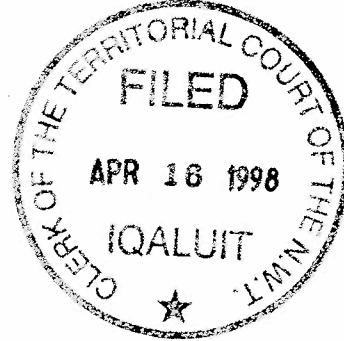


IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:



HER MAJESTY THE QUEEN



- vs. -

CHARLIE ANGNETSIAK

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Transcript of the Sentencing Hearing before The Honourable  
Judge R.W. Halifax, at Pond Inlet in the Northwest  
Territories, on Wednesday, April 1, A.D., 1998.

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APPEARANCES:

Ms. R. Peters: Counsel for the Crown  
T. Kavanagh, Esq.: Counsel for the Accused

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Charges under s. 271 of the Criminal Code of Canada

1 THE COURT: Good afternoon, please be seated.  
2 Mr. Angnetsiak pled guilty this morning to three  
3 charges of sexual assault. We're ready to deal with  
4 that sentencing this afternoon.

5 Go ahead.

6 MS. PETERS: Thank you. Between the 1st of  
7 January and the 12th of March, 1997, Charlie Angnetsiak  
8 forced the 16-year-old complainant to have sex with him  
9 on three different occasions.

10 The first time was at her aunt's place in the  
11 early morning. The complainant was alone in the house,  
12 watching TV in the living room at about three or four  
13 o'clock in the morning. She was lying on the couch,  
14 and the accused came in and asked her if he could touch  
15 her on the vagina. She told him not to. He ignored  
16 her protests and pulled her pants down. She was trying  
17 to push him away. Then he pulled his penis out and put  
18 it into her vagina. She felt terrible and wanted to  
19 cry. He said he would give her money if she didn't  
20 tell. Later, he gave her \$60 or \$70. She was  
21 completely sober at that time.

22 The second time was at the accused's residence,  
23 just before midnight on another day. Both the accused  
24 and the victim were smoking hash which the accused had  
25 supplied. They were in the kitchen. Each time that  
26 the victim leaned over the stove to take a hit, he  
27 moved behind her and put his pelvis to her bum. This

1 happened more than five times. He also told her she  
2 was cute. The victim told him several times not to do  
3 that to her. After that, the accused then took her to  
4 his room, to the bed, and asked her if she wanted to go  
5 on top, to have sex in that position. She told him not  
6 to. She told him if he touched her that she would  
7 tell. He ignored her and pulled his pants down, then  
8 pulled her pants down. He forced her to have sex on  
9 the bed. She was on the bottom, and it lasted for  
10 about two minutes.

11 The third time was at the victim's grandmother's  
12 house in February or March. The victim was  
13 baby-sitting there, and she was alone with the  
14 children. She went into the washroom, and the accused  
15 followed her in. He gave her money right away, telling  
16 her not to tell what he was about to do. He said he  
17 wanted sex. She was telling him not to and pushing him  
18 away. He pulled her pants down, and she tried to get  
19 them back on again and pushed him. He held her hands  
20 to stop her from struggling. They were standing up and  
21 facing each other during the struggle. He put his  
22 penis in her vagina. She continued to tell him to get  
23 off. She told him twice. The second time she said it,  
24 he did get off, and he left. She stayed in the  
25 washroom, crying, until the kids that she was  
26 baby-sitting called her name. She dried her tears and  
27 went to the living room.

1           The accused is her uncle.

2           Those are the facts, Your Honour.

3       MR. KAVANAGH:           In regard to the facts,  
4       Mr. Angnetsiak advised me that on the first occasion,  
5       he did not hear anything from the complainant, he does  
6       not remember her saying anything, and that it was the  
7       complainant who asked for money after the intercourse  
8       had occurred, and that he gave her \$60 at that time.  
9       Otherwise, those facts are admitted.

