

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

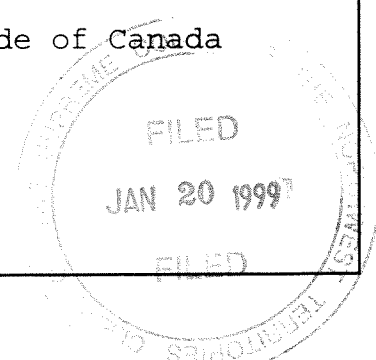
PAKAK SIGURDSON

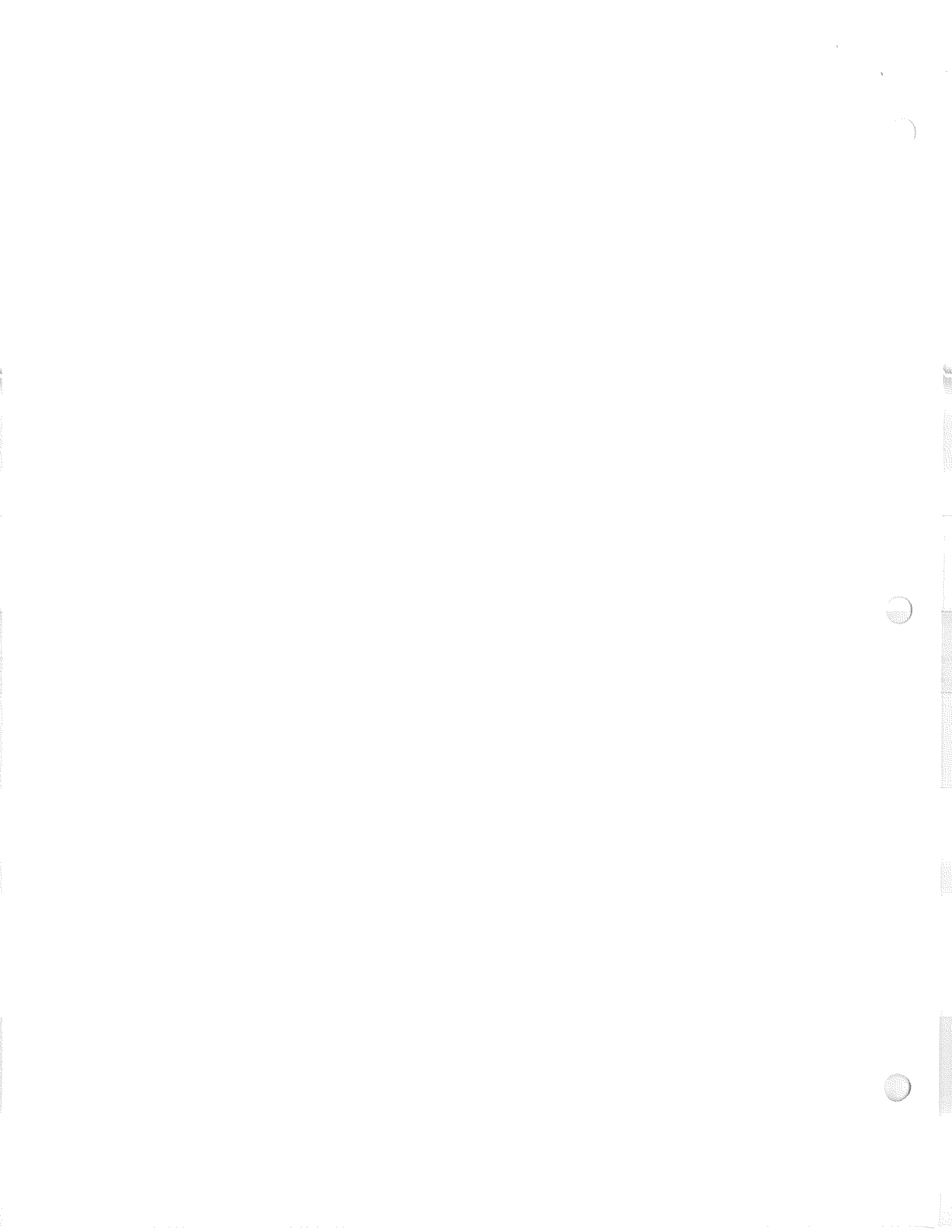
Transcript of the Oral Reasons for Sentence by The Honourable Justice C.F. Tallis, at Rankin Inlet in the Northwest Territories, on Thursday, January 14th A.D., 1999.

APPEARANCES:

Mr. M. Scrivens:	Counsel for the Crown
Mr. T. Boyd:	Counsel for the Accused

Charges under s. 252, s. 249(3) Criminal Code of Canada





1 THE COURT: In this particular case, you have
2 been found guilty by a jury of the offence of failing
3 to remain at the scene of an accident contrary to
4 Section 252 of the Criminal Code.

