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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

JULI KUTSIQ

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Transcript of the Oral Reasons on Sentence delivered  
by His Honour Judge T. B. Davis, sitting at Nanasivik,  
in the Northwest Territories, on Friday, December 2,  
A.D. 1983.

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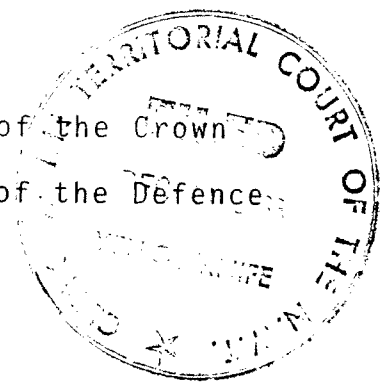
APPEARANCES:

MR. J. SHIPLEY

On behalf of the Crown

MS. V. SCHULER

On behalf of the Defence





1 THE COURT: Juili Kutsiq has entered a plea of guilty tonight to  
2 a charge of aggravated assault under Section 245.1 of the  
3 Criminal Code, which he admits to having committed on the  
4 twenty-sixth day of March, 1983, while he was with others  
5 in an intoxicated state in the early morning following a  
6 party.

7 A difficulty arises from the fact that Juili has a  
8 long record, and recently has been involved with some vio-  
9 lent activities, which up until September of 1983, had not  
10 shown up in any way on his record, even though the record  
11 shows thirty-some offences. Juili is presently serving time  
12 as a result of the recent convictions before this Court and  
13 has been assessed by psychiatrists as a person who has been  
14 somewhat depressed and is troubled, and certainly has been  
15 and is distraught over his situation.

16 I, of course, have to look at the situation of the  
17 offence and note the fact that it was a woman who was assaul-  
18 ted, that she suffered extensively, as shown on the photo-  
19 graphs and as explained by Crown, with bite marks on various  
20 parts of her face, her back, her arms, and her legs; with  
21 cut lips; and a finger that was also bitten, leaving numbness  
22 for two months; and one bite even leaving scars or some  
23 marks on the victim's face at the present time.

24 In opposition to that, of course, I have to take  
25 into account the fact that the accused is nineteen years of  
26 age, that he still is a young man, and there is still hope  
27 for him, because the psychiatrist who has done an examination



1 of him believes that he is a suitable candidate for programs  
2 for his own help and assistance and improvement. There is no  
3 doubt in my mind, having now dealt with him on at least four  
4 previous matters within the last three months, and on the  
5 submissions made on his behalf tonight, that he does need  
6 treatment, even though he is presently serving a long period  
7 of time in jail during which the treatment will be available.

8 It's very difficult for me, therefore, to know  
9 what is a suitable imposition of sentence on this offence,  
10 because I must not impose such a long sentence on the accused  
11 that he will lose all hope, and therefore lose the benefit  
12 of the rehabilitation that could come from participation in  
13 the programs that are available. But, I can't just ignore  
14 the seriousness of the offence; and therefore I must balance  
15 those two factors, because society must be protected against  
16 people who assault others, and the sentence must be to some  
17 extent a deterrence to the accused and to others to ensure  
18 that the same actions are not repeated. I think it is com-  
19 pletely reasonable for Crown to recommend that one year to  
20 two years and probably more would be ordinarily an appropriate  
21 sentence for this serious an offence, but since the accused  
22 is presently serving a long period of time in jail, if I  
23 were to add a two year sentence to his present time, it might  
24 be at the breaking point, and therefore lose all the validity  
25 of possible rehabilitation through programs in which the  
26 accused has shown that he is interested in participating.

27 Even though I would like at this time to not



1           increase any sentence so that the accused can, as soon as  
2           the treatment program seems to be working and effective so  
3           that he can then get out and start a new life as he has in-  
4           dicated through his counsel he is interested in doing, I  
5           still feel that I must impose some additional penalty even  
6           though it will be far, far less than I would have considered  
7           had he not been presently serving such a long term in jail.

8                     Under the circumstances, I am going to give the  
9           accused the benefit of my entire consideration and emphasize  
10          his rehabilitation at this time rather than the protection  
11          of society and the deterrent effect of the sentence and hope  
12          that the sentence will not be taken by others to mean that  
13          it is an appropriate sentence ordinarily for such a serious  
14          crime. But, in this case, I think it's given with the hope  
15          that the totality of the situation which the accused finds  
16          himself in will be such that he still will be able to rehab-  
17          ilitate himself and overcome his problems.

18                    On that basis, I am going to impose a jail term of  
19          four months to run consecutively to any other.

20                    Do you understand that, Mr. Kutsiq?

21   THE ACCUSED:    Yes.

22   MR. SCHULER:    Thank you, sir.

23   THE COURT:       With regard to the other information number 435  
24                    that was sworn on the twenty-seventh of March, 1983?

25   MR. SHIPLEY:    I direct the Clerk of the Court to enter a stay of  
26                    proceedings on that information, Your Honour.

27  
Certified a correct transcript:

N.W.T. 5349 (3/77)

*Edna Thiessen*  
Edna Thiessen, Court Reporter