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IN THE YOUTH COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

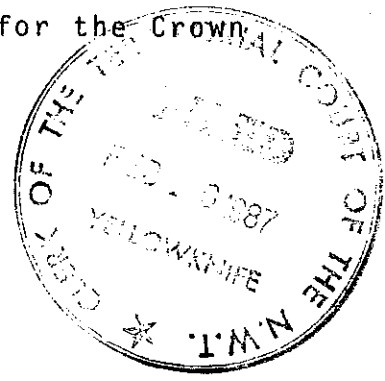
- and -

R. A.

Transcript of the Sentencing hearing held before His Honour,
Chief Judge J. R. Slaven, sitting at Tuktoyatuk in the Northwest
Territories on Wednesday, December 10th, A.D., 1986.

APPEARANCES:

MS. J. LILLEGRAN: Counsel for the Defence
MS. L. WALL: Counsel for the Crown



1 else who was much more familiar to the law, in fact had a
2 previous assault conviction and there was alcohol involved.

3 Your Honour has certainly heard the circumstances and taking
4 into consideration this individual's particular circumstances,
5 the submissions that I made might be considered. Those are my
6 submissions.

7 THE COURT: Well, looking back to my notes on the
8 trial, Mr. A. was a very active participant in this sexual
9 assault. He was the first one to start threatening the victim,
10 threatening the girl that she must do what Kimiksana wanted.
11 At one point the victim in her testimony said she thought Kim-
12 ikšana was getting scared of A. A. was the fellow who went around
13 uttering threats.

14 It's a despicable, cowardly thing that these two boys
15 did going into a woman's house and forcing her to have sexual
16 intercourse with one of them. R., to his credit hasn't been
17 in trouble before. It's unfortunate for he and for his parents
18 who need his help at home and on the land. It's unfortunate,
19 that he has been committed to custody. The only question is
20 whether it should be secure or open, the length of time.

21 I believe on the one offence I can make it secure followed
22 by open. Miss Wall?

23 MS. WALL: On one offence.

24 THE COURT: Yes.

25 MS. WALL: I'm not sure I have heard of any disposition
26 like that before but I don't know.

27 THE COURT: Transfer to open after a while?

1 MS. WALL: Of course there is a provision in the
2 Young Offender's Act for reviews.

3 THE COURT: There is a reveiw after six months, isn't
4 there?

5 MS. WALL: I think it's--young offenders there's not
6 a matter of review. There are the new amendments too. Also
7 the Court case in the Maritimes that says you can't make con-
8 secutive sentences. The amendment Section 24.2 provides, sub
9 (7), no young person--

10 THE COURT: Has to be pursuant to 283 (1).

11 MS. WALL: Yes. I'm sorry, did Your Honour say you
12 don't have the amendments?

13 THE COURT: I have the amdentment.

14 MS. WALL: I'm looking at Section 29 in the amendments.

15 THE COURT: Yes. Secure. I'm satisfied that to
16 impress upon him the seriousness of the act he committed he
17 must be committed to secure custody. The question comes to
18 the length of time. In similar cases through the North, sentences
19 have ranged from one year to two years in custody for an offence
20 such as this. I have to also look at a sentence that is compar-
21 able to what Mr. Kimiksana received.

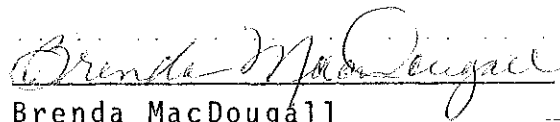
22 Mr. Kimiksana had a previous record which Mr. A. doesn't.
23 Mr. Kimiksana was sentenced to one year in secure custody,
24 however, he was also being sentenced as an adult for a number
25 of other offences so we would be looking--I was looking at to-
26 tality of sentencing in effect resulted in my sentencing him
27 to one year rather than 18 months or two years for the sexual

1 assault. Would you please stand up, Mr. A. I find you guilty
2 as charged and direct you be committed to secure custody for
3 a period of one year. You are young with no previous record.
4 Women must be protected, Mr. A. from behaviour like this.
5 You have got to learn that.

6 (AT WHICH TIME THIS PROCEEDING WAS CONCLUDED)

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Certified a correct transcript,



Brenda MacDougall
Court Reporter