

R. v. Wedawin, 2009 NWTSC 49

S-1-CR2007000095

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

RICKY WEDAWIN

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Transcript of the Reasons for Sentence by The Honourable  
Justice D. M. Cooper, at Behchoko in the Northwest  
Territories, on June 24th A.D., 2009.

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APPEARANCES:

Ms. J. Andrews: Counsel for the Crown

Mr. H. Latimer: Counsel for the Accused

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Charge under s. 271 Criminal Code of Canada

An order has been made banning publication of the identity  
of the Complainant/Witness pursuant to Section 486.4 of  
the Criminal Code of Canada

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1 THE COURT: Ricky Wedawin stands convicted  
2 by a jury on May 14th, 2009 on the charge of  
3 having sexually assaulted a 70-year-old woman in  
4 her home on or about May 6th, 2007, at Behchoko  
5 in the Northwest Territories. For this, the  
6 penalty can be a maximum of ten years in jail.  
7 The Crown is seeking a sentence of a period  
8 of incarceration in the range of three to three  
9 and one-half years and strenuously opposes a  
10 conditional sentence citing a number of  
11 aggravating factors: This was a major sexual  
12 assault; the victim was asleep at the time that  
13 it occurred; her age, which was 70; that this was  
14 a breach of trust because the offence occurred in  
15 her home; that the offence occurred while she was  
16 asleep. The Crown cites subsequent convictions  
17 for breaches of undertakings and breach of  
18 recognizance and references the pre-sentence  
19 report where the accused displays a lack of  
20 acceptance of responsibility for the offence and  
21 apparent remorselessness. The Crown also says  
22 that there is little or no supervision in the  
23 community of Gameti and no police and the  
24 offender, by his conduct and his attitude towards

25 what transpired here, continues to pose a risk to  
26 society.  
27 The defence argues that an appropriate

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1 disposition in this case would be a conditional  
2 sentence given the favourable input from his  
3 parents, his employer, and the Gameti Band, and  
4 what he had hoped would be a positive  
5 pre-sentence report. I would pause to  
6 acknowledge that defence counsel has himself  
7 acknowledged that the pre-sentence report  
8 contains some troubling revelations about  
9 Mr. Wedawin's attitude towards this offence.  
10 The defence also cites Mr. Wedawin's age,  
11 his immaturity, the fact that this was a first  
12 offence, and the fact that he has seemingly been  
13 a model citizen since he has been confined to the  
14 community of Gameti, pursuant to the terms of his  
15 recognizance, as mitigating factors. He also  
16 says that there is no victim's impact statement  
17 in this case and as a result asks the Court to  
18 infer that the victim is not vengeful and further  
19 infer that she was not traumatized or traumatized

20 to a great degree by this offence.

21 In any sentencing the Court has to take into  
22 account the sentencing principles that are set  
23 out in the Criminal Code, the circumstances of  
24 the person who is being sentenced, the impact  
25 upon the victim, and the circumstances of the  
26 offence committed.

27 Sentencing is a very individualized process.

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1 Many things must be taken into account and  
2 balanced and it is not an easy thing to do  
3 because in every case there are many things to  
4 consider and many competing factors, and this is  
5 certainly one of those cases.

6 I will speak first about the sentencing  
7 principles that are set out in the Criminal Code  
8 and to which counsel have alluded in their  
9 submissions. I am not going to read all of the  
10 applicable sections but it is important to cite  
11 some of them as they do provide the legal  
12 framework for the decision that the Court has to  
13 make.

14 The purpose of sentencing is set out in

15 Section 718 of the Code. It reads as follows:  
16 The fundamental purposes of sentencing is to  
17 contribute, along with crime prevention  
18 initiatives, to respect for the law and the  
19 maintenance of a just, peaceful and safe society  
20 by imposing just sanctions that have one or more  
21 of the following objectives:  
22 (a) to denounce unlawful conduct;  
23 (b) to deter the offender and others from  
24 committing offences;  
25 (c) to separate offenders from society where  
26 necessary;  
27 (d) to assist in rehabilitating offenders,

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1 (e) to provide reparations for harm done to  
2 victims or to the community; and  
3 (f) to promote a sense of responsibility in  
4 offenders, and an acknowledgment of harm  
5 done to the victims and the community.  
6 Another fundamental principle is set out in  
7 Section 718.1. It says:  
8 A sentence must be proportionate to  
9 the gravity of the offence and the

10 degree of responsibility of the  
11 offender.

