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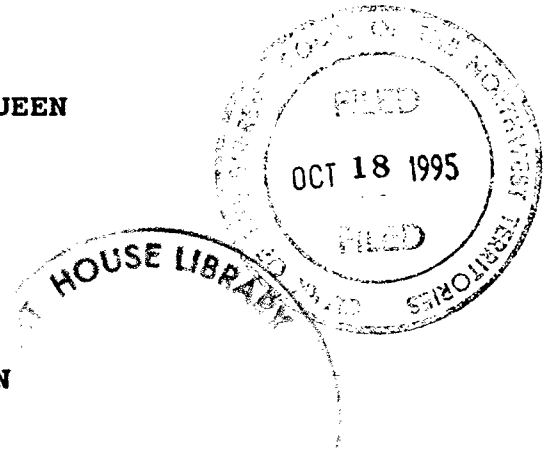
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

JULIEN CANADIEN




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Transcript of Reasons for Sentence delivered by The Honourable Mr. Justice J.Z. Vertes, sitting at Fort Providence, in the Northwest Territories, on Wednesday, October 11th, A.D. 1995

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APPEARANCES:

Mr. J.A. MacDonald:	For the Crown
Mr. S.M. Shabala:	For the Defence

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

1 THE COURT: Julien Canadien has entered a plea of  
2 guilty to a charge of break and enter a dwelling house  
3 and committing therein the indictable offense of  
4 mischief.

5 I am told that the accused was intoxicated. At  
6 about 5 a.m. on March 18th, 1995, he and a friend of  
7 his went to Mr. Antoine's home and found the door  
8 locked. The accused forced the door open and went  
9 inside, and when Mr. Antoine, the homeowner, told them  
10 to leave, the accused and Mr. Antoine got into a  
11 shoving match and eventually the accused left when he  
12 was threatened by Mr. Antoine with calling the police.

13 Seems to me that it was obviously a very stupid  
14 thing to do, and perhaps it was something that  
15 Mr. Canadien would not have done if he had not been  
16 drinking. I am told his sole purpose for going into  
17 the house was to find some cigarettes.

18 Mr. Canadien has apologized to Mr. Antoine. I  
19 think that's good of him. It might have been better if  
20 he had apologized a lot earlier to Mr. Antoine and  
21 taken steps to perhaps at least repair the damage to  
22 the door.

23 Mr. Canadien is 23 years old. He has some training  
24 as a carpenter, I am told. It seems to me there is no  
25 reason why, if he is not in school, he could not be  
26 actively out looking for work. Certainly, he seems to  
27 be a healthy young man. It's unfortunate, though, that

1 he is going to be spending some time in jail.

2 Crown counsel has suggested that an appropriate  
3 sentence would be nine months in jail. Part of the  
4 reason for that is because the Criminal Code says that  
5 breaking and entering into someone's home carries with  
6 it a potential maximum penalty of life imprisonment. I  
7 think it's only fortunate that all Mr. Canadien wanted  
8 to do was get some cigarettes and the fact that he left  
9 without further incident.

10 Mr. Canadien, although he is a young man, has a  
11 previous record of similar convictions. He was  
12 convicted four times in Youth Court, three of which  
13 were also for break and entering offenses. He spent  
14 some time in secure custody as a youth. He also has  
15 two convictions as an adult, both of them in 1992, both  
16 of them for assault, and both obviously relatively  
17 minor considering the dispositions that were imposed at  
18 that time. He has no criminal convictions for the past  
19 three years, so obviously it's not as if Mr. Canadien  
20 cannot stay out of trouble. He obviously can. And if  
21 he can, then he should try and exercise a little more  
22 control in the future.

23 Time is running out, Mr. Canadien, when people will  
24 look on what you do as just the activities of some  
25 young man. You are an adult now and people are going  
26 to start treating what you do much more seriously. Do  
27 you understand what I'm saying to you?

1 THE ACCUSED: Yes.

2 THE COURT: Stand up, Mr. Canadien.

3 I have no alternative but to impose a sentence of  
4 some jail time on you because of the fact that it is  
5 not your first offense, and to try and get across to  
6 you and others in this community that this type of  
7 behaviour just cannot go on. But you are the one that  
8 has to change. So I am going to try and give you the  
9 opportunity to change.

10 It is my sentence that you serve a term of  
11 imprisonment of six months. In addition, you will be  
12 on a probation order for a period of one year after  
13 your release. The terms of your probation will be that  
14 you are to keep the peace and be of good behaviour.  
15 You are to report if and when required to the Court.  
16 You are to report immediately upon your release to the  
17 probation officer here in Fort Providence, and to  
18 continue reporting as required by the probation  
19 officer. You are, during the period of your probation,  
20 to abstain absolutely from the consumption or  
21 possession of alcohol or any alcoholic or intoxicating  
22 spirits. Do you understand that?

23 THE ACCUSED: Yes.

24 THE COURT: You are to submit, on the demand of a  
25 peace officer, to give a sample of your breath to  
26 determine if you have been drinking. So if at any time  
27 a police officer comes up to you and wants to give you

1 a breath test to see if you have been drinking, you  
2 have to provide him with a sample of your breath. Do  
3 you understand?

4 THE ACCUSED: Yes.

5 THE COURT: Your lawyer tells me that you do not  
6 think you have an alcohol problem. You were  
7 intoxicated on this occasion when you smashed down  
8 Mr. Antoine's door. If you do not have a problem, then  
9 the fact that you are not allowed to have any or drink  
10 any liquor for a year should not be a problem to you.  
11 If you do have a problem, maybe now is the time to get  
12 to grips with it before it gets worse.

13 In addition, you are to perform, during the year of  
14 your probation, 200 hours of community service work at  
15 the direction of the appropriate group here in Fort  
16 Providence, and during the first three months of your  
17 probation, you are to make restitution in the sum of  
18 \$50 to Lester Antoine. I will direct that you pay the  
19 sum of \$50 to your probation officer who can then give  
20 it to Mr. Antoine to cover whatever damages there may  
21 have been to his house.

22 Do you understand all this?

23 THE ACCUSED: Yes.

24 THE COURT: Now, if you do not follow any of those  
25 conditions, then you can be charged with a breach of  
26 probation. If you commit another crime, you can be  
27 charged with that. You can be brought before me. I can

1 change the terms of your probation. I can make it  
2 longer, I can make it harder. So it's all up to you,  
3 Mr. Canadien.

4 There will no victim of crime fine surcharge under  
5 the circumstances. Is there anything else, gentlemen?

6 MR. MacDONALD: No, sir.

7 THE COURT: You may sit down, Mr. Canadien. That  
8 will be all.

9 (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

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