*R v Kakfwi,* 2018 NWTSC 62 **S-1-CR-2017-000142**

# IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

**IN THE MATTER OF:**

**HER MAJESTY THE QUEEN**

**- v -**

**MYRINE JAMES KAKFWI**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Transcript of the Reasons for Judgment delivered by The Honourable Justice J.W. Williams, sitting in Fort Smith, in the Northwest Territories, on the 24th day of August, 2018.

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**APPEARANCES:**

Mr. B. Green: Counsel for the Crown

Ms. A. Vogt: Counsel for the Accused

(Charges under s. 271 of the *Criminal Code*)

**No information shall be published in any document or broadcast or transmitted in any way which could identify the victim or a witness in these proceedings pursuant to s . 486 . 4 of the *Criminal Code***

1. THE COURT: Myrine James Kakfwi is before
2. this Court charged that on or about the 2nd day
3. of December 2016, at or near the town of
4. Fort Smith in the Northwest Territories, he did
5. commit a sexual assault on B.G. contrary to
6. Section 271 of the *Criminal Code*.
7. This trial proceeded over two days. The
8. Crown called five witnesses: the complainant,
9. two police officers, and two civilians. At the
10. conclusion of the Crown's case, the defendant
11. elected to call no evidence. I have heard and
12. considered the submissions of both the Crown and
13. the defence.
14. These are the Court's reasons for judgment.
15. I am delivering these reasons orally. In the
16. event a transcript is required, I will reserve
17. the right to make minor editorial adjustments and
18. corrections. I will not change the substance of
19. these reasons.
20. I will commence with a brief overview of the
21. Crown case. The prosecution alleges that the
22. complainant, the defendant, and a number of other
23. persons were at a house party which took place at
24. a private residence on Field Street in
25. Fort Smith, Northwest Territories, in the early
26. morning hours of December 2nd, 2016. The Crown
27. says that at some point, the complainant, who had
28. been drinking and was quite intoxicated, found
29. herself in a bedroom on the upper story of the
30. house, alone in a bed with the defendant. The
31. Crown alleges that the defendant there had sexual
32. relations, vaginal intercourse and anal
33. intercourse, with the complainant and that she
34. did not consent to that activity and, further,
35. that the defendant knew that she did not consent.
36. In the submission of the defence, the Crown
37. case, and particularly the evidence of the
38. complainant, is so questionable, of such dubious
39. reliability, that this Court must necessarily
40. have serious doubts as to the proof that has been
41. adduced, and the charge must be dismissed. The
42. Crown contends that the evidence, when examined
43. carefully is sound and reliable, notwithstanding
44. some discrepancies, and that it does support a
45. conviction.
46. A principal focus of this Court's analysis
47. will be to examine and assess the evidence in
48. order to determine whether the Crown has proven
49. beyond a reasonable doubt that there was sexual
50. contact between the complainant and the defendant
51. and, if so proven, that the complainant did not
52. consent to the sexual contact and that the
53. defendant knew that she did not consent.
54. I will commence with a brief description of
    1. the evidence at trial.
    2. The Crown called two police witnesses who
    3. were involved in the investigation, that involved
    4. taking some statements. One of the officers took
    5. photos of the complainant. Those photos are in
    6. evidence as Exhibit 2.
    7. The centerpiece of the prosecution's case is
    8. the testimony of the complainant. She is 30
    9. years of age. On the night of December 1st,
    10. 2016, she went to a bar in Fort Smith and then,
    11. after the bar closed, to a residence on Field
    12. Street. The evidence makes clear that she became
    13. quite intoxicated. She drank prior to going to
    14. the bar -- she said four beer. At the bar, she
    15. had four beers and three shots of liquor. At the
    16. residence on her arrival, she had three or four
    17. shots of vodka.
    18. At the residence, she describes some contact
    19. with the defendant. She said she noticed him
    20. there; she said he spoke to her and complimented
    21. her appearance. She did not warm to him. She
    22. described that he came on "creepy", and she felt
    23. that he was in her space. She said he touched
    24. her arm, and she said she told him to leave her
    25. alone. She described that as occurring in the
    26. basement of the residence.
    27. The complainant has no recollection or
        1. memory of what occurred for a period of time
        2. after that. Her testimony is that her next
        3. memory is that she was on her back in a bed,
        4. naked, and that the defendant was on top of her.
        5. He was naked as well, and he was having vaginal
        6. intercourse with her. She said she cried and
        7. told him to stop. He did not, and at some point,
        8. she described that he began to have anal
