

CR 02637

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

MURPHY ELLORY KING

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Transcript of Reasons for Sentence delivered by The Honourable Mr. Justice F.K. Roberts, sitting at Hay River in the Northwest Territories, on Monday, November 6, A.D. 1995

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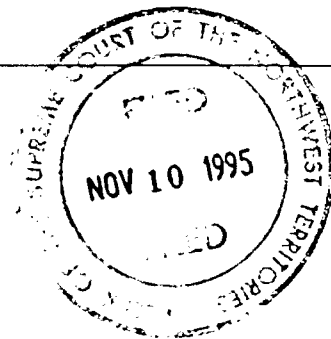
APPEARANCES:

Mr. A.R. Regel:

For the Crown

Mr. S.L. Cooper:

For the Defence



(Charges under Section 348(1)(b) of the Criminal Code)

1 THE COURT: Mr. King, if you would stand, please.

2 I want to say to you, sir, that in my opinion you  
3 have had first-rate representation in this case. I  
4 think your lawyer is a skilled defence counsel. I  
5 think he has put forward in the best light everything  
6 that he could in this case.

7 You have heard my decision and you have heard my  
8 comments about how incredibly naive it was of you to  
9 sign the notes and leave the notes just like a calling  
10 card, and I found you guilty on the basis of that. I  
11 had no doubt about it. I realize, too, that you are 21  
12 years of age, which, as I get older, looks even more at  
13 the beginning of life than perhaps it does to you.

14 You're going to have to serve some time in jail.  
15 I hope that the sentence that I impose upon you will  
16 not crush you. That is not my goal at all. I think  
17 that you have a chance. You have got a father who  
18 obviously loves you; and I'm sure your mother, and if  
19 that is your sister, they do too. They're here and  
20 they want you to succeed in life in the future.

21 I think that when you are serving your time, I hope  
22 you will be able to continue some of your studies. You  
23 may very well be able to do so.

24 I'm not going to send you to the penitentiary. I  
25 will tell you, though, that if you are ever back before  
26 this Court again, you can be assured, on similar  
27 matters, that you will be going to the penitentiary the

1 next time.

2 I've taken into account the seriousness of the  
3 offence, sir. Breaking into a Court House, attempting  
4 the type of mischief that was carried out in the Agreed  
5 Statement of Facts is a very, very serious offence. It  
6 can't be, in any society that lives under the rule of  
7 law and wants to live as a civilized society -- no  
8 court could condone such action. That means I must  
9 send you to jail. There just is no alternative.

10 In my view, on these circumstances, taking into  
11 account the fact that for the last 18 or 20 months  
12 since you got out of jail you seem to have tried to  
13 right your life and you have paid some of your debt to  
14 society, in my view an appropriate sentence in these  
15 circumstances would be one year, and I sentence you to  
16 one year, sir.

17 I don't think you are -- as I said to you before,  
18 if you come back before this Court again, you are  
19 looking at a penitentiary sentence. Don't come back  
20 again. Learn from it. I hope that when you have  
21 served your time and you come out that you will  
22 continue to attempt to become a useful member of our  
23 society, which I think you can. That sentence, I  
24 think, should allow you to do that.


25 Thank you. One year.

26 (REASONS FOR SENTENCE CONCLUDED)

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Certified Pursuant to Practice Direction #20  
dated December 28, 1987.

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Jane Romanowich  
Court Reporter