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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

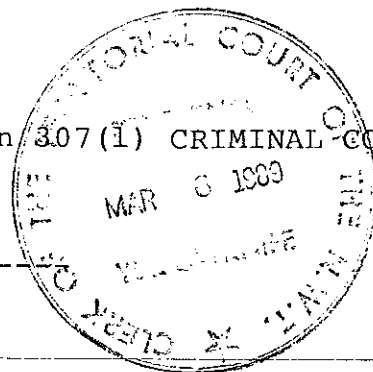
SIMEONIE HAKULUK

Transcript of the Oral Sentencing of His Honour
Judge R. M. Bourassa, sitting at Rankin Inlet, in
the Northwest Territories, on Tuesday, August 30th,
A.D., 1988.

APPEARANCES:

MS. B. KOTHE: On behalf of the Crown
MR. L. GOWER: On behalf of the Defence

(A charge under Section 3.07(1) CRIMINAL CODE)



1 THE COURT: The Court, I think, has to realize that this
2 community has been ravaged by sexual assaults over the last
3 two years. One only has to think of Nalalik, who has gone to
4 jail now for ten years, Adams, who is six years, I believe,
5 and Tooloosie Ootootoo, seven or eight years, I believe. And
6 each one of those sexual assaults started off, except for
7 Adams, I believe, with a man being in a house where he wasn't
8 supposed to be, in the middle of the night, in an intoxicated
9 condition. And I can appreciate it being quite frightening
10 and downright outrageous for someone to wake up in the middle
11 of the night and find a drunk beside their bed, with a hand
12 on them. It happens all too often.

13 I would point out to you, Mr. Hakuluk, the case of
14 Mr. Jacobson, in Yellowknife, who ended up in a house in the
15 middle of the night and didn't even touch anyone. He went to
16 jail for 18 months. The only difference between him and Mr.
17 Hakuluk is that he is older and had a longer record.

18 Those concerns weigh heavily on the Court. This Court's
19 obligation is to protect the public. On the other hand, I
20 have to concur with Defence that, by and large, nothing
21 occurred. The presence of the accused terminated as soon as
22 she woke up. Luckily, she woke up right away. And the Court
23 can't sentence on what ifs, could-have-beens; it has to
24 sentence on the facts that are before it. Nevertheless, I am
25 very uneasy in treating this matter lightly or treating it as
26 a minor offence. I am very uneasy, because of the number of
27 serious rapes or sexual assaults that have occurred in this

1 community, most of which commenced much like this one. If
2 people are going to get as drunk as this individual was, to
3 walk into a house, after trying the front door and finding it
4 locked and then going into the back door, at four O'clock in
5 the morning, to seek sexual favours, that is unacceptable.
6 If he is going to get that drunk, he'd better learn to do
7 something about controlling himself.

8 I take into account that he has virtually no criminal
9 record, which is a significant mitigating factor. But this
10 man is going to do something about controlling his conduct
11 when he's drunk. If he can't control his conduct when he's
12 drunk, he'll have to do something about his drinking. And if
13 he won't do anything about either of those things, he fails
14 to do so at his own risk and peril.

15 Stand up, Mr. Hakuluk. The Court has to apply legal
16 principles. I can't impose a sentence on you that I think
17 is what I would personally like to do. In my view, the law
18 doesn't justify or warrant a term of imprisonment here. I
19 only want to caution you, and, as best as the Court can, by
20 applying the law, make sure that that be done.

21 What I am going to do is this. I hope you're learned your
22 lesson. If you haven't, there will be problems for you
23 down the road. I am going to suspend the passing of sentence,
24 and I am going to place you on probation for one year. There
25 will only be two conditions: one, that you keep the peace and
26 be of good behavior, which simply means, stay out of trouble;
27 secondly, that you not drink to excess. For the purposes of

1 this order, excess would mean over .08 milligrams in 100
2 millilitres of blood. You're to provide a sample of your
3 breath suitable for analysis to any peace officer who has
4 reasonable and probable grounds to believe that you're in
5 breach of the order.

6 The technology apart, Mr. Hakuluk, I could point out to
7 you or suggest to you that four bottles of beer are going to
8 put you over .08. If you're convicted of any criminal offence
9 over the next year, including a breach of probation, that is to
10 say, a failure to comply with these conditions, you can be
11 brought back to this Court and sentenced on this offence of
12 being unlawfully in a dwelling-house. Do you understand that?

13 THE ACCUSED: Yeah.

14 THE COURT: You'll have to wait and sign some papers, and then
15 you'll be free to go.

16 (AT WHICH TIME THESE PROCEEDINGS WERE CONCLUDED)

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Certified a correct transcript,

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Debora Chippenfield

Debora Chippenfield,
Court Reporter.

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