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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

JOHN ANGNALOK

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Transcript of the Reasons for Judgment of His Honour Judge  
R. M. Bourassa, sitting at Coppermine, in the Northwest  
Territories, on Monday, August 18, A.D. 1987.

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APPEARANCES:

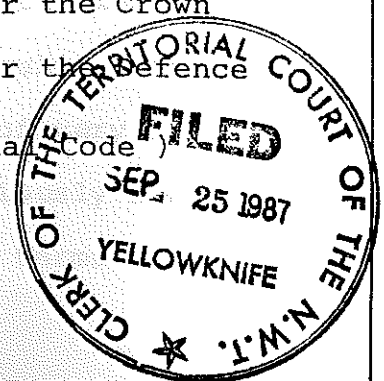
MS. S. E. AITKEN

For the Crown

MR. A. C. WRIGHT

For the Defence

( Charge under Section 246.1 of the Criminal Code )



1 THE COURT: Thank you, Mr. Wright. The argument made by  
2 counsel surrounding the Sandercock decision raises the whole  
3 issue of the impact on the victim. If the victim sloughs off  
4 an incident such as this, does that mean the offender is to be  
5 treated more leniently than if it has a devastating impact  
6 on the victim? If someone steals from the Bay and causes the  
7 manager to have a nervous breakdown, does he get a heavier  
8 sentence than someone who steals from the Bay and it is just  
9 written off as part of the cost of doing business?

10 The whole area of victim impact statements and  
11 the like is a minefield. I accept that the current state of  
12 the law is that there has to be some weight allocated to the  
13 impact on the victim, and as I understand Sandercock, we start  
14 on the presumption of an adverse inference when it comes to  
15 the accused, that is to say, the impact on the victim.

16 I agree with Mr. Wright, but I can only go so  
17 far, and the circumstances for many of these offences are  
18 peculiar in the North, and there may be considerations invol-  
19 ved that are not present in the Southern jurisdictions. I  
20 think the Tartuk case leaves it open for that development. It  
21 is up to counsel, as it always must be, to bring those matters  
22 to the Court's attention.

23 This is another really sad situation, here is a  
24 man who has been before the Court on a regular, continuing  
25 basis since 1981. He has been convicted of very serious  
26 offences and minor offences. He has previously been convicted  
27 of attempted rape. He has served lengthy terms of

1 imprisonment, fines, probation, and apparently it all boils  
2 down to his drinking habits. I do not know how anyone can look  
3 back on the last five years and not consider that it is a  
4 miserable way to spend a life.

5 Notwithstanding that, the pre-sentence report states,  
6 "John recognizes that alcohol is a problem in his life, but he  
7 has not yet accepted the seriousness of his problems, or  
8 followed programs prescribed to help him." That is unfortunate,  
9 because for John Angnaloak, as long as he is a drinker, he is  
10 a threat and a problem to this community, and he is the only  
11 one who can solve his drinking problem, there is not anyone in  
12 this room, there is not anyone in this country that can solve  
13 his drinking problem, he has to do it himself. It would seem  
14 to me, the only way of solving it is not to drink.

15 This woman could have been killed. Suppose she had  
16 fought back? For a moment, just thinking, suppose she had fought  
17 back and hit him with a stick or a club that was nearby, would  
18 he have attacked her more severely? Instead of a bruised neck,  
19 would he have perhaps stabbed her, choked her? That is not  
20 just speculation, that is what is happening in every community  
21 on a continuing basis. It is discouraging. It is depressing to  
22 see people like this, drunk, attacking women, in many instances,  
23 like the victim here, asleep in her own house, and using them  
24 for sexual purposes with as much respect as you would have for  
25 using someone else's stereo. It boggles the mind. You can't  
26 do that to people. Any woman, any person is entitled to some  
27 respect, and it is no excuse and no defense to say it is

1 alcohol; it is my drinking. It isn't Mr. Angnaloak, it is you.  
2 You have to change yourself. If you do not change yourself,  
3 you will spend the rest of your life in and out of jails.

4 The women in this community deserve some protection  
5 from this kind of conduct. It is really outrageous that some-  
6 one asleep in their own house would have this occur to them.

7 The accused has had numerous opportunities in the  
8 past to learn his lesson, to learn the connection between  
9 drinking and his anti-social conduct. More particularly, he has  
10 been convicted, as I said, of attempted rape in 1982. He knows  
11 this kind of conduct is not acceptable in any community in any  
12 society. There is a danger here of people getting hurt, there  
13 is a real danger of people getting killed. John Angnaloak is  
14 totally out of control when he is drinking, and that is not the  
15 Inuit way, that is not anyone's way to be this out of control.  
16 The Court has to impose a sentence that will make him and  
17 others realize that.

18 About the only mitigating factor that I have before me  
19 is the accused has pleaded guilty at virtually the first  
20 opportunity. He has accepted his responsibility, and he has  
21 pleaded guilty before the community. I accept that in substan-  
22 tial mitigation to reduce what would otherwise be an appropriate  
23 sentence.

24 One can only hope that this accused will do something  
25 about his alcoholism, his problem with alcohol, and do it before  
26 he does irreparable damage to himself and someone else.

27 Stand up, please, Mr. Angnaloak, is there anything you

1 would like to say on your own behalf before I impose sentence?

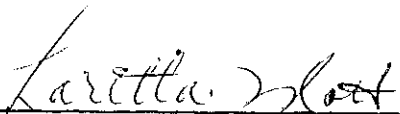
2 THE ACCUSED: No.

3 THE COURT: The sentence of this Court is that you serve  
4 a term of imprisonment of four years in a federal penitentiary.  
5 I will make an endorsement on the warrant recommending that  
6 alcohol and substance abuse counselling be made available to  
7 you as required.

8 (AT WHICH TIME THIS MATTER WAS CONCLUDED)

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Certified a correct transcript,

  
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Loretta Mott, Court Reporter