10           With respect to the second incident,  
11       Mr. Angnetsiak has indicated that on that occasion, she  
12       indicated to him she did not want to have sex, she  
13       verbally made that point clear to him; however,  
14       Mr. Angnetsiak persisted. He states that he was not  
15       told not to rub himself against her while they were in  
16       the kitchen, and that she did not say that she would  
17       tell anybody if he did have intercourse with her;  
18       however, he does admit that it was not consensual.

19           With respect to the third incident, Mr. Angnetsiak  
20       indicates that that assault occurred again at his house  
21       and not at the complainant's grandmother's house, that  
22       she had come over to see him. He states that he did  
23       not give her any money on that occasion, and that he  
24       did not offer to give her any money on that occasion,  
25       although he did have, again, non-consensual sex with  
26       her. He does not recall having such a struggle, but he  
27       does definitely recall that she was clear and stated

1 she did not want to have sex with him.

2 With respect to the things we don't know about,  
3 obviously, we're not admitting them, but otherwise the  
4 facts are admitted.

5 THE COURT: Any response to those comments, Ms.  
6 Peters?

7 MS. PETERS: None, Your Honour.

8 THE COURT: Representations to sentence?

9 MS. PETERS: The Crown's submission is that a  
10 sentence of four to five years in jail is appropriate  
11 for the following reasons.

12 First of all, Mr. Angnetsiak does have a criminal  
13 record of five convictions. I do have a copy for the  
14 Court if the Court would like one.

15 THE COURT: You can file it, but it needs to be  
16 read in so that the people who don't read English  
17 understand what it says.

18 MS. PETERS: Okay. The first conviction is from  
19 1990, and that's a conviction for a break, enter, and  
20 theft.

21 Then in 1993, a conviction for pointing a  
22 firearm.

23 In 1994, break, enter, and commit a sexual  
24 assault, and at that time, he was sentenced to four  
25 months in jail and probation for 18 months.

26 In 1995, he was convicted of assault and received  
27 18 months probation as a sentence.



1 he still forced her. He used his favoured position and  
2 role as an uncle to keep her quiet. They have known  
3 each other all their lives.

4 It takes a great amount of courage for a young  
5 woman to speak out against an older man, especially if  
6 he's closely related. He was aware of his influence on  
7 his adolescent niece. He gave her drugs on one of the  
8 occasions and took advantage of her.

9 The impact on the victim has been great. The  
10 victim didn't know where to turn, who to tell, who  
11 could she trust and talk to. It kept happening, and  
12 she felt worse and worse about it until finally she  
13 sought help from a nurse in Pond Inlet to talk about  
14 her problems, including the ongoing harassment from her  
15 uncle. She told the nurse that she attempted to commit  
16 suicide, and during that attempt, she was stopped by a  
17 friend.

18 The day after the last time she was touched by the  
19 accused, she went and spoke with somebody in  
20 authority. She moved to another house in Pond Inlet,  
21 hoping to feel safer, but she was still pursued. She  
22 would tell the people of the new home that she went to  
23 that she wanted them to protect her from him. Social  
24 Services was concerned about the victim's safety and  
25 arranged for her to go to a different community because  
26 she was afraid of the accused and that he would  
27 continue abusing her. She did go to another community

1 for quite some time.

2 Mr. Angnetsiak was in a position of trust as her  
3 uncle. He should have been around to protect her, not  
4 to abuse her. He abused her more than once, and in the  
5 most serious manner, by having full sexual intercourse  
6 with her against her will.

7 There are two cases that I would like to refer  
8 to. The first one is the McDonnell case, which is a  
9 Supreme Court of Canada case that deals with starting  
10 point sentences that had been used up until that time,  
11 and they refer to starting points not being  
12 particularly appropriate. I'd just like to clarify  
13 what the majority of the Court says about starting  
14 points and guidelines just to -- it's the Crown's  
15 position that guidelines are still appropriate, but  
16 sentencing Courts are not specifically bound by a  
17 certain starting point, and that's what I just want to  
18 draw to the Court's attention. In the Supreme Court of  
19 Canada case at paragraph 43, the Chief Justice, or the  
20 Justice writing at that time, said:

21 I add that I do not disagree with McLachlin,  
22 J. -- and McLachlin was the dissenting Judge  
23 in that case -- that appellate courts may set  
24 out starting-point sentences as guides to  
25 lower courts.

