

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

PETER UGYUK

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Transcript of the Reasons for Sentence by The Honourable  
Justice V.A. Schuler, at Yellowknife in the Northwest  
Territories, on February 23rd A.D., 2006.

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APPEARANCES:

Mr. J. MacFarlane:	Counsel for the Crown
Mr. M. Hansen:	Counsel for the Accused

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Charge under s. 266 (x2) Criminal Code of Canada

1 THE COURT: In terms of sentence,  
2 Mr. Ugyuk, at the commencement of his jury trial,  
3 pleaded guilty to Counts 3 and 5 in the  
4 Indictment, both being charges of assaulting the  
5 victim. He was found not guilty by the jury of  
6 the other charges in the Indictment so I will say  
7 no more about them and I do not take them into  
8 account, obviously, in sentencing him for the  
9 assaults.

10 For the record, then, there will be  
11 convictions on Counts 3 and 5 in the Indictment.

12 The background of the offences is that  
13 Mr. Ugyuk and the victim were in a personal  
14 intimate relationship, one that I think on the  
15 evidence is probably best described as a  
16 boyfriend/girlfriend relationship rather than a  
17 spousal one.

18 The circumstances are set out in the Agreed  
19 Statement of Facts and they are as follows:

20 Dealing first with Count 5 relating to the  
21 offence on December 24th, 2004, this offence  
22 occurred against a background of drinking and  
23 Mr. Ugyuk becoming jealous and angry at the  
24 victim and assaulting her. He slapped her, hit  
25 her numerous times, and he tried to choke her.  
26 She received bruises from the assault but she did  
27 not seek medical attention. Mr. Ugyuk apologized

1 after the assault.

2 The second incident was January 30th, 2005  
3 and it is the basis for Count 3 in the  
4 Indictment. It involves a similar background.  
5 Mr. Ugyuk and the victim were drinking.  
6 Mr. Ugyuk became angry and jealous and then  
7 engaged in slapping, hitting and punching her and  
8 pulling her hair. On that occasion she did go to  
9 the hospital the next day and the photographs  
10 that were taken of her have been made an exhibit  
11 on this sentencing and they indicate that she had  
12 very pronounced black eyes and bruising  
13 especially to her upper arms.

14 Mr. Ugyuk is 35 years old. My recollection  
15 is that the victim was approximately the same  
16 age. He is from Taloyoak and he moved to  
17 Yellowknife in 2004 which is when he became  
18 involved in the relationship with the victim who  
19 happened to be from his home community.

20 It would appear from what has been said, and  
21 it was also I think quite evident from the  
22 evidence at the trial, that they both consumed  
23 alcohol to excess and that there was some use of  
24 crack cocaine. Unfortunately I must say that  
25 this strikes me as another very sad result or sad  
26 story resulting from, at least in part, the  
27 prevalence of cocaine in this community. There

1 is Mr. Ugyuk, he had a job, he had work, but he  
2 became involved in that lifestyle that certainly  
3 wasn't going to help him.

4 Mr. Ugyuk's family background was described  
5 by his counsel. It is clear that there were  
6 issues of alcohol and violence in his family  
7 background and that there have been issues for  
8 him because of what seemed to be a very high  
9 number of deaths in his family.

10 Mr. Ugyuk turned himself in to the police  
11 after the January 30th, 2005 assault and he  
12 acknowledged to the police at that time that he  
13 had assaulted the victim.

14 Mr. Ugyuk does have a criminal record. The  
15 record is troubling because it does contain five  
16 prior convictions for assault, two of which are  
17 spousal assaults apparently on victims other than  
18 the victim in the present case. There is a nine  
19 year gap in the record from 1994 to 2003 so that  
20 since 1994 his only conviction has been a spousal  
21 assault in October of 2003. I do note however as  
22 well that it would appear that he had only just  
23 finished completing the sentence that he was  
24 given in 2003 before the assaults in the present  
25 case took place.

26 I have reviewed the Victim Impact Statement,  
27 and it's clear from the Victim Impact Statement

1           that the victim is understandably afraid of  
2           Mr. Ugyuk and doesn't want anything to do with  
3           him anymore.

4           The Crown in this case is seeking a global  
5           sentence of between 10 and 14 months while the  
6           defence seeks a global sentence of between seven  
7           and 11 months so they are not that far apart.  
8           Both Crown and defence agree that a year's  
9           probation with a condition that Mr. Ugyuk have no  
10          contact with the victim would be appropriate.