        9. intercourse with her. She said that was painful,
        10. and she yelled and screamed.
        11. Around that time, she said that a friend of
        12. hers, Dakota Lizotte, was at the door of the
        13. room. She did not see him, but she heard his
        14. voice. She said he asked if everything was okay.
        15. She said that at that point, the defendant put
        16. his hand over her mouth so she could not speak,
        17. and the defendant told Dakota to leave. She
        18. testified that Dakota was only there for a moment
        19. and that he then left. She said the defendant
        20. then resumed the vaginal intercourse and finished
        21. with her.
        22. The complainant's testimony is that, in the
        23. course of events, the defendant pinned or held
        24. her outer arms down. At the conclusion of these
        25. events, she said she got up, looked for her
        26. clothes on the floor, put on some garments and
        27. then went downstairs. She testified that she was
55. crying and upset, and she said she told
56. Dakota that she had to go home. The complainant
57. testified that others were asking her what was
58. wrong and that the defendant was among those
59. asking. She said that as he did so, he came
60. close and she punched him multiple times. She
61. then took a cab from the party to her home.
62. She arrived at her residence. Her children
63. were being cared for by B.B., a man with whom she
64. had over the years been in an on-again-off-again
65. relationship. At the time of these events, they
66. were not together; they were not a couple. The
67. complainant testified that she told him that she
68. had been raped, but she gave him no details at
69. the time. She said he told her that she was
70. drunk and she should go to sleep. Sometime
71. later, about a week later, the complainant told
72. B.B. the details of the event. She said he
73. recommended that she go to the police, which she
74. did.
75. In terms of injuries, the complainant said
76. that for a number of days, it was painful to
77. urinate and that she had a swollen anus with some
78. bleeding. She said her arm was bruised, and she
79. had bruises on her inner thighs and a sore back.
80. Her testimony was that she did not consent to the
81. sexual interaction with the defendant and that
82. she protested and told him so.
83. There were two other witnesses called in the
84. Crown case. One of those was Dakota Lizotte. He
85. is a friend of the complainant. He was present
86. at the party on Field Street, and he had dealings
87. with her there. This witness described seeing
88. the complainant at that residence. He described
89. her as being in the main floor kitchen/living
90. room area. He said that he observed some
91. interaction between those two, that is, the
92. complainant and the defendant. His testimony was
93. that the defendant was trying to talk to the
94. complainant, but she was refusing to do so. He
95. said at some point, he saw the defendant slap the
96. complainant's rear end, and he also saw the
97. complainant slap the defendant.
98. At some point, evidently because the
99. complainant was so intoxicated, he escorted her
100. upstairs where there are bedrooms -- at least two
101. bedrooms. He took her into a room, sat her on a
102. bed and expressed his concern that she was quite
103. drunk; he seems to have persuaded her to lie
104. down. He remained with her for a while. He said
105. he left after a half hour or so, and when he did
106. so, she was on the bed, she had fallen asleep and
107. she was clothed.
108. Mr. Lizotte returned to the upstairs
     1. later -- he estimated approximately an hour
     2. later. He had left the house for a time in order
     3. to get some more liquor. When he went upstairs,
     4. the complainant was not in the room where he had
     5. last seen her. Across the hall, he noticed a
     6. bedroom door slightly ajar. Wondering where she
     7. was, he looked into that room. He described
     8. seeing the defendant on the complainant. He said
     9. the defendant was naked, but he said they were
     10. both covered to some extent by a sheet. His
     11. testimony was that he believed they did not
     12. notice him. He looked in briefly, just seconds.
     13. He closed the door and returned to the party. He
     14. did not describe any interaction with the two
     15. persons in the bedroom.
     16. A short while later, he said the complainant
     17. came downstairs. She was crying. In
     18. cross-examination, he said that at that time, the
     19. complainant said that the defendant had "forced
     20. himself on her." Those words I have noted were
     21. as formulated by counsel in the
     22. cross-examination, and he accepted that to be so.
     23. The witness does not recall the defendant
     24. coming downstairs. A short time later, he said
     25. the complainant left by cab. Subsequently, some
     26. day or so later, he exchanged text messages with
     27. the complainant.
         1. The second civilian witness called was B.B.,
         2. the man who had been, over several years, in what
         3. I have described as an on-again-off-again