12 Section 718.01 states:

13 When a Court imposes a sentence for  
14 an offence that involves the abuse  
15 of a person under the age of  
16 eighteen years, it shall give  
17 primary consideration to the  
18 principles and objectives of  
19 denunciation and deterrence of such  
20 conduct.

21 Unless the victim is under the age of 18,  
22 the Court does not require as its primary the  
23 objective of deterrence and denunciation.

24 Section 718.2 sets out a number of  
25 principles. They do not all apply in this case  
26 but ones that should be considered are:

27 (a) that a sentence should be

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1 increased or reduced to account for  
2 any relevant aggravating or  
3 mitigating circumstances;  
4 (b) a sentence should be similar to

5 sentences imposed on similar  
6 offenders for similar offences  
7 committed in similar circumstances.  
8 Another important principle alluded to or  
9 referenced by defence counsel is that all  
10 available sanctions other than imprisonment that  
11 are reasonable in the circumstances should be  
12 considered for all offenders with particular  
13 attention to the circumstances of aboriginal  
14 offenders. I will have more to say about that  
15 principle in a moment.

16 These are principles in the legal framework  
17 under which I must operate today in attempting to  
18 decide what a fit sentence is for this offender  
19 for this crime.

20 A pre-sentence report was prepared in this  
21 case where the accused was 18 years old at the  
22 time of the offence and as of that date had no  
23 criminal record.

24 At the time of the offence, the accused was  
25 a boarder in the home of the victim and was going  
26 to school in Grade 12 in Behchoko. Subsequent to  
27 being charged with the offence of sexual assault,

1 the accused dropped out of school and still needs  
2 eight courses in order to matriculate, something  
3 he wants to do at some point. Since April of  
4 2009, he has been working as a labourer doing  
5 construction in Gameti and earns a net income of  
6 approximately \$2400 per month. But for a brief  
7 hiatus to attend high school in Behchoko, the  
8 accused has spent his entire life in Gameti. He  
9 lives with his parents and has two sisters and  
10 two brothers. It is reported that the Wedawin  
11 home is a relatively stable one, absent drinking  
12 or violence, and one where the children are cared  
13 for, nurtured, and loved. The father of the  
14 accused has worked in one of the diamond mines  
15 for several years now, which has no doubt  
16 enhanced the family's standard of living but  
17 meant that he spent half of his life away from  
18 his wife and children. The family is close and  
19 supportive of one another. Cecilia Wedawin, the  
20 mother of the accused, reports that Ricky is a  
21 hard worker and when his father leaves for work  
22 he has always been willing to help out with the  
23 children and the bills and both grandmothers.  
24 When the father needed surgery on his hands,  
25 Ricky largely assumed his responsibility during  
26 his recovery. The accused has said that his  
27 Tliche culture is important to him and that he



1 participates in any cultural activity that he  
2 can. For leisure activities, he likes to spend  
3 time with his family and play video games with  
4 his friends and his youngest brother. He would  
5 like to finish Grade 12 but cites no plans for  
6 the future after that. In his family existence,  
7 Mr. Wedawin has not been exposed to the excesses  
8 of alcohol consumption or been the victim of or  
9 been witness to violence or abuse.

10 Since being arrested on the charge before  
11 Court, the accused has been in breach of his  
12 undertaking or recognizance on four occasions as  
13 a result of drinking or breach of the curfew  
14 provision in his undertaking and was sentenced to  
15 pay fines in three cases and ten days in jail on  
16 another case. These breaches are of some concern  
17 to the Court but it is noted that since October  
18 23rd of 2007, the accused has not been in  
19 violation of his recognizance and has apparently  
20 been of good behaviour.

