

-v-

McGILLIVRAY, C.J.A.
MORROW, J.
SINCLAIR, J.A.

KLENGENBERG, Abe (CLARKE DALTON, Esq.)

NORTHWEST TERRITORIES APPEAL #229

INUVIK SITTINGS -- CRIMINAL

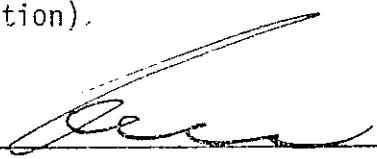
DECEMBER 16, 1975

SEC. 306 (1) (b) C.C. - BREAKING, ENTERING
and THEFT

In the case of THE QUEEN -v-ABE KLENGENBERG, the Crown's Appeal will be allowed, and we set aside the sentence imposed below.

We think again that the learned Magistrate put all his emphasis on the Accused's welfare, as distinct from the protection of the community. Breaking and entering of a dwelling-house is a most serious offence, as is evidenced by the circumstance that the maximum sentence which could be imposed is one of life imprisonment. This is not a first offence for the Accused. He has a record, one item of which is breaking and entering. It is true that he has kept out of trouble for four years, and we are very much taking that into account when we impose a sentence, which we now do, of 3 months' imprisonment and 6 months' probation upon the Accused's release from gaol.

(There follow the usual provisions of the Probation Order, plus a direction that restitution of the sum of \$100.00 be made by periodic payments of such amounts as the Probation Officer may direct, to the end that the full amount of \$100.00 should be paid within the period of probation).


C.J.A.

DATED at Inuvik, N.W.T. the 16th
December, 1975.

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