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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

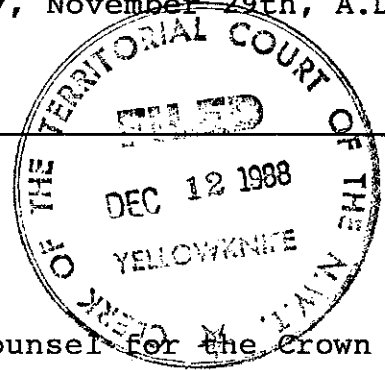
VS

JOHNNY KOMANGAPIK

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Transcript of the Oral Sentencing Delivered by His  
Honour Judge T. B. Davis, sitting at Yellowknife in the  
Northwest Territories, on Tuesday, November 29th, A.D.,  
1988.

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APPEARANCES:

MS. S. AITKEN: Counsel for the Crown  
MR. G. NEARING: Counsel for the Defence

(CHARGES UNDER SECTION 306 OF THE CRIMINAL CODE.)

1 THE COURT: Johnny Komangapik admits that on the 10th of  
2 October, and the 20th of October, he was in the Emporium  
3 Restaurant storage area having pried the door open, and on  
4 one occasion had been in the process of stealing four bottles  
5 of liquor worth about \$90, and on another occasion was  
6 attempting to steal some liquor, but left when observed.  
7 He doesn't remember either of the break and enters to any  
8 extent, because he has an alcohol problem, and, of course,  
9 was at the time looking for alcohol.

10 He comes before the court with a fairly substantial  
11 criminal record. Most of the penalties for a number of  
12 break and enters, mischief, and assault charges in the past  
13 resulted in jail terms. I note even the first offence listed  
14 in 1977 for an assault causing bodily harm produced six months  
15 in jail and probation following it. He has been in jail for  
16 two months, eight months, 30 days, and 18 months, and various  
17 terms since that on all of the other offences.

18 Through his counsel, Mr. Komangapik indicates that his  
19 involvement with the criminal offences results from his problem  
20 with alcohol.

21 I have to, of course, agree with Crown counsel that when  
22 a person breaks and enters a premises of this nature  
23 that general deterrence is of some concern, and the penalty  
24 must indicate to others that breaking and entering business  
25 premises is not allowed, and that the public must be protected.

26 It would seem, however, that the accused has to have some  
27 consideration, because he has been out of jail for a long

1 period of time, and he is in fact living now in Yellowknife  
2 and taking employment at the minimum level, and is attempting  
3 to, I would presume from that, attempting to support himself  
4 certainly more than he has in the past.

5 To give him some support in that regard, I am going to  
6 impose very short jail terms on these two offences, and hope  
7 that when he comes out of jail again, he will make an effort  
8 to support himself even if with jobs at the lowest salary  
9 level, but make a little more effort to overcome his alcohol  
10 problem and possibly even consider some counselling.

11 Mr. Komangapik, do you think you might consider some  
12 counselling to try and help yourself?

13 THE ACCUSED: Mm'hmm.

14 THE COURT: All right. On the first charge I am going to  
15 impose one month in jail. On the second charge I am going to  
16 impose two months in jail to run consecutively. I am not  
17 placing the accused on probation at this time with the hope  
18 that since he is making an effort at least to employ himself  
19 and support himself that he will have enough common sense to  
20 try and do something further. Do you understand that?

21 THE ACCUSED: Yes.

22 THE COURT: All right, thank you.

23 MR. NEARING: Thank you, Your Honour.

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Certified a correct transcript,

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*Laurie Ann Young*

Laurie Ann Young

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Court Reporter