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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

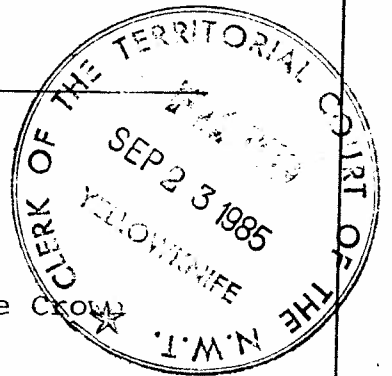
VS

MONICA QAQIMAT

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: Counsel for the Crown
MR. C. ROGERS: Counsel for the Defence



1 THE COURT:

2 Monica Qaqimat, who is a twenty-three year
3 old woman and is married and is a resident of Baker Lake
4 admits that on two occasions she was annoyed with her
5 husband and was in a position where she assaulted him
6 on the 13th of November, 1984, pulling his hair and pushing
7 him to the ground and kicking him after she became annoyed
8 on that occasion when visiting some relatives.

9 On the 3rd day of January, 1985, the accused also
10 became upset when she thought her husband was talking
11 to other people and when she got home she picked up a
12 knife and was swinging the knife at her husband and on
13 one occasion struck his arm and on another occasion struck
14 the side of his head which caused a cut for which he
15 was treated at the nursing station as a minor cut near
16 the eyes.

17 Mrs. Qaqimat comes before the court without any
18 criminal record and Crown counsel is being very reasonable
19 and fair when he suggests that because of her special
20 circumstances, now being pregnant and expecting a child,
21 that jail would not be appropriate and would not be
22 necessary for this young lady, although Crown recommends
23 and Defence counsel agrees that some form of counselling
24 should be required by the court so that the accused will
25 be able to discuss her relationship with her husband
26 with other persons and try and straighten her relationship
27 out so that the child that is to be born will have a
proper home in which to live.

1 Assault causing bodily harm is an offence that could
2 bring ten years in jail under the worst circumstances
3 and to a serious offender. I am prepared to take the
4 recommendations today and not require the accused to
5 go to jail on either of these offences, but I am going
6 to require that she be placed on probation and that she
7 perform some community service work as well as take
8 counselling.

9 To summarize what I have said, therefore, to those
10 persons who are present who do not understand English,
11 I am going to just briefly indicate through the interpreter
12 what we have done. Would you mind then interpreting
13 that Monica Qaqimat is charged with one assault in November
14 of striking her husband and kicking him, and a second
15 assault which cut his forehead with a knife in January,
16 and that is an assault causing bodily harm. Because
17 she has never been in trouble before I am going to only
18 require that she be placed on probation and do some community
19 service work and take some counselling. That will be
20 fine, thank you.

21 The accused on both instances then will have her
22 sentence suspended and will be placed on a probation
23 order for a period of one year. She will be required
24 to report to and be under the supervision of the probation
25 officer. I am going to require that she participate
26 in any counselling recommended by the probation officer,
27 and I am going to require that she perform forty hours

of community service work to the satisfaction of the probation officer and when directed to be performed by the probation officer. Do you understand all that, Mrs. Qaqimat?

MR. ZIGAYER: Sir, within what period of time?

THE COURT: I am going to leave that time to be performed at the direction of the probation officer so that it can be done after the child is born.

Now, because the sentence is suspended, I should advise you that if you were to get in any trouble, commit offences during the period of one year or if you were to not obey the probation officer at any time or not obey the direction of the court, you could be recalled to this court and sentenced on the charges, both of them. Therefore, penalty could be imposed on both of them, and in addition the probation order could be revised, so it is doubly important that you must make sure that you obey the law again in the future. Do you understand all that? The clerk will be preparing the probation order. You will be required to sign the probation order. That will be all then, thank you, for now.

(AT WHICH TIME THESE PROCEEDINGS WERE CONCLUDED.)

Certified a correct transcript,
Laurie Ann Young
Laurie Ann Young
Court Reporter

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