

1 IN THE YOUTH COURT OF THE NORTHWEST TERRITORIES

2
3 IN THE MATTER OF:

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5
6 HER MAJESTY THE QUEEN

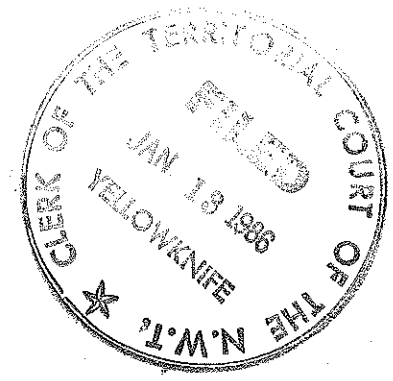
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8 - and -

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10 J. J. K.

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16 Transcript of the Oral Reasons for Sentence delivered
17 by His Honour Judge R. M. Bourassa, sitting at Fort
18 McPherson, in the Northwest Territories, on Wednesday,
19 October 9, A.D. 1985.
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21 APPEARANCES:

22 MR. J. R. SHIPLEY On behalf of the Crown
23 MR. R. REID On behalf of the Defence



1 THE COURT: J. J. K. is convicted of one offence of break and
2 enter with intent, one offence of being unlawfully in a
3 dwelling house, and one offence of failing to comply with
4 his undertaking. He has a previous criminal record. During
5 that interim period when the Young Offenders Act didn't apply
6 to him at 16, and during that short period of time from July
7 of 1984 to February of 1985, he received two terms of im-
8 prisonment for property related offences. Most unhappily,
9 he wasn't out of jail (once again) for a month when on the
10 4th of May he broke into a woman's house, terrifying her
11 enough that she ran away for help; and then upon being re-
12 leased on an undertaking committed a further offence--that
13 offence being unlawfully in a dwelling house. Aggravating
14 factors are that the occupants were present, that Mr. K.
15 sought to start a gang fight against them, when apprehended
16 outside he sought to precipitate a fight with the owner of
17 the house. I am in full sympathy with the female occupant
18 of the house who wonders why this happened and is afraid that
19 it will happen again. This is a perfectly normal reaction by
20 a victim of this kind of offence.

21 I don't understand; perhaps some day counsel will
22 be able to enlighten me how someone like Mr. K. can go to
23 jail, then get out of jail and go right back to what he was
24 doing without even a second thought. The people in the
25 community have to be protected, the law abiding people have
26 to be protected. People are entitled to go to sleep in their
27 home without fear of someone coming into their house in the

1 middle of the night with some evil intent; and the courts
2 will do the best they can to see that they are protected.

3 I note that at the time the accused was on probation
4 and on an undertaking, which I take as aggravating factors.

5 I am asked to find parallels between this case and
6 that of the previous young offender that I sentenced to a
7 total of 15 months; but while the ages are the same, the
8 record of the other was more extensive. As I indicated in
9 that case, the fact that the other had been involved with
10 very young offenders, I found to be aggravating.

11 I am taking into account what has been said on your
12 behalf, Mr. K., the particular facts that you've admitted to
13 in your plea of guilty.

14 You are going to have to learn some time that you
15 can't barge into people's places like this; and the sooner
16 you learn, the better it will be for you. It doesn't hurt
17 anyone else when you go to jail.

18 Stand up, please. On the charge of being unlaw-
19 fully in a dwelling house, I am going to sentence you to
20 three months secure custody. On the charge of break and
21 enter with intent, three months, consecutive, secure custody.
22 On the charge of failing to comply with your undertaking,
23 you are going to have to realize another thing: when you
24 give your promise to the court to stay on an undertaking,
25 which is just promising to stay out of trouble till you are
26 dealt with by the courts, that promise means something. If
27 you're not going to live up to it, then you will end up in

1 jail until your trial has been heard, which is what's happened
2 to you now. I've taken that time you've spent in custody
3 into account to a small degree, but not very much. On that
4 charge there will be one month of secure custody, consecutive.
5 Total of seven months, Mr. K.

6 (AT WHICH TIME THIS MATTER WAS CONCLUDED.)
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9 Certified a correct transcript

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12 Edna Thiessen, Court Reporter
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