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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

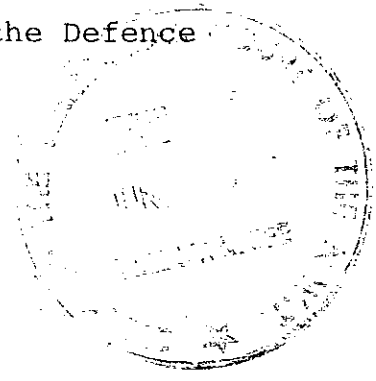
- and -

TIMIUSIE EVIC

Transcript of the Oral Reasons for Sentence delivered
by His Honour Judge T. B. Davis, sitting at Pangnirtung,
in the Northwest Territories, on Thursday, May 7, A.D.
1987.

APPEARANCES:

MR. B. A. BRUSER On behalf of the Crown
MR. N. A. SHARKEY On behalf of the Defence



1 THE COURT: Timiusie Evic admits that he committed a spousal
2 assault on January 30, when he was drinking, came home,
3 annoyed his wife and punched her a number of time. He was up-
4 set to the extent that he broke one of the bars in the baby's
5 crib, and it snapped in his eye. That probably provoked
6 him further as he was yelling at his wife, striking her,
7 slapping her in the face, pulling her hair, and ended up
8 kicking her and bruising her so that she suffered a black and
9 closed eye, bruised other eye, swollen lips, and a small cut
10 on a lip, multiple bruises on various parts of her body, sore-
11 ness in a number of parts of her body, because during a
12 period of time when this was occurring, he had dragged her
13 and pulled her around by the hair and struck her, and when
14 doing so had struck his child and caused the child on two
15 occasions to have a bleeding nose.

16 Timiusie is a man who is well thought of in the com-
17 munity, comes before the court with a very good recommenda-
18 tion from the Social Services officer. The report indicates
19 that Timiusie himself realizes it's a serious offence; and
20 although, the wife had been so upset that when she was fin-
21 ally allowed to leave the house the following morning, she
22 then left for a few days after being treated at the nursing
23 station. Since then, she has attempted to reconcile with the
24 accused, and they have been receiving counselling and assis-
25 tance from other members of their family. He has had a good
26 work record and appears now to have been accepted as a carp-
27 enter trainee for the community of Pangnirtung and has had

1 various jobs in the past. He has worked in the past, but
2 presently is being assisted by his common-law wife, who is a
3 librarian.

4 Alcohol had a substantial affect on the accused at
5 the time the offence occurred. He seems to periodically
6 have problems in that he drinks when alcohol is available.
7 He is a well-looking, physically fit young man. I say young
8 because he gives the impression of being a young, healthy
9 man, although he is 28 years of age, has close relationships
10 with his relatives, and he has indicated a willingness to par-
11 ticipate in any counselling for his alcohol problems and
12 seems to have come to a realization the seriousness of the
13 offence before the Court.

14 Mr. Sharkey, his lawyer, has indicated that he ack-
15 nnowledges that what he had done is certainly unlawful and
16 harmful to his wife and that he is remorseful and sorry for
17 what he has done and has tried to make up suitably with his
18 common-law wife. The probation officer suggests that he
19 should and would be willing to participate actively in an
20 alcohol related program and family counselling. Considering
21 the good report that has been prepared, I think I am entitled
22 to go below the term that has been suggested by Chief Judge
23 Slaven when he dealt with a matter recently, within the last
24 few months, in the Western Arctic, when he suggested that a
25 bench mark for these offences should be approximately two
26 years in jail, and that could be increased for more serious
27 offences and decreased for less serious offences, but that

1 the court should consider spousal assaults in a serious
2 enough vein that jail will usually result.

3 Although I would not have ordinarily read Section
4 98(1) to have thought that the government expected an order
5 to be granted which prohibits a person from having possession
6 of weapons and firearms when violence is involved, unless a
7 firearm is used, the appeal courts have in fact directed the
8 trial courts to consider violence even without weapons as
9 offences that require an order under Section 98(1). I think
10 counsel have indicated that that seems to be a need of the
11 court as part of the sentence today.

12 Crown counsel has properly suggested that jail is a
13 requirement under the law for circumstances similar to the
14 ones before the court, and the range that was suggested is
15 probably substantially appropriate, but I feel I can amend
16 that to some extent because of the good recommendation of the
17 probation officer and submissions made on behalf of the
18 accused, who has only on one occasion had any involvement
19 with jail in the past, and that is when he was involved with
20 21 days being served intermittently in 1984. The other
21 theft, and break and enter charges, and possession of narco-
22 tics, are of a different nature than the assault charge
23 before the court today; and therefore, I am not putting too
24 much emphasis on those charges for the purposes of sentencing,
25 because I think the accused has recognized the seriousness of
26 the offence and has in fact been actually, severely and truly
27 remorseful and sorry for what he has done.

1 I am, therefore, going to decrease even the recom-
2 mendation of jail made by Crown; although, I do feel it is
3 not an unreasonable recommendation, and I am going to impose
4 instead a shorter period of time in jail and a period of pro-
5 bation to follow it in which he will be expected to
6 participate in programs recommended by the probation officer.
7 The period of time will be six months in jail. He will be
8 required then to be on probation for a period of one year
9 following his release. During that time, he will be required
10 to report to the probation officer when and as directed; and
11 in addition thereto, he will be required to participate in
12 any alcohol counselling or treatment programs recommended by
13 the probation officer.

14 Do you understand all that, Mr. Evic?

15 THE ACCUSED: (Nods head.)

16 THE COURT: The clerk will be preparing the probabion order,
17 and it will be available if not today, whenever the clerk has
18 it available for your signature.

19 MR. BRUSER: The Section 98(1) order, your Honour?

20 THE COURT: Mr. Evic, I'm going to have to, as I said before,
21 prohibit you from having possession of any firearm, ammuni-
22 tion, or explosive substance for a period of five yrsrs.

23 MR. BRUSER: I suppose there should be a time specified within
24 which Mr. Evic could dispose of any such items in his posses-
25 sion.

26 THE COURT: Do you have any firearms or explosive substances,
27 Mr. Evic?

1 THE ACCUSED: What's that?

2 THE COURT: Do you have any firearms?

3 THE ACCUSED: Yes, I own a rifle.

4 THE COURT: How long do you think it might take you to arrange
5 for transfer of that to somebody else, either sale or trans-
6 fer to some other family member, so you don't have it?

7 THE ACCUSED: Okay.

8 THE COURT: Can you do that within a month?

9 THE ACCUSED: Yes.

10 THE COURT: All right, he will be allowed one month in which to
11 arrange for the disposal of any firearms or explosive sub-
12 stances.

13 (AT WHICH TIME THIS MATTER WAS CONCLUDED.)


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Certified a correct transcript

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Edna Thiessen, Court Reporter

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