11          In terms of mitigating and aggravating  
12          factors in this case, although the victim and  
13          Mr. Ugyuk were as I indicated not in a spousal  
14          relationship, they were in an intimate  
15          relationship, a relationship of boyfriend and  
16          girlfriend, there was therefore in my view an  
17          element of trust or reliance as between them.  
18          Certainly the victim would have been entitled to  
19          expect that Mr. Ugyuk would treat her with  
20          respect and not abuse and assault her and when I  
21          say "abuse", I mean assault. I am not referring  
22          to any of the other charges. In my view, the  
23          relationship in this case is an aggravating  
24          factor because there is an element of trust to  
25          it, and this can be labelled as a case of  
26          domestic abuse.

27          The fact that Mr. Ugyuk pleaded guilty is a

1 mitigating factor. Considering that the assault  
2 charges were on the same Indictment as the other  
3 charges and that they were all part of the same  
4 series of events that were alleged, I do give him  
5 credit for the guilty pleas even though they were  
6 not entered until the day of the jury trial.

7 There is no time in custody to be taken into  
8 account. Counsel are agreed on that because any  
9 time in custody is in relation to some unrelated  
10 matters.

11 In this case, the principles of sentencing  
12 are primarily denunciation of the offences,  
13 denunciation of this type of conduct, and  
14 deterrence of others and obviously that is  
15 because this type of abuse in a relationship is  
16 far too prevalent. This type of situation, the  
17 drinking, jealousy and anger and then the failure  
18 in this case of the accused to control himself,  
19 are situations that are far too prevalent. And  
20 based on his record, it would appear that  
21 Mr. Ugyuk has had a problem with controlling his  
22 emotions and anger management for some time.  
23 Deterring Mr. Ugyuk himself is obviously  
24 important and he has to learn in some way not to  
25 turn to violence when he gets jealous and angry.  
26 It's not the alcohol, it's not the cocaine, it's  
27 not what the victim in this case did that caused

1           these assaults, it's Mr. Ugyuk's failure to  
2           control his own behaviour. That's the only cause  
3           of what happened here.

4           Even though there are two separate events  
5           involved, I do take into account the totality of  
6           the sentence to be imposed.

7           Please stand, Mr. Ugyuk.

8           On Count 3 in the Indictment, which is the  
9           count relating to January 30th, 2005, which on  
10          the evidence is the more serious of the two  
11          assaults, I sentence you to a term of  
12          imprisonment of eight months. On Count 5 in the  
13          Indictment, which is the December 24th assault, I  
14          sentence you to four months consecutive which is  
15          a total term then of 12 months.

16          That will be followed by probation for a  
17          period of one year with the statutory conditions  
18          and a condition that you not communicate directly  
19          or indirectly with Hannah Paniloo.

20          You may sit down.

21          In light of the fact that the Crown is not  
22          asking for either a DNA order or a firearm  
23          prohibition order, both of which are  
24          discretionary and not mandatory in this case, I  
25          am not going to make those orders. It also seems  
26          to me in the circumstances, since there was no  
27          firearm used in the commission of the offences and

1 Mr. Ugyuk does not have a record for use of  
2 firearms in a prohibited manner, there's no need  
3 for a firearm prohibition order. With respect to  
4 the DNA order, his last two assaults, by that I  
5 mean the recent assaults, the ones before me and  
6 the 2003 spousal assault, obviously involve  
7 people that he was well-known to so in the  
8 circumstances it doesn't seem to me that a DNA  
9 order is necessary in any event.

10 The Victim Surcharge will be waived in the  
11 circumstances.

12 Now, is there anything that I have  
13 overlooked, counsel?

14 MR. HANSEN: I don't believe so.

15 MR. MacFARLANE: I was asked, or I was  
16 reminded, I apologize, if following the  
17 expiration of the appeal period for these matters  
18 if the exhibits can be returned.

19 THE COURT: Returned to the --

20 MR. MacFARLANE: -- to the Crown's office.

21 THE COURT: Is there any objection to  
22 that?

23 MR. HANSEN: No objection.

24 THE COURT: Then at the expiration of the  
25 appeal period or at the conclusion of any appeal  
26 proceedings that may be taken, the exhibits will  
27 be returned to the Crown's office.



1 THE CLERK: Thank you.

2 THE COURT: Thank you, counsel.

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6 Certified to be a true and  
7 accurate transcript pursuant  
8 to Rules 723 and 724 of the  
9 Supreme Court Rules,

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Lois Hewitt, CSR(A), RPR, CRR  
Court Reporter

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