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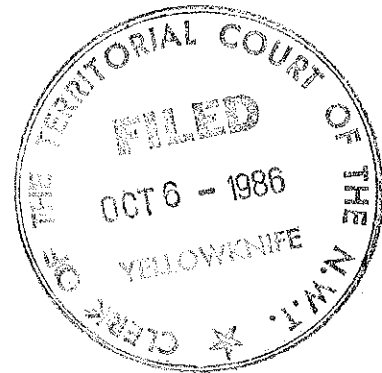
1 IN THE YOUTH COURT OF THE NORTHWEST TERRITORIES

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4 IN THE MATTER OF:

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7 HER MAJESTY THE QUEEN

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10 - and -

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12 J. A.



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16 Transcript of Proceedings held before His Honour, Deputy Judge
17 K. Peters, sitting at Baker Lake in the Northwest Territories on
18 Thursday, September 18th, A.D., 1986.

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20 APPEARANCES:

21 MS. L. ERICKSON: Counsel for the Defence

22 MR. B. BRUSER: Counsel for the Crown
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1 of J.'s background, I would submit that he is entitled to every
2 leniency that can be granted to him.

3 MR. BRUSER: Your Honour, I wonder if I could say something
4 I didn't mention before. I would ask the Court for the return
5 of the keyboard and of the tapes which have been seized by the
6 police to the owners.

7 MS. ERICKSON: I have no trouble with that, sir.

8 MR. BRUSER: Also, my friend mentioned Section 3 (f) of
9 the declaration of principle. I remind the Court as well of
10 the rest of the sub-paragraphs and in particular 3 (b), that
11 society must, although it has responsibility to take reasonable
12 measure to prevent criminal conduct by young persons, be afford-
13 ed the necessary protection from illegal behaviour.

14 THE COURT: Well, I respect the individual's right to be
15 out in the field or on the land and work on the land as much as
16 he wishes. I won't interfere with that right at all. If he
17 wants to go out there and hunt and fish, that's fine, but he
18 has been breaching his earlier probation order not just that
19 he has failed to report, failed to perform community service,
20 and he has been getting into further trouble, serious trouble,
21 break and enter.

22 In addition to the references made by Counsel to the pre-
23 disposition report, I would also like to refer to the family
24 circumstances continued, there is on a separate sheet at the
25 end of my copy of the report which says that J. generally listens
26 to his mother's direction but when she goes to bed at night J.
27 remains up and this is when he gets the opportunity to get into

1 trouble.

2 J. will go out with his friends and walk around town. Mrs.
3 A. feels when she is not watching J. he tends to misbehave. As
4 of late, he has been going hunting without requesting permission
5 from Effie (phn.) and she feels she is losing control of him.
6 So, there is a problem in the home of controlling this young man.

7 Counsel have referred, both of them have referred to Section
8 3 of the Young Offenders Act, referred to a few paragraphs there
9 and I would like also to refer to paragraph 3 (1) (a) in which
10 it says that, "It is hereby recognized and declared that while
11 the young person should not in all instances be held accountable
12 in the same manner or suffer the same consequences for their
13 behaviour as adults, young persons who commit offences should
14 nonetheless bear responsibility for their contravention". Here
15 we have not a first offender, we have someone who has been
16 before the Courts before on very serious offences and he is not
17 entitled to leniency. He has been given or was given all the leniency
18 the Court can give anyone in the past.

19 I feel that since his parents can't look after him that
20 perhaps a period of open custody would be in order and I don't
21 see how--maybe I misunderstood or I didn't hear Mr. Bruser
22 correctly, were you suggesting a two-week period of open custody?

23 MR. BRUSER: I recognize Your Honour's concern but I am
24 suggesting and did suggest a short period because of this reason,
25 Your Honour. I would hope that given his young age and it is
26 only because of the young age that I suggested that period, that
27 a very short period would let him know what is in store for him

1 if he breaks the law ever again. Now, if this young person were
2 older with that sort of record I would be suggesting a lengthy
3 period of several months and that is the reason I have taken
4 the more lenient position, Your Honour. I must say that Social
5 Services doesn't necessarily agree with my position but I have
6 arrived at that independently.

7 THE COURT: I don't even know if a short period of two
8 weeks or a month--I don't know. I don't feel that that would
9 be sufficient for a deterrent and I am concerned not only with
10 deterrence but with rehabilitating this young man and he needs
11 guidance it says, direction and stability and how anyone can
12 acquire all that in the space of two or three weeks I can't
13 see.

14 The disposition will be as follows: On the charge of break
15 and enter J. will be committed to open custody to be served
16 continuously for a period of six months on each charge concurrent.
17 On the 412 (b) charge, probation will follow the open custody.
18 There will be six months open custody to be followed by six
19 months of probation with supervision, the conditions of the
20 probation order being that he keep the peace and be of good
21 behaviour and observe the curfew we referred to earlier in other
22 cases from Sunday to Thursday, 10:00 p.m. to 7:00 a.m. and Friday
23 and Saturday, 12:00 midnight to 7:00 a.m. while he is in the
24 Hamlet, when he's not out on the land I want him to attend school
25 regularly.

26 YOUTH COURT WORKER: Your Honour, can I request that
27 transportation arrangements have to be made for J. to go to open

1 custody begin on Wednesday because we will not be able to get
2 him there until that time?

3 THE COURT: All right, Wednesday. What date is that?

4 MR. BRUSER: That would be the 24th, Your Honour.

5 THE COURT: 24th?

6 MR. BRUSER: 24th of September, yes.

7 THE COURT: Open custody, so that will commence then the
8 24th, is that what you are saying?

9 MR. BRUSER: Yes, Your Honour.

10 THE COURT: To commence September 24th, 1986.

11 MR. BRUSER: Could the keyboard be returned to Rose Kringuark?

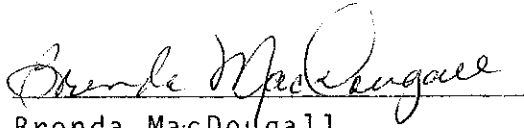
12 THE COURT: What was the other one?

13 MR. BRUSER: The tapes.

14 THE COURT: And the tapes will be returned to their right-
15 ful owners.

16 (AT WHICH TIME THIS PROCEEDING WAS CONCLUDED)

17 Certified a correct transcript,
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19 
20 Brenda MacDougall
21 Court Reporter
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