

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

W U

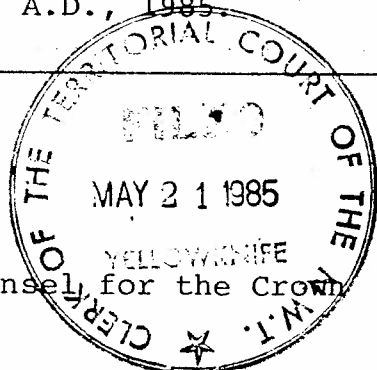
Transcript of the Oral Sentencing Delivered by His Honour
Judge T. B. Davis, sitting at Baker Lake in the Northwest
Territories, on Tuesday, May 14th, A.D., 1985.

APPEARANCES:

MR. M. ZIGAYER:

MR. C. ROGERS:

Counsel for the Crown
Counsel for the Defence



1 THE COURT: W U , a fifty year old
2 resident of Baker Lake, has admitted that on the 24th of
3 April, 1984, he committed a sexual assault on S
4 U , his daughter, and violated the Criminal Code.

5 Over a period of a couple of months on Sundays
6 and some other times the accused went into the room of
7 his daughter and closed the door and fondled her breasts
8 and attempted to touch her private parts. His nineteen
9 year old daughter was heard to cry at various times, but
10 the family was afraid to do anything about the assault.

11 When the accused spoke to the police he recognized
12 the seriousness of this type of activity and dropped his
13 head and cried and was very concerned about going to jail.

14 The accused has some experience in this field
15 because he had been convicted two years ago of a similar
16 offence and was required to serve six months in jail.

17 Many of the cases that have been quoted in the
18 Supreme Court of the Northwest Territories, and which are
19 binding on this court, show that a woman has the right
20 to protection from assaults from men and from their
21 fathers, or any kind of assault. Using force or slapping
22 a young woman the way the accused did is an assault to her
23 person and to her dignity.

24 As Judge de Weerdts said in 1985, March the 27th,
25 when he quoted other cases, the first concern of the
26 court in offences of this kind must be the protection of
27 society. The sentence, therefore, must be sufficient to

1 deter the accused and others from repeating the offence.

2 It would appear, as pointed out by Crown, that six
3 months was not sufficient to deter the accused since he
4 again committed the same offence, and therefore comes before
5 the court as a repeater.

6 Although the accused has eight children and a
7 number are still at home, and even though there was no
8 injury or serious injury to the victim, I still feel that
9 a fairly substantial jail term will be required to be
10 imposed on the accused on this occasion.

11 Even though there was no sexual intercourse between
12 the accused and the victim, he did use force, and therefore
13 caused fear to exist. I am recognizing, however, that he
14 did plead guilty at the first instance and then avoided
15 the necessity for his daughter to give evidence in court.

16 The courts are still required on sexual offences
17 to impose terms that will denounce the activity and therefore
18 show that society and the public are to be protected and
19 are not in favour of allowing people to commit sexual
20 assaults.

21 Taking into account, therefore, what I have said,
22 I feel that a term in jail of fourteen months would be
23 appropriate and that is what I today am imposing on the
24 accused.

25 Do you understand everything that I have said,
26

27 Mr. U. ?

THE ACCUSED: Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

THE COURT: Thank you.

MR. ROGERS: Thank you, sir.

(AT WHICH TIME THESE PROCEEDINGS WERE CONCLUDED.)

Certified a correct transcript,

Laurie Ann Young
Laurie Ann Young
Court Reporter