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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

OCPETEE ATTAGUYUK



Transcript of the Oral Sentencing delivered by His Honour Judge R. M. Bourassa, sitting at Frobisher Bay, in the Northwest Territories, on Wednesday, January 11, A.D. 1984.

APPEARANCES:

MR. M. D. GATES On behalf of the Crown

MR. J. BOVARD On behalf of the Defence

1 THE COURT: Oopetee Atteguyak has had many years and many
2 occasions to learn that he acts violently when he is
3 drinking, and he should have learned that lesson a long time
4 ago. He hasn't learned that lesson, obviously; and this
5 Court nor no one in this world that can force a man to learn
6 that lesson. All the Court can do is respond after the
7 fact and attempt to protect people by putting Oopetee away
8 in jail. It's too bad. When Oopetee is sober, I would take
9 from submissions that have been made, things go well for
10 him; but like so many other people, when he gets drunk he
11 acts in an unbelievable fashion. He acts contrary to the
12 law, he hurts people, injures people, and he ends up hurting
13 himself. Be that as it may, Oopetee should have learned
14 a long time ago that that is what happens when he drinks,
15 and from that lesson he should have reached the very simple
16 conclusion that he shouldn't drink. Until he learns that
17 lesson and stops drinking, I would suspect that he will be
18 back before the courts again and again and again. It may
19 be only luck or chance circumstances that no one has been
20 killed or grievously injured or wounded as a result of his
21 activities when drunk and the volatile temper that he has.
22 As it is, there is a girl permanently disfigured as a result
23 of having a tooth knocked out by a punch delivered by this
24 man.

25 The accused has a criminal record of nineteen
26 convictions which include violent offences, and that includes
27 resisting or obstructing a peace officer, assault with intent,

1 common assault. He has numerous charges with respect to
2 theft, breach of probation, and narcotics; and on this
3 occasion I am given that he was intoxicated with Lysol. I
4 don't see that probation is really appropriate here. The
5 accused, from looking at his criminal record, would indicate
6 that there is very little chance that he will respond to a
7 probation order. The Court has to try as best it can to
8 protect society, and it appears the only way society can
9 be protected from this man's violent outbursts and anti-
10 social activities is to put him in jail for as long as the
11 circumstances warrant. The only time that people like
12 Siola can feel assured that they needn't fear for their own
13 safety is when this man is in jail or sober. I have no con-
14 trol over him when he is drunk, neither does the justice of
15 the peace who tried to help him with that drunkenness problem
16 by putting a condition and having Oopetee sign that con-
17 dition that he would stay away from intoxicants. But the
18 only person who can solve Oopetee's love affair with intox-
19 icants is Oopetee, and until he solves it, he can expect
20 to be before the courts time and time again.

21 I am taking into account that the two assaults
22 and the damage to public property all arose from the same
23 circumstance, and I think it is only proper that there be
24 concurrent sentences in that matter. I am also taking into
25 account totality. I am in effect going to 'punish' the
26 accused for these three incidents--there will be only one
27 punishment which really draws from the three of them.

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With respect to the 133 matter, that will be treated separately. It is a separate offence. The accused knew he was due in court. He had signed the condition of the promise to stay away from liquor not a month ago, less than three weeks ago, and as I've heard, abandoned his promise almost as soon as it was signed.

Oopetee, would you stand up, please? With respect to the assault on Tyna Ipeelie contrary to Section 245.1(1)(b), I'm going to impose a jail term of nine months. With respect to the assault on Siola Ipeelie, there will be a jail term of three months concurrent. With respect to the offence of damaging property, there will be a jail term of three months, concurrent. With respect to the offence of failing to comply with an undertaking, there will be a jail term of one month consecutive.

MR. BOVARD: Thank you, Your Honour.

(AT WHICH TIME THIS MATTER WAS CONCLUDED.)

Certified a correct transcript

Edna Thissen
Edna Thissen, Court Reporter