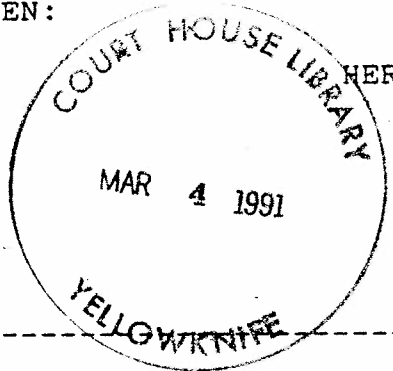


IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

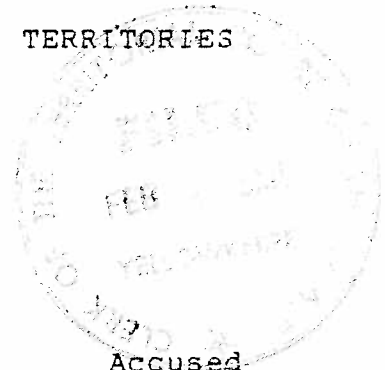
BETWEEN:



HER MAJESTY THE QUEEN

- v. -

JERRY OVILOK



Accused

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

THE COURT: Jerry Ovilok admits he became annoyed with his wife after a party of drinking of kicked her with his runners. He hit her in the face, which caused bruising and swelling. She also had a scratch on her face.

The following day they left. She went to a safe home, and she left and resumed cohabitation for a week.

The accused is 32 years of age; has grade twelve education; seems to be frustrated quite easily, because he has on his criminal record ten previous assault charges.

Ordinarily, the Court would consider that such a criminal record involving one type of offence, that the Court would expect to impose a longer period of time in gaol. If it were not for the fact that this was somewhat of a minor type of assault, even though it is spousal, and it was abusive, it was not -- it was not one of a serious type as others have been, having kicked her with runners, and not hard-type shoes, and having hit her face and bruising it, but not doing major injury.

I feel I can impose a lighter sentence than what might be

1 appropriate ordinarily for persons of previous offences of that
2 nature.

3 It is hard to warn an accused person that they have just
4 about reached the end of the rope, and that a further assault
5 should result in a penitentiary term, because any other person who
6 would appear in Court in the southern part of Canada would seem to
7 me, having committed six assaults previously, even if they were
8 minor, would ordinarily be going to penitentiary. They probably
9 would have been in penitentiary long before the tenth assault.

10 Even though the accused and his wife were both drinking on
11 that occasion, he still has the responsibility not to assault her
12 or any other person.

13 I am going to accept the recommendation of counsel, and
14 impose a period of four months in gaol. That is double the time
15 that he received for the last couple of assaults in 1986 and 1988.

16 Hereafter, it might be more than double the period of time
17 -- even for a minor assault, because the accused is getting to
18 that point where it is obvious he requires some kind of control
19 over his temper.

20 Because of that, I am going to place him on probation as
21 well for a period of one year, and require that he report to the
22 probation officer when and as directed, and that he participate in
23 any anger management or alcohol treatment counselling -- treatment
24 or counselling programs as recommended by the probation officer.

25 Now, Mr. Ovilok, do you understand what I mean by
26 "Treatment", if counselling is available, because you have had
27 your last chance.

1 It is not likely if I happen to come back and see a record
2 with eleven assaults on it, I will presume it is you, because
3 there are very few people in the north even with an assault on
4 their record.

5 As to the surcharge, the accused is unemployed, so there
6 will be no surcharge.

7 MR. RODYCH: Thank you, Your Honour.

8

9 PROCEEDINGS CONCLUDED

10

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

13 M. Rodych, Esq.

14 For the Crown

15 P. Fuglsang, Esq.

16 For the Accused

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

18 Official Court Reporter