21 But I now turn to the issue of Mr. Wedawin's  
22 attitude towards this offence.

23 While there are some small indications of

24 regret from the accused, his attitude to what has  
25 happened can be summed up in the following  
26 passage in the pre-sentence report:  
27 Ricky maintains that he did not

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1 sexually assault the victim but does  
2 admit that he may have physically  
3 assaulted her. He has not taken any  
4 responsibility for his actions with  
5 regards to the sexual assault.  
6 The following excerpts are more illuminating:  
7 Ricky is adamant of his innocence  
8 and stated 'I feel responsible for  
9 the physical assault but not the  
10 sexual assault'. Ricky does not  
11 take any responsibility for his  
12 current offence and openly blames  
13 the victim and the jury for his  
14 conviction. Ricky stated 'this is  
15 the victim's fault because she gave  
16 me liquor. I was only 18 at the  
17 time'. He also expressed anger when  
18 discussing the Court proceedings and

19 stated ' during Court all the  
20 evidence was on my side. It's the  
21 jury's fault because two of them  
22 were on the victim's side from the  
23 beginning'.  
24 He remembers drinking with the victim and  
25 his friends but said in his evidence the next  
26 thing he remembered was waking up the next  
27 morning. When asked at trial how he could be

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1 sure nothing happened due to him being unable to  
2 remember, Ricky stated "my friends were there and  
3 they said nothing happened except we were arguing  
4 because I had brought friends over".

5 As for remorse or compassion for the victim,  
6 he said that he knew Court and testifying was  
7 hard for her and he would apologize to her if he  
8 weren't on a Court order not to communicate with  
9 her. In the same breath and in glaring  
10 contradiction, however, he said "I hate the  
11 victim now because she falsely charged me".

12 These aspects of the pre-sentence report are  
13 very troubling to say the least.

14 I now turn to the facts of this case.

15 To have found Mr. Wedawin guilty, the jury  
16 had to accept the evidence of the victim and in  
17 my view that was a sound conclusion. I do not  
18 think the jury's verdict nor the evidence leave  
19 much room for ambiguity but out of an abundance  
20 of caution I do find that the events unfolded in  
21 the manner described by the complainant with some  
22 exceptions.

23 The jury was not required to find that all  
24 of the victim's evidence was reliable. Certainly  
25 the weight of the evidence pointed to the victim  
26 being highly intoxicated and having no  
27 recollection of when she returned home, of who

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1 was in the house of having given some beer and  
2 possibly a "mickey" of vodka to the accused, and  
3 of the intense and violent verbal and perhaps  
4 physical confrontation she had with the accused  
5 which was disclosed in the evidence by the tape  
6 on the voicemail of her son.

7 However, the jury would have accepted the  
8 Crown's theory of what happened; namely, that the

9 victim was asleep when awakened by Ricky Wedawin  
10 who was sexually assaulting her in the manner she  
11 described. She testified that the accused held  
12 her arms behind her head and that he had his knee  
13 in her right thigh area and that he tore her  
14 pants. She said that she tried to stop him by  
15 struggling and that she tried talking to him. At  
16 one point she said he told her to shut up and  
17 slapped her across the face. She said he was on  
18 top of her and felt his penis in her groin area.  
19 During the course of this assault, she suffered a  
20 number of bruises and what she described as a  
21 hickey on her neck where he was sucking on her.  
22 Eventually she says she was able to hit him or  
23 push him and he fell back into a rocking chair  
24 and remained still at which point she quickly  
25 changed her pants and ran barefoot to Louisa  
26 Smith's house less than a block away, arriving  
27 there at approximately 7 a.m. Both the victim

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1 and Louisa Smith testified that when she arrived  
2 she said "Ricky's trying to rape me" and the  
3 victim added "I don't think he knows what he is

4 doing, I think he's on drug (sic) I said".

5 For his part, the accused testified that he  
6 was drunk at the time this happened. There is  
7 ample evidence to support his contention in this  
8 regard. He went on to say that he blacked out  
9 and did not remember the verbal confrontation  
10 with the victim that was captured on the  
11 voicemail of the victim's son and wife or have  
12 any recollection of having sexually assaulted the  
13 victim.

14 Whether his memory in this regard is real or  
15 contrived is of no particular import since  
16 self-induced intoxication here is not a defence  
17 and not a mitigating factor. However, I feel  
18 compelled to address the continuing assertions of  
19 the accused that he did not commit this offence  
20 and how he is sure that he did not.

