

SC 45 0100  
CR 02755

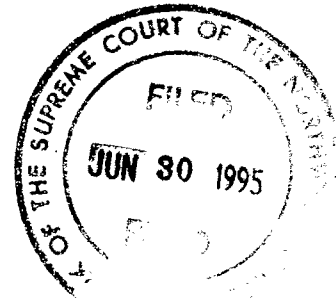
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs -

ARTHUR KOYINA



---

Transcript of the Reasons for Sentence delivered by The Honourable Mr. Justice M.M. de Weerd, sitting at Rae-Edzo, in the Northwest Territories, on June 27th, A.D., 1995.

---

APPEARANCES:

MR. J.A. MacDONALD: Counsel for the Crown  
MS. S. KAY: Counsel for the Accused

-----

(CHARGE UNDER SECTION 348(1)(b) & 354(1) OF THE C.C.)

1 THE COURT: Arthur Koyina is before the Court  
2 today having entered a plea of guilty to breaking and  
3 entering a dwelling house and stealing property there  
4 worth more than \$1000. This is a crime under our law  
5 for which a person can be sent to jail for life. That  
6 is not what I am going to do today but I mention it to  
7 you Mr. Koyina because that is a long time. And that  
8 is where you are headed if you continue to do this  
9 kind of thing. Even 10 years is a long time. Even  
10 two years is a long time. Think about it sir.

11 I have to try and decide what is the proper length  
12 of the sentence, given all that happened and all that  
13 I have been told. The fact that you were drunk more  
14 or less at the time does not excuse you for what you  
15 did. It may help to explain why you would be so  
16 foolish as to break into a house in broad daylight  
17 when people could see you and when you were quickly  
18 caught, but it certainly does not excuse what you did.

19 You caused a lot of grief to the owner whose  
20 property was messed up, taken, luckily recovered, so  
21 except for the broken window, there doesn't seem to  
22 have been too much real damage done. That is lucky  
23 for you because I can then give you some credit for  
24 having given that stuff back when you were told to. I  
25 will give you credit for your guilty plea, for your  
26 cooperation with the police.

27 As for your age, well it seems to me now that you

1 are older than you look because of your experience in  
2 the Courts. You've been coming to Court since October  
3 of 1989. That is almost six years -- five and-a-half  
4 years. And so as far as the Court goes, you are not  
5 just the ordinary 22 year-old young person coming here  
6 for the first time. You have got at least three  
7 breaking and entries on your record. You have got  
8 other offences. You have been to jail on at least one  
9 occasion for three months. You have been on  
10 probation. My best guess is that you have an alcohol  
11 problem, but that you also have other problems;  
12 problems associated with having nothing much to do, no  
13 better way of getting money for the things that you  
14 want.

15 You seem to be reasonably intelligent. You look  
16 fit, strong. You are a young man in this wonderful  
17 country, Canada, and for some reason you do not seem  
18 to be able to do something useful with your life. It  
19 is the only life you will ever have Mr. Koyina; you  
20 can waste it, you can spend it in jail, make life  
21 unpleasant for other people by stealing from them, but  
22 surely you can do better than that.

23 I am told you have a grade 10 at school, well that  
24 shows you have some brains. I am told that you fetch  
25 wood and water for your grandparents. That shows to  
26 me that you have some concern for other people, some  
27 respect for other people. You can do better than

1 that. I'm told that you trap and fish very well. You  
2 are able to do useful things like volleyball.  
3 Presumably you like your freedom. You can play  
4 volleyball in jail of course. But whether that is all  
5 you want to do with your life is something you will  
6 have to think about carefully because you are now  
7 reaching a stage Mr. Koyina when judges like me will  
8 say, "Well, should we give him one more chance or  
9 should we just send him away for a very long time?"  
10 Which is it to be? Do you wish to speak to the Court  
11 before I decide?

12 THE ACCUSED: (no verbal response)

13 THE COURT: Now is your chance if you wish to say  
14 anything to me.

15 THE ACCUSED: (through interpreter) He said he wants  
16 to say it will never happen again. He just got  
17 offered a job and that's the first time he ever had a  
18 job for a full time so he wants it.

19 THE COURT: All right, is there anything else?

20 THE INTERPRETER: That's it he says.

21 THE COURT: All right then you can be seated,  
22 thank you. Mr. Koyina, the fact that you were  
23 arranging to go to work at a job is again in your  
24 favour, and I am going to make a note of that, but  
25 unfortunately what I have to do today will prevent you  
26 from taking that job now until you get out of jail.  
27 Do you understand? You broke into a home and

1 therefore I must send you to jail for a good long  
2 time. I had in mind to send you away for two years  
3 less a day, but in view of your guilty plea, your  
4 cooperation with the police, the recovery of the  
5 property and the fact that you seem to be trying to do  
6 better with your life, I am going to give you a break.  
7 I am going to reduce that down to one year  
8 imprisonment. I am not going to add probation because  
9 I am not satisfied that probation worked for you Mr.  
10 Koyina, so that will be all.

11 I thank counsel for their submissions and  
12 cooperation and we will rise.

13 (AT WHICH TIME PROCEEDINGS CONCLUDED)

14  
15 Certified Pursuant to Practice Direction #20  
dated December 28, 1987.

16  
17  
18   
19 \_\_\_\_\_  
20 Karen Steer,  
Court Reporter