

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

RICKY AMOS aka RICKY TUMMA

Transcript of the Oral Reasons for Sentence delivered
by the Honourable Justice J.E. Richard, sitting at
Yellowknife, in the Northwest Territories, on August
3rd, A.D. 2006.

BAN ON PUBLICATION OF COMPLAINANT/WITNESS
PURSUANT TO SECTION 486 OF THE CRIMINAL CODE

APPEARANCES:

Ms. S. Smallwood: Counsel for the Crown

Mr. T. Boyd: Counsel for the Accused

(Charge under s. 271 Criminal Code)

1 THE COURT: The offender has pleaded
2 guilty to sexually assaulting a young girl seven
3 years ago in Inuvik. The victim was eight years
4 old at the time. She was, at the time, the
5 daughter of a woman with whom this offender was
6 in an on-again/off-again intimate relationship.

7 The sexual assault amounted to touching the
8 vaginal area of the eight-year-old child either
9 over her clothing or beneath her clothing. The
10 sexual assault occurred in 1999. The victim did
11 not tell anyone about the assault because she, in
12 her words, tried to ignore it or forget about it.
13 She was concerned that people would not believe
14 her and she was also concerned that if she told
15 her mother what had happened that her mother
16 would get mad at her. But in July, 2004, around
17 the time when her mother broke up with this
18 offender for the last or final time, she
19 disclosed the sexual assault to her mother and
20 the next day she told the police.

21 The police contacted the offender in
22 November, 2004, and, by his own evidence, he
23 initially denied to the police that he had done
24 anything wrong. For some reason, the charge was
25 not laid until August, 2005. The offender
26 shortly thereafter made a confession to the
27 police and also wrote a letter of apology to the

1 victim and her mother. However, presumably
2 because he disputed some of the precise details
3 being alleged by the victim, when he appeared in
4 court he elected trial by Judge and jury.

5 After several attempts to set the matter
6 down for Preliminary Inquiry in Territorial
7 Court, the offender appeared in Territorial Court
8 in March, 2006 and waived his right to a
9 Preliminary Inquiry, and thereafter he was to
10 proceed directly to jury trial in this court.
11 Yesterday, August the 2nd, 2006, he appeared in
12 this court and re-elected to Judge alone and
13 pleaded guilty to the charge of sexual assault.

14 I set out this background to the attendance
15 by the offender in this court today to point out
16 that there has been considerable delay in getting
17 this matter before the court for disposition.
18 Also, with this background, it cannot be said
19 that Ricky Amos' guilty plea is an early guilty
20 plea. The very brief hearing which took place in
21 this court yesterday on the disputed facts could
22 have readily occurred many months ago in either
23 court.

24 In any event, the offender has pleaded
25 guilty, has expressed remorse and has apologized
26 to the victim and her mother, and all of that
27 does act in mitigation of sentence. It is just

1 that, obviously, it is not the same level of
2 mitigation as if these initiatives of the
3 offender had happened on a more timely basis.

4 Ricky Amos' crime is considered by our
5 society to be a serious one, as it involves the
6 sexual abuse of a child. This offence is
7 punishable by up to 10 years' imprisonment. The
8 fact that the victim of a sexual assault is a
9 child is deemed by the law to be an aggravating
10 circumstance. The previous case law, and now
11 Parliament, has directed that when a Judge is
12 sentencing an offender for a crime involving the
13 abuse of a child the primary consideration is to
14 be the two objectives of denunciation and
15 deterrence of this kind of criminal behaviour.

16 The offender is a mature man of 42 years of
17 age, of Aboriginal descent, a life-long resident
18 of the Inuvik region. He has a grade 12
19 education and is fairly articulate or
20 well-spoken. In recent years he has had seasonal
21 employment with the Public Works Division of the
22 Municipality of Inuvik. He admits to being a
23 life-long alcoholic and says that he has recently
24 taken treatment programs to deal with his
25 alcoholism.

26 He has an extensive criminal record. Most
27 of that criminal record was accumulated during

1 the early years of his life. He has four
2 convictions for crimes of violence, one of which
3 was a conviction for sexual assault in 1986. I
4 note from the entries on his criminal record that
5 at the time of committing the present offence in
6 1999 he would have recently completed a 12-month
7 period of probation following an assault
8 conviction in 1998.

9 Mr. Amos' previous criminal record is an
10 important consideration in the determination of
11 sentence in the sense that he is not a person who
12 is coming before the Court with an unblemished
13 past to be sentenced for a once in a lifetime
14 momentary lapse in judgment.

15 It is an aggravating circumstance in the
16 determination of an appropriate sentence that
17 Mr. Amos was in a position of trust vis-à-vis
18 this young child at the time of the commission of
19 this crime. He violated that trust by his own
20 admission in the letter that he wrote to the
21 victim and her mother some six years after the
22 event and after he had been charged with the
23 crime.

24 Although this incident occurred seven years
25 ago, it must be remembered that at the time the
26 offender was 36 years old and his victim was
27 eight years old. She and her mother were

1 entitled to expect that she would be safe when
2 alone with him in his apartment.

3 In all of the circumstances, I find that a
4 denunciatory sentence of imprisonment is required
5 in this case. Please stand, Mr. Amos. Ricky
6 Amos, for the crime that you have committed,
7 sexual assault contrary to section 271 of the
8 Criminal Code, it is the sentence of this Court
9 that you be imprisoned for a period of ten
10 months.

11 In addition, I grant the three orders sought
12 by the Crown; that is, the firearms prohibition
13 order for a period of ten years, the DNA order
14 and the order under the Sex Offender Information
15 Registration Act for a period of 20 years.

16 In the circumstances, there will be no
17 victim fine surcharge. You may be seated. Is
18 there anything further on this case, counsel?

19 MS. SMALLWOOD: Nothing, Your Honour.

20 MR. BOYD: Not from defence, Your Honour.

21 THE COURT: Thank you. We will adjourn
22 court till 10:00.

23 Certified to be a true and
24 accurate transcript pursuant
25 to Rules 723 and 724 of the
26 Supreme Court Rules.

27 _____
Jill MacDonald, CSR(A), RPR
Court Reporter