26 So, in fact, he is agreeing that guides can be set  
27 by lower courts -- for lower courts.



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And I'm continuing to quote:  
"Moreover, the starting-point may well be a factor to consider in determining whether a sentence is demonstrably unfit. If there is a wide disparity between the starting-point for the offence and the sentence imposed, then, assuming that the Court of Appeal has set a reasonable starting-point, the starting-point certainly suggests, but is not determinative of, unfitness."

And I draw from that that guidelines are still appropriate.

The last case that I wanted to refer to is the W.B.S. case. I believe Your Honour is familiar with it. It's a breach of trust case that does refer to a starting point of four years where there is intercourse with a person in a position of trust. I find that this case is more helpful for the factors that it lays out that are to be considered by the sentencing Court.

One of the factors that W.B.S. suggests are if were there repetitions of the assaults, and in that case, itself, there was a repetition of three times that the assault took place. Another aggravating factor is a threat if a child tells, and another factor to look at is the age of the victim. And in that case, the courts are suggesting that if there is no criminal record, that four years is the starting point.

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And I submit that in this case, a further aggravating factor for Mr. Angnetsiak is that he has a criminal record that does include sex assault. I would like to refer back to his criminal record in which there is a break and enter to commit sex assault in which he was found guilty of breaking into a home where there were three girls present, three young girls between the ages of 14 and 19. This assault included touching and proposals for sex, and to the oldest complainant, he threatened to have sex with one of the younger girls if she did not agree to have sex with him. I bring that to the Court's attention just because it's an aggravating factor when there are similar convictions, or convictions for similar offences on the record.

And as a mitigating factor, as I said, there is an early plea, although it's at the very last moment before the complainant was prepared to testify this morning. And it's for all those reasons that it's my position that a sentence in jail of four to five years is appropriate.

Those are my submissions.

THE COURT: Thank you. Mr. Kavanagh?

MR. KAVANAGH: Thank you, Your Honour.

Mr. Angnetsiak, Your Honour, is 27 years old, the youngest son of a family in Pond Inlet. He has grown up in Pond Inlet, most of his life has been spent here

1           except for a short period in Iqaluit. He is currently  
2           single, taking care of a three-year-old daughter. The  
3           mother of that child is here in Pond Inlet, but the  
4           relationship is over.

5           He has worked for the Hamlet previously at water  
6           delivery. His most recent employment was with the  
7           Co-op. He was a cashier at the Co-op between August  
8           last year and March of this year. He was just fired  
9           from his job, as a matter of fact, for missing shifts.  
10          He has the equivalent of Grade 12 education, he  
11          accomplished that by attendance at the community  
12          occupational program, 1992 to '93. Although he did not  
13          complete the final steps, he did complete most of the  
14          program. He currently attends counselling for drinking  
15          and drugs as part of a probation order arising from  
16          another incident which is upon his criminal record.

17          I've discussed Mr. Angnetsiak with the probation  
18          officer. She has advised me that he's very good at  
19          attending, and she has quite a positive opinion of him  
20          and of his progress. Mr. Angnetsiak has indicated he  
21          has made an apology, as well, to the complainant, and  
22          apparently, the complainant telephones him on a regular  
23          basis to invite him to dinner with her and her  
24          boyfriend.

25          With regard to the break and enter and commit  
26          sexual assault that's been referred to, the defence  
27          position is that those are simply allegations. We

1 don't have the actual facts that were read in at that  
2 time and on which Mr. Angnetsiak was sentenced. He was  
3 sentenced to four months, and of course, with respect  
4 to that particular offence, he has been punished and  
5 has served his time.

6 Mr. Angnetsiak understands what he did, he  
7 understands that it's wrong, and he understands that  
8 "No means no." He recently, in fact, had that  
9 confirmed to him when the complainant's father beat him  
10 up in this very building as a result of these events.  
11 There was confrontation. Mr. Angnetsiak left the  
12 community for Iqaluit, has returned, of course, and now  
13 is before Your Honour.

