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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

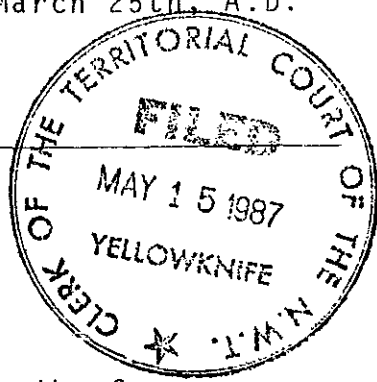
IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

MARK KOCHON

Transcript of the oral sentencing delivered by His Honour Judge T.B. Davis, sitting at Colville Lake, in the Northwest Territories, Wednesday, March 25th, A.D. 1987.



APPEARANCES:

MR. B. BRUSER Counsel for the Crown
MS. C. KENWOOD Counsel for the Defence

Appeal

CHARGE/READ: Sept 3 1986 T.B. Davis
DATE JUDGE OR JUSTICE

CROWN ELECTION: Summary Conviction: Indictment:
ACCUSED ELECTION: Magistrate: Judge & Jury: Judge:
Sept 5 1986 T.B. Davis
DATE JUDGE OR JUSTICE

PEACE OFFICER: Mark Kochon
GUILTY: Not Guilty:
Sept 5 1986 T.B. Davis
DATE JUDGE OR JUSTICE

FAILURE TO APPEAR: Bench Warrant Issued:

EVERY TIME THIS INFORMATION IS DEALT WITH APPROPRIATE ENTRIES SHALL BE MADE ON THE REVERSE

DISPOSITION: Convicted: Dismissed: Withdrawn:
FINE: 4500

J.P. COSTS: 7
POLICE COSTS: 7
RESTITUTION: 4500
TOTAL: 4500
DEFAULT: 2 months
TIME TO PAY: 2 months

SUSPENDED SENTENCE:
CONDITIONAL DISCH: ABSOLUTE DISCH:
PROBATION FOR: 1 year
IMPRISONMENT FOR: 2 months
March 25 1987 T.B. Davis
DATE JUDGE OR JUSTICE

COURT NUMBER
124342

J.P. or Judge's Number 1252/6/10

THIS IS THE INFORMATION OF Robert Peter DUNLAP
(Insert full name, residence and occupation of informant)

A Member of The Royal Canadian Mounted Police

OF Fort Good Hope, Northwest Territories

A Peace Officer HEREINAFTER CALLED THE INFORMANT

THE INFORMANT SAYS THAT he has reasonable and probable grounds to believe and does believe and state the offence

grounds to believe and does believe that

Mark KOCHON

on or about the 9th day of AUGUST 1986, at or near the outpost of Colville Lake, in the Northwest Territories, did commit forcible entry on the real property Alfred MASAZUMI at the outpost of Colville Lake in the Northwest Territories contrary to Section 74 of the Criminal Code.

COUNT #2

on or about the 9th day of AUGUST 1986, at or near the outpost of Colville Lake, in the Northwest Territories, DID Assault Alfred MASAZUMI contrary to Section 245 of the Criminal Code.

CARD
O/S
T.T.P. 25 Aug 1986
D.B.S.
J.P.
M.V.B.

STATISTICS
DATE OF BIRTH: 64 JAN 08 M F
DRIVER'S LICENCE: _____
MARITAL STATUS: Single

Sworn before me this 27th day of AUGUST
A.D. 19 86

at Fort Good Hope, Northwest Territories
Lucy Jackson
(LUCY JACKSON) J.P.

A Judge or Justice of the Peace in and for the Northwest Territories.

Robert Peter DUNLAP
Signature of Informant

Appearance Notice Promise to Appear Recognizance

27th AUGUST, 19 86
confirmed Lucy Jackson
(LUCY JACKSON) J.P.
Justice of the Peace

1 THE COURT: Mark Kochon, who is twenty-three years of age
2 and has two previous convictions for assault or assault causing
3 bodily harm between 1980 and 1984, admits that when he was
4 intoxicated he went to a home in the form of a tent and entered
5 the premises when he was asked not to, and because of his
6 condition while he was looking for alcohol, he assaulted Alfred
7 Masazumi, who was in his home and who finally had to use force
8 to control Mr. Kochon, who certainly was making a nuisance of
9 himself at that time. Fortunately, Mr. Masazumi was able to
10 control the situation and, in fact, tied the hands of Mr. Kochon
11 until he was able to calm Mr. Kochon down sufficiently to
12 release him. The accused was very drunk on that occasion.