21 The accused was present throughout the trial  
22 and heard what all of the witnesses had to say.  
23 He had to have heard Constable MacLellan testify  
24 that he noted Ricky Wedawin was highly  
25 intoxicated at the time that he gave him and  
26 Colin Rabesca a ride on the night of the offence  
27 at 3:45 a.m. Mr. Wedawin can blame the victim

1 for giving him alcohol if he wishes but he was  
2 already intoxicated and he had a choice as to  
3 whether he continued drinking or stopped for the  
4 night. No one forced the alcohol down his  
5 throat.

6 He would also have heard his friends testify  
7 that indeed an argument did erupt between him and  
8 the victim. But they also said they left before  
9 it got it overly heated or physical. Certainly  
10 they did not describe anything like the violent  
11 argument and crashing sounds we heard on the  
12 voicemail taperecording. Mr. Wedawin himself  
13 had no recollection of this argument or anything  
14 like the confrontation heard on the voicemail  
15 tape. He had blacked out and agreed with  
16 cross-examining counsel that he remembered  
17 nothing that happened after that until he woke up  
18 the next morning. He was asked during  
19 cross-examination:

20 "You will agree with me that you  
21 don't know what happened, you could  
22 have assaulted her when you blacked  
23 out, am I right?"

24 The accused replied "I don't think so". When  
25 asked why he said that, his response was  
26 "because I didn't felt like I did this".

1 to conclude that a verbal and quite possibly  
2 physical fight broke out between Mr. Wedawin and  
3 the victim at approximately 4:15 a.m. and it  
4 escalated and continued past 4:28, the time of  
5 the second voicemail recording, and that some  
6 time after the victim went to sleep in the  
7 livingroom. While she has no recollection of the  
8 verbal argument, she recalled with some  
9 specificity being awakened when, as she said,  
10 "Ricky jumped me" and she was sexually assaulted.  
11 She recalls pushing him off and him appearing to  
12 be unconscious, and changing her pants and  
13 running to her neighbour's house. The neighbour  
14 testified that the victim appeared in a highly  
15 emotional state at her door at 7 a.m., so there  
16 was a period of approximately two and a half  
17 hours when there were no voicemail tapes or  
18 witnesses to corroborate what transpired. The  
19 jury would have believed the victim's testimony  
20 and found it to be reliable with respect to these  
21 events and would have found the neighbour's



22 testimony reliable with respect to time and  
23 regarding the victim's physical and emotional  
24 states. Mr. Wedawin was blacked out and does not  
25 remember. He has no explanation for why he did  
26 not commit the offence except he felt that he  
27 didn't do it. It is the view of this Court that

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1 the sooner Mr. Wedawin takes responsibility for  
2 this offence, the better it will be for him  
3 regardless of how hard it is to cope with the  
4 responsibility of having done something that  
5 seems so completely out of character.

6 One of the tragic side-effects of the  
7 excessive abuse and consumption of alcohol is  
8 that people black out and can't remember what  
9 they did. And often what they do seems totally  
10 out of character, senseless, and destructive when  
11 they assess their actions when sober in the clear  
12 light of day. Mr. Wedawin, and the facts of this  
13 case, are not unique in this regard in the  
14 Northwest Territories. This is a story that is  
15 often heard by the Court; namely, "I wouldn't  
16 have done this if I had been sober". However,

17 the offender was not sober and considerable harm  
18 and a crime against the state and the community  
19 was committed and this calls for a sentence which  
20 reflects the gravity of this crime.

21 No victim's impact statement has been filed  
22 in this case but from my close observations of  
23 the victim in the courtroom, it is evident that  
24 this assault did have a traumatizing effect on  
25 her that she has not entirely overcome. She was  
26 an embarrassed victim and a reluctant witness and  
27 she has declined to complete and file a victim's

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1 impact statement. I note she faltered on the  
2 witness stand on two occasions and on others  
3 displayed feelings of anger and a sense of  
4 disbelief and betrayal. She told the probation  
5 officer who prepared the pre-sentence report that  
6 she is trying to forget what happened. Hopefully  
7 now that this case has been concluded, she will  
8 be able to put these events behind her.

9 I want to now return to one of the  
10 sentencing principles that I referred to earlier  
11 which is engaged because Mr. Wedawin is an

12 aboriginal person.