14 With regard to the case of McLelland (sp.) that  
15 was referred to, it's our position it can be easily  
16 distinguished. That particular case dealt with whether  
17 a new class of offence could be created at that time in  
18 common law, namely, major sexual assault. The bulk of  
19 that case deals with a direction that legislators are  
20 the people who create offences, and if someone commits  
21 a sexual assault causing harm, then they should be  
22 charged under Section 272 of the Criminal Code and not  
23 271, and the case is clear that psychological harm is  
24 included in harm.

25 The other point that lends itself to  
26 distinguishing McLelland is that the individual  
27 certainly was in a position of trust. He was the

1 father to someone who had been placed in his home, I  
2 understand, by Social Services when he committed the  
3 first offence, and the second offence was an assault on  
4 a babysitter whom was commonly used by the family.

5 However, our position is that this McLelland --  
6 I'm sorry, McDonnell, I've been referring to it as  
7 McLelland -- McDonnell is not authority for starting  
8 points or guidelines, and in fact, it is very clear on  
9 one point: The trial Judge makes the decision, and the  
10 trial Judge's decision will be respected.

11 With regard to R. v. W.B.S., again, this is an  
12 easily distinguishable case. The facts in that  
13 particular case involve brutality, anal intercourse,  
14 very young victims, and the list of aggravating factors  
15 that was suggested by the Alberta Court of Appeal in  
16 that decision basically are not applicable to this  
17 particular offence and the offender before you, except  
18 for the point that it says that repetition of the  
19 assaults will be considered as an aggravating factor.

20 It's our submission that there were no threats.  
21 We made that particular point when speaking to the  
22 facts. There was no violence, it is our submission,  
23 other than the violence that was inherent in the very  
24 act of penetration. We made that point when speaking  
25 to the facts. The victim in this matter is not a  
26 child, it's a young person, someone who was 16 at the  
27 time of these offences. There's no confinement, no

1 kidnapping, no injuries complained of. Once again, the  
2 reference to emotional trauma, as I've suggested, the  
3 Criminal Code accommodates psychological harm by having  
4 an offence under Section 272.

5 I'd ask the Court to consider a decision which  
6 I've provided a copy of to Ms. Peters. It is extremely  
7 brief, a rather old decision, a 1986 decision of the  
8 Northwest Territories Court of Appeal, R. v. W.A.A.  
9 The facts are extremely similar, as a matter of fact.

10 The first paragraph on page 171 of the decision of  
11 Lieberman, J.A., speaking for the panel, states that a  
12 guilty plea was entered to a charge of sexual assault,  
13 the complainant is a stepdaughter, and at the time, was  
14 15 years old. The Crown appealed from a sentence of  
15 nine months.

16 The second paragraph indicates that there were  
17 three acts of intercourse over approximately two  
18 months, very close to what we're dealing with today.  
19 There was no consent, there was no violence, and the  
20 complainant reported the incidents to a social worker  
21 shortly after the last act. That's quite similar to  
22 what happened last year in this matter.

23 The Crown raised the penalty from nine months to  
24 two years less a day for the accused in that matter,  
25 and it is our submission that a substantial aggravating  
26 factor in that particular case was that this was the  
27 stepdaughter of the accused, someone who was obviously

1 in a position of trust to the complainant, and as a  
2 result of the acts, the child has left the family  
3 unit.

4 With regard to the Crown's submission that the  
5 guilty plea, although it comes rather late -- once  
6 again, I would just ask the Court to consider how often  
7 Territorial Court is in Pond Inlet and how difficult it  
8 is for counsel and accused to meet and to discuss  
9 disclosure. Yes, we have telephones, but not always  
10 are we able to reach one another, and obviously, the  
11 best opportunity to review disclosure is face-to-face.

