

IN THE TERRITORIAL COURT  
OF THE  
NORTHWEST TERRITORIES

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TC CR 86 015  
TC 00286  
ORIGINAL #CA  
CA (TC 00286)

HER MAJESTY THE QUEEN

VS

LENNIE FIRTH

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TRIAL

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CHIEF JUDGE J. R. SLAVEN - Presiding

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J. D. Sutton, Esq.,  
Appeared for the Crown.

J. Lillegran, Ms.,  
Appeared for the Defence.

Beth Headley, Mrs., - Court Reporter

Fort McPherson, Northwest Territories

July 10, A.D. 1986

he left Bonnetplume because he had accomplished his purpose, to steal that bottle, and use whatever violence was necessary to steal it. Accordingly, I find him guilty as charged.

The sentence, Mr. Sutton.

MR. SUTTON: You have the record, sir, which I filed in the course of the proceedings. And would ask that it be filed, and the sentencing here should have regard to that.

THE COURT: Very good.

MR. SUTTON: With regard to that, you will see five previous assaults, six if you count the break and enter to commit assault, bodily harm, for which he was sentenced for six months in gaol, which he is presently serving.

THE COURT: That was the day after this occurrence and conviction. The occurrence, obviously, was prior to this occurrence.

MR. SUTTON: Yes, sir. He also has other related offences of causing disturbance, mischief. It is a serious, very serious offence as viewed by Parliament. They provide for a maximum penalty of life imprisonment. I invite you to consider a penitentiary term for Mr. Firth in relation to this assault. Having regard to the findings of fact that you have made, which I totally concur with, as to the manner in which the assault was conducted and the motive for it, the aggravating factors which Your Honour has already indicated to some extent in your reasons for the finding of guilty; for all of those reasons and my submission, you can



and should give consideration for a penitentiary term.

THE COURT: Miss Lillegran.

MS. LILLEGRAN: Mr. Firth is 22 years of age; born and raised in Fort McPherson; when there, he resides with his family, he has six brothers and sisters; he has a Grade 8 education, and in February of 1984 completed a one and a half month floorman training course in connection with rig work; he has been employed for one and a half years with Kenting Drilling on a rig in Tuktoyaktuk as an Assistant Crane Operator, and has worked for Esso Resources for approximately one year in Norman Wells as a roughneck, and two years at the Tuktoyaktuk base as a warehouse man, in 1980 he worked for one season for Dome Petroleum as a laborer. Mr. Firth is making -- is currently a serving prisoner and has used his time in custody to take note or take stock of himself. In his previous visits, periods of incarceration, he made no attempt to take any alcohol counselling. I submit that he indicates to me that the record is alcohol-related, as was this incident. Previously he has never sought to do anything about this particular problem; however, he has been incarcerated in Yellowknife Correctional Centre, and while there he had one interview with an alcohol counsellor. He was subsequently transferred to the Hay River Correctional Centre and sought alcohol counselling there twice per week. Apparently, his classification officer has set up a program for him which starts on the 22nd of July, when he would be eligible for



early release from the sentence he is currently serving. On July 22nd, he was to be brought in to the Salvation Army Alcohol Program. And also, running along with that, they offer a program called the Tree of Peace which is, in essence, a life-skills program.

THE COURT: Is that in Yellowknife?

MS. LILLEGRAN: Yes, that is Yellowknife. And it is part of the release programs at the Correctional Centre. He tells me he has been approved for this. If he has successfully attended the course for a two-week period, the Salvation Army course, he will then be eligible for work. The Salvation Army will assist him, apparently, in locating work during the daytime, which would be in Yellowknife.

I submit, sir, that the record is not an enviable one, but I would also suggest that this individual has never done anything prior to this date to do anything towards correcting his alcohol problem or any of his behavioral problems, that he has in fact seemed to have been diligent in attending his counselling to the point where he has been recommended for this Salvation Army Program. And I would suggest that the classification officer would feel that there would be some reason why Mr. Firth might benefit from this. Mr. Firth himself feels that this program will be good for him. And I urge you to take those plans into consideration in determining the period of incarceration. Thank you.

THE COURT: Thank you. Well, Mr. Sutton has

1 pointed out the serious nature of the offence, that the  
2 maximum term of imprisonment is life imprisonment. I have  
3 covered the aggravating factors of this assault and my  
4 reasons for judgment. Looking at this young man, this is  
5 the seventh conviction for assault since January of 1984.  
6 Robbery with violence is one of the worst offences that  
7 there is, other than those involving weapons and serious  
8 injury to others. In all of the circumstances, of the way  
9 the offence was committed, I agree with Mr. Sutton that I  
10 must consider a penitentiary time; however, Mr. Firth is  
11 still only 22 years of age. From his work record, he  
12 obviously has been able to obtain employment and some  
13 training and get a fair amount of employment. One reason,  
14 of course, might be his large and robust physique. As well  
15 as his age, there is the fact that he has never been  
16 sentenced to imprisonment for a period of longer than sixty  
17 days. That was in November of last year until the six-month  
18 sentence of May of this year. And I feel I must look at the  
19 totality of the sentence I impose today together with the  
20 one imposed in May.

21 Would you stand up, please, Mr. Firth. I convict you  
22 as charged and direct you to be imprisoned for a period of  
23 nine months, which time will be served concurrently with the  
24 time you are presently spending.

25 MR. FIRTH: Yep.

26 MS. LILLEGRAN: Thank you, Your Honour.

27 (TRIAL CONCLUDED)

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I, Beth Headley, Court Reporter, hereby certify that I attended the above Trial and took faithful and accurate shorthand notes and the foregoing is a true and accurate transcript of my shorthand notes.

Dated at the City of Calgary, Province of Alberta, this 22nd day of July, A.D. 1986.

Beth Headley  
Beth Headley,  
Court Reporter.

BH/lm