13 The provision in question, which is  
14 paragraph (e) of Section 718.2 of the Code, was  
15 interpreted and analyzed by the Supreme Court of  
16 Canada and that interpretation is binding on all  
17 Courts in Canada. It was interpreted to be a  
18 remedial provision, a recognition by Parliament  
19 that aboriginal people are overrepresented in our  
20 jails. The Supreme Court found that this section  
21 directs all Courts to recognize that many  
22 aboriginal people have faced systemic problems  
23 that have contributed to their overrepresentation  
24 in jails and that the provision creates a duty  
25 for sentencing Courts in all cases. This duty is  
26 to approach sentencing differently when dealing  
27 with an aboriginal offender, an approach that

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1 takes into account some of the systemic factors  
2 that have placed many aboriginal people in  
3 difficult conditions and have contributed to them  
4 coming into conflict with the law. It also  
5 requires the Court to examine the types of  
6 procedures or sanctions that might be most

7 appropriate in light of a person's aboriginal  
8 heritage and, in some cases, it might mean a more  
9 restorative approach to sentencing. This is a  
10 different analysis that must be undertaken both  
11 in deciding the type of sentence that will be  
12 imposed, that is a jail term or not a jail term,  
13 and if jail is imposed it can also have an impact  
14 on how long the sentence will be.

15 The Supreme Court of Canada has also  
16 recognized what this section does not mean. It  
17 does not mean that the fact that an offender is  
18 of aboriginal descent is in itself a mitigating  
19 factor. It does not mean that sentences imposed  
20 on aboriginal persons will necessarily be more  
21 lenient or different than the sentence that would  
22 be imposed on a non-aboriginal person for the  
23 same crime. In fact, the Supreme Court of Canada  
24 has specifically said that the more serious or  
25 violent an offence, the less likely it is that  
26 the ultimate result is going to be different.

27 I have not heard evidence or submissions

2 has faced as an aboriginal person. And in fact,  
3 if anything, Mr. Wedawin has grown up in a stable  
4 home in a small community without the ravages of  
5 alcohol and has not been abused or a witness to  
6 violence. But I did read that he feels that he  
7 only gets violent when he drinks and blacks out.  
8 His parents are supportive of him, as is his  
9 employer and former Chief Henry Gon who submitted  
10 a letter of reference while asserting that young  
11 people from Gameti, including Ricky Wedawin, who  
12 go to high school in places like Behchoko get  
13 framed and convicted for crimes they don't  
14 commit. That part of Mr. Gon's submission is  
15 less than helpful. There is nothing before the  
16 Court, by way of evidence or submissions, to  
17 assist in understanding why Mr. Wedawin committed  
18 this offence other than he was heavily  
19 intoxicated and there is no reason to treat this  
20 offender in a manner that is different or  
21 markedly so than any other offender because of  
22 his aboriginal heritage.

23 The offence of sexual assault is punishable  
24 by up to ten years in jail. Few cases call for  
25 the maximum sentence to be imposed and this is  
26 not one of them. In law, sexual assault can  
27 cover a wide range of behaviour from simple

1 touching to sexual intercourse. The duty of the  
2 Court is, among other things, to impose a  
3 sentence that is reflective of the gravity of the  
4 crime. While there is no hard rule or minimal  
5 sentence per se, the general rule is that in  
6 serious cases of sexual assault a significant  
7 term of imprisonment, usually in excess of two  
8 years, is appropriate. The Courts then look to  
9 the facts in the case to identify any aggravating  
10 or mitigating factors in order to arrive at a fit  
11 sentence.

12 There is no evidence that intercourse  
13 occurred in this case or even digital  
14 penetration. There is however evidence that  
15 intercourse was perhaps attempted since the  
16 victim testified that she felt his penis on what  
17 she pointed to her as her upper left thigh area  
18 near her groin. While all cases of sexual  
19 assault are serious, I would not characterize  
20 this sexual assault as being on the most serious  
21 end of the scale.

22 The accused, as he was entitled to do, was  
23 tried by a Judge and a jury after a preliminary  
24 inquiry. The victim was required to testify  
25 twice. This is not an aggravating feature but

26 the accused obviously does not get the benefit of  
27 mitigation of sentence in the circumstances of

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1 having pleaded guilty.

