being any submission that I ought not to make such an  
10 order, I will make the order then that Mr. Ammaklak is  
11 prohibited from possessing firearms, explosives, and  
12 ammunition commencing today and continuing to a date  
13 which will expire ten years from his release from  
14 imprisonment.

15 Is there anything further, counsel, that should be  
16 dealt with?

17 MS. SYLVAIN: No, thank you.

18 MR. GORIN: No, My Lady.

19 THE COURT: All right, thank you.

20 Mr. Ammaklak, again, I just hope that you understand  
21 that your sentence could well have been longer and I  
22 hope you will think very carefully about that while you  
23 are incarcerated.

24 All right, thank you, counsel, we will adjourn to  
25 await the jury.

26 **(ADJOURNMENT)**

27 **(AT WHICH TIME THE ORAL REASONS FOR SENTENCE CONCLUDED)**

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



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Lois Hewitt,  
Court Reporter

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