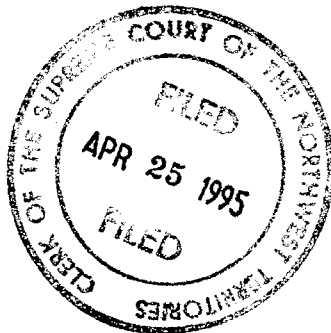


CR 02832

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN



- vs. -

NOAH MEEKO

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Transcript of the Oral Reasons for Sentence of The Honourable Mr. Justice M. M. de Weerdt, at Sanikiluaq in the Northwest Territories, on Wednesday, April 12th A.D., 1995.

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APPEARANCES:

MS. B. SCHMALTZ:

Counsel for the Crown

MR. R. GORIN:

Counsel for the Accused

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(CHARGED UNDER s. 348(1)(b) CRIMINAL CODE OF CANADA)

1 THE COURT: Noah Meeko is before the Court this  
2 morning to be sentenced upon his entering a guilty  
3 plea to a charge that he broke and entered a home  
4 known as house No. 108 at Sanikiluaq here in the  
5 Northwest Territories last June 10th, 1994 and that he  
6 did this intending to commit an indictable offence  
7 such as theft.

8 The law provides a maximum penalty of life  
9 imprisonment for this offence and that shows how very  
10 seriously people in Canada consider the breaking and  
11 entering of homes to commit offences.

12 I accept what I have been told by counsel that  
13 Noah Meeko did this only so that he might steal and  
14 not for any other and more serious criminal purpose.  
15 But at the same time, I notice that the householder,  
16 Annie Iqaluq, who was living there, was asleep in bed,  
17 was wakened up, that her children were in the house  
18 and that while she scared you away, she herself was  
19 scared by this happening.

20 No one should have to be put in fear when they are  
21 at home at night in their own bed for any reason. All  
22 of us should be able to feel safe in our own homes in  
23 our own beds here in Canada at all times.

24 Those who put others in fear by breaking into  
25 their houses, even if it is only to steal, those who  
26 do that must know that the Court will punish that  
27 offence in such a way that the offender will know and

1 others will know that this is not a good thing to do.  
2 It only brings pain to the person who does it.

3 I notice that this is not the first time, Noah  
4 Meeko, that you have broken into a house to steal or  
5 at least broken into a place, I should say, to steal.  
6 I think it probably was not a house on that occasion  
7 because you were only fined \$650. If it had been a  
8 home, you would probably have been sent to jail.

9 You have been in Court before. The one thing  
10 going for you is that you haven't been back since  
11 1988. You have shown that you can stay out of trouble  
12 when you are so minded.

13 You are now an adult person. I am told you are  
14 aged 35 and if that's correct, it seems as if what you  
15 did as a younger person is something that you should  
16 no longer be doing because you are now grown up, you  
17 are now an adult person. You should be a good example  
18 to young people, not a bad example by doing things  
19 like this.

20 So I have to make an example of you for the  
21 benefit of those others as well as for your own  
22 benefit, Mr. Meeko.

23 I notice that you are hunter and that you live on  
24 the land and I recognize that sending you to jail is  
25 therefore especially hard because you are accustomed  
26 to be out of doors and not indoors a great deal of the  
27 time. Well, if you want to stay being a hunter and

1 being able to go out on the land and stay out of jail,  
2 you won't break into people's homes, very simple. I  
3 am sure you are smart enough to realize that.

4 You are a carver, I am told. That means that you  
5 have ability, the ability to make beautiful things to  
6 allow other people to enjoy beautiful things. Perhaps  
7 you can teach younger people to do that. You can be a  
8 good example, if you choose.

9 You have been to school. I am told that you have  
10 a Grade 7 level and that you are a hard worker, that  
11 you are not a person who just spends his time idle and  
12 that is something in your favour.

13 You have entered a guilty plea to this reduced  
14 charge. I accept what Mr. Gorin says about that, that  
15 it is really the first chance that you had to do that.  
16 I am going to give you some credit for that.