12 The Court arrived, it only opened yesterday, and  
13 Mr. Angnetsiak, overnight, has decided to enter a  
14 guilty plea. Again, I'd ask the Court to consider how  
15 much better that is, not only for Mr. Angnetsiak, but  
16 for the victim. He's not forcing her to get up and  
17 tell her story in a relatively small community,  
18 obviously a very painful story, and he's saved the  
19 victim considerable and perhaps further emotional harm  
20 by doing this.

21 The criminal record with the conviction for  
22 related violence, of course, is quite a matter of  
23 concern, as well as the facts that the other entries,  
24 the most recent entries, do include offences of  
25 violence, although they are not offences of a sexual  
26 nature. The young age of the complainant is also an  
27 aggravating factor as described by the Crown. However,

1 it is our position that there is not a trust  
2 relationship here in the way that was submitted by the  
3 Crown. Mr. Angnetsiak is related to the complainant,  
4 and the Crown has made the statement that he was her  
5 favourite uncle; however, he was in no way in a  
6 position where he could deprive her of shelter or  
7 nourishment the way that a parent can. He wasn't  
8 standing in the position of a parent nor in a position  
9 of authority to the complainant the way perhaps a coach  
10 does on a hockey team, which seems to be something  
11 that's happening these days in other jurisdictions,  
12 speaking of trust relationships that can develop.

13 So, our submission that any consideration by Your  
14 Honour of sentence should not include the consideration  
15 that a trust relationship, a special trust  
16 relationship, that is, is somehow being breached and  
17 that it is an aggravating factor.

18 For all of those points brought forward by  
19 defence, it is our submission that a much lesser term  
20 is within the ambit, or within the reasonability of the  
21 Court to sentence. We suggest that 15 months is  
22 appropriate followed by a period of probation, a  
23 significant period of probation. As I've indicated,  
24 the probation officer has stated that he is following  
25 his probation, that he is very good at showing up and  
26 keeping his appointments and expressing himself.  
27 Apparently, he attends twice a week now.



1           The final thing, Your Honour, is that  
2           Mr. Angnetsiak's mother, Mary, has asked that she may  
3           be able to address the Court. I've indicated that it  
4           would be in Your Honour's discretion to allow that.

5           Those are my submissions, Your Honour, subject to  
6           any questions you may ask, or response.

7           THE COURT:                   Thank you. Ms. Peters?

8           MS. PETERS:                   If I could just respond briefly to  
9           the case that was brought forward by defence counsel.  
10          I've had a chance to read it. In this case, I did want  
11          to bring to the Court's attention that the accused had  
12          no criminal record at all when he was sentenced, and  
13          also, the Court of Appeal found that there was no  
14          evidence of the complainant having suffered any  
15          psychological damage, and those are points that are  
16          important in this case.

17          That's all I wanted to add.

18          THE COURT:                   I'm prepared to hear from Mrs.  
19          Angnetsiak if she wants to say something. You can just  
20          have a chair on the front bench, there, and speak in  
21          Inuktitut if you prefer.

22          MRS. ANGNETSIK:            I'm talking about Charlie.

23                   The complainant did not tell the whole truth.

24                   Charlie is not the youngest of my sons, and he  
25                   helps me out. And he takes care of his daughter, and  
26                   they're separated, and my youngest one had committed  
27                   suicide before when they separated.

1           If my son is put in custody, who's going to --  
2           who's going to help me? I would like better if he went  
3           into treatment because jail does not change people.  
4           When you go into a treatment centre you leave the  
5           community and they provide counselling, and the people  
6           who attend treatment centers change their lives more.  
7           That's all.

8           THE COURT:                   Thank you, Mrs. Angnetsiak.

9           Mr. Angnetsiak, stand up, please.

10           Do you want to say anything in court today? In  
11           English or Inuktitut, it doesn't matter.

12           THE ACCUSED:                I have a bit to say. When I was  
13           becoming a teenager, a relative would abuse me, and  
14           that's how I started not having any feelings towards  
15           relatives after I was abused. Our family has got  
16           together two times, and that was the first time I  
17           started talking, and right now, I feel a lot better  
18           about myself. That's all I want to say.

