



1 THE COURT: The accused, Patrick Aleekuk, has  
2 been convicted by a jury on a charge of sexual  
3 assault.

4 The evidence presented during the trial was far  
5 from clear-cut. Most of the witnesses, including the  
6 accused and the victim, had problems recalling large  
7 segments of what occurred around the time of the  
8 crime. What emerged, however, was a chain of evidence  
9 that led to what I describe as the only logical  
10 scenario.

11 During the weekend of July 27, 1996, here in  
12 Aklavik, the victim had been drinking heavily with  
13 several others. The accused had also been drinking  
14 heavily, but not in the company of the victim. At one  
15 point, the victim fell asleep and was left alone. The  
16 accused came into the house where she was asleep. When  
17 the victim awoke, she found the accused on top of her,  
18 passed out, but still penetrating her with his penis.  
19 Subsequent DNA analysis confirmed that the accused had  
20 ejaculated inside of her.

21 We in this Court, unfortunately, hear very many  
22 cases where a sleeping woman, or a woman who has passed  
23 out due to intoxication, has been victimized by a man  
24 who simply takes advantage of her vulnerable state. It  
25 is a despicable crime. It shows no respect whatsoever  
26 for another human being. It causes pain and feelings  
27 of revulsion in the victim (as in this case). It is a

1 crime that must be treated severely so as to deter  
2 others from acting in a similar way. It is a crime  
3 that must be treated severely so as to protect innocent  
4 members of a community.

5 It is not the first time that the accused has been  
6 punished by the courts for his actions. Indeed, this  
7 accused has a terrible history of criminal behaviour.  
8 His record reveals over 40 criminal convictions from  
9 1972 to 1994. He has been convicted of thefts, break  
10 and enters, and assault, among other things. He has  
11 spent much, if not most, of the past 25 years behind  
12 bars. Most significantly, in 1989, he was convicted of  
13 sexual assault for which he was sentenced to three  
14 years imprisonment. There comes a time, and the time  
15 is now, when the protection of the community becomes  
16 the paramount and, indeed, the only consideration in  
17 sentencing. This man has caused too much harm over the  
18 years for it to be any other way.

19 What can be said on behalf of the accused?

20 He is 41 years old. He has limited education, no  
21 trade or skills, and he has held a variety of odd jobs  
22 over the years. His counsel has told me that this  
23 crime was caused by his extreme degree of alcohol  
24 intoxication. Apparently, his past crimes were  
25 affected by alcohol abuse. Yet I am told that he has  
26 had counseling during his previous periods of  
27 incarceration. I was also told that he makes a

1           conscious effort to stay sober because he knows he gets  
2           into trouble when he drinks.

3           Many judges of this court have said that alcohol  
4           abuse may be an explanation but it can never be an  
5           excuse. Many people drink; not all of them go into  
6           other people's homes and rape sleeping women. It seems  
7           to me that at his age no one can help the accused  
8           except himself. If he knows he causes trouble when he  
9           drinks, then he should not drink. If he cannot control  
10          himself, then, unfortunately, society will have to  
11          control him.

12          I take into account the nine months the accused  
13          has spent in pre-trial custody. But even with that I  
14          must impose a significant sentence.

15          Stand up, Mr. Aleekuk.

16          Mr. Aleekuk, I am not going to lecture you. You  
17          are old enough that you should understand what you did  
18          and why you are being punished. I sentence you to  
19          serve a term of imprisonment of six years. In  
20          addition, there will be an order pursuant to Section  
21          100 prohibiting possession or use of firearms or any  
22          explosives for a period of ten years from the date of  
23          your release. You can sit down. There will no victim  
24          of crime fine surcharge in the circumstances, Counsel.

25          Now, is there anything else?

26          MR. COUPER:                        Yes, just a couple of  
27          administrative matters, sir. In regard to the Section

1           100 order, should the order direct the firearms be  
2           turned over forthwith?

3       THE COURT:                   Does he have any firearms?

4       MS. GARDENER:                He has no firearms, My Lord.

5       THE COURT:                   Then the order can direct that it  
6           be forthwith.

7       MR. COUPER:                  The other application I have is  
8           for an order disposing of exhibits.

9       THE COURT:                   Very well. The paper exhibits and  
10          the voir dire exhibits that were entered will stay on  
11          the court file. The jeans, Exhibit 2 --

12      MR. COUPER:                  Yes.

13      THE COURT:                  -- I'll direct that the clerk  
14          return them to the R.C.M.P. for safekeeping pending  
15          expiry of the appeal period. And then what is your  
16          client's wish, Miss Gardener? Does he want those pants  
17          back?

18      MS. GARDENER:                No, My Lord.

19      THE COURT:                   At the expiry of the appeal  
20          period, the R.C.M.P. can destroy that.

21      MR. COUPER:                  Thank you, My Lord.

22      THE COURT:                   Thank you, Counsel. If there is  
23          nothing else, we will close court.

24      (AT WHICH TIME PROCEEDINGS CONCLUDED)


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

  
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Jane Romanowich  
Court Reporter