17 Mr. Gorin asks me to suspend sentence. If you  
18 were here for the first time, I would consider that  
19 but you have been here many times before. You have  
20 been here when you were fined, when you were sentenced  
21 to intermittent imprisonment and put on probation, and  
22 you have also served time in jail.

23 Well, you must know and others must know that for  
24 this offence by a man with a criminal record, I have  
25 no choice but to send you back to jail.

26 Crown counsel asks me to consider a range of  
27 between 9 and 12 months. She is being very fair to

1 you in my opinion by making that recommendation.  
2 Because when I saw that the last sentence was 18  
3 months and here you are back again for the same sort  
4 of thing, I was thinking of a sentence close to two  
5 years. I am however going to give you a break,  
6 perhaps I shouldn't, but I will because of what Mr.  
7 Gorin has told me and because of your guilty plea.

8 I am going to impose a sentence of nine months in  
9 jail plus a period of probation. You will be on  
10 probation for one year.

11 During that time, you will report immediately to  
12 the senior probation officer in the place where you  
13 are released from jail and then from time to time and  
14 at such place as your probation officer will tell you.

15 You will, during the first six months of your  
16 probation, perform 100 hours of community service work  
17 to be arranged between you and your probation officer  
18 and to be as the probation officer shall direct to the  
19 probation officer's satisfaction. Do you understand?

20 THE ACCUSED: (nods in the affirmative).

21 THE COURT: All right. That community service  
22 work could consist of teaching young people about  
23 hunting skills or carving or whatever you and your  
24 probation officer can agree.

25 I am going to recommend to you that you apologize  
26 to the victim of this offence, Annie Iqaluq, promising  
27 her that you will never trouble her in this way again.

1 If you have not already done that, I expect that you  
2 will wish to do so and it will stand you in good  
3 standing with your probation officer and in the  
4 community.

5 Have you any questions?

6 THE ACCUSED: No.

7 THE COURT: You have been on probation before but  
8 I shall remind you now that if you are in breach of  
9 your probation, you shall be brought back before a  
10 Court and a Court may then punish you for that breach.  
11 I am going to ask your counsel Mr. Gorin to inform you  
12 of the details of the Criminal Code in that  
13 connection, and may I leave that to you, Mr. Gorin?

14 MR. GORIN: Yes, sir.

15 THE COURT: Are there any further things that I  
16 should include in the probation, and if so, I will  
17 hear from counsel. Ms. Schmaltz?

18 MS. SCHMALTZ: Nothing from the Crown, My Lord.

19 THE COURT: Mr. Gorin?

20 MR. GORIN: Nothing from the defence, sir.

21 THE COURT: Have you any question now, Mr. Meeko,  
22 or do you understand what I have told you?

23 THE ACCUSED: No question.

24 THE COURT: Mr. Meeko, I hope we don't see you  
25 back here for this kind of thing. You remember the  
26 maximum sentence could be life imprisonment or at  
27 least a very long time in jail. Let that not happen

1 to you. That will be all.

2 MR. GORIN: My Lord, just one further matter, was  
3 the return of the parka which was seized ordered?

4 THE COURT: I am not hearing you, Mr. Gorin?

5 MR. GORIN: I'm sorry, My Lord. One further  
6 matter, was the return of the parka which was seized  
7 by the police ordered returned?

8 THE COURT: Crown counsel has indicated that she  
9 consents. I take it that the parka may be returned  
10 now without waiting for the expiry of the appeal  
11 period?

12 MS. SCHMALTZ: Yes, My Lord.

13 THE COURT: So ordered.

14 (AT WHICH TIME THIS SENTENCING HEARING CONCLUDED)

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

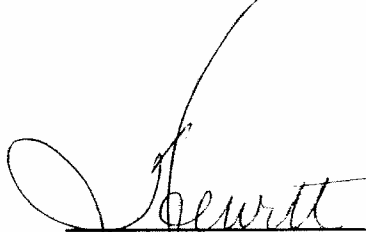
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Lois Hewitt,  
Court Reporter

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