

CR 03523

*plead guilty to lesser
included charge of
s. 430(1)(c)
4 months in ga.
2500 vcs*

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

ALBERT WANDERINGSPIRIT

Transcript of the Oral Sentencing by The Honourable
Justice J. Z. Vertes, sitting in Hay River, in the
Northwest Territories, on the 23rd day of March, A.D.,
1998.

APPEARANCES:

Mr. S. Couper: Counsel for the Crown

Mr. S. Shabala: Counsel for the Defence

1998

1 THE COURT: Albert Wanderingspirit has entered
2 a plea of guilty to a charge of mischief. This was a
3 reduced plea with the consent of the Crown. The facts
4 support that plea. Mr. Wanderingspirit was originally
5 charged with the offence of break and enter of a
6 dwelling house with intent to commit an indictable
7 offence.

8 The facts are very straightforward. The accused
9 in the company of another man went to the home of this
10 other man's sister-in-law. She wouldn't let them in,
11 no doubt partly because of the accused's level of
12 intoxication. Nevertheless he tried to get in by
13 prying open the door, causing damage to the door, and
14 he eventually managed to get into the house through a
15 window. He left when he was confronted and arrested
16 shortly thereafter; apparently he was intoxicated at
17 the time. Fortunately no further harm was done by this
18 accused.

19 He has a lengthy criminal record dating back to
20 1962. Most of them appear to be relatively minor
21 offences but it is obvious that Mr. Wanderingspirit has
22 a significant amount of problems in controlling his
23 behavior. He is a mature man who by this point in his
24 life should be able to control himself and come to
25 grips with whatever difficulties he does have when he
26 drinks.

27 The Crown and defence have joined in a

1 submission saying that an appropriate sentence would be
2 one of four months incarceration. It is certainly one
3 that is within the acceptable parameters for this type
4 of an offence, having regard to this type of an
5 offender.

6 Mr. Wanderingspirit, now if you would stand up.
7 Do you have anything that you wish to say?

8 THE ACCUSED: Yeah, well I got a job fishing out
9 in the lake. I probably got another month to go until
10 the boat gets out. I guess that's all I wanted to
11 say. The guy I was fishing for was supposed to go on
12 the weekends too he goes Sundays; Saturdays and Sundays
13 too.

14 THE COURT: Well, that is good, and I guess
15 the major thing that you have to do is come to grips
16 with the problems that alcohol causes you, try to deal
17 with that. You are old enough I am not going to put
18 you on probation or set out some terms or conditions
19 for you to comply with. You are old enough that you
20 should be able to control your own behavior and know
21 what you have to do.

22 It is the sentence of this Court that you serve
23 a term of imprisonment of four months. In addition
24 there will be a \$25 victim of crime fine surcharge,
25 that is to be paid within 30 days of his release.

26 Is there anything else, counsel?

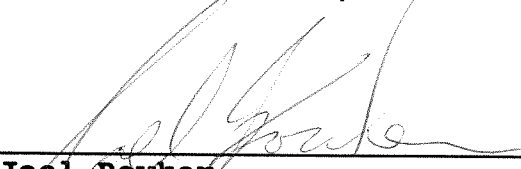
27 MR. COUPER: No, My Lord.

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MR. SHABALA:

Nothing else, My Lord.

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



**Joel Bowker
Court Reporter**