5 As your counsel has pointed out, this offence
6 carries with it a possibility of a term of imprisonment
7 for five years. Parliament has said that this is a
8 serious offence but fortunately for you, Parliament has
9 imposed no minimum sentence. Mr. Boyd has quite
10 correctly pointed that out to me, and Mr. Scrivens
11 acknowledges that he has correctly stated the law in
12 that connection.

13 The jury have also found you guilty of the offence
14 of dangerous driving causing bodily harm.

15 Mr. Boyd has again correctly pointed out that that
16 offence carries with it a maximum term of ten years but
17 no minimum is imposed. I do however point out that
18 Parliament has said when you drive in a dangerous
19 manner and when that dangerous driving causes bodily
20 harm to another person, in this case Stacy Anawak, the
21 sentence that is open to the Court to impose is greater
22 than if you were just convicted of dangerous driving.

23 A conviction for dangerous driving alone carries
24 with it a lesser sentence in that the maximum is five
25 years. You can see that when you injure somebody,
26 Parliament has said that it is so serious that the
27 maximum may be ten years.

1 I have already mentioned to you that as the
2 sentencing Judge, I am obliged to respect the verdict
3 rendered by the jury on each count. I have no
4 difficulty in doing so because, as I mentioned earlier,
5 compelling evidence was presented to the jury to
6 support the verdict that they reached on each count.

7 You are a young man and, as Mr. Boyd has pointed
8 out, you are capable of acting in an impetuous manner
9 but I want to tell you, as I indicated earlier, that
10 there is no place in this community, or any other
11 community for that matter, for any type of retaliation
12 against members of the jury. If you have learned your
13 lesson from this experience, you will not do anything
14 like that but more important you will make it clear to
15 your friends and relatives that they are to have no
16 part in anything of that nature. The consequences of
17 that type of conduct are very serious to say the least,
18 and I just mention that to you and also state it for
19 the benefit of others in the community.

20 I want to turn directly to the circumstances of
21 this case.

22 Stacy Anawak's Victim Impact Statement has been
23 read into the record here. Deep down, I am sure that
24 you couldn't help but feel for her in that statement.
25 When she gave her evidence in front of the jury, I did
26 not detect any sense of personal vindictiveness towards
27 you. She wants you to understand the terrible thing

1 that you did to her and the terrible hurt that you
2 inflicted on her, particularly by leaving her there
3 after you had struck her. I am not going to belabor
4 that but I do say to you that it is something that I
5 hope that you have reflected on in the months that have
6 gone by and I hope that you will think about it in the
7 future.

8 I have been persuaded by counsel that any term
9 that I should impose on each of these counts should be
10 concurrent. Your conduct essentially arises out of the
11 same occurrence or transaction and that has motivated
12 me to approach it in that fashion.

13 In trying to impose a fair and just sentence in a
14 case of this nature, I want to tell you at the outset
15 that it gives me no pleasure to sentence a young man or
16 a young woman to a term of imprisonment. I know that
17 that view is shared by both Mr. Boyd and Mr. Scrivens.
18 But we have a responsibility not only to you but to the
19 society in which you live.

20 I have taken into account that you were 18 years
21 of age at the time of this offence. You have been
22 visited with your share of misfortune but as you get
23 older, you will find that most people have to bear
24 their share of misfortune in life.

25 I hope that you continue with your education
26 because it seems to me that you have promise in this
27 area if you apply yourself diligently. Your attendance

1 record is not as good as it should be but as Mr. Boyd
2 has explained, people sometimes let social activity
3 interfere with their academic studies.

4 One of the areas that does concern me is your
5 excessive use of liquor. From the information conveyed
6 to me during the course of the testimony, I draw the
7 inference that you do tend to get involved in drinking
8 and your conduct after this incident where you, by your
9 own admission, resume drinking after an hour or so, at
10 a friend's place that you visited, indicates that it is
11 relatively easy for you to become preoccupied in a
12 drinking party with your friends. Your mother has
13 indicated, that as a recovering alcoholic, she does her
14 best to give you some guidance and direction. I hope
15 that you listen to her and some of your elders.

16 When sentencing you, I do not look upon punishment
17 as any goal to be achieved. So I have dismissed any
18 notion of punishment for punishment's sake from my
19 mind. I do however have to respect what both counsel
20 have referred to and that is deterrence.

