

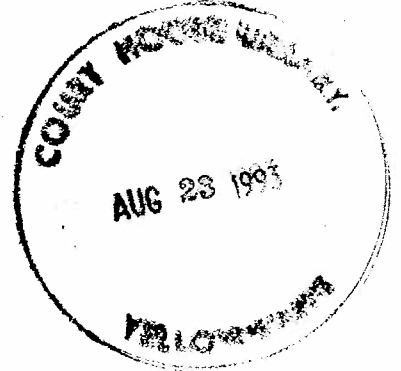
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

SAMMY AUDLAKIAK



Transcript of the Sentence delivered by His Honour Judge
T. B. Davis, sitting at Yellowknife in the Northwest
Territories, on March 30, A.D., 1993.

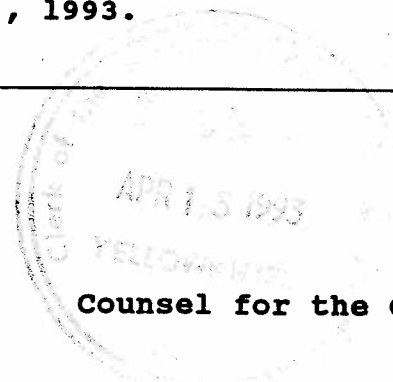
APPEARANCES:

MR. D. MILLER:

Counsel for the Crown

MR. T. McCAULEY:

Counsel for the Accused



CHARGE UNDER SECTION 267(1) OF THE CRIMINAL CODE

1 THE COURT: Sammy Audlakiak, who has resided in
2 the Baffin Island area at Broughton Island, admits
3 that on the 18th day of June 1992, he actually
4 assaulted an elderly lady, struck her in the face and
5 caused her to have some small cuts on her face and her
6 soft tissues to be swollen to the extent that her eyes
7 were closed for a short time. She was visually
8 impaired and couldn't protect herself and had
9 blacked-out and was lying on the floor when he left
10 her residence. She also had some bruises to the back
11 of her head.

12 The accused has been before the Court on four
13 previous occasions since 1987 and has been convicted
14 of twelve criminal convictions, seven of which were
15 assaults.

16 He has indicated remorse and a lack of
17 understanding on why he would have assaulted a very
18 senior, older lady.

19 As a result of his concern, he has indicated to
20 his lawyer that he wishes to get some help because he
21 doesn't wish to continue to beat people up and doesn't
22 understand why he would have assaulted this elderly
23 lady.

24 The accused, while in custody on another matter,
25 had volunteered a confession which implicated him in
26 the offence before the Court today. It's unlikely
27 that there would have been any way of convicting the

1 accused or even charging him with the assault had it
2 not been for his voluntary confession.

3 The Court is pleased to see that somebody is
4 interested in improving themselves and trying to rid
5 themselves of an assault behaviour as in the past.

6 I am certainly prepared to accept the
7 recommendations being made by defence and concurred in
8 by Crown that the accused should be given a jail term
9 that would allow him to get the treatment that he
10 wants and this would require him to be sentenced to in
11 excess of two years in jail; that automatically
12 resulting in a penitentiary term where treatment would
13 be available to him.

14 He is still only 23 years of age and if the
15 treatment does work and he learns to ensure that he
16 uses his medication and continues to use that for his
17 schizophrenic problems, he will have a long life and
18 and it might be a much happier life for him.

19 I hope that by serving a term in jail that he can
20 be relieved of his guilty conscience because he will
21 then be penalized for the offence and he is answering
22 the needs of society by serving a period of time in
23 jail. I am hoping that by serving the time he can
24 improve himself because he is entitled, now that he is
25 willing to make an effort, to a better life after he
26 has served what is necessary under the criminal law.

27 Sammy, is there anything you wish to say to the

1 Court at this time?

2 THE ACCUSED: I don't think so.

3 THE COURT: You have understood everything that
4 your lawyer has said on your behalf and you understand
5 that I am going to accept the recommendation by the
6 lawyers so that you can take the treatment which you
7 want?

8 Is that all correct?

9 THE ACCUSED: Yes.

10 THE COURT: All right. Thank you, counsel, for
11 going into this in detail to the extent that you have.
12 I think that you have convinced me that it's
13 appropriate to do so.

14 Now, to ensure that it's penitentiary time,
15 counsel, is it 24 months that I impose or do you wish
16 to have it 25 months or is it automatically
17 penitentiary time that will qualify him -- so long as
18 it is not 24 months less one day?

19 MR. McCAULEY: I believe that's the case. I believe
20 it is expressed as two years.

21 THE COURT: I'm going to impose a jail term of two
22 years.

23 If two years is imposed as penitentiary time, we
24 don't have an ability to impose probation terms
25 thereafter. There will be no surcharge.

26 Sammy, try your best and make sure that you get
27 everything under control so this kind of thing doesn't

1 happen again.

2 MR. McCAULEY: Thank you, Your Honour.

3 **(PROCEEDINGS CONCLUDED)**

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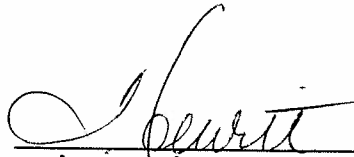
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**Certified a correct transcript to
the best of my skill and ability,
(Subject to Editing by Presiding Judge)**

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Lois Hewitt,
Court Reporter

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