

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

FRANCIS YUKON

Transcript of the Oral Reasons for Sentence of The
Honourable Justice V.A. Schuler, sitting in Yellowknife, in
the Northwest Territories, on the 22nd day of April, A.D.
2002.

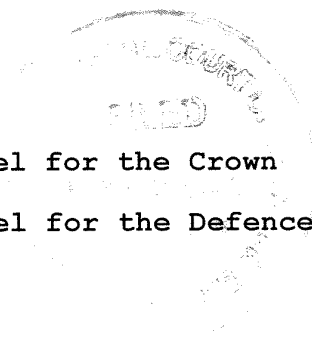
APPEARANCES:

Ms. S. Bond:

Counsel for the Crown

Ms. M. Engley:

Counsel for the Defence



1 THE COURT: Well, I think that the joint position
2 that's been put forward is a reasonable one in the
3 circumstances.

4 This is a robbery because of the violence
5 associated with the theft, and although it's probably
6 not among the most serious of robberies from the
7 Agreed Statement of Facts, it looks as though Mr.
8 Yukon -- maybe "lured" is too strong a word, but he
9 got Mr. Kimiksana to come into the washroom with him
10 and then he grabbed him and punched him in the face
11 and took the money that he had previously, I take it,
12 thought that Mr. Kimiksana might have because he had
13 asked the young woman who was there if she knew
14 whether he had any money. So there wasn't a lot of
15 planning put into this, but there seems to have been
16 at least a little bit of planning in the sense that
17 Mr. Yukon obviously thought this was a way he could
18 get some money.

19 That being the case, I take into account the
20 guilty plea. It did not come at an early date, but
21 it still has saved the time and trouble of a trial
22 and it means that Mr. Yukon is giving up his right to
23 a trial. And I also take into account what Ms. Bond
24 has said that the Crown's case may not have been the
25 strongest because of the problems with some of the
26 witnesses.

27 The main thing in looking at this, Mr. Yukon, is

1 your record and I think you better sit down and give
2 some pretty serious thought to it because what I see
3 on here is since 1993 you were convicted that year of
4 break, enter, and commit assault along with other
5 charges. In 1995 you were again convicted of
6 assault, this time causing bodily harm and you got 60
7 days intermittent on that one having received jail
8 time on the other one as well, your earlier one; and
9 then in 1999 assault causing bodily harm again, three
10 months; and later in 1999, assault, four months; and
11 then in the year 2000 a couple of weapons offences,
12 six months; June 2001, another weapons offence, four
13 months. And the weapons offences, although I don't
14 have the circumstances, I would conclude from the
15 charges that there was at least a threat of violence
16 with those offences.

17 So the record is one of violence and the jail
18 time seems to be inching up there and Mr. Yukon, if
19 you're not -- if you don't change your ways, you're
20 just going to end up getting longer and longer
21 periods of time in jail and at some point you may be
22 heading for the penitentiary, so I would suggest you
23 give it some pretty serious thought and make sure
24 that that doesn't happen because you're the only one
25 who can stop it from happening.

26 If you've got a drinking problem, then don't
27 drink, it's that simple. I don't mean it's an easy

1 thing to do, but that's the decision you have to
2 make, otherwise you will just end up in jail over and
3 over again.

4 In all the circumstances I do accept the joint
5 submission and what I will do is -- stand up please,
6 Mr. Yukon. I'm going to impose one day in jail on
7 the basis that essentially the sentence is one of
8 time served plus the one day in jail which will be
9 served by his attendance here in court.

10 The victim of crime surcharge will be waived.
11 There will be a firearm prohibition order which will
12 commence today and will expire ten years from today
13 in the usual terms. I take it, because of the
14 earlier order, there is no need to specify a time
15 within which any weapons have to be surrendered?

16 MS. ENGLELEY: No, there isn't.

17 THE COURT: All right. Now, with respect to the
18 DNA order, it is the type of order that is intrusive,
19 but looking at the record which consists of offences
20 of violence over and over again, in the circumstances
21 I think it would be in the best interests of the
22 administration of justice to make the order so I will
23 make a DNA order in the usual terms. I don't know if
24 you have a draft order, Ms. Bond, with you?

25 MS. BOND: I don't have a properly-drafted order
26 so I'll have to get one and file it with the Court.
27 I should be able to do that this afternoon.

1 THE COURT: All right, that's fine. What it will
2 provide then is that -- I take it it can be done --
3 well, he won't be in custody so --

4 MS. BOND: No, that's why my order that I have
5 drafted currently isn't accurate. What I would
6 propose, Your Honour, is that it simply be that the
7 sample be taken as soon as practicable, and Mr. Yukon
8 will actually have to be summonsed by the police to
9 attend and have the sample taken and we can do that.

10 THE COURT: All right. Well then you can word the
11 order that way, and Mr. Yukon then when you receive
12 the summons saying you have to go and give a sample
13 of your DNA, you have to do that. That's part of
14 this sentence; do you understand that?

15 THE ACCUSED: Yeah.

16 THE COURT: All right. All right, you can have a
17 seat then. Is there anything further?

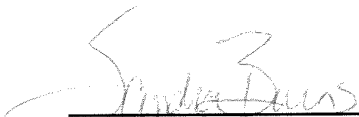
18 MS. BOND: Nothing further, Your Honour.

19 MS. ENGLE: Nothing further, thank you.

20 THE COURT: All right. Thank you, counsel, and
21 we'll close court.

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23 Certified pursuant to Practice Direction #20
24 dated December 28, 1987.

25 
26 Sandra Burns R.P.R., C.R.R.
27 Court Reporter