         4. relationship with the complainant. The two of
         5. them have two children together. At the time of
         6. these events, they were not a couple. B.B. had
         7. been at the complainant's residence caring for
         8. the children while the complainant went out to
         9. party.
         10. B.B. said that the complainant returned to
         11. her residence shortly after 11 AM. Specifically,
         12. he said it was 11:10 AM. He said she was
         13. intoxicated and crying and told him that she had
         14. been raped. There were no further details
         15. provided at that time. About a week later, he
         16. said she disclosed the specific details of the
         17. event to him. This witness was asked about the
         18. complainant's condition when she arrived home.
         19. He said that he observed no injuries.
         20. In addition to the five witnesses, there
         21. were two agreed statements of fact filed. Those
         22. are Exhibits 1 and 3.
         23. Analysis:
         24. I commence by instructing myself the basic
         25. principles to be applied. The first is with
         26. respect to the presumption of innocence. This
         27. defendant is presumed to be innocent. That
109. presumption remains with him unless and until the
110. Court determines otherwise. Secondly, the onus
111. is on the Crown to prove all elements of the
112. offence beyond a reasonable doubt. Thirdly,
113. there is no obligation on the defendant to prove
114. his innocence. Fourth, any reasonable doubt is
115. to be resolved in the defendant's favour.
116. The Court must consider all the evidence and
117. the lack of evidence where that lack of evidence
118. would be relevant to decide whether it
119. establishes proof beyond a reasonable doubt that
120. the elements of the offence are made out.
121. The elements in this matter are these. The
122. Crown must show, Number 1, that Mr. Kakfwi
123. intentionally applied force to B.G.; Number 2,
124. that B.G. did not consent to the force that
125. Mr. Kakfwi intentionally applied; Number 3, that
126. Mr. Kakfwi knew that B.G. did not consent to the
127. force that he, Mr. Kakfwi, intentionally applied;
128. and, Number 4, that the force that Mr. Kakfwi
129. intentionally applied took place in circumstances
130. of a sexual nature.
131. The matter of the credibility of the
132. complainant is central to the determination this
133. Court is required to make. The Crown urges the
134. Court to find the complainant to be an
135. essentially truthful witness, compelling, honest,
136. and careful. At the same time, the Crown
137. acknowledges that there are issues of concern
138. with her testimony; namely, her intoxication and
139. the fact that there are certain points on which
140. her testimony conflicts with other evidence.
141. The core of the defence submission is
142. focused on the credibility and reliability of the
143. complainant's evidence as well. In Mr. Kakfwi's
144. submission, the problems with the evidence of the
145. complainant are so serious and so fundamental
146. that it would be wrong and dangerous for this
147. Court to find that the elements of the offence
148. are made out. Additionally, the defendant says
149. that the situation is made more challenging
150. because there is no other confirmatory evidence
151. such as DNA or medical evidence.
152. My assessment of the testimonial evidence in
153. this case causes me to make two observations.
154. The first is this: Intoxication is a factor. It
155. can result in witnesses seeing and remembering
156. events differently. It can result in faulty
157. observation and recollection and recount. The
158. fact-finding process must recognize that. The
159. Court cannot require a standard of perfection of
160. proof, but at the same time, intoxication cannot
161. be used to explain away or excuse significant
162. problems and discrepancies.
     1. Secondly, perspective is important. Even
     2. attentive and sober witnesses may have quite
     3. different descriptions and recollections of
     4. events. That is neither surprising nor is it
     5. such as to automatically render evidence of no
     6. value. In both regards, it is for the trier of
     7. fact to carefully examine the evidence to decide
     8. what effect it can properly and safely be given.
     9. I will begin with the testimony of the
     10. complainant. I had an opportunity to observe her
     11. here in court as she gave her evidence. In my
     12. view, she appeared to be thoughtful and careful.
     13. She seemed to me to make a sincere effort to be
     14. truthful. The matter of her intoxication is
     15. undoubtedly a factor.
     16. I am now going to deal with a number of
     17. specific issues arising from her testimony. The
     18. first is where she was located in the house other
     19. than in the bedroom. She testified that she
     20. spent her time in the basement of the home. In
     21. that regard, I believe she is mistaken. I am
     22. satisfied that it is more likely that she was on
     23. the main floor; that is, the living room/kitchen
