

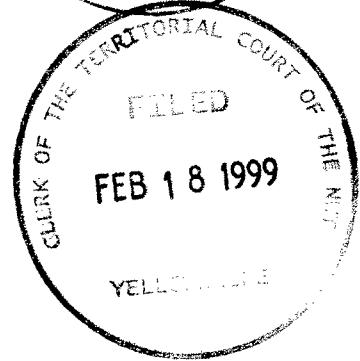
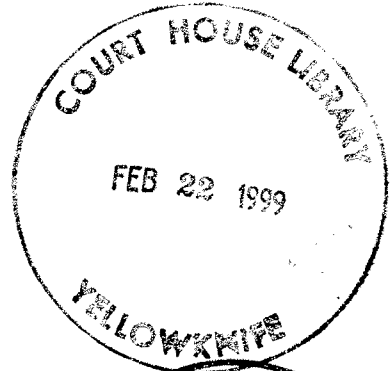
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

CECILE EKWALAK



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Transcript of the Reasons for Sentence  
held by The Honourable Judge R. M. Bourassa,  
sitting in Rankin Inlet, in the Northwest Territories,  
on Tuesday, the 15th day of December, A.D., 1998.

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APPEARANCES:

Mr. S. Couper:

Counsel for the Crown

Ms. B. Tulloch:

Counsel for the Defence

1 THE COURT: Some people say that the drinking  
2 driving offences are a southern problem and not a  
3 reality up here in the north. The statistics that come  
4 out of studies in Canada and the United States of  
5 America indicate the thousands of people that are  
6 killed and maimed on the highways every year. There is  
7 an attitude that that is a statistic and a problem that  
8 comes from southern Canada, not northern Canada. That  
9 is not the reality, however. The reality is is that  
10 drinking and driving in northern Canada is just as  
11 serious a problem as it is in the south.

12 This Court presided over a case in Pond Inlet  
13 where an old woman was struck by a drunk driving a  
14 skidoo and had both her legs broken; and in Arviat  
15 where a man and a wife were drunk and driving home  
16 after drinking all night, and the man lost control of  
17 the snowmobile and hit a house. It killed his wife;  
18 and in Iqaluit where a drunk was driving a snowmobile  
19 and hit a mother and child causing significant head  
20 injuries to the mother. There are many other cases.

21 Essentially here, Cecile Ekwalak was too drunk to  
22 negotiate an unobstructed, unoccupied, traffic-free  
23 road. Now, I suppose there are not ten people in  
24 Rankin Inlet that have not been on that road and as a  
25 judge that has been coming here for 17 years, I have  
26 been on that road and I believe I can take judicial  
27 notice of its condition. In places, it is a rough; it

1 requires care to navigate, and it requires care to  
2 drive safely.

3 I am reminded that there is a lack of evidence  
4 indicating bad driving or I should say an absence of  
5 evidence. I think we have to be careful with how far  
6 we can go with the absence of evidence. Because there  
7 is no evidence of bad driving, I do not believe that  
8 logically it follows that the driving was therefore  
9 faultless. The only thing that the absence of driving  
10 evidence tells me is that the no one was there to  
11 report what the driving was like. Regardless, this  
12 woman lost control because she was drunk and caused  
13 serious injuries to her passenger. Her passenger is  
14 lucky that she is not crippled for life.

15 The sentence has to be proportional to the crime  
16 and the consequences of the crime. I am taking into  
17 account her plea of guilty, the Breathalyzer reading,  
18 the absence of related criminal record, and what has  
19 been said on her behalf.

20 The goal in sentencing on matters like this is, as  
21 articulated by Justice Richard, general deterrence.  
22 People are going to have to recognize from this  
23 sentence that there will be serious consequences if  
24 they choose to drive when they are drunk thereby  
25 exposing passengers and pedestrians to injuries and  
26 death.

27 Stand up, please, Ms. Ekwalak. Is there anything

1 you would like to say before I impose sentence?

2 THE ACCUSED: I just wanted to say that prior to  
3 going up to the cabin, I did not know that they were  
4 going to be taking me up there but when I found out  
5 that we were en route to the cabin, I told them -- I  
6 kept telling them that I didn't want to go up because I  
7 have to be leaving on the plane, and I just wanted to  
8 say this.

9 THE COURT: So it is somebody else's fault.  
10 That is unfortunate.

11 Nine months' jail. You are prohibited from  
12 operating a motor vehicle on any street or highway in  
13 Canada for a period of five years -- no snowmobiles, no  
14 ATVs, nothing within town. Taima.

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16 Certified pursuant to Practice  
17 Direction #20 dated December 28, 1987.

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23 Tara Taylor, CSR(A), Court Reporter

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