

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

IDA PUTUGUQ

Transcript of the Reasons for Sentence
held by The Honourable Justice J. E. Richard,
sitting in Gjoa Haven, in the Northwest Territories,
on Monday, the 26th day of April, A.D., 1999.

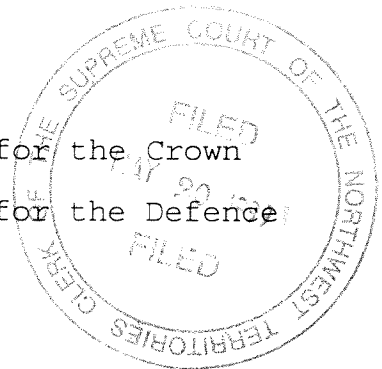
APPEARANCES:

Ms. S. Bond:

Counsel for the Crown

Mr. J. Brydon:

Counsel for the Defence



1 THE COURT: Thank you. Well, I think in
2 brief, I have a little difficulty in accepting
3 counsel's considered joint submission in this case.
4 Our case law over the years in this jurisdiction would
5 normally command the Court to incarcerate Ms. Putuguq
6 in an institution for a significant period of time for
7 a crime of breach of trust like this one. We have all
8 too many of these crimes committed in the communities
9 over the last 10 or 15 years; however, I think with the
10 advent of the mechanism of conditional sentences
11 allowing a person like Ms. Putuguq to serve a sentence
12 in the community under supervision and in her personal
13 circumstances, the reasons pointed out by counsel, I
14 see a great deal of wisdom in the submission being
15 made.

16 Before I proceed, can I assume fairly, Ms. Bond,
17 that there has been some input from the victim?

18 MS. BOND: Yes. I understand, My Lord, there
19 has been input from the victim, and that information is
20 provided to me by the RCMP.

21 THE COURT: So, Ms. Putuguq, would you stand
22 now, please. Ms. Putuguq, for the crime that you have
23 committed, the crime of theft from your former employer
24 contrary to Section 334(a) of the Criminal Code, I
25 impose a sentence of imprisonment of two years less one
26 day, and I order that you serve the sentence in this
27 community of Gjoa Haven in Nunavut subject to you

1 complying with the following specific conditions. I
2 want you to listen carefully: that you keep the peace
3 and be of good behaviour; that you will appear back
4 before this court when you are required to do so; that
5 you report to a supervisor, that is this gentleman
6 here, within the next two days and thereafter that you
7 report to him or to the other supervisor that he names
8 whenever he says, so it is that simple; that you remain
9 within the jurisdiction of Nunavut or the Northwest
10 Territories unless you receive written permission from
11 the court or your supervisor to leave Nunavut or the
12 Northwest Territories; that you notify the court or the
13 supervisor in advance of any change of name or address
14 or employment; finally, this is the important one, that
15 you make restitution to Northern Store.

16 Now, counsel, you suggest that this be made
17 directly or through the court?

18 MS. BOND: I wonder what manner is easiest
19 for Mr. Schmidt to supervise.

20 THE COURT: I am just wondering about these
21 payments. She is going to have to make the payments
22 regularly. As her supervisor, you are going to have to
23 know whether she is making them or not. Now, I can
24 either have her make them to the Clerk of the Court in
25 Yellowknife or directly to the Northern Store here.

26 MS. BOND: It may be easier to monitor
27 through the Clerk of the Court.

1 THE COURT: We have a problem with
2 jurisdiction there.

3 MS. BOND: Yes.

4 MR. BRYDON: There's a second problem which is
5 that the mail is at least two weeks delayed. I know
6 from dealing with clients here. It may be best perhaps
7 if she pay to the Northern Store and have the receipt
8 that she can give to her supervisor.

9 THE COURT: Your client used to work there.
10 Is there going to be any problems with her --

11 MR. BRYDON: She has made payments directly to
12 them already.

13 THE COURT: Is that satisfactory?

14 MS. BOND: That's agreeable. One other
15 suggestion is that the payments be made through
16 Mr. Schmidt and -- but that --

17 THE COURT: He is not going to be here. She
18 will make them directly to Northern Store, and you find
19 a way of checking it out. That payment is in the
20 amount of \$200 per month before the end of each month,
21 and we may as well start with the month of April.

22 Now, that is the conditional sentence. Now, that
23 sentence of imprisonment, which is what it is, will be
24 followed by a period of probation of two years and
25 conditions of probation will be the same, and that will
26 continue for another two years. Now, you understand
27 these conditions, ma'am?

1 THE ACCUSED: Yes.

2 THE COURT: Yes. Now, you can have a seat.

3 Ms. Putuguq, I am going to ask your lawyer, Mr. Brydon,
4 as an officer of this court to explain to you very,
5 very carefully the consequences of you not obeying
6 these conditions. This is not an easy sentence. It is
7 one thing for you to go to the women's correctional
8 centre in Fort Smith and sit there until your time is
9 up. That might be easier, but you are going to be in
10 your own community here. People are going to be
11 watching you. You are going to make that payment every
12 month because you stole that money. You have to give
13 it back, and we are going to give you four years to
14 give it back. Mr. Brydon will explain to you, if in
15 that first two years you do not follow those
16 conditions, it is off to jail. I am sure you do not
17 want that. You do not want to be away from your kids.

18 Now, the consequences in the second two years is
19 slightly different, but it is still very serious. I am
20 sure Mr. Brydon will explain the differences to you,
21 and I am just going to ask you to wait after court
22 while the clerk does the paperwork here, and Mr. Brydon
23 can sit down with you and the clerk and go over these
24 things. Do you have any questions, madam?

25 THE ACCUSED: No.

26 THE COURT: No? Anything further, counsel?

27 MS. BOND: No, My Lord.

1 MR. BRYDON: No.

2 THE COURT: I want to commend counsel. I know
3 these things take time. It is totally valid that it is
4 April of 1999, or earlier on, in disposing of this
5 matter. I commend counsel for working on this
6 disposition. Thank you, and we will adjourn court sine
7 die.

8 THE CLERK: Order, all rise. Court is
9 adjourned sine die.

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11 Certified pursuant to Rule 723 of
12 the Rules of Court.

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Tara Taylor-----

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Tara Taylor, CSR(A), Court Reporter

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