19           THE COURT:                   Just sit down, Mr. Angnetsiak, for  
20           a few minutes. Actually, I'm sorry, Mr. Angnetsiak,  
21           you can stand up. I'll invite Mrs. Peterloosie to  
22           speak with you if she has anything that she wants to  
23           say. Mrs. Peterloosie?

24           MRS. PETERLOOSIE:            Yes, I would like to say this year,  
25           I have not seen him because there are resources  
26           available to him, Elisapee has been available for  
27           counselling, that's why I haven't seen him.

1           Looking at what was read in front of us, it seems  
2           he'll go into custody. He was in custody recently, and  
3           that did not help him. If treatment centre is tried,  
4           that's what I would like better, and as he's just said,  
5           the family got together and he feels better about  
6           himself. He talked to myself and my husband before,  
7           and he wanted his family to get together, and now he's  
8           saying they're feeling better. For that reason, I  
9           would rather see him trying to be helped in a treatment  
10          centre, in a rehab. And he had asked to see my  
11          husband, but they did not have time, that's how we  
12          are. I don't have much else to say. Thank you.

13        THE COURT:                    Mr. Angnetsiak, I'm going to talk  
14          for a little while, so you can sit down.

15                Mr. Angnetsiak has pled guilty today to three  
16          incidents of sexual assault that can be described as  
17          serious charges, all demanding lengthy jail sentences.

18                In arriving at a proper sentence in a case like  
19          this, it's important for me, as the Judge, to balance  
20          the circumstances of the crimes that Mr. Angnetsiak has  
21          committed and admitted in court today, and, as well, to  
22          balance the seriousness of the crime against his  
23          personal circumstances, and obviously, there's a number  
24          of factors that need to be considered there.

25                I propose just to talk about some of the facts  
26          that I've taken into account in arriving at a sentence  
27          that I feel is an appropriate sentence so that people

1 will understand why a sentence is imposed. As I've  
2 said previously on this circuit, the reason that the  
3 Court comes to Pond Inlet and other communities is to  
4 protect the public, that's what our major job is, and  
5 when we impose sentences on sexual assault charges  
6 particularly, we're trying to make sure that  
7 Mr. Angnetsiak will not commit another similar offence.  
8 Also, the sentence that's imposed should send a message  
9 to other people in the community that if they commit  
10 serious sexual assaults, they will be treated harshly  
11 by the Court, and the hope is by sending that message  
12 to the community, that people will not sexually assault  
13 other people.

14 It is important in arriving at a sentence to first  
15 of all recognize some of the factors that suggest a  
16 lengthy sentence and then to identify some of the  
17 factors that can be said in Mr. Angnetsiak's favour.  
18 These charges are all serious. They occurred over a  
19 two-and-half month period; there were three incidents  
20 of sexual intercourse; and the complainant involved was  
21 16 years of age, significantly younger than  
22 Mr. Angnetsiak. As I've said, sexual intercourse  
23 without consent occurred three times over a period of  
24 two-and-a-half months.

25 When these incidents occurred, Mr. Angnetsiak was  
26 either waiting for court on an assault conviction that  
27 was entered February 18th, 1997, or that case had just

1           been heard by the Court. So, he was either waiting for  
2           that charge to be dealt with or was on probation as a  
3           result of the sentence imposed. That makes the charge  
4           serious, because when someone is waiting for charges,  
5           they should behave themselves, and when they're on  
6           probation as well, they should not be causing any  
7           further difficulties for other people, let alone any as  
8           serious as these incidents.

9           The charges are serious because Mr. Angnetsiak  
10          forced the 16-year-old complainant to have sexual  
11          intercourse with him. She didn't want to, she made  
12          that clear, and he forced himself upon her in any  
13          event.

