

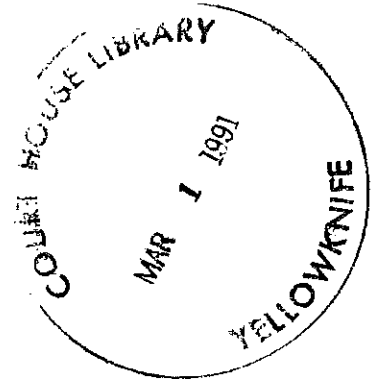
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

RANDY ALEEKUK



Transcript of the oral Sentencing delivered by His Honour Judge T.B. Davis, sitting at Yellowknife, in the Northwest Territories, Friday, December 2nd, A.D. 1988.

APPEARANCES:

MR. R. PEACH Counsel for the Crown
MR. A. REGEL Counsel for the Defence



(Charge under Section 133(1)(b) of the Criminal Code)

TC CR 89 031

1 THE COURT: Mr. Randy Aleekuk comes before the Court expecting
2 to have been released from a term of jail today, but now
3 faces a further term, because while he was in custody and
4 while attending a rehabilitation program at a detox. centre
5 he left on a special pass, a temporary absence pass, to
6 attend an A.A. meeting scheduled for 9:00 in the evening. He
7 did not attend the meeting, but instead became intoxicated
8 and returned to the detox. centre at 1:00 in the morning when
9 the authority was for him to attend the meeting and return
10 immediately thereafter.

11 By failing to comply with the terms of that release
12 pass, he is in breach of Section 133(1)(b), which has been
13 dealt with before the Court today by indictment, because he
14 was, before the expiration of a term of imprisonment, at
15 large within Canada without lawful excuse. That is a serious
16 offence and ordinarily brings with it a number of months of
17 additional jail time which is added to the term being
18 served if a person leaves, without authorization, any facility
19 in which they are imprisoned. Although the detox. centre
20 doesn't feel to the inmate as much like a prison as the
21 correctional centre, it still is a facility which has bounds
22 directed to the persons taking the rehabilitation program,
23 and they know when they are attending that they are bound by
24 the rules and regulations of the authorities.

25 I must acknowledge, however, that Aleekuk recog-
26 nizes that he has an alcohol problem. In addition thereto,
27 I can take into account the fact that he did return to the

1 detox. centre and was cooperative, returning on his own,
2 although returning three or so hours late on that evening
3 and in an intoxicated state when he knew his directions were
4 that he was not to consume alcohol.

5 It would seem to me that this is more of a failure
6 because of a problem than an actual indifference or direct
7 intended violation of the orders that exist. Counsel has
8 indicated, as well, that he now has learned again that he
9 hasn't overcome his problem, and I would hope that in the
10 end he has learned something from the fact that even the day
11 before he was to be released he could not control himself
12 without some assistance. He knows that the A.A. meetings are
13 available for that purpose and in giving those willing to
14 try to make an effort on their own behalf the assistance
15 that fellowship does provide.

16 Defence counsel has suggested that the accused
17 should be given some intermittent time, but there is no
18 reason that the Court would think that appropriate at this
19 time in that there is no pressing need for employment or extra
20 penalty that would be imposed by the loss of employment.
21 Rather than give the usual term, I am going to reduce the
22 length of the term being imposed today, because I am taking
23 into account the totality of the situation and presume that
24 he will have lost out on the benefit of up to two months
25 release that was available to him until this offence occurred.
26 Therefore, when I impose a consecutive term today, I presume
27 it will be served in addition to the balance of the term for

1 which he is serving, that being the remaining part of a
2 six-month jail term imposed on the accused in August of 1988.

3 The accused has been constantly before the Court
4 since 1979 and has served a large number of jail terms on
5 various offences, but this is the first offence of actually
6 escaping custody, and he was close to the time when he was
7 to be released. Therefore, I would expect that he must feel
8 that this is a substantial let-down, not only to his support
9 staff, but to himself. I am going to impose forty-five days
10 additional term in jail. That is to be served consecutively.

11 MR. PEACH: Thank you, Your Honour.

12 MR. REGEL: Thank you, Your Honour.

13 (AT WHICH TIME THIS MATTER WAS CONCLUDED).
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18 Certified a correct transcript,
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21 Jill MacDonald
22 Court Reporter.
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