

THE QUEEN (ORVAL J. T. TROY, Esq., Q.C.)

THE COURT:-

-v-

AUDREY ILLASIAK, Audrey (CLARKE DALTON, Esq.)

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

NORTHWEST TERRITORIES APPEALS NOS.
216, 217, 218 & 219.

INUVIK SITTINGS - CRIMINAL

DECEMBER 16, 1975

- #216 - SEC. 306 (1) (b) C.C. - B., E & T.
- #217 - SEC. 306 (1) (b) C.C. - B., E. & T.
- #218 - SEC. 306 (1) (a) C.C. - B. & E. with Int.
- #219 - SEC. 306 (1) (a) C.C. - B. & E. " "

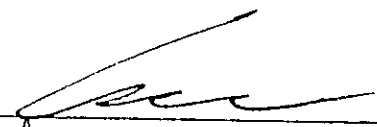
In the cases of THE QUEEN and AUDREY ILLASIAK which are before us, we are dealing with two charges of breaking, entering and theft and 2 charges of breaking and entering with intent to commit an indictable offence, the learned Magistrate imposed a Conditional Discharge on the terms of a Probation Order in each case.

We must first set aside the sentence of Conditional Discharge as it is not authorized under Section 662.1 (1) of the Criminal Code. A Discharge may not be given in the case of an offence punishable by imprisonment for 14 years, which is the maximum sentence prescribed for the offences in question. Then, what is a fit sentence? The Accused is 17 years of age. These were her first offences. It is clear that she was acting under the influence of two other girls already on probation.

Under the circumstances, we are in sympathy with the learned Magistrate's desire to give the Accused another chance, and accordingly we suspend sentence for a period of six months from the date of conviction upon the conditions prescribed in the following Probation Order.

(Then follow the usual provisions of a Probation Order,

requiring the Accused to keep the peace and be of good behaviour, to appear before the Court when required to do so, and to report to a Probation Officer at Aklavik as he may from time to time direct).


C.J.A.

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