     24. area of the residence. With respect to events
     25. between her arrival and the point she went
     26. upstairs, this witness cannot recall everything
     27. that happened. Her testimony is that she was
163. downstairs in the basement and she has no recall
164. of going to the upstairs area. However, I am
165. satisfied that the evidence of Dakota Lizotte is
166. reliable and correct when he describes taking her
167. to the upstairs bedroom and that she was drunk
168. and that he spent time with her there. I am
169. satisfied as well and accept his evidence that
170. when he left, she was sleeping there, she was
171. clothed, and she was drunk.
172. As for discrepancies between what
173. Mr. Lizotte says occurred between the complainant
174. and the defendant prior to going upstairs and
175. what the complainant recalls, I take into account
176. that Mr. Lizotte did not see all that occurred
177. because he arrived later, that is, sometime after
178. the complainant; and the complainant does not
179. recall everything that occurred in that timespan
180. because of her state of intoxication. In fact, I
181. do not see that anything of critical importance
182. transpired at that stage other than that I accept
183. there was some interaction between the
184. complainant and the defendant and it was not of a
185. positive type. There was nothing of a romantic
186. tone about it and, as I say, when the complainant
187. went upstairs, she was highly intoxicated and in
188. the care of Mr. Lizotte.
189. With respect to events upstairs, there is no
     1. direct evidence of everything that occurred. It
     2. is apparent that at one point, the complainant
     3. was sleeping by herself, clothed, in one of the
     4. bedrooms, and then subsequently she was in the
     5. bedroom across the hall, which I understand to be
     6. the defendant's bedroom, in bed with him. Both
     7. of them were naked, and the defendant was engaged
     8. in sexual intercourse with her. In fact, I am
     9. satisfied on the evidence that is what occurred.
     10. The defendant raises certain specific points
     11. with respect to this aspect of the events. The
     12. defendant says the Crown evidence is Mr. Lizotte
     13. went upstairs to check on the complainant. He
     14. looked into the room where he left her. She was
     15. not there. He noticed the door to the bedroom
     16. across the hall to be open a crack. He looked in
     17. and saw two persons, the defendant and the
     18. complainant, on the bed unclothed and partially
     19. covered by a sheet. He said the defendant was on
     20. top of her, by which I take he means they were
     21. having sex. I infer he was unimpressed or
     22. disappointed. He left, and his evidence is that
     23. he said nothing and believes they did not notice
     24. him.
     25. The testimony of the complainant is that at
     26. around that time, she had awoken to find the
     27. defendant having sex with her. She said her
190. response was to cry and tell him to stop. The
191. defendant did not stop but rather began to have
192. anal sex with her. She said she was yelling and
193. screaming because of the pain, and at that point,
194. Mr. Lizotte walked in the room because he heard
195. her and asked if everything was okay. She
196. described that the defendant put his hand over
197. her mouth and told Mr. Lizotte to get out.
198. Obviously there are significant differences
199. between these two versions of events. With
200. respect, I am not of the view that this
201. represents a particularly critical discrepancy.
202. First, I am not prepared to find that she did not
203. cry out or yell. However, her conclusion that
204. Mr. Lizotte heard her and for that reason opened
205. the door is just that, her conclusion, and I
206. believe a mistaken conclusion.
207. One aspect of the scenario that warrants
208. clarification is with respect to Mr. Lizotte's
209. time in that room. My understanding of the
210. evidence is this: He pushed the door open and
211. made his observations from the doorway. He was
212. there only for a very short time, and he did not
213. go in. After a glance, he turned and left. It
214. is important to recognize that the complainant
215. did not at any time see Mr. Lizotte in the room;
216. she only heard him. Accordingly, any submission
217. that he should have or would have been fully
218. appreciative of what was going on in the room
219. because he came into the room is necessarily
220. undermined by that fact.
221. Another point that has been raised has to do
222. with statements made by both the complainant and
223. Mr. Lizotte that they were able to see something
224. of what was occurring in the bedroom because
225. there was some light. Each seemed to believe
226. that there was light coming in from outside. The
227. defendant raises this issue, quite sensibly
228. saying that if these events were taking place in
229. the early morning hours, say around 5 AM, then at
230. that time of year, it would be dark outside. I
231. have considered the matter, and I suspect the
232. answer may be that these particular events did
233. not take place at or around that time but rather
