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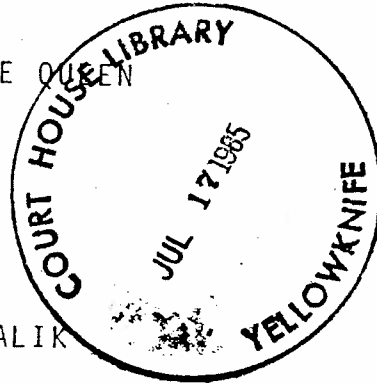
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

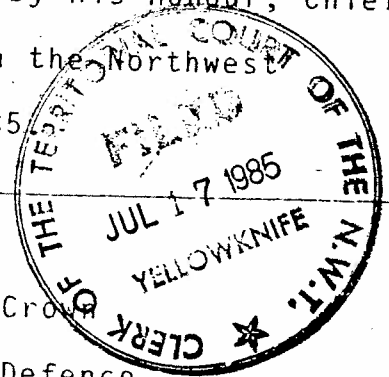
HER MAJESTY THE QUEEN

VS

JOHN HALLUQTALIK



Transcript of the Oral Sentencing delivered by His Honour, Chief Judge J.R. Slaven, sitting at Gjoa Haven in the Northwest Territories, on Thursday, May 9th, A.D., 1985



APPEARANCES:

MS. N. BOILLAT: Counsel for the Crown
MS. V. SCHULER: Counsel for the Defence

1 THE COURT: Mr. Tootiaku, if you would interpret for me; and
2 Miss MacDougall, I will want a transcript of my comments, both
3 in English and Inuktituk and to be made available to the Social
4 Workers, the accused and his father, the Hamlet Council and
5 the R.C.M.P. here in Gjoa Haven.

6 I imagine every one here knows John Halluqtalik who is
7 21 years of age and has lived here all his life. John has
8 had a very difficult life because from the time he was a little
9 child, he has had great difficulty hearing. He can't hear at
10 all out of one ear and just a bit with the other ear with a
11 hearing aid.

12 Now, all of us first learn to speak by repeating the words
13 that we hear from other people. Accordingly, a man's voice
14 will often sound very much like his father's and a woman's
15 voice very much like her mother's, if they were brought up
16 with their parents. All of us here learned to speak at home
17 by hearing. We didn't learn to speak in school, we learned to
18 speak at home by hearing our parents and the other people in
19 the home speak.

20 Because John has never been able to hear properly, he's
21 never been able to learn to speak properly and never will.
22 This is no fault of his and it's not something that people should
23 make fun of him about. Children, of course, unknowingly and
24 with no bad intent, can be the cruelest of all people and be-
25 cause of others making fun of him, he left school. Of course,
26 with his hearing problem, he had a difficult time in school,
27 but also because of others teasing him, he left school. He

1 became very sensitive and he grew up to be a young man with,
2 at times, a bad temper that he can't control.

3 Now, we've all as young people and even older had fights
4 with our brothers and sisters. In John's case, he got in an
5 argument with his sister about who would do the laundry, he
6 began to hit her and when his brother tried to stop him, the
7 whole thing grew up out of all proportion. He completely lost
8 his temper, picked up a knife and the rest of the family had
9 to leave the house and call the police.

10 Corporal Hanley responded to the call for help and came to
11 the home and after some time, by using a key provided by the
12 parents, got in the home and suddenly found John with a loaded
13 shotgun pointed at him. Responding to situations like this in
14 domestic arguments are the most dangerous work a policeman does.
15 Nowhere in Canada would a policeman go on a call like this
16 alone, but Corporal Hanley had to because he's the only police-
17 man here. In every City in Canada, including Yellowknife, there
18 are special police teams for situations like this. You may
19 have seen them on t.v. S.W.A.T. teams they are called in some
20 places. Special bulletproof clothing, special riot guns, big
21 shotguns, rifles with scopes to be used with police surround-
22 ing the house and guns to shoot tear gas bombs and smoke bombs
23 are used.

24 Happily here, John's father helped Corporal Hanley and
25 they were able to go in the house and take the loaded shotgun
26 from John and I'm satisfied that John had no real intention of
27 shooting or hurting the policeman or anyone else. But I say

1 this to impress John and everyone with how serious a matter it
2 is when someone picks up a loaded firearm and points it at
3 someone else, police or otherwise or threatens others with it.

4 Now, I can make an order that John, and others in similar
5 circumstances, cannot possess firearms for up to five years
6 or more in some cases, but my making the order would not stop
7 the person from getting a gun somewhere someday if he wants to
8 and using it. I will, however, when I pass sentence, make an
9 order restricting his use of firearms to impress upon him that
10 using the firearm in the way he did is completely unacceptable.