14          The lawyers have talked about whether or not  
15          Mr. Angnetsiak was in a trust relationship with the  
16          complainant. What that means is that there are certain  
17          relationships that we have with brothers, fathers, and  
18          others, depending on how we're related to people, where  
19          we should be able to trust those people. They should  
20          not take advantage of us, and if they do, the sentence  
21          is more serious than someone who is a stranger or not  
22          involved in a trust relationship, and Mr. Angnetsiak,  
23          I'm told, is the complainant's uncle. Clearly, she  
24          thought highly of Mr. Angnetsiak before these incidents  
25          happened, and that may have contributed to what was  
26          going on. There are different degrees of trust  
27          relationships, and obviously, Mr. Angnetsiak was not

1           like a father to this complainant, but it's obvious  
2           that she looked up to him before these incidents  
3           happened, and he took advantage of her in a very  
4           serious way.

5           There are a number of things that can be said in  
6           Mr. Angnetsiak's favour. He's 27 years old, he's still  
7           a young man. He has had jobs from time to time and  
8           those have been reviewed by his lawyer. He is getting  
9           some help at the present time for some difficulties in  
10          his life, and he has indicated in his remarks to the  
11          Court that he feels better about himself lately after  
12          some counselling and meetings with family members than  
13          he has for some time before that.

14          It's obvious that Mrs. Angnetsiak knows, more or  
15          less, what's going to happen today, and it's obvious  
16          that Charlie's mom will have a very hard time when  
17          Charlie is sent to jail today. That's very sad to me,  
18          because she will have a great deal of responsibility.  
19          Hopefully, Mr. Angnetsiak will realize how much people  
20          care about him and are willing to help him, and that,  
21          in fact, he did a very bad thing when he took advantage  
22          of his young niece. As a result, many, many people  
23          will suffer as a result of his crime, not just the  
24          complainant, but his mother and his young daughter.  
25          Many, many people will suffer as a result of the  
26          sentence that will be imposed today, and Mr. Angnetsiak  
27          is responsible for his actions and for the sentence

1 that will be imposed today. I simply hope that the  
2 community will assist in looking after Charlie's mom  
3 and his daughter while he serves the sentence that I  
4 will eventually impose today.

5 Mr. Angnetsiak has entered a guilty plea, and I  
6 just was looking over briefly how the case was dealt  
7 with in court. The incidents occurred in January to  
8 March, 1997. The charge was laid about three or four  
9 months after that in August, and the first court  
10 appearance was in November. So, basically, we're at  
11 the second court appearance and the second time  
12 Mr. Angnetsiak has had the opportunity to speak with  
13 counsel, so his guilty plea in Court is significant,  
14 and I must give good credit to him for that guilty  
15 plea. I believe that there is also credit due to him

16 -- the case was dealt with in such a fashion that he  
17 was entitled to have a trial before a Supreme Court  
18 Judge and jury. He chose to have his trial in this  
19 court as soon as possible, and that's why it's been  
20 dealt with as quickly as it has. As I said, he could  
21 have asked that his trial be before a Supreme Court  
22 Judge and jury, but perhaps for the benefit of  
23 everyone, he elected to be tried in this Court and has  
24 dealt with the matter very quickly.

25 I just want to go back for a minute. I neglected  
26 to mention Mr. Angnetsiak's criminal record in  
27 identifying the factors that make the charges serious,

1 and, of course, the charge in 1994 of break, enter, and  
2 commit a sexual assault is related to the charge that's  
3 before the Court. Obviously, that conviction suggests  
4 similar behaviour has occurred in the past, and that  
5 suggests that a lengthy sentence may well be  
6 appropriate.

7 I don't want to go on about the cases that counsel  
8 have referred me to. I will simply say that the case  
9 of Regina v. McDonnell, which is a recent case of the  
10 Supreme Court of Canada, changed the rules  
11 significantly in that previously, it required judges in  
12 my court to follow certain guidelines that were set for  
13 sexual assault cases depending on the sexual activity.  
14 My understanding of that case is that the trial Judge,  
15 which is me, has discretion to impose a proper sentence  
16 after considering the kinds of factors that I've talked  
17 about today and the principles of sentencing that I've  
18 also talked about, and also that I am not bound to  
19 follow any specific rules that are made by the higher  
20 courts about the length of sentence that I should  
21 impose for a particular sexual activity. It is my  
22 understanding that that case says that I should look at  
23 all of the factors in a case and decide what the  
24 sentence should be.