2 Again, while not an aggravating factor, the  
3 lack of acceptance for his conduct and his great  
4 hostility towards the victim and the jury, and  
5 his lack of insight into these events, deprive  
6 the offender of the Court's considering his  
7 future prospects as positive and something that  
8 could mitigate his sentence. I would observe  
9 that his attitude is indicative to me that this  
10 offender still constitutes a measure of risk to  
11 the community and he will continue to do so until  
12 he accepts responsibility for his actions and the  
13 consequences which flow from those actions.

14 The Crown has suggested that Mr. Wedawin is  
15 in breach of trust in relation to the victim but  
16 the jury need not have made that finding in order  
17 to convict and in my view the evidence of this is  
18 neutral at worst and tends to favour the accused  
19 to the extent that legally, at least, he would  
20 have had every right to be in the victim's home

21 on the night in question since he was a home  
22 boarder there whose rent was being paid by the  
23 Tlicho government. He may have been in the habit  
24 of spending his weekends elsewhere, and the  
25 victim may have considered weekends as her time  
26 alone, but according to the home boarding  
27 agreement, there was no limitations with respect

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1 to the presence of the accused on weekends and  
2 the victim's son who lived at this home for a  
3 period of time testified that he would often see  
4 Ricky at the house on weekends. So this is not  
5 an aggravating factor.

6 The only mitigating factors that I can  
7 identify are the age of the offender, the fact  
8 that he had no criminal record at the time of the  
9 offence, and that he has the support of his  
10 parents, employer, and the former Chief of  
11 Gameti.

12 Many Judges before me have commented on the  
13 prevalence of this type of crime in the Northwest  
14 Territories. It can be characterized as epidemic  
15 given the frequency of these offences. Courts of



16 the Northwest Territories have almost invariably  
17 said that the principles of sentencing requiring  
18 emphasis in these case are denunciation,  
19 deterrence, and protection of the public.  
20 Sentences involving significant periods of  
21 incarceration have been meted out to offenders  
22 consistently for many years and yet these  
23 offences continue. As I have said on other  
24 occasions, something more is required to alter or  
25 affect this kind of behaviour. Community leaders  
26 must discuss this issue openly with constituents  
27 and residents and condemn this conduct which

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1 violates and invades the bodily integrity of  
2 women young and old. It is only when the  
3 community as a whole is prepared to send the  
4 message that anyone who commits a sexual assault  
5 will have lost all respect and earn the community  
6 censure that the prevalence of this type of  
7 offence might decrease. And a very very strong  
8 message also needs to be sent to the effect that  
9 consumption of alcohol to the point of blacking  
10 out is nothing but a recipe for disaster.

11 Counsel have provided the Court with a  
12 number of authorities and I thank them for having  
13 done so. I will not refer to any of them  
14 directly or in detail. I will say that Courts in  
15 the past have meted out conditional sentences in  
16 cases where there were most often young adult  
17 offenders with minor or no criminal records and  
18 where there are a number of compelling and  
19 mitigating circumstances and where the prospects  
20 for rehabilitation were high and the accused was  
21 deemed to pose no risk to the community. Courts  
22 have also said that conditional sentences are not  
23 the norm and they are inappropriate where a  
24 serious sexual assault, as here, has occurred and  
25 where there may be some mitigating circumstances  
26 but they are not sufficiently compelling to  
27 outweigh the requirement for a sentence that

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1 emphasizes deterrence and denunciation and takes  
2 into account the fact that the accused is a risk  
3 to reoffend.

4 I have read and I have heard the submissions  
5 of defence counsel. I would like to commend him

6 on the efforts that he has put forth not only at  
7 the trial but in this sentencing proceeding on  
8 behalf of his client Mr. Wedawin. However, I  
9 have balanced, as I am required to do, all of the  
10 factors I have referred to in an effort to arrive  
11 at a sentence that is appropriate in all the  
12 circumstances and have concluded that a  
13 conditional sentence would not serve the ends of  
14 justice in this case but, rather, a somewhat  
15 shorter term of incarceration where the accused  
16 can receive counselling and perhaps gain some  
17 insight into what has transpired here and work  
18 towards the completion of his Grade 12 education  
19 would be appropriate.