21 In crimes of this nature, the factor of deterrence
22 must be given adequate consideration by the sentencing
23 Judge. If the sentence that I impose adequately
24 emphasizes community disapproval of your conduct by
25 branding it as reprehensible, one can hope that it will
26 have a moral and educative effect on the attitude of
27 the public. Not only do we hope that you will refrain

1 from repeating conduct of this nature, but perhaps
2 other members of the public will appreciate the
3 seriousness of such conduct. Counsel have referred to
4 this and during the course of their submissions, you
5 heard the discussion that took place.

6 When I use the term "deterrence", you will
7 understand, I believe from what Mr. Boyd has already
8 said, that not only must the Court aim to deter you
9 from this type of conduct, which is specific
10 deterrence, but the Court must also aim to deter other
11 people from doing the same thing.

12 It is generally accepted that society must be
13 protected from this type of conduct and Stacy Anawak's
14 statement indicates her concern, not only for herself.
15 On the last page of her statement, she says this:

16 "I want him to understand that a
17 person should never refuse to help
18 someone they have hurt. Never
19 should they run away and just
20 leave them lying there wounded."

21 This, I think, reflects the view of right-minded
22 thinking people in society. A community will have very
23 little public confidence in any system if this type of
24 conduct is accepted.

25 After weighing and reviewing all of the
26 circumstances that were placed in evidence and after
27 hearing the submissions of counsel, I have concluded
that the sentence to be imposed is a term of one year
imprisonment on each count with the same to run

1 concurrent. In other words, the total or global
2 sentence on the two counts is a term of imprisonment
3 for one year.

4 I realize that in imposing that sentence I have
5 erred on the side of leniency but I do so for these
6 reasons:

7 First of all, you are a young man, 19 years of
8 age, who is striving to attain his high school
9 matriculation. This sentence should not interfere too
10 much with your education and I hope that you will
11 continue, during your period of custody, with your
12 studies. I feel confident that it can be arranged but
13 you will have to take the initiative and ask for it.

14 I have also taken into account the fact that you
15 have no previous record that was presented to me this
16 morning. Crown counsel went out of his way to mention
17 that in making his submissions and is to be commended
18 for putting it forward in a positive way.

19 You also appear to have a reasonable work record
20 for a young person and you, I think, have hopes of
21 improving your lot by taking further training after
22 high school.

23 I have tried to balance these matters so as not to
24 crush your future hopes but at the same time to send a
25 message to the community that this behaviour is not
26 acceptable and you cannot avoid the consequences of
27 it.

1 As a young person, you will have ample time in the
2 future to atone for the wrong that you have done, and I
3 frankly hope that you will bring yourself to see what
4 you have done as being a terrible thing for Stacy. I
5 sense that she's a big enough person to appreciate a
6 written apology. But that is something up to you. As
7 I told you before, she didn't strike me as a vindictive
8 young woman although she clearly is very troubled by
9 what happened.

10 With respect to the driving prohibition, I agree
11 that there must be a driving prohibition for a two-year
12 period. In fairness to you and Mr. Scrivens and your
13 counsel, Mr. Boyd, this seems to be a generally
14 accepted range and I agree with them.

15 So in addition to the sentence of one year
16 concurrent on each count, I impose a driving
17 prohibition for a term of two years.

18 You must understand that any violation of that
19 driving prohibition can only get you into further
20 trouble and you will have to respect that order or
21 suffer the consequences.

22 I believe that concludes matters unless there is
23 anything that counsel feels that I have omitted.

24 MR. BOYD: Nothing from defence, My Lord.

25 MR. SCRIVENS: No, My Lord.

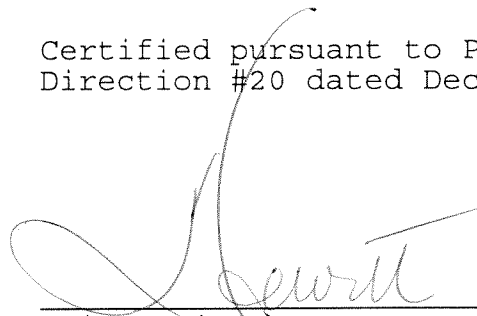
26 THE COURT: You can have a seat.

27 Mr. Boyd and Mr. Scrivens, before we close this

1 sittings of the court, I want to express my
2 appreciation to you, as the presiding Judge, for the
3 professional way in which you conducted these
4 proceedings. That really sums up a great deal in a few
5 words but I think that people in the community of
6 Rankin Inlet are entitled to know that you both
7 fulfilled your respective roles with dignity and, from
8 the Court's perspective, your obligations were
9 discharged in a very responsible way. Thank you.

10 (AT WHICH TIME THE ORAL REASONS FOR SENTENCE CONCLUDED)

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

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16 _____
17 Lois Hewitt,
18 Court Reporter
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