25 I would just say a couple of things about the  
26 complainant in this case. The complainant in this case  
27 obviously came to the authorities eventually because



1 she was concerned about the unwanted sexual activity  
2 that she was being forced to participate in, and I  
3 think, as the Crown said, it is often difficult for  
4 people to come forward, particularly when they are  
5 going to speak about someone who is related to them.  
6 It's obvious that these have been difficult times for  
7 her, and certainly, that must be recognized in the  
8 sentence.

9 I'll just make one more general comment. I  
10 understand that at the present time, there are some --  
11 I am not sure if I'm using the correct title -- there  
12 are some regular Inuit traditional healing sessions  
13 that take place at Baffin Correctional Centre. Those  
14 have been started in the last few months, and according  
15 to the information I've received, they are extremely  
16 successful. So, when people do go to the jail, there  
17 are some positive things going on at that institute  
18 now, and I hope that that will give people in the  
19 community some comfort that there will be some help  
20 provided to Mr. Angnetsiak while he serves this  
21 sentence.

22 Mr. Angnetsiak, stand up, please.

23 I've taken some time to talk about all of the  
24 factors that are important in arriving at a sentence in  
25 this case and other cases, and I hope that my remarks  
26 will help to explain to people why the sentence will be  
27 imposed. The basic principle behind all of this is

1 that we are not permitted to have sex, sexual  
2 intercourse or sexual activity of any kind, with  
3 anybody else unless they want to participate with us,  
4 unless they agree; and if we take advantage of people  
5 sexually by having sexual intercourse with them and  
6 forcing them to do that, then the Courts will hand out  
7 stiff sentences with the hope that other young women  
8 will not be hurt in the same way as we've heard about  
9 today. That rule is simple. I wish everybody could  
10 follow that rule so that we didn't have to sit in court  
11 and deal with difficult situations like we have right  
12 now. I hope that message gets out into the community  
13 that sexual activity is only permitted if both parties  
14 want to participate in it. That's how simple the rule  
15 is. If you break that rule, the sentences will be  
16 serious.

17 There are three charges that cover the same period  
18 of time. I will impose one sentence on the first  
19 count, and the other sentences will run along with it.  
20 In imposing the sentence that I will impose today, I  
21 have considered the principles of sentencing that are  
22 appropriate in a case like this, and I've also  
23 identified in my remarks the factors that can be taken  
24 to make the matter more serious and those taken in  
25 Mr. Angnetsiak's favour.

26 With regard to the first charge, the sentence is  
27 three years in jail.

1           With regard to the other two charges, the sentence  
2 is one year in jail concurrent, and that means it runs  
3 at the same time.

4           I will make a recommendation that will go with  
5 that document to the jail that you be allowed to serve  
6 your sentence in Baffin Correctional Centre. I will  
7 make a very strong recommendation that you become  
8 involved in and participate regularly in all of the  
9 Inuit traditional healing sessions; that the people at  
10 the jail be in touch with the probation officers here  
11 who have been working with you; and that, if at all  
12 possible, you be released from your sentence as soon as  
13 possible to the Inuusiqsiurvik Treatment Centre in  
14 Apex.

15           Mr. Angnetsiak, you can use this time to deal with  
16 the problems that you've identified to me in court so  
17 that when you return to Pond Inlet, you can become a  
18 responsible member of this community who works hard for  
19 others and to help other people. I hope that you make  
20 good use of your time, and if you do that, you'll be  
21 back here before you know it.

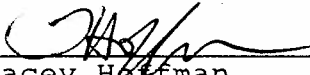
22           As I've indicated already, I know that this  
23 sentence will cause some difficulties for the  
24 Angnetsiak family, and I simply hope that the extended  
25 family and the community will look after them while  
26 Mr. Angnetsiak serves this sentence.

27           Thank you.

(AT WHICH TIME THE PROCEEDINGS CONCLUDED)

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Certified correct to the best of  
my skill and ability,

  
\_\_\_\_\_  
Tracey Hoffman,  
Court Reporter

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