

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES  
(Before His Lordship, The Honourable Mr. Justice W. G. Morrow)

IN THE MATTER OF:

HER MAJESTY THE QUEEN,

Respondent,

VS

PAT ETAKANA ANABLAK,

Appellant.

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PROCEEDINGS AT APPEAL

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A transcript of a Proceedings at Appeal,  
held at Yellowknife in the Northwest Territories  
on the 25th day of October, A.D. 1974.

Appearances:

W. Corbett, Esq., appearing on behalf of the Crown.

A. Jordan, Esq., appearing on behalf of the Defence.

1 THE COURT: Stand up, Mr. Anablak. Mr. Anablak, I have said  
2 it many times, being drunk is no excuse. Now, whether  
3 it is a policeman or anyone else's<sup>9</sup> house, it is a very  
4 serious thing to start firing high powered rifles, or  
5 any kind of weapon, through windows, even if you don't  
6 see, or don't take the care to see whether there is  
7 anyone in there, and the Government of Canada has made  
8 provision in this particular Section that had you been  
9 charged in a different manner, so as to bring it before  
10 the High Court, the sentence could have been as high as  
11 two years, plus I believe another possible probation of  
12 two or three years. We have got to, as much as possible,  
13 discourage this type of behaviour, and that is why the  
14 law is the way it is. Now, in this case the Justice of  
15 the Peace in your community saw fit to sentence you to  
16 six months plus a two hundred dollar fine, with two months  
17 further jail if you didn't pay it. Now, I don't think that  
18 his sentence under the circumstances here, particularly  
19 where it was a policeman's house, a man who is obliged  
20 to carry out his duties to look after people, I don't think  
21 that that sentence normally is excessive. However, you,  
22 according to all the information, have an exceptionally  
23 good record in the community. You have kept out of trouble  
24 to date, you are a young man with a family, so I am  
25 reluctant to see you go to jail for that period, and I  
26 hope that you have learned your lesson and won't do that  
27 again, so I am going to allow the appeal in part, but I

1 want you to realize that it is a close one.

2 In this case your sentence will be reduced to four  
3 months imprisonment, and a six month probation period,  
4 the conditions of which will be that you must keep the  
5 peace and be of good behaviour. You must not indulge in  
6 the excessive use of alcohol. That means you don't get  
7 drunk, and you will be required to repair the window at  
8 some time before the fifth month of your probation,  
9 unless you are unable to get employment. Is that clear?

10 THE ACCUSED: Yes, Your Honour.

11 THE COURT: Otherwise you will have five months after you get  
12 out of jail to get work and pay for the repair of that  
13 window. Now, I would suggest that you pay a little bit  
14 every month as you get paid. Is there anything that I  
15 haven't covered?

16 MR. JORDAN: Does the fine stay in place?

17 THE COURT: This is the new sentence. The fine is gone, so  
18 there will be a direction to refund the fine to the  
19 accused. If he is wise he will use the fine and turn it  
20 over to -- towards the cost of the window.

21 MR. JORDAN: Very good.

22 MR. CORBETT: Sir, the probation clearly to take effect on  
23 release from custody.

24 THE COURT: Yes, on release, and he is to report monthly to  
25 the R.C.M.P. or if there is a social development officer  
26 doing probation work there, to that person at a time and  
27 place to be arranged. Is that clear? In other words as

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soon as you get back ask the people here in Yellowknife  
at the Correctional Institute who to contact.

THE ACCUSED: Yes.

THE COURT: Alright.

(CONCLUDED)

I hereby certify the foregoing to  
be a true and accurate transcript  
of the proceedings herein.

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Robert L. Wilson - Court Reporter