234. sometime later. My view is informed by the fact
235. that neither the complainant nor Mr. Lizotte
236. pretended to have any accurate sense of the time.
237. Mr. Lizotte stated in re-examination that he had
238. no watch nor did he have any particular concern
239. for the time.
240. Importantly, the one reference to time that
241. I believe is reliable was that of B.B.. he was
242. at the complainant's residence in the morning
243. after looking after the children and waiting for
244. her to return so he could leave and get on with
245. his day. He said he had a lot to do that day and
246. he was anxious to leave. His testimony was that
247. she arrived home at 11:10 AM. I have no reason
248. to doubt the accuracy of that evidence. Using
249. that time as a reference point, I would therefore
250. estimate that the complainant left the
251. Field Street residence at around 11 AM, and so it
252. is reasonable to find that the events in the
253. bedroom took place around midmorning. On that
254. analysis, the evidence of the complainant and
255. Mr. Lizotte is entirely plausible. It certainly
256. does not cause me to fundamentally believe that
257. they are in error on the point. Put another way,
258. it certainly does not in my view provide a basis
259. to doubt their evidence with respect to events at
260. the bedroom.
261. Another issue raised by the defendant is, as
262. I understand, that there is good reason to
263. suspect or conclude that there was no
264. nonconsensual sexual contact because, in fact,
265. the complainant did not allege a sexual assault
266. until sometime later, days or up to approximately
267. a week, and that she did so because she did not
268. want to admit or for anyone to know that she had,
269. to use the vernacular, "hooked up with" or
270. engaged in consensual relations with the
271. defendant.
272. In support of that argument, the defendant
273. says that even though Mr. Lizotte testified that
274. when she came downstairs she was crying and upset
275. and she told him that the defendant had forced
276. her to have sex or words to that effect, he
277. should not be believed. The basis of that
278. submission is that a day or two later, he sent
279. her a text to the effect of, "So you hooked up
280. with Myrine?" The implication, as I understand,
281. is that the text would seem inconsistent with
282. having been told earlier that the contact had
283. been a rape.
284. The witness was confronted with that, and he
285. said that he sent the message because he was
286. trying to get to the bottom of the matter.
287. A similar tack was pursued with B.B..
288. although he said that the complainant told him
289. when she arrived home that morning that she had
290. been raped, the complainant accepted in
291. cross-examination that B.B. had said to her
292. several days after the event, "Why didn't you say
293. anything before?" However, that was not the
294. evidence of B.B.. he was asked if he had said
295. that to her. He said, "No, that's not what
296. happened."
297. I have examined this evidence carefully. I
     1. am satisfied that the complainant told each of
     2. these witnesses at the first opportunity she had
     3. been raped. I reject the suggestion that she
     4. only made the complaint later.
     5. Now, let me make clear, I have looked at
     6. this issue of the immediacy of the complaint for
     7. the sole purpose of considering the submission of
     8. the defendant that there is reason to believe
     9. that this was a fabrication made by the
     10. complainant sometime after the event for a
     11. dishonest or improper purpose and is therefore
     12. suspect. I have not considered it for any other
     13. purpose -- specifically to buttress her complaint
     14. of sexual assault.
     15. There are two further points I wish to make.
     16. I am satisfied that when the complainant attended
     17. at the police detachment on December 12th, the
     18. photos that were taken, which are Exhibit 2,
     19. depict a bruising injury to her left arm. That
     20. is consistent with her description of being
     21. forcibly held down by the defendant. She also
     22. testified as to other injuries to her vaginal and
     23. anal regions in the days after the event. Her
     24. testimony in that regard was not challenged on
     25. cross-examination.
     26. A point arose late in the trial, that
     27. basically at the time of the police interview as
298. per Exhibit 3, the complainant was asked to
299. confirm if she had washed her clothing from the
300. night of the alleged assault and, if not, to
301. bring it to the RCMP for DNA testing. In fact,
302. the RCMP never received any articles of clothing
303. from the complainant. In my view, it is
304. difficult to conclude that has any meaningful
305. probative value in this case and my analysis of
306. it. That view is enhanced by the fact the
307. complainant was never confronted with that issue
308. at trial.
309. With all that said, I turn now to examining
310. whether proof of the elements has been made out
311. to the requisite standard: that is, proof beyond
312. a reasonable doubt.
313. Number 1: I am satisfied that on or about

