

TC 00265  
TC CR 86 009

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

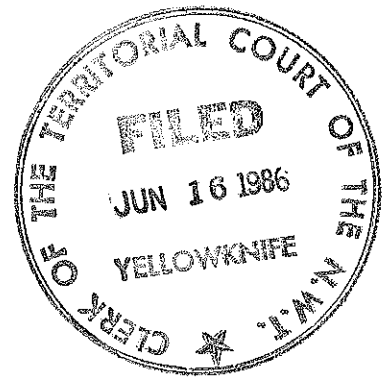
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

KEITH CAMERON LESTER



---

Transcript of the Oral Sentencing Delivered by His Honour Judge R. M. Bourassa, sitting at Yellowknife in the Northwest Territories, on Tuesday, May 14th, A.D., 1986.

---

APPEARANCES:

MS. S. AITKEN: Counsel for the Crown

MR. P. PENNY: Counsel for the Defence

-----

1 THE COURT:

2 The accused, Keith Cameron Lester, is  
3 convicted of an offence of being unlawfully at large contrary  
4 to Section 133(1)(b), a hybrid offence by which the Crown  
5 has proceeded by way of indictment, as well as the offence  
6 of break, enter and theft.

7 The accused was a serving prisoner at the Yellowknife  
8 Correctional Center, having been imprisoned or sentenced  
9 on the 10th of February, 1986, for six months for an offence  
10 of break and enter with intent.

11 The accused and others exploited the situation at the  
12 Yellowknife Correctional Center in that while there was some  
13 construction going on, they managed to escape through a  
14 hole or a door in the roof, and fled the premises. The  
15 accused and others involved went to the Yellowknife Airport  
16 and committed a break and enter at the restaurant located  
17 there, and stole \$2,400 after breaking the door.

18 The accused was finally recaptured on his way on the  
19 only highway out of Yellowknife near Rae Edzo. Apparently  
20 the vehicle he was driving in crashed and rolled over.  
21 Only \$190 has been recovered of the money stolen.

22 Mr. Lester, at 22, is well experienced with the courts.  
23 Since 1980 he has been convicted of criminal offences in  
24 every year, and in fact, it appears that he has served  
25 or spent most of the time since 1980 in jail, commencing  
26 in 1980 when he was convicted of criminal offences of robbery,  
27 aggravated assault, break, enter and theft, failure to  
appear, take auto offences, breach of probation, possession

1 of narcotics, more assaults, and lately, in 1985 and 1986,  
2 three more charges of break and enter.

3 This accused has no respect for other  
4 people or for their property. He has no respect  
5 for himself. He has in the past been sentenced to short  
6 periods of imprisonment, long periods of imprisonment --  
7 as much as 18 months on one occasion -- and it does not  
8 seem to have deterred him in the slightest with respect to  
9 his criminal behavior.

10 I certainly recognize the principle that he is not  
11 to be punished more severely today because of the existance  
12 of his criminal record. I only refer to the criminal record  
13 for two reasons. One is to show proclivities, and secondly,  
14 to remove the otherwise mitigation that would be available.

15 This man, as I have already said, is well experienced  
16 with the courts and the criminal process. He knows what  
17 is right and wrong. He has been before the courts enough  
18 times to have that lesson brought home to him.

19 With respect to the unlawfully at large,  
20 this court has presided over a number of that kind of  
21 offence, and I suppose very roughly speaking, we could  
22 describe them, or categorize them three ways:

23 There is the young offender who takes off with a few of  
24 his friends from a group home. There is the accused person  
25 at the Yellowknife Correctional Center who leaves without  
26 any hope of escape really, simply just being found literally  
27 within yards of the Correctional Center not knowing what

1 to do or where to go, and then there are the individuals  
2 who are unlawfully at large and every indication is that  
3 they are attempting to make good an escape from the Center,  
4 from the community.

5 I think Mr. Lester fits into the latter category.  
6 He was in a stolen vehicle, although he is not charged  
7 with that, of course. But he was in a stolen vehicle with  
8 the others involved. They loaded up on money, as it were,  
9 at the Airporter Restaurant, and stashed it or hid it,  
10 and were heading down the only road out of town when  
11 misfortune overtook them, and they rolled the vehicle  
12 and were apprehended by the police.

13 The break, enter and theft cannot be minimized. This  
14 man has been convicted of this offence and property related  
15 offences on many previous occasions. He has received short  
16 and a little bit lengthier terms of imprisonment for break,  
17 enter and theft. The particular break, enter and theft  
18 before me appears to be part of the plan of escape. It  
19 demonstrates what I said earlier. Mr. Lester just has  
20 absolutely no compunction at taking other people's property.  
21 It is there for the taking as far as he is concerned.

22 I am asked to make an order of restitution. This  
23 man has no skills. He has no education. He is going to  
24 be in jail for a little bit longer. I don't see that it  
25 is really realistic to impose such an order.

26 The public has to be protected. It seems that every  
27 effort has been made with respect to this man, and a number

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

of leniencies have been extended in the past. I don't think in any way Mr. Lester can be categorized as an amateur offender within the standards within the Northwest Territories, or even amateurish in the standards that one sees in the south. I think the sentence should clearly demonstrate that. The only way it appears that the public will be protected from Mr. Lester is a lengthy term of imprisonment. I don't think it is going to do much good for Mr. Lester, but we are really beyond the point, I suppose, of having that much concern for Mr. Lester.

I am satisfied to adopt the position taken in the Levesque case Quebec Court of Appeal, and leave Mr. Lester's rehabilitation to others. My concern is the protection of the public and general deterrence.

Stand up, please, Mr. Lester. With respect to the charge of break, enter and theft, I am going to sentence you to two years imprisonment. With respect to the charge of being unlawfully at large, I sentence you to six months imprisonment consecutive. The two years imprisonment will be consecutive to the time you are now serving, as will be the six months. That's all.

**AT WHICH TIME THESE PROCEEDINGS WERE CONCLUDED.)**

Certified a correct transcript,

*Laurie Ann Young*

Laurie Ann Young

Court Reporter