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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

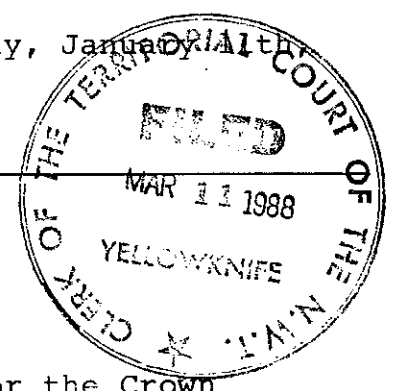
IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

CECIL WAYNE ATATAHAK

Transcript of the Oral Sentencing Delivered by His Honour Judge R. M. Bourassa, sitting at Coppermine in the Northwest Territories, on Monday, January 11th A.D., 1988.



APPEARANCES:

MS. S. AITKEN: Counsel for the Crown
MR. E. GULLBERG: Counsel for the Defence

Charges under Sections 306(1)(a) and 306(1)(b) CRIMINAL CODE.

1 THE COURT: It is really unfortunate dealing with an individual
2 like Cecil Atatahak because really, as I see it with my
3 biases, his problem is solvent abuse, and as a result of
4 his solvent abuse, on his own admission since he was seven
5 years old, he is completely out of control and impossible
6 to control.

7 He was awaiting sentencing on the first set of break
8 and enters and went out and committed the other break and
9 enters. While admittedly in many instances very little, if
10 anything, was stolen, put together the damage and injury
11 caused the public generally, and the named victims
12 specifically, it is almost in excess of \$2,000. That is
13 a lot of money.

14 The other problem, I suppose, if something could be
15 done or if Mr. Atatahak's solvent problem could be
16 solved, he would no longer be a problem to the community.
17 I don't know if society can solve his problem. He is the
18 one that has to solve it. Until he does, I would go beyond
19 what the presentence report says. He is more than a
20 nuisance. He is part of a plague.

21 Break and enters and theft are the single most common
22 crime in the Northwest Territories next to acts of violence,
23 and one has only to go to the various communities and see
24 the way the Co-ops and the Bays and the commercial enterprises
25 are boarded and chained, steel plated, locked, buildings
26 designed without windows, to realize the terrible problem
27 with break and enters.

1 In this particular instance, as I said a moment ago,
2 there is a loss here to various individuals almost exceeding
3 \$2,000. The other problem is that if it is treated as a
4 minor parking ticket type offence, it won't serve to deter
5 any others, the young offenders that go along with Cecil
6 Atatahak, or his brother, or any of the other youths in
7 the community.

8 This cavalier method of break and enter is virtually
9 like a hunting expedition. Instead of a rifle, you take a
10 screwdriver or a pry bar, and just go and whatever place
11 happens to be rumored to contain solvents or alcohol, you
12 smash your way in. It is totally, absolutely without respect
13 for anyone else's property, and it is something that just
14 can't be condoned or be seen to be condoned.

15 I take the personal circumstances of the accused
16 into substantial consideration. I think I have to, but at
17 some point the court has to be more concerned about the
18 public, and given this accused's background, my concern at
19 this stage is more that of the community's situation than
20 the accused.

21 I have to and I do take into account that he has
22 pleaded guilty, and the personal factors that are set out
23 in the presentence report. But I have to weigh against
24 that the need for the community to have some security, and
25 the need for the community to have it stated very clearly
26 and without qualification that conduct like this is
27 unacceptable and will result in harsh treatment if necessary

1 to deter it. I have to take into account totality, and
2 I do. I am taking into account his age, the factors submitted
3 to the court. I am of the view that a term of imprisonment
4 is required, and a significant term of imprisonment for the
5 reasons that I have already given.

6 I will make a judicial recommendation that he be exposed
7 to intensive solvent abuse therapy or programs if such are
8 available in the corrections facility, because clearly that
9 is the key. In the meantime, I don't think it is fair to
10 the community and to society at large that they have to pay
11 the price for this young man's problem with solvents.

12 Stand up, please, Mr. Atatahak. On the charge of the
13 break in on the 30th of August, there will be a term of
14 imprisonment of six months. On the three charges of break
15 and enter with intent of the 11th of October, there will
16 be terms of imprisonment on each count of eight months.
17 They will be concurrent to each other, but consecutive
18 to the offence of the 30th of August. With respect to the
19 four count information, there will be terms of imprisonment
20 on each of the four counts of six months concurrent to each
21 other, but consecutive to the other two sentences. In total
22 I am sentencing the accused to 20 months imprisonment. I
23 will make the recommendation on each of the warrants as
24 indicated.

25 MR. GULLBERG: Thank you, Your Honour.

26 (AT WHICH TIME THESE PROCEEDINGS WERE CONCLUDED.)
27

Certified a correct transcript,

Laurie Ann Young
Laurie Ann Young
Court Reporter

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