

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

ELI ULAYUK

---

Transcript of the Reasons for Sentence by The Honourable  
Justice J.E. Richard, at Yellowknife in the Northwest  
Territories, on February 22nd A.D., 2006.

---

APPEARANCES:

Mr. J. Cliffe:	Counsel for the Crown
Ms. J. Walsh:	
Mr. G. Boyd:	Counsel for the Accused

-----  
Charge under s. 235(1) Criminal Code of Canada

1 THE COURT: There are only a few crimes of  
2 violence which have come before the Courts of  
3 this jurisdiction in recent years that have had  
4 such a profound impact on the community as has  
5 Eli Ulayuk's horrible crime on October 6th, 2004.  
6 It is an understatement to say that our community  
7 was shaken by this heinous crime. There are  
8 several reasons for this. One is obviously the  
9 brutal and vile nature of the murder that he  
10 committed. Another is that Mr. Ulayuk has killed  
11 before, was given the maximum sentence provided  
12 by the law for that first homicide and was on  
13 parole when he committed this second homicide.

14 Mr. Ulayuk is obviously a very disturbed  
15 individual who suffers from serious mental  
16 difficulties. Because his character as an  
17 offender is one of the factors that determines  
18 the sentence to be imposed in this case, it is  
19 necessary for me to state for the record some of  
20 his background leading up to the horrible events  
21 of October 6th, 2004.

22 As appears from the published report from  
23 his earlier case, in August 1988, when Mr. Ulayuk  
24 was 20 years of age, he caused the death of a  
25 young woman in his home community of Igloolik and  
26 he did this after having thoughts about having  
27 sex with a dead woman. He eventually pleaded

1 guilty to manslaughter. The sentencing Judge was  
2 the late Justice Mark de Weerd. In sentencing  
3 Mr. Ulayuk to the maximum sentence provided by  
4 law, that is, life imprisonment, Justice de  
5 Weerd stated that it was the worst case of  
6 manslaughter that he had seen in 35 years in  
7 terms of its extraordinarily horrible facts.

8 Mr. Ulayuk was sentenced to life  
9 imprisonment in 1992. He was released on day  
10 parole here in Yellowknife in the year 2000.

11 The deceased Louise Pargeter was his parole  
12 officer in 2001 and at one point she recommended  
13 that his parole be revoked, and it was revoked  
14 and he was sent back to jail. He was released  
15 again on day parole here in Yellowknife in April  
16 2003 and was granted full parole in June 2004.

17 On October 6th, 2004, the deceased Louise  
18 Pargeter was at Mr. Ulayuk's apartment here in  
19 Yellowknife for a prearranged scheduled meeting  
20 with him as his parole officer. At one point  
21 while Ms. Pargeter was seated on the couch,  
22 Mr. Ulayuk went behind the couch and out of her  
23 line of vision he picked up a hammer and hit her  
24 on the head from behind. She slumped over on the  
25 couch and then Mr. Ulayuk struck her four more  
26 times on the head with the hammer. He then  
27 wrapped some twine around her neck and strangled

1 her. He then removed her clothing and had sexual  
2 intercourse with her. He then took the keys to  
3 her vehicle from her jacket and he left his  
4 apartment and drove south on the highway out of  
5 Yellowknife. Several hours later, just after  
6 midnight on October 7th, he was arrested by the  
7 RCMP after he fled on foot off of the highway.

8 Following his arrest, Mr. Ulayuk, in due  
9 course, made a number of admissions to the RCMP  
10 including the details of the killing and the fact  
11 that he had for some time thought about killing  
12 Ms. Pargeter and that he had also for some time  
13 fantasized about killing other women in  
14 Yellowknife and having sex with their dead body.  
15 He described himself to the police as suffering  
16 from necrophilia. He also stated to the police  
17 that he had used crack cocaine on the day of the  
18 offence.

19 Quite apart from Mr. Ulayuk's admissions of  
20 culpability in his statements to the police, the  
21 police recovered forensic evidence from the scene  
22 which clearly implicated Mr. Ulayuk in the crime.