17 December 2nd, 2016, at Fort Smith, Northwest

1. Territories, the defendant, Myrine James Kakfwi,
2. intentionally applied force to B.G. by having
3. sexual intercourse with her. That application of
4. force took place in circumstances of a sexual
5. nature. Specifically, I accept the testimony of
6. the complainant with respect to that event, and I
7. find meaningful confirmation in the testimony of
8. Mr. Lizotte. I note that the complainant was not
9. challenged in cross-examination as to her
10. assertion that the sexual activity actually
11. occurred.
12. Number 2: I find that the complainant,
13. B.G., did not consent to that sexual contact by
14. the defendant. In this regard, I accept the
15. testimony of B.G. and find no basis to doubt it.
16. Number 3: The final element to be addressed
17. is whether the defendant knew that B.G. did not
18. consent to the force he applied. Lack of consent
19. can be established in a number of ways. The
20. Crown can prove that the defendant actually knew
21. the complainant did not consent; that is, that he
22. was actually aware. Proof can also be
23. established on the basis of recklessness or
24. willful blindness. Recklessness is established
25. where the Crown proves beyond a reasonable doubt
26. that Mr. Kakfwi was aware that there was a risk
27. that B.G. was not consenting to the force that he
28. applied but he went ahead anyway, not caring
29. about whether B.G. consented or not. Willful
30. blindness is made out where the Crown establishes
31. beyond a reasonable doubt that the defendant knew
32. that he should inquire whether B.G. consented to
33. the force that he intentionally applied but did
34. not make the inquiry because he did not want to
35. know the truth about her consent.
36. In the matter at hand, there is no direct
37. evidence of his state of mind, but the
38. surrounding circumstances provide the necessary
39. evidence. I am satisfied that at the point
40. contact was initiated, the complainant was in a
41. state of advanced intoxication and had gone to
42. sleep. I accept her evidence that she has no
43. conscious recollection until she awoke; at which
44. time, the defendant was engaged in sexual
45. intercourse with her. I also accept that once
46. she became aware of what was happening, she told
47. the defendant to stop but he did not. In those
48. circumstances and on the evidence as it stands, I
49. find in a compelling conclusion that the
50. defendant must have known she did not consent.
51. There is no basis to think she communicated any
52. consent to him.
53. As regards the alternate route to liability,
54. recklessness, given her condition, I am satisfied
55. he must have been aware that there was a risk
56. that she was not consenting to the force he
57. applied, but he went ahead anyway, not caring
58. whether she consented or not.
59. Finally, with respect to willful blindness,
60. I am satisfied given B.G.'s condition that the
61. defendant knew he should inquire whether she
62. consented to the force he applied, but he did not
63. make that inquiry because he did not want to know
64. the truth about her consent.
    1. In these reasons, I have attempted to
    2. analyze and discuss the evidence in a thorough
    3. way and the issues that have arisen from that
    4. evidence. I may well have not explained all and
    5. every aspect of my analysis. I have, however,
    6. taken considerable time and effort to weigh and
    7. reflect upon all of the evidence and all of the
    8. submissions of counsel in coming to my verdict.
    9. In the result, based upon the evidence
    10. before this Court and the submissions of counsel
    11. and in accordance with the forgoing analysis, I
    12. find that the Crown has proven beyond a
    13. reasonable doubt that the defendant, Myrine James
    14. Kakfwi, committed the sexual assault of B.G. as
    15. alleged in the indictment filed herein. I find
    16. Mr. Kakfwi guilty as charged.

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19 **ADJOURNED TO SEPTEMBER 17, 2018 9:30 A.M.**

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# 1 CERTIFICATE OF TRANSCRIPT

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1. I, the undersigned, hereby certify that the
2. foregoing pages are a complete and accurate
3. transcript of the proceedings taken down by me in
4. shorthand and transcribed from my shorthand notes
5. to the best of my skill and ability.
6. Dated at the City of Edmonton, Province of
7. Alberta, this 18th day of December, 2018.

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1. Certified Pursuant to Rule 723
2. Of the Rules of Court

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1. K. Cloutier
2. Court Reporter

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