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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

PETER ANDREW ETTAGIAK

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Transcript of an excerpt of a trial conducted before  
His Honour Judge T. B. Davis, sitting at Tuktoyaktuk  
in the Northwest Territories, on Thursday, March 22nd,  
A.D., 1984.

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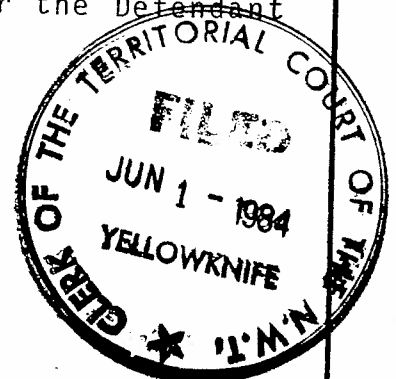
APPEARANCES:

MR. M. E. N. ZIGAYER

Counsel for the Crown

MR. P. ELLIS

Counsel for the Defendant





1 MR. ZIGAYER: Your Honour, on the 26th day of December,  
2 1983, at approximately 4:30 in the morning, the accused  
3 and his brother, Raymond Ettaqiak, got involved in a fight  
4 inside their own home. Apparently, Raymond started the  
5 fight. There had been some bad blood for a period of time.  
6 During the fight, Peter Ettaqiak bit off the tip of  
7 Raymond's nose. Present during the fight were his mother,  
8 Susan Ettaqiak, and his sister, Catherine. These persons  
9 confirmed that Raymond had started the fight.

10 Raymond Ettaqiak fled the scene, without the tip of  
11 his nose, and at approximately 4:47 Constable Hann appeared  
12 on the scene, along with Constable Sanderson. Constable  
13 Hann arrested Peter Ettaqiak and advised him of his rights.  
14 He was later lodged in cells, to prevent the continuation  
15 of the offence.

16 Constable Hann later seized the tip of Raymond's nose  
17 and carried it with him until he located Raymond, and took  
18 both of them to the nursing station, where the nose, the  
19 tip, was sewn back on.

20 Apparently the tip has taken, though there is an  
21 appreciable disfigurement to Raymond Ettaqiak's face.

22 Those are the circumstances of the offence.

23 MR. ELLIS: The facts are accepted, Your Honour.

24 THE COURT: The facts being admitted, then, conviction will  
25 be entered.

26 (SUBMISSIONS ON SENTENCING WERE GIVEN BY CROWN COUNSEL AND  
27 DEFENCE COUNSEL)

THE COURT: Peter Andrew Ettaqiak has entered a plea of  
N.W.T. 5349 (3/77)



1 guilty that on the 26th of December, 1983, at Tuktovaktuk,  
2 he committed an aggravated assault on his brother, Raymond  
3 Ettaqiak, by disfiguring him, contrary to section 245(2)  
4 of the Criminal Code.

5 On that occasion, while the accused and his brother  
6 were having a fight, which the brother started, both his  
7 mother and sister were present. During the fight, the  
8 accused bit off the tip of the nose of his brother, who  
9 fled thereafter.

10 Fortunately, the police officer who was called in this  
11 instance was a person who certainly displayed good common  
12 sense, and he recovered the tip of the nose and arranged  
13 to take both the tip of the nose and the victim to the  
14 nursing station, where the nursing staff was able to  
15 stitch the tip of the nose back on to the face of the  
16 victim. Good results have come about, and the nose did  
17 take, although there is still some disfiguration.

18 Both the police and the nursing staff should be  
19 commended for the work that they were able to do in this  
20 regard, in averting what otherwise could have been a  
21 disastrous situation.

22 Crown counsel has properly pointed out that the  
23 Parliament of Canada has designated a number of different  
24 categories for assaults, and that one of the most serious  
25 under the Code is the type of assault which causes dis-  
26 figuration, and has, as a maximum, a fourteen year penalty  
27 imposed, while other forms of assault have five and ten



1 year jail terms as maximums.

2 It is very difficult to know a proper and appropriate  
3 sentence in any offence, and it is more difficult in this  
4 instance to know what is proper, because the accused only  
5 has three other offences, one in 1980 and one in 1983  
6 for a break and enter and theft, and an offence in 1983  
7 for having a weapon dangerous to the public peace, for  
8 which he was fined \$500 in October of last year.

9 The accused is 21 years of age, with grade 9 education  
10 and, as pointed out by defence counsel, in this instance,  
11 it was not an offence that would have been premeditated in  
12 any way, but resulted as a consequence of a family fight  
13 when two brothers were physically involved with what ended  
14 up being a very serious situation.

15 The major consideration in imposing sentence is to  
16 ensure that the public be protected. The protection of the  
17 public is accomplished by putting severe enough sentences  
18 in effect, so that people are deterred from committing  
19 the same type of offence. And, ordinarily, I would think  
20 that to ensure that other people not disfigure somebody,  
21 that it would require a relatively long term in jail as  
22 consideration for general deterrence.

23 In this instance, however, defence counsel has pointed  
24 out that the accused, himself, has already felt substantial  
25 guilt and remorse, and that it was a family fight in  
26 which there was no original intent to disfigure or cause  
27 permanent injury.

