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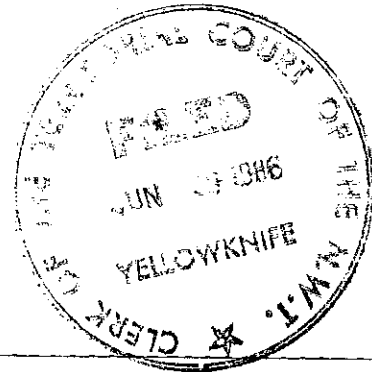
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

NIVIAQSI LAISA



Transcript of the Oral Reasons for Sentence delivered by His Honour Judge T. B. Davis, sitting at Frobisher Bay, in the Northwest Territories, on Wednesday, May 14, A.D. 1986.

APPEARANCES:

MR. B. A. BRUSER On behalf of the Crown
MR. N. SHARKEY On behalf of the Defence



ADJUDICATION & DISPOSITION

INFORMATION (ON BEHALF OF HER MAJESTY THE QUEEN)

CHARGE READ: May 8/86 C. Reynolds
DATE JUDGE OR JUSTICE

CROWN ELECTION: Summary Conviction: Indictment:

ACCUSED ELECTION: Magistrate: Judge & Jury: Judge:
May 14, 1986 J.B. Davis
DATE JUDGE OR JUSTICE

PLEA: Guilty: Not Guilty:
May 14, 1986 J.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DISPOSITION: Convicted: Dismissed: Withdrawn: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: _____
J.P. COSTS: _____
POLICE COSTS: _____
RESTITUTION: _____
TOTAL: _____
DEFAULT: _____
TIME TO PAY: _____
SUSPENDED SENTENCE:
CONDITIONAL DISCH: ABSOLUTE DISCH:
PROBATION FOR: _____
IMPRISONMENT FOR: 4 months
May 14/86 J.B. Davis
DATE JUDGE OR JUSTICE

STATISTICS: DATE OF BIRTH: 66-01-27 M F
DRIVER'S LICENCE: _____
MARITAL STATUS: Single

COURT NUMBER
120922

J.P. or Judge's Number 741610

THIS IS THE INFORMATION OF Philip Charles JOHNSON
(Insert full name, residence and occupation of informant)

of the Royal Canadian Mounted Police
of Cape Dorset, Northwest Territories
a peace officer HEREINAFTER CALLED THE INFORMANT

THE INFORMANT SAYS THAT he has reasonable and probable
(If the informant has not personal knowledge, state that he has reasonable and probable grounds to believe and does believe and state the offence)
grounds to believe and does believe that

Niviaqsi LAISA

on or about the second day of May, 1986 at or near the Hamlet of Cape Dorset in the Northwest Territories, did unlawfully break and enter a certain place, namely, the Department of Public Works warehouse with intent to commit an indictable offence therein, contrary to Section 306(1)(a) of the Criminal Code.

And Further That:

on or about the second day of May, 1986, at or near the Hamlet of Cape Dorset in the Northwest Territories, did unlawfully break and enter a certain place, namely, the Department of Public Works warehouse with intent to commit an indictable offence therein, contrary to Section 306(1)(a) of the Criminal Code.

CARD	<input checked="" type="checkbox"/>
O/S	<input type="checkbox"/>
T.T.P.	<input type="checkbox"/>
D.B.S.	<input checked="" type="checkbox"/>
J.P.	<input checked="" type="checkbox"/>
M.V.S.	<input type="checkbox"/>

Sworn before me this 8 day of May
A.D. 19 86
at Cape Dorset, N.W.T.
C. Reynolds
A Judge or Justice of the Peace in and for the Northwest Territories

Philip Charles Johnson
Signature of Informant

Appearance Notice Promise to Appear Recognition

confirmed _____ 19 _____ Justice of the Peace

DATE	PLACE OF HEARING	CLERK	REPORT	DIVISION	OFFICE	WITNESSES AS REPORTED TO	EXHIBITS	REMARKS
May 18	Capt. [unclear]			RCMP	Quebec			order to pay remain pending May 13 5K L. Remondino
May 18	Frob Bay	Gerards	Thissen	Bruser	Shakay			Adj 9:00am in May 26 In custody M. Davis
May 18	"	"	"	"	"			Cruz - Stay of Proceeding T.S. DAVIS, JUDGE M. Davis



INFORMATION
(ON BEHALF OF HER MAJESTY THE QUEEN)

ADJUDICATION
& DISPOSITION

CHARGE READ:
May 8 86 *C. Reynolds*
 DATE JUDGE OR JUSTICE

CROWN ELECTION:
 Summary Conviction: Indictment:

ACCUSED ELECTION:
 Magistrate: Judge & Jury: Judge:

DATE JUDGE OR JUSTICE

PLEA: Guilty: Not Guilty:

May 14 1986 *J. Davis*
 DATE JUDGE OR JUSTICE

FAILURE TO APPEAR:
 Bench Warrant issued:

DATE JUDGE OR JUSTICE

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

COURT NUMBER
 120923

J.P. or Judge's Number 74266

THIS IS THE INFORMATION OF Philip Charles JOHNSON
 (Insert full name, residence and occupation of informant)
of the Royal Canadian Mounted Police
of Cape Dorset, Northwest Territories

a peace officer HEREINAFTER CALLED THE INFORMANT

THE INFORMANT SAYS THAT he has reasonable and probable
 (If the informant has not personal knowledge, state that he has reasonable and
 probable grounds to believe and does believe and state the offence)

grounds to believe and does believe that

Niviaqsi LAISA

on or about the fourth day of May, 1986,
 at or near the Hamlet of Cape Dorset in
 the Northwest Territories, did unlawfully
 and wilfully kill ~~the~~ the property of
 Timon ALARIAQ, that was kept for a lawful
 purpose, contrary to Section 401(a) of the
 Criminal Code.