13 Crown counsel has certainly pointed out the
14 need in this community for the Court to impose sentences that
15 would indicate that people are expected to deal with one
16 another in a proper way rather than being in a position to
17 assault somebody, because Police services and protection services
18 are not conveniently available. Crown feels that this matter
19 of entering somebody's home and punching them is so serious
20 that I should consider a jail term in light of the fact that
21 the accused spent some time in jail before on an assault charge.
22 If it were not for the fact that Mr. Kochon has now become a
23 father and has indicated through counsel that he would like to
24 take a twenty-eight day alcohol abuse program, I would be
25 inclined to feel that jail is an appropriate consideration by
26 the Court.

27 Since he has indicated his interest in his

1 own rehabilitation and his efforts to attempt to stay away from
2 alcohol, I would prefer to encourage him to do that rather than
3 just have him go into jail in the form of punishment. Because
4 it is obvious in most of the communities that the Court travels
5 to that many of the offences result from consumption of alcohol.
6 Therefore, if Mark Kochon is being truthful through his counsel,
7 he then can improve his standing in the community by being one
8 of the people who tries to overcome an alcohol problem.

9 It is very obvious that communities can do it
10 if a few people try and show that it is possible. It is obvious
11 to the Court when we travel around that Snowdrift, Fort Rae and
12 Fort Resolution have all taken steps to cause the community to
13 try and overcome their problems resulting from alcohol, and
14 they have had people from Alkali Lake in British Columbia attend
15 those communities and are making substantial efforts at their
16 own rehabilitation.

17 Mr. Kochon, I am not going to put you in jail
18 today, even though it is the third offence of an assault nature,
19 because you have indicated that you do want to take rehabilitation
20 and I am expecting that you will do so. I am going to require
21 that you attend some rehabilitation in a probation order instead,
22 but because it is the third offence and I want to ensure that
23 you understand this is of a serious nature even though the
24 circumstances were not substantially serious, I am going to
25 impose a high fine, which you, fortunately, at this time can
26 pay, because you have been very fortunate in your trapping
27 endeavors. If you hadn't been, I might have had no choice but

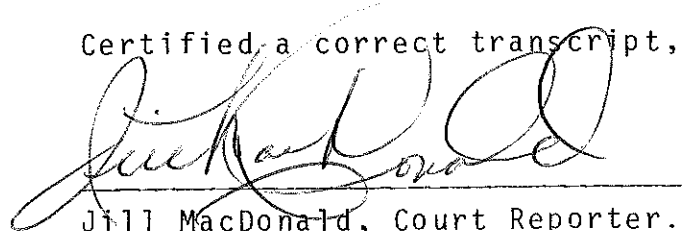
1 to put you in jail, because I do feel something must be done to
2 ensure that people stay away from assaulting others, especially
3 when they are under the influence of alcohol and don't know
4 what they do at times after it happens.

5 In this instance, the fine will be in the
6 amount of Four hundred and fifty dollars, or in default thereof
7 two months in jail. I consider that a very small fine under
8 the circumstances, although it still should be a fairly
9 substantial amount. Mr. Kochon is going to be on probation for
10 a period of one year, and he will be required to report to the
11 probation officer when and as directed. You will be required
12 to participate in any alcohol counselling or alcohol treatment
13 program directed by the probation officer or as directed by
14 the probation officer. The program itself doesn't have to be,
15 but you will participate as directed. Will that assist you
16 in ensuring that you do follow through on that program? How
17 long will it take to pay the fine?

18 MS. KENWOOD: Two months, Your Honour.

19 THE COURT: He will be allowed two months to pay the fine.
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23 Certified a correct transcript,

24 
25
26 Jill MacDonald, Court Reporter.
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