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3  
4 IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

5  
6 IN THE MATTER BETWEEN:

7  
8 HER MAJESTY THE QUEEN

9  
10 - and -

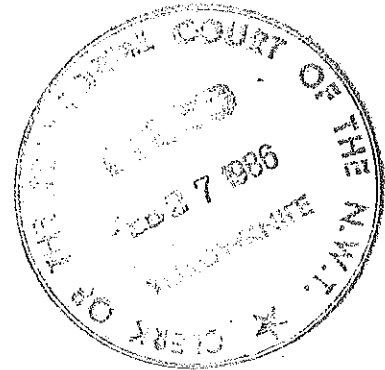
11  
12 LAZARIE KATOKRA

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14 Transcript of the Reasons for Sentencing, delivered by  
15 His Honour Judge T.B. Davis, at Frobisher Bay, in the  
16 Northwest Territories, on October 21st, A.D. 1985.  
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18 APPEARANCES:

19 Ms. L. WALL: Counsel for the Crown.

20 J. BOVARD, Esq.: Counsel for the Defendant.



1 THE COURT: The accused, Lazarie Katokra, comes before this  
2 Court admitting that he, on the 26th of September, 1985,  
3 committed an assault and used a weapon, when he approached the  
4 victim near the gym at Repulse Bay and slapped this younger  
5 and smaller person, and then pulled a knife and made a small  
6 cut on his leg, near the hip of the victim, which cut was  
7 checked four days later by the nursing station. The accused  
8 also threatened his victim and warned him not to tell the  
9 police, but later had apologized to the victim who he had  
10 originally approached, because he was under the impression that  
11 the victim had been slapping the accused's cousin around at  
12 some time or other. He, therefore, had committed an offence  
13 under section 245.1 of the Criminal Code.

14 He further admits that on the 12th of October, 1985, he  
15 approached a six-year-old friend of his niece and nephew, with  
16 whom the victim was playing, and he caused the two young  
17 children who were making noise in the residence -- the accused  
18 told the young victim to swear, or he'd pull down his pants,  
19 which caused the child to swear. The accused then pulled down  
20 the victim's pants and pushed him in the closet for a few  
21 minutes, before he chased the victim away. By grabbing  
22 the child and acting in this perverse way, he violated section  
23 245 of the Criminal Code, which is a charge of assault.

24 The child had been so upset by this action that he has been  
25 for now, more than a week, still afraid to go in his own  
26 basement without his dog and doesn't like to go out and play  
27 and won't answer the door-bell or act in ordinary ways around

1 the home. So, it has had some adverse -- temporary, I would  
2 hope -- effects on the child.

3 The accused also admits that on that 12th of October  
4 when he acted in this way, he violated a probation order that  
5 was in effect as a result of break and enter charges, when he  
6 was placed on probation for one year starting October the 2nd,  
7 1985, the offence having occurred only ten days after having  
8 been placed on probation.

9 Crown counsel has validly pointed out to me that upon  
10 interviewing, it was observed that possibly the accused, who is  
11 19 years of age, does suffer some emotional inadequacies and  
12 has, possibly, some reason for this rather perverse act,  
13 because of some restrictions. And it might be that the Court  
14 should recommend psychological testing, assessment and  
15 counselling, because I feel that these assault charges are  
16 serious enough that the accused should again return to jail,  
17 having had a short period of time in jail in the past, when he  
18 was convicted of some break and enter charges and breaches of  
19 probation in the past.

20 Even though the accused was trying to take the law into  
21 his own hands and appease his cousin, who he felt was being  
22 assaulted at times by the victim of this assault, that, in  
23 itself, does not authorize me to do anything other than take  
24 that as a factor of mitigation in that particular offence, and  
25 I will do that, but still must indicate that assaulting a  
26 person, especially with a weapon, is still classified as a very  
27 serious matter. On that offence, I am going to impose four

1 months in jail. On the other offence relating to the young  
2 boy, I have to recognize that that young child is suffering  
3 emotionally from this traumatic experience, when the accused  
4 acted as a bully in dealing with just a six-year-old. I  
5 feel that that is something that possibly the authorities and  
6 the experts can assist when they might have counselling  
7 available to the accused, so that that type of thing won't  
8 happen in the future. On that charge, I am going to impose two  
9 months in jail consecutively.

10 I ordinarily at this time would also consider an additional  
11 one to three months in jail for the violation of the probation  
12 order, but defence counsel has pointed out to me that this man  
13 has reacted effectively on the probation orders, where he was  
14 required previously to do community service work. And it might  
15 be to his benefit and, therefore, to the benefit of the  
16 community, if he were to be placed on probation upon release  
17 from jail, so that he would be required to report to the probation  
18 officer and do some community service work over a period of  
19 time and still, therefore, have some form of contact, which  
20 might be of some benefit in its slight variance of counselling  
21 that results from that type of contact.

22 On that charge, therefore, I am going to place the accused  
23 on probation for a period of six months and require that the  
24 accused perform 60 hours of community service work within four  
25 months, to the satisfaction of the probation officer. I will  
26 require, as well, that the accused report to the probation  
27 officer and be under the supervision of the probation officer

1 during that period.

2 That would be a six-month total on the probation order that  
3 would be in effect, and it will be four months to do the work  
4 within release of jail. Yes, the six-month period will extend from  
5 the release from jail, and the four months to do the work is also  
6 from that same starting period.

7 I also have to make an order under section 98, and that  
8 is, I believe, a required order for a five-year term. The order  
9 under section 98 means that because there is violence used in the  
10 use of a weapon, in dealing with that boy at the school, you will  
11 have to be restricted from being in the possession of any  
12 firearms, ammunition or explosive substances for a period of five  
13 years. So, you're not allowed to have anything of that type for  
14 that period of time. If you do have any firearms now, or  
15 ammunition or explosive substances, I am going to give you three  
16 weeks in which to dispose of it, or at the end of the three  
17 weeks, you must turn it over to the RCMP.

18 MADAM CLERK: Your Honour, I'm sorry, I missed it. On the  
19 probation order, was that a conditional discharge or a suspended  
20 sentence, or did he get time in jail?

21 THE COURT: On that one, it would have to be a suspended sentence,  
22 in order to make it effective. Thank you, Madam Clerk. I  
23 didn't say that. It would have to be on that basis.

24 I suspend the passing of sentence on that charge and just  
25 place the accused on probation.

26 (REASONS FOR SENTENCING CONCLUDED)

27 Certified a correct transcript,

*Debora Chippenfield*  
Debora Chippenfield, court reporter.