

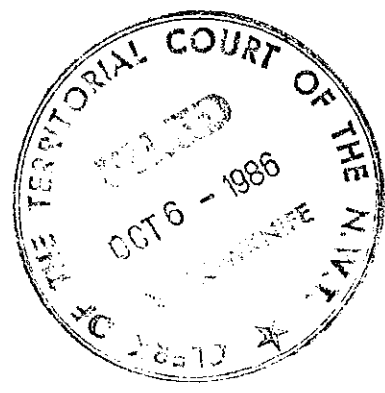
1 IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

2
3
4 IN THE MATTER BETWEEN:

5
6 HER MAJESTY THE QUEEN

7
8 - and -

9
10 WILLIAM CHINKON and
11 ROBERT DENETHLON



12
13 -----
14 Transcript of the proceedings conducted before His
15 Honour Judge T. B. Davis, sitting at Yellowknife, in
16 the Northwest Territories, on Tuesday June 3rd, A.D.,
17 1986.
18 -----

19 APPEARANCES:

20 MS. S. AITKEN: Counsel for the Crown
21 V. FOLDATS, ESQ.: Counsel for the Defendant,
William Chinkon
22 L. GOWER, ESQ.: Counsel for the Defendant,
23 Robert Denethlon

24 (Transcript of Oral Sentencing)

25 -----
26
27

1 THE COURT: Mr. William Chinkon is 21 years of age, and Robert
2 Denethlon is 18 years of age. They were both serving prisoners,
3 and on April the 5th when they observed the lights had gone out
4 in another section of the gaol, both escaped custody and, therefore,
5 violated section 133(1) (b) of the Criminal Code. The Crown had
6 elected to proceed on this charge by indictment.

7 When these two men escaped they participated in the theft of
8 a motor vehicle, which they drove to Rae-Edzo, in the Northwest
9 Territories. Keys from that vehicle were subsequently found in
10 another vehicle which they stole from the Department of Highways,
11 where they crashed through or damaged a fence of the Department
12 of Highways, estimated at over \$3,000.00 to repair and did over
13 \$200.00 damage to the second vehicle that was stolen.

14 When they were observed by the police at a dead end road near
15 Fort Providence in the Northwest Territories, they both had given
16 false names, but upon being checked, the police took them into
17 custody at that time.

18 Although both these accused persons are young, Chinkon has been
19 before the courts continuously since 1981, and Denethlon has
20 been involved in a number of offences since 1984, both of them
21 having served a substantial period of time in gaol during those
22 periods. Denethlon is presently under a 24 months gaol term,
23 which was imposed December 1985 and January the 14th, 1982, so
24 he has pretty well continuously been in gaol since September
25 of 1985, when he at that time was sentenced to a six month term.

26 Chinkon had been sentenced to gaol in August of 1985, and then
27 to a further year in gaol, November the 13th, 1985, along with one

1 month in gaol to run consecutively. It would appear that Mr.
2 Denethlon expects to be released under his present terms of
3 incarