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~~TC 00173~~

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

v.

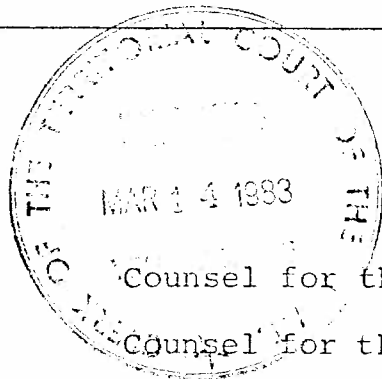
DAVID ISSUQUANQITUQ

Transcript of the reasons for sentence delivered by
His Honour Chief Judge J. R. Slaven sitting at Arctic
Bay, Northwest Territories, on Thursday, December
16, A.D. 1982.

APPEARANCES:

MR. D. GATES

MS. G. LANG



Counsel for the Crown

Counsel for the Defence



1 THE COURT: Well, I had given full consideration to the pre-
2 sentence report and Dr. Hood's letter which are Exhibits
3 S-1 and S-2 filed with the court.

4 Dr. Hood is a respected expert in his field, Mrs.
5 Williams knows the community well, and I cannot treat their
6 recommendations lightly. However, the fact that this man
7 was before the court almost exactly five years ago for an
8 indecent assault on the same girl, one of the two girls,
9 and he has continued the assaults on the same girl and
10 another younger daughter now coming along, shows me that the
11 disposition made by the court five years ago did not deter
12 this man.

13 I must give great weight to trying to achieve
14 safety for Pudloo, Martha and the two younger sisters. It
15 is unfortunate that he received no supervision on his
16 previous probation; and as I recall, and the fourth
17 condition intimates, that Pudloo was not to remain in the
18 home.

19 The wishes of the community were considered by me
20 at that time, and the result was that Pudloo was left there
21 with this man who has been harassing her ever since; and
22 now has started on her younger sister who is now the same
23 age Pudloo was five years ago.

24 I certainly must have in my mind, however, that he
25 has been in jail since late September, and I must have in
26 my mind the comments Ms. Lang has made regarding his reac-
27 tion to that time in jail.



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I must have in mind that the maximum penalty for these three offences could be 15 years in jail; but it is also very true that he has not been found guilty of having sexual intercourse with either of the girls, that the feeling of Martha's privates apparently was not noticed or hardly noticed by her because she was sleeping, and there has been no ill effect on Martha.

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I do not have before me details of the actual assault on Pudloo, but I think I can assume that it and the accumulated circumstances were serious in that they led her to make a suicide attempt.

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I agree with Ms. Lang and I had this in a different case, the Dialla case in Frobisher Bay a few weeks ago, but the court must be careful that punishment does not become counterproductive. We must take care that it is not the reverse side of reformation and rehabilitation.

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In other words, there are very strong reasons for me to punish this man with a heavy jail term; and at the same time, there are very strong reasons that I should not do so. Would you stand up please, Mr. Issuquanqitug.

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David Issuquanqitug, I convict you on the three offences of indecent assault before me. For count 3, the indecent assault on Pudloo, I direct you be imprisoned for a period of six months; count 5, the first assault on Martha, I direct you be imprisoned for a period of three months to be served consecutive; count 6, the second assault on Martha, I direct you be imprisoned for a period of



1 three months to be served concurrent.

2 Upon the expiration of the serving of your term of
3 imprisonment, I direct you be placed on probation for a
4 period of two years. You are to be under the supervision
5 of probation services, report to them and to the courts as
6 they direct. You are to cooperate with such counselling
7 services as probation shall direct.

8 I do not know that I agree with Dr. Hood in that
9 certain recommendation of his, but I will bow to his
10 expertise and direct that during the first six months of
11 Mr. Issuquanqituq's probation, that he do 100 hours commu-
12 nity service work as directed by probation services.

13 What also persuades me is the fact that Mr. Justice
14 de Weerdts did the same thing in the Baker Lake incest case
15 that Mr. Gates referred to me.

16 Is there anything I have forgotten?

17 MS. LANG: I wonder if there could be a recommendation that it
18 be served in Baffin--

19 THE COURT: Oh, yes. I will recommend that his term of imprison-
20 ment be spent in the South Baffin Correction Centre.

21 Sit down, Mr. Issuquanqituq. I want to thank the interpreter
22 and thank Mrs. Williams for the assistance they have given
23 the court. I am pleased to see the interest the community
24 showed by coming out this morning and the interest I am
25 told that the community and the Old Age Committee are showing
26 to improve the way of life in Arctic Bay.
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Certified a correct transcript

Catherine Metz

Catherine Metz
Court Reporter