11 John was taken out of the community about the time this
12 happened on March 7th, and was taken away by the police and to
13 jail and to Court in Yellowknife and finally to a hospital in
14 Edmonton where he could be examined by a psychiatrist, a mental
15 doctor. The doctor is an expert. I know him personally. He's
16 one of the best in Canada. He found that John is just as smart
17 as you or I or any of us. There is nothing wrong with his mind.

18 Because of his deafness and a childhood illness, he's
19 unable to speak well, but this is nothing that people should
20 make fun of. I had a case six or seven years ago of a young
21 man in an Inuit community who had trouble learning at school.
22 He was slow and he had little school and people had been making
23 fun of him in that community for years. There was a serious
24 suspicion, never proved, that other young men in town talked
25 him into going out and setting fire to buildings and that he
26 did it so that they would be friends of his. He set fires in
27 three or four houses and then in the Curling Rink and finally

1 he set a fire which burned down the entire school and the loss
2 was over \$10,000,000.

3 This would never have happened if the people in the commun-
4 ity had treated him properly. I went into that community to
5 sentence him and the Hamlet Council wanted to meet with me. In
6 law I couldn't do that. The lawyers, the social workers, the
7 close family of the boy and the Hamlet Council met for two or
8 three or four hours that afternoon. We went that evening to
9 the Community Hall, the large hall, to sentence and just about
10 the entire community was there. We had seven witnesses give
11 evidence. Everything was interpreted and we finished about
12 midnight.

13 It was agreed by all; the family, social workers, Hamlet
14 Council, Co-op, Bay, everyone in town agreed they would try
15 and help this boy. Suitable work within his capability was
16 found for him. He was supervised very closely and the attitude
17 of everyone changed toward him because of that. As I under-
18 stand now, and it's a good seven years ago, he's doing fine
19 and has been no trouble whatsoever since then.

20 I hope that, with the family in particular, and the commun-
21 ity as a whole showing understanding, compassion, respect and
22 sympathy for John in their daily dealings with him, that he
23 may never get in trouble again. I ask his family and others
24 who may be close to him to try and ensure that no firearms are
25 available to him around his home or in the community, except
26 when he's going out on a hunting or trapping trip.

27 Instead of making an order under Section 98 (2), I'm going

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1 to make a provision in a probation order pertaining to fire-
2 arms and John will have a transcript of my remarks in English
3 and Inuktituk. He's able to read and write as well as any of
4 us and so he will know exactly what went on here today and what
5 the meaning of the order is I'm about to make.

6 Could you stand up, John, please? I convict you of point-
7 ing the firearm at Corporal Hanley and for assaulting your
8 sister and in both cases I suspend the passing of sentence,
9 place you on probation to keep the peace and be of good be-
10 haviour for a period of two years. During that time, you will
11 be under the supervision of Probation Services and report to
12 them and to the Court as they direct.

13 Also, during that time, you are not to be in possession of
14 any firearm within the Hamlet of Gjoa Haven or within any
15 other settlement. I would ask the interpreter to stay until
16 the probation order has been prepared and then it will be
17 read and explained to John through the interpreter so we can
18 ensure he can understand it.

19 It means, John, you are not to have any rifle or shotgun
20 in town but you are able to go out hunting or trapping. Some-
21 one may have to bring the gun out to you for a mile or so to
22 get you under way. Do you understand that? We will get that
23 interpreted for you. We will explain the probation order to
24 him after Court. Have we missed anything, Miss Boillat, the
25 85 charge?

26 MS. BOILLAT: That's to be withdrawn.

27 THE COURT: What happened to the shotgun? Is it the father's

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gun?

MS. BOILLAT: No, it's his gun. Under Section 446.1, that shotgun is forfeited. There have been other firearms seized that do not belong to the accused. I ask that those other firearms be returned to the family, to the father.

THE COURT: The others will be returned to the father and the one will be forfeited.

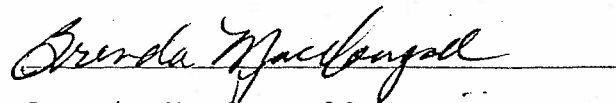
MS. BOILLAT: Yes.

THE COURT: Have I missed anything else?

MS. BOILLAT: No, sir, those are all the matters.

(AT WHICH TIME THESE PROCEEDINGS WERE CONCLUDED)

Certified a correct transcript,



Brenda MacDougall

Court Reporter