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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

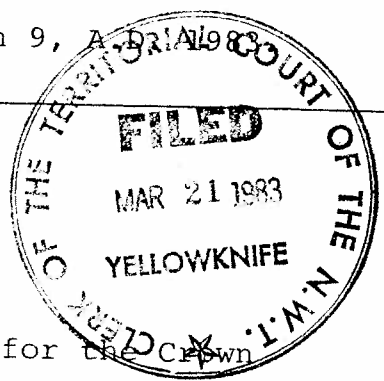
V.

ALLUKIE JOAMIE

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Transcript of the sentencing delivered by His Honour  
Judge T. B. Davis sitting at Frobisher Bay, Northwest  
Territories, on Wednesday, March 9, A.D. 1983

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APPEARANCES:

MR. D. GATES Counsel for the Crown  
MR. J. BOUVARD Counsel for the Defence

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1 THE COURT: Mr. Alluki Joamie has today pleaded guilty  
2 to a charge under Section 245 of the Criminal Code in that he  
3 admitted to having committed an assault which caused bodily  
4 harm to his common-law wife on the 14th day of February,  
5 1983.

6 Both the accused and his wife had been drinking,  
7 and when visiting his sister's home, became upset when his  
8 wife refused to leave the residence at the request of the  
9 accused.

10 It is indicated to the Court that the accused  
11 threw his wife to the ground by pulling her hair, and then  
12 kicked her a number of times in the face causing bleeding  
13 around the nose and causing blood to be put on the floor,  
14 and also requiring her attendance at the hospital to be  
15 treated overnight and released the following day.

16 The accused himself was in such a state of  
17 drunkenness that he did not remember the number of times that  
18 he did strike his wife. He and his wife have now returned  
19 to their home to take care of their three children, he being  
20 the sole support of the family.

21 The accused is 38 years of age and has no  
22 previous record, and the Crown has extremely fairly and if  
23 anything, leniently suggested that because of the good back-  
24 ground of the accused, that the Court need not consider a  
25 gaol term in this instance.

26 I pointed out purposely to defence counsel that  
27 I had never had an assault similar to this without having



1 placed the accused person in gaol for a minimum of three  
2 months; and therefore I find it somewhat different to be  
3 considering a fine in place of going to gaol; but since all  
4 of the background of the accused indicates that he is  
5 deserving of that consideration, I am only going to impose  
6 a fine and not a gaol term. I will require that the accused  
7 be placed on a probation order. One of the terms of the  
8 probation order will be that he will report to the Probation  
9 Services within a period of two weeks, and then report weekly  
10 for a period of two months and thereafter as the probation  
11 officer requires.

12 Another term of the probation order will be that  
13 the accused will restrain from excessive consumption of  
14 alcohol, excessive meaning that any amount over the usual  
15 breathalyzer reading of .08, and the accused will submit  
16 himself to a breathalyzer test at the request of any police  
17 officer.

18 The non-excessive drinking order will be  
19 in effect for a period of four months. That portion of the  
20 probation order will be for four months only. I would hope  
21 that the accused, after the period of four months, will  
22 realize that excessive drinking can mean problems to anybody  
23 and that following the four-month period, he will use his  
24 own common sense to insure that this type of thing does not  
25 happen again.

26 In sentencing the accused, I am going to impose  
27 a fine of \$400, or in default thereof one month in gaol, and



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the conviction will be entered as a result of a plea of guilty to the charge.

How long will the accused require to make payment of the fine?

MR. BOUVARD: May he have two months, your honour?

THE COURT: Alright, the accused will be allowed four months within which to make payment.

You will also be required to stay in the Court until such time as the probation order is available for signature, Mr. Joamie.

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Certified a correct transcript

Catherine Metz  
Court Reporter