

18 months in gaol

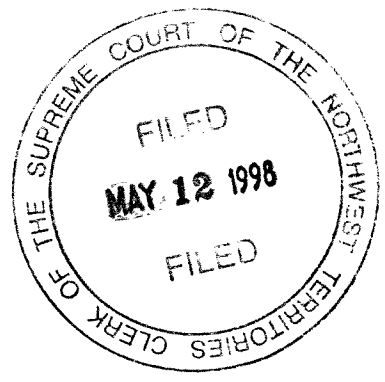
CR 03419

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES  
IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

KIRK DOUGLAS MINOZA



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Transcript of Reasons for Sentence delivered by The Honourable Justice J.Z. Vertes, sitting at Yellowknife, in the Northwest Territories, on Thursday, April 30, A.D. 1998.

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APPEARANCES:

Ms. L. Charbonneau:	On behalf of the Crown
Mr. A. Mahar:	On behalf of the Defence

(Charge under s. 348(1)(b) of the Criminal Code)

1 THE COURT: Kirk Douglas Minoza has entered a  
2 plea of guilty to a charge of break, enter and theft  
3 committed in Fort Providence on January 27, 1997. The  
4 facts reveal that on that date, the accused, in the  
5 company of another person, broke into a restaurant and  
6 stole some liquor and other items. The crime was  
7 quickly solved and the items recovered except for some  
8 of the liquor.

9 The accused is only 22 years old, but already he  
10 has a lengthy and serious related record. That record  
11 reveals offences both in Youth Court and Adult Court,  
12 and, by my count, there are seven offences in Adult  
13 Court alone since 1995. The most serious of those  
14 offences is a conviction for break, enter and theft in  
15 1995 in which the accused received a 20-month sentence  
16 of imprisonment, although I am told the circumstances  
17 of that offence were somewhat more serious and  
18 different than the circumstances of this offence.

19 Counsel have made a joint submission for a  
20 sentence of imprisonment of 18 months. Based on  
21 everything that I have heard, it is clear to me that  
22 counsel recognize the principle of proportionality in  
23 formulating this joint submission. There is certainly  
24 nothing I have heard in the circumstance of this case  
25 that suggest to me that the joint submission is not a  
26 fit disposition. It is certainly within the  
27 appropriate range of sentences, and I think, in

1           circumstances such as this, a joint submission should  
2           be, where possible, supported.

3           I have heard that the accused is perhaps now  
4           coming to recognize that he has to change his way of  
5           life if he wishes to avoid even more serious  
6           difficulties in the future.

7           Stand up, Mr. Minoza. Mr. Minoza, I am going to  
8           accept the recommendation of your counsel and Crown  
9           counsel with respect to the sentence. I encourage you  
10          to follow through on your good intentions of taking  
11          counseling and other programs so that you can improve  
12          your education and outlook so that you can avoid coming  
13          back to court. You are still young, you have many  
14          years ahead of you. I am sure you can make those very  
15          good years if you choose to do so.

16          I sentence you to serve a term of imprisonment of  
17          18 months. The Warrant of Committal will be endorsed  
18          with my recommendation that Mr. Minoza be given careful  
19          consideration at an early date for appropriate  
20          counseling programs. You may sit down.

21          Is there anything further we need to address,  
22          Counsel?

23          MS. CHARBONNEAU:           Not on this matter, My Lord.

24          MR. MAHAR:                 Thank you, sir.

25          THE COURT:                 Thank you for your submissions.

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Certified pursuant to Practice  
Direction #20 dated December 28, 1981



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Jane Romanowich  
Court Reporter