23 So, today, Mr. Ulayuk is before the Court  
24 and pleads guilty to second degree murder.

25 The law defines murder in the context of  
26 this case as the intentional causing of death of  
27 another human being. Section 235 of the Criminal

1 Code states that every person who commits murder  
2 shall be sentenced to imprisonment for life.

3 The Criminal Code goes on to state that a  
4 life sentence for second degree murder is to be  
5 served without eligibility for parole for a  
6 period of ten years, or for such greater number  
7 of years as is substituted by the sentencing  
8 Judge under Section 745.4 of the Criminal Code,  
9 up to 25 years. So the sole discretion that I  
10 have today as sentencing Judge is to make that  
11 determination of parole ineligibility under  
12 Section 745.4 of the Criminal Code.

13 Before proceeding with that determination, I  
14 wish to make reference to the Victim Impact  
15 Statement of the deceased's partner Ann Lynagh  
16 who describes the shock, the loss, the sorrow,  
17 the anger she has felt, the pain that she carries  
18 every day. She also describes how this horrible  
19 crime robbed their very young child of her  
20 mother. And also because of the child's very  
21 young age, that she is, or will be, even robbed  
22 of memories of her mother.

23 She also states,  
24 "...he took my partner whom I choose  
25 to be with, to Louise's parents he  
26 took away their only daughter, to  
27 her brother he took away his only

1           sister, to her many friends he took  
2           away their buddy, their teammate,  
3           their confidante, their fishing  
4           partner and friend all gone in  
5           seconds. The pain manifests itself  
6           in many ways, I lock my doors, if I  
7           am in the garage I worry someone  
8           will enter the house and harm our  
9           child. I desperately want nothing  
10          bad to happen to her again. I know  
11          how dangerous the men are who are  
12          released into our care here in  
13          Yellowknife and I don't feel safe".

14          And further she states,

15                 "It has shattered my belief in the  
16                 system of justice and the entire  
17                 system of parole here in Canada".

18          Ms. Lynagh states that her deceased partner,  
19          she herself, and many close friends of the  
20          deceased were victimized not only by Eli Ulayuk  
21          but also by those who underestimated Mr. Ulayuk's  
22          risk of reoffending.

23                 There were also other written statements  
24                 filed with the Court by close friends of the  
25                 deceased. I cannot help but be moved by the  
26                 sentiment expressed in those statements from  
27                 Louise Pargeter's friends who are themselves

1 victims of Mr. Ulayuk's heinous crime. They  
2 speak eloquently not only of their own intense  
3 personal loss and pain but also of the loss of a  
4 sense of safety and security in our community of  
5 Yellowknife.

6 I return now to the determination to be made  
7 under Section 745.4 of the Criminal Code. To  
8 reiterate, that section states that I may  
9 substitute for ten years a greater number of  
10 years of imprisonment that Eli Ulayuk must serve  
11 before having his suitability to be released into  
12 the general public assessed. This can be up to  
13 25 years as the Court deems fit in the  
14 circumstances after having regard to the  
15 character of the offender, the nature of the  
16 offence, and the circumstances surrounding its  
17 commission.

18 As observed by the Court in Ontario in the  
19 case of Olsen, the Parliament of Canada in  
20 enacting that provision has therefore recognized  
21 that some second degree murders are as serious  
22 and as morally culpable as a first degree murder.

23 When I consider as one of the determining  
24 factors the character of this offender, I note  
25 that Mr. Ulayuk is 37 years of age and is before  
26 the Court again for a second time for killing a  
27 woman in order to realize upon his bizarre and

1 aberrant fantasies. To repeat, Mr. Ulayuk was  
2 serving a life sentence on parole at the time of  
3 committing this murder. The other homicide  
4 committed by Eli Ulayuk is highly relevant to the  
5 "character of the offender" as the two homicides  
6 have several disturbing features in common.

7 As to the factor entitled "the nature of the  
8 offence and the circumstances surrounding its  
9 commission", in this case the deceased was the  
10 victim of an especially brutal and vile attack.  
11 Some of the details of the murder are  
12 unspeakable. The deceased woman was by all  
13 accounts a caring and dedicated parole officer  
14 who was working with Mr. Ulayuk and was there  
15 with him that day to help Mr. Ulayuk with his  
16 reintegration into society. And for those  
17 efforts, she was met with the ultimate betrayal.

