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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

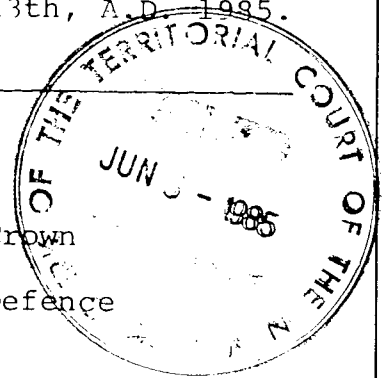
DAVID AMEGAINIK

Transcript of the oral sentencing delivered by His Honour
Judge T.B. Davis, sitting at Cambridge Bay, in the
Northwest Territories, Wednesday, March 13th, A.D. 1985.

APPEARANCES:

MR. M. ZIGAYER Counsel for the Crown

MR. G. CARTER Counsel for the Defence



1 THE COURT: I have accepted the facts that Mr. Amegainik
2 and his wife had gone to some neighbour's residence and were
3 drinking together and returned to their own residence. From
4 an argument that had developed the accused struck his wife
5 and beat her severely and pulled her hair and twisted her
6 arm behind her back. The wife had to wait until the next day
7 to go to the nursing station because the accused would not
8 allow her to leave her residence. After the wife told the
9 accused that she was visiting her mother, she was treated at
10 the nursing station and found to have a number of bruises
11 and other injuries. The victim then was found to have had
12 a broken jaw and a dislocated shoulder and bruises to her
13 face and eyes and other parts of her body. She was taken
14 to Yellowknife for treatment, but was subsequently medivaced
15 to Edmonton because of the seriousness of the dislocated
16 shoulder. The victim also received cuts to the inner part
17 of her mouth and another part of her body and had to wipe
18 up a substantial amount of blood before visiting the nursing
19 station. I take from the facts as presented that the
20 assault was a very serious one resulting in serious injury
21 to his wife.

22 The accused comes before the Court for the
23 third time on a similar charge, being assault involving
24 bodily harm. When he and his wife were drinking in the
25 past in 1981 and in 1982 the accused assaulted his wife and
26 caused her bodily harm on those occasions as well. Both the
27 accused and his wife are on the interdict list, or are

1 interdicted persons in the Northwest Territories, which means
2 they are not allowed to possess or consume alcohol. At this
3 time I want to let people know that those persons who
4 supply liquor to others who are on the interdicted list or
5 are interdicted persons in actual fact participate in the
6 offences to some extent in that they encourage drinking
7 which can result in injury to other persons. Although this
8 in no way reduces the responsibility of the accused, it
9 certainly is something that indicates his friends have not
10 assisted him in trying to stay away from liquor.

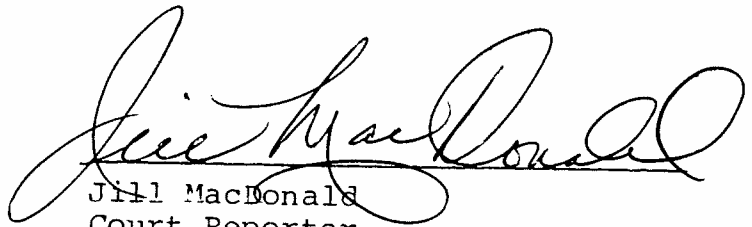
11 Although there was no weapon used in the assault
12 that caused injury, it is obvious that the assault was serious
13 and requires serious consequences by this Court. It is
14 obvious that the accused did not learn to control himself
15 or avoid beating his wife up when he appeared before the
16 Courts on two previous occasions. The Court has the
17 responsibility of now imposing a penalty that will protect
18 the public generally by letting everybody know that they
19 must not commit these offences or they will be punished for
20 them.

21 Having heard recommendations by Crown and
22 reviewing the cases that have been presented to me this
23 afternoon on this and other cases before me, I feel that it
24 is reasonable for the Court to consider a jail term in the
25 range of nine months as appropriate for the penalty in this
26 instance. I consider nine months to be proper, even knowing
27 that the accused is not a young person, because he is now

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forty-one years of age and has a family, two children, one of them being ten years of age. The Court must consider the number of offences of this type that occur in a community and must impose penalties so that people will know that they are to be deterred from committing that similar type of offence. That will be all, then.

Certified a correct transcript,



Jill MacDonald
Court Reporter