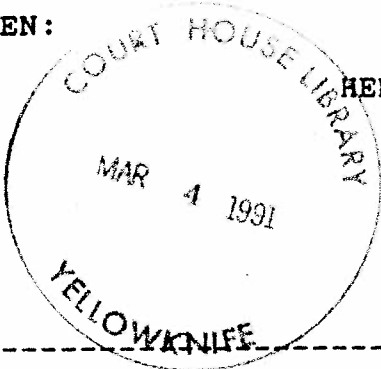


IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES.

BETWEEN:



HER MAJESTY THE QUEEN

- v. -

BOB KADLUN

Accused

REASONS FOR JUDGMENT OF HIS HONOUR JUDGE T.B. DAVIS

THE COURT: Thank you.

Bob Kadlun admits that on the 19th of January, 1990, when he and his wife and his wife's sister were together and drinking, he struck her in the chest and thereby committed an assault, which he himself does not remember because of his state of intoxication.

The wife suffered no permanent injuries, but reported the assault, and the accused has been charged.

It is customary in Canada now to proceed on assaults so long as there has been a report to the R.C.M.P., and it can be proven that an assault occurred. In many instances, the victim of the assaults, especially spousal assaults do wish to drop the charges.

It is obvious that Mr. Kadlun's wife was not anxious to proceed further, but it is necessary that when an assault occurs, it is a criminal offence; and once it is processed, it now -- all the assault charges are being brought before the Court, and none of them are being dropped upon the request of the victims.

The accused himself has had this hanging over his head,

1 and has caused him emotional distress and concern for some period
2 of time. As a result of that, he found it necessary to resign
3 some positions, elected positions, and appointed positions which
4 have been in high positions for a person from this community.

5 He has recently been re-elected as vice-president of
6 T.F.N., and will now have that occupation for a two-year period.

7 He and his wife have become separated. It would appear to
8 me that the outstanding charge of assault itself should not have
9 had the effect of causing the family to separate, because the
10 couple had reconciled shortly after the event itself. I would
11 suggest, therefore, that both Mr. and Mrs. Kadlun should look for
12 some form of counselling, because this type of effect is
13 excessive.

14 It might be helpful to look elsewhere for outside
15 guidance. That does not eliminate, however, the need for the
16 Court to recognize that assaults are on the increase in Canada.
17 Spousal assaults are increasing, and before the Court here in
18 Coppermine today on the docket, I notice that we have at least
19 eighteen different assaults or sexual assaults on a four-page
20 docket.

21 Assaults are becoming as familiar in the Court and to the
22 Court dockets now as break and enters used to be, and for a number
23 of years, break and enter charges occupied about 40 percent of the
24 list of offences.

25 The Courts have therefore recognized that with the
26 increase in the number of charges, the Court must look more
27 severely at the penalty to be imposed, because one of the purposes

1 of sentencing is to impose a severe enough penalty that persons
2 are deterred from committing the offence.

3 The accused is in a separate, somewhat different position
4 than many others. We just completed sentencing on a person who
5 had four previous assaults. The accused has no previous
6 convictions of any type, and therefore, can be dealt with more
7 leniently than otherwise.

8 But the warning should still be given to the public that
9 assaults in the future are getting to the point where it will be
10 necessary to consider gaol terms automatically until the number of
11 assaults decreases, and the repetitiveness of the assaults is
12 eliminated.

13 In this instance, I recognize that the accused has no
14 previous record, and he gets the benefit of that.

15 The accused wished to make some further representations.

16 The accused wishes to make one further representation in
17 his own behalf, and I will hear him on that.

18 THE ACCUSED: Thank you for your tolerance, Your Honour.

19 I think it is important to state that I have moved out of
20 Coppermine, and I will be living in either Ottawa or Yellowknife.

21 I have talked to the President of T.F.N., and we are
22 looking at moving me to Yellowknife as of January -- July 31, and
23 there is another factor as a result of my resignation at K.I.A.,
24 which may be of interest to the public. The K.I.A. is looking at
25 establishing, of building staff houses, making Coppermine an
26 administrative centre for the Land Claims Settlement. It was
27 originally decided to have the administrative centre in

1 Coppermine, but as a result of my resignation, the position has
2 been reversed to Cambridge Bay.

3 Thank you.

4 THE COURT: The position of the Court is that a fine:
5 would be appropriate as being recommended by Crown counsel in this
6 matter, and I would expect that the accused is an intelligent
7 enough man to recognize that he has now had a warning by the Court
8 that the Court is going to deal with assaults more seriously in
9 the future, and it is probably not necessary for me to impose a
10 gaol term -- even a day at this time.

11 I am going to impose a fine, therefore, in the amount of
12 \$500.00, or in default thereof, one month in gaol if it is not
13 paid.

14 The accused has employment again, although he resigned
15 from the other employment; therefore, a victim surcharge does seem
16 appropriate.

17 What would that be, Madam Clerk, on a \$500.00 fine?

18 MR. RODYCH: \$75.00, Your Honour.

19 THE CLERK: \$75.00, Your Honour.

20 THE COURT: \$75.00.

21 \$500.00 for the fine, and \$75.00 for the victim surcharge,
22 or in default, one month in gaol.

23 How long would it take you to make payment of that amount?

24 A. THE ACCUSED: This afternoon.

25 THE COURT: All right, we will allow -- I had better
26 put it at one month, so that if by chance you do not get back to
27 the Court by the time we are ready to leave, you can send it in.

1 One month in which to pay. The Clerk can receive it if
2 you wish to bring it in today.

3 _____
4 PROCEEDINGS CONCLUDED
5 _____

6 Delivered orally in Territorial Court, Coppermine, Northwest
7 Territories, on the 11th day of May, A.D. 1990

8 M. Rodych, Esq.

9 For the Crown

10 P. Fuglsang, Esq.

11 For the Accused

12 S. Rosadiuk, C.S.R.(A)

13 Official Court Reporter

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