18 This murder has had a devastating impact on  
19 the deceased's young family, her many close  
20 friends, and this community. There are no  
21 mitigating circumstances.

22 My role in making a determination under  
23 Section 745.4 is a sentencing function and not a  
24 parole function. The emphasis obviously has to  
25 be on the protection of society; in particular,  
26 the protection of women in our society.

27 The determination of the appropriate period



1 of parole ineligibility under Section 745.4  
2 requires the careful exercise of judicial  
3 discretion. In this case, I am aided by a joint  
4 submission of counsel that I substitute a period  
5 of 25 years of parole ineligibility.

6 That would be the maximum sentence allowed  
7 by law for this crime. The maximum sentence is  
8 usually reserved for the worst offender and the  
9 worst offence.

10 For all of the reasons that I have  
11 mentioned, I have no hesitation in finding that  
12 Eli Ulayuk and this horrible murder fall within  
13 the worst group of offences under this section of  
14 the Criminal Code and the worst group of  
15 offenders who have committed murder.  
16 Accordingly, in my view the maximum sentence is  
17 appropriate and that is what will be imposed.

18 Before proceeding to the formal imposition  
19 of sentence, I will just mention that the law  
20 requires me to read into the record at that time  
21 the provisions of the so-called "faint hope  
22 clause" as per Section 745.01 of the Criminal  
23 Code. I will also mention that the law provides  
24 that for the purpose of calculating the period of  
25 parole ineligibility, the time starts to run on  
26 the day that the offender is arrested and taken  
27 into custody by the police.

1                   Please stand, Mr. Ulayuk.

2                   For the crime that have you committed, the  
3                   second degree murder of Louise Pargeter, it is  
4                   the sentence of this Court that you be imprisoned  
5                   for life without eligibility for parole until you  
6                   have served 25 years.

7                   As required by law, I state the following  
8                   for the record pursuant to Section 745.01.

9                   The offender Eli Ulayuk has been found  
10                  guilty of second degree murder and sentenced to  
11                  imprisonment for life. The offender Eli Ulayuk  
12                  is not eligible for parole until October 7th in  
13                  the year 2029. However, after serving at least  
14                  15 years of the sentence, the offender Eli Ulayuk  
15                  may apply under Section 745.6 of the Criminal  
16                  Code for a reduction in the number of years of  
17                  imprisonment without eligibility for parole. If  
18                  the jury hearing the application reduces the  
19                  period of parole ineligibility, the offender Eli  
20                  Ulayuk may then make an application for parole  
21                  under the Corrections and Conditional Release Act  
22                  at the end of that reduced period.

23                  In addition, there will be the mandatory  
24                  lifetime firearms prohibition order pursuant to  
25                  Section 109 of the Criminal Code.

26                  I also grant the DNA order sought by the  
27                  Crown pursuant to Section 487.051.

1                   In the circumstances, there will be no  
2                   Victim Fine surcharge.  
3                   Take a seat, Mr. Ulayuk.  
4                   Counsel, is there anything further with  
5                   respect to this case? Do you need an order  
6                   regarding the exhibits?  
7                   MR. CLIFFE:                   Just with respect to the  
8                   exhibits that were tendered at the preliminary  
9                   inquiry, Your Honour, I would be asking that they  
10                  be disposed by way of return to the Royal  
11                  Canadian Mounted Police here in Yellowknife.  
12                  THE COURT:                   Any submissions, Mr. Boyd?  
13                  MR. BOYD:                   No submissions, sir.  
14                  THE COURT:                   The usual order will go with  
15                  respect to the disposition of exhibits at the  
16                  expiry of the appeal period.  
17                  THE CLERK:                   Yes, Your Honour.  
18                  THE COURT:                   Anything further from either  
19                  counsel?  
20                  MR. CLIFFE:                   Not by the Crown, Your Honour,  
21                  thank you.  
22                  MR. BOYD:                   Not from the defence, sir.  
23                  THE COURT:                   Thank you, and we will close  
24                  Court.  
25                  -----  
26  
27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

Certified to be a true and  
accurate transcript pursuant  
to Rules 723 and 724 of the  
Supreme Court Rules,

---

Lois Hewitt, CSR(A), RPR, CRR  
Court Reporter