

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

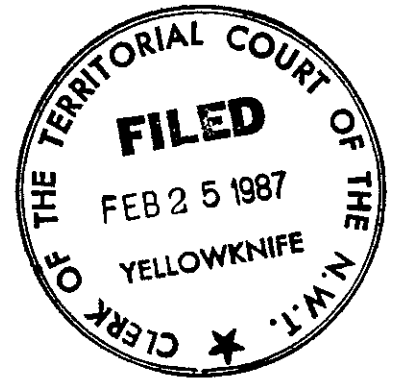
HARRY EETUK

AND IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

LUCASSIE NAKOOLAK



REASONS FOR JUDGMENT

of

His Honour Judge R. M. Bourassa,
sitting at Coral Harbour, N.W.T.

On Wednesday, January 14, A.D. 1987.

APPEARANCES:

MS. L. J. WALL

On behalf of the Crown

MS. P. IAPAOLLO

On behalf of the Defence

THE COURT: Lucassie Nakoolak and Harry Eetuk are both convicted of the offence of attempted break and enter. They both wanted to break into the Co-op store owned by the people in this community, a store that, if it makes money, the people in the community share, and if it loses money, the people in the community also share. When places are broken into and things are stolen, that is a loss to the store, and the community is going to have to pay for it. What happens is the Hudson Bay or the Co-ops that we see in other communities just raise their prices to cover the costs of break and enters. So, everyone in the community pays for people like Lucassie and Harry who do the break and enters. What bothers me about this is both Lucassie and Harry have been to Court before; both of them have been to Court before for break and enters. Lucassie hasn't gone to jail yet, but Harry has; and one would have thought that three months in jail would have made him think twice before he did this. It's not as though he didn't know what's going on; and the same thing with Lucassie, he knows what's going on.

You both know you can't steal other people's property. You know that, or you wouldn't have run away when you were seen.

Break and enters are the worst problem in the north, next to acts of violence. In some communities we

go, the Co-ops and the Bays and the recreation centres are boarded up: they've got quarter-inch plates of steel over the doors and windows to prevent people from breaking in. I don't want to see that sickness hit Coral Harbour. This is a very good community, and there is very little crime in the community; Coral Harbour can't afford to have two accused like you men committing crimes like this: showing little kids and boasting to little kids about doing things like this. The community can't afford you. I'm sorry if it means jail. No Court takes any delight in putting people in jail, but you are doing it to yourselves. All you have to do to stay out of jail is not steal. It's as simple as that.

Lucassie has been treated leniently in the past with small fines. He should have learned his lesson. He's not going to get a fine on this occasion.

And Harry Eetuk has had fines and jail, and he still hasn't learned his lesson.

The penalties may get more and more severe for those who will not learn. There are people in jail for two years and more for committing break and enters, and attempts. I hope you both keep that in mind when you get out.

I'm taking into account the pleas of guilty; I'm taking into account it was an attempt. In my view,

both should be treated the same. While they haven't been treated the same in the past, they have both been convicted--I think Eetuk has one more break and enter--but they are both the same in the eyes of the Court. This was a joint enterprise, and I can see no compelling reason for treating them differently. I suppose I have to recognize the fact it will be the first term of imprisonment for Lucassie Nakoolak, but not the first for Harry Eetuk and try and balance that.

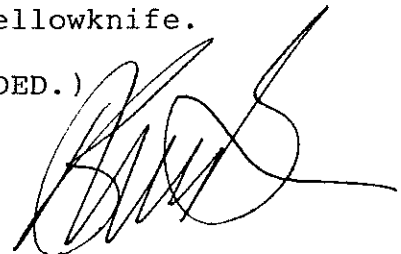
There is no magic to the way the system works, and I say this to both of you, and I hope you learn; you've both been convicted in the past, you've received lenient sentences. You are both going to jail today. If you are convicted of these kinds of offences again next summer, next winter, you'll go to jail for longer. And it gets longer and longer and longer. You decide what you want to do with your lives.

Stand up, please, Mr. Eetuk. On this matter there will be a term of imprisonment of three months.

And Mr. Nakoolak, stand up, please. On this you will be sentenced to a term of imprisonment of three months.

I'm going to endorse the warrants with recommendations that you be sent to Yellowknife.

(AT WHICH TIME THIS MATTER WAS CONCLUDED.)



Judge R.M. Bourassa