CARD
 C.S.
 T.P.
 D.S.S.
 J.P.
 M.V.B.

DISPOSITION
 Convicted: Dismissed: Withdrawn:

FINE: _____

J.P. COSTS: _____

POLICE COSTS: _____

RESTITUTION: _____

TOTAL: _____

DEFAULT: _____

TIME TO PAY _____

SUSPENDED SENTENCE:

CONDITIONAL DISCH: ABSOLUTE DISCH:

PROBATION FOR: _____

IMPRISONMENT FOR 3 Months Conv

MAY 14 1986 *J. Davis*
 DATE JUDGE OR JUSTICE

STATISTICS
 DATE OF BIRTH: 66-01-27 M F T.B. DAY: 30

DRIVER'S LICENCE: _____

MARITAL STATUS: single

Sworn before me this 8 day of May
 A.D. 19 86
 at Cape Dorset, N.W.T.
J. Reynolds

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

Philip Charles Johnson
 Signature of Informant

Appearance Notice Promise to Appear Recognizance

confirmed 19 _____ Justice of the Peace

DATE	PLACE OF HEARING	CLERK	REPORTER	OPPING	FILED	WITNESS & RETURN	EXHIBITS	33 PAGE	END	FILE	INDEX
May 18	Cade Barack			W. M. H.	W. M. H.			33	END	FILE	INDEX
Maybe	Flob Bay			Bruser	Shanky			33	END	FILE	INDEX
Maybe								33	END	FILE	INDEX
4								33	END	FILE	INDEX
								33	END	FILE	INDEX
								33	END	FILE	INDEX
								33	END	FILE	INDEX
								33	END	FILE	INDEX

Adj. 3000 in May 86
in custody
T. B. SWAN JUDGE

33
PAGE
END
FILE
INDEX

1 THE COURT: Niviaqsi Laisa appears before the Court today
2 having entered pleas of guilty to break and enter with intent
3 to commit a criminal offence on the 2nd of May, and two days
4 later with unlawfully killing a dog which was owned by the
5 person who had been the witness to the earlier break and
6 enter offence, the killing of the dog being contrary to
7 Section 401(a) of the Criminal Code and being a summary con-
8 viction offence.

9 The accused, along with others, had broken into a
10 warehouse with the intention of taking some propane for the
11 purposes of sniffing and had entered the building by removing
12 something from a window in the Public Works Warehouse. It
13 appears that the group that were involved with that offence
14 then each took a young pup from the person who had reported
15 their break and enter offence and each killed a pup.
16 Four out of six of the dogs in the team that the witness had
17 for a few weeks--between six and eight weeks of age--were
18 killed, so the team was eliminated when the persons killed
19 them by smashing them against a tank. The maximum sentence
20 on the dog offence is six months.

21 Crown counsel has suggested that because the
22 accused has a substantial criminal record, and over ten break
23 and enter offences, that the Court should consider a sub-
24 stantial jail term, possibly taking into account both
25 offences to total a term in penitentiary, which would mean
26 over two years. It won't be too long before that would be a
27 consideration that the Court would take seriously if the

1 accused continues to be committing offences, because in 1982,
2 I believe it was in the Nickerson case in the Appeal Court in
3 Nova Scotia a repeat offender with a long criminal record was
4 sentenced to five years in jail on a mischief charge, and the
5 Appeal Court confirmed the conviction and sentence because
6 the Court felt that if a person continues to break the law,
7 the only way to protect the public is to put them in jail and
8 leave them there. I'm not going to do that today with the
9 accused because I am hoping that he will now soon get to the
10 point of realizing that he is wasting his life away spending
11 time in jail for these offences. In March of 1985, he
12 was sentenced to a total of one year in jail for three counts
13 of break and enter and a concurrent sentence of eight months
14 for one additional break and enter offence, and also to serve
15 six months consecutive for an escape lawful custody and four-
16 teen days consecutive for a mischief charge. I feel, there-
17 fore, that the eight month term imposed by the Court in March
18 of 1985, is more of a stepping stone that the Court would con-
19 sider in this instance than a substantial jump beyond that,
20 because prior to that on the break and enter offences he re-
21 ceived one month and three months, and on one occasion did
22 go up as high as fourteen months.

23 I have to take into account as well what defence
24 counsel has said with respect to the offences themselves, and
25 maybe at this time not quite justifying penitentiary time, so
26 that I am going to give the benefit to the accused on this
27 occasion even though he is a substantial repeater of break

1 and enters and I hope that this time he will learn by spending
2 another period of time in jail.

3 On the break and enter offence, therefore, I am
4 going to impose nine months in jail. On the charge under
5 Section 401 of the Code, I am recognizing that the accused
6 was retaliating against a person who probably he was mad at,
7 and I'm going to impose a few extra months in jail on that
8 offence; and at this time I'm recognizing or acknowledging
9 that I am not considering this to be a charge that I had for
10 a moment thought might be related--and that is, interference
11 with the administration of justice by acting in a way against
12 a possible witness. So, I am only today going to deal with
13 it as nothing more than an exhibit of the accused's annoyance
14 at the victim who owned the dogs, because of course the
15 victim did loose possibly by the actions of a group of people
16 a dog team that he was probably hoping to have as a good
17 team. On that charge, therefore, I am going to impose an
18 additional three months in jail. That will be required to be
19 served consecutively.

20 Do you understand all that, Mr. Laisa?

21 A. (Accused nods head.)

22 (AT WHICH TIME THIS MATTER WAS CONCLUDED.)
23 -----
24

25 Certified a correct transcript

26 

27 Edna Thiessen, Court Reporter