20 Please stand, Mr. Wedawin.

21 For the offence of sexual assault in this  
22 case, I sentence you to a term of imprisonment of  
23 18 months to be followed by a period of probation  
24 of two years.

25 The terms of your probation are:

26 1. That you are keep the peace and be of  
27 good behaviour.

1           2. You are to report to the Court if and  
2 when required to do so.

3           3. You are to be under the supervision of a  
4 probation officer.

5           4. You are to report to the probation  
6 officer within 72 hours of your release and  
7 continue reporting to the probation officer as  
8 and when directed.

9           5. You are to abstain absolutely from the  
10 consumption of or possession of alcohol or drugs  
11 or any other intoxicating substances.

12          6. For the first six months after your  
13 release, you are to live in the community of  
14 Gameti and pursue gainful employment and you  
15 shall not leave the community during the six  
16 month period without leave of this Court.

17          7. While you are incarcerated and during the  
18 term of your probation, you shall refrain from  
19 communicating with the victim or any of her  
20 family members.

21          Do you understand that, Mr. Wedawin?

22 THE ACCUSED:        Yes.

23 THE COURT:          You may sit down.

24          Given that Mr. Wedawin has been gainfully  
25 employed, I order that he is to pay a victim  
26 surcharge of \$100 within 30 days of today's date.

27          In addition, there will be an order

1 requiring the accused to provide a sample for DNA  
2 analysis and submission to the DNA databank  
3 pursuant to Section 487.051 of the Criminal Code.

4 And there will be an order that Mr. Wedawin  
5 comply with the provision of the Sexual Offender  
6 Information Registration Act for the designated  
7 period of 20 years pursuant to Section 487.012 of  
8 the Criminal Code.

9 Third, I make an order under the mandatory  
10 provisions of Section 109 of the Code prohibiting  
11 the accused from having in his possession any  
12 firearms, ammunition, or explosives for a period  
13 of no less than ten years from the date of his  
14 release from his sentence of imprisonment ending  
15 ten years after that date.

16 This was not addressed during submissions.

17 Mr. Latimer, are you asking that the accused be  
18 allowed to carry firearms, an exception be made  
19 for subsistence hunting?

20 MR. LATIMER: Yes, I am, Your Honour.

21 THE COURT: Is the Crown disagreeing with  
22 that or have any position to take on that?

23 MS. ANDREWS: No position, Your Honour.

24 MR. LATIMER: Thank you, Your Honour.  
25 THE COURT: The Court will order then that  
26 Mr. Wedawin be allowed to possess a firearm for  
27 the purpose of subsistence hunting pursuant to

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1 Section 110 of the Criminal Code.  
2 Exhibits? You asked that the exhibits be  
3 destroyed after the appeal period has elapsed,  
4 Ms. Andrews?  
5 MS. ANDREWS: Yes, Your Honour.  
6 MR. LATIMER: No objection.  
7 THE COURT: All right, the exhibits can be  
8 destroyed -- would you prefer they be returned to  
9 the RCMP who are at liberty to destroy the  
10 exhibits?  
11 MS. ANDREWS: That sounds like a good idea,  
12 if they could please be returned to the RCMP.  
13 THE COURT: The exhibits shall be returned  
14 to the RCMP at the expiration of the appeal  
15 period.  
16 Is there anything else, counsel?  
17 MS. ANDREWS: Not from the Crown, Your  
18 Honour.

19 MR. LATIMER: No, Your Honour.  
20 THE COURT: Mr. Wedawin, this has all been  
21 very unfortunate. Your counsel has said that you  
22 lack insight, maturity, and in doing so he has, I  
23 think, fairly characterized your approach to this  
24 matter. I hope sincerely that you are able to  
25 sort through your difficulties and put them in  
26 perspective, serve your sentence, and go back to  
27 your parents. By all reports you have a

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1 wonderful family and you can have a wonderful  
2 future ahead of you. And I would encourage you  
3 to accept responsibility for what happened here  
4 and to get the most out of your experience while  
5 you are incarcerated and I think, Mr. Wedawin,  
6 deep down you are a good person. And I wish you  
7 well.

8 Thank you, and I would like to thank the  
9 court staff. Court will be closed.

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13 Certified to be a true and  
accurate transcript pursuant

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to Rules 7 23 and 7 24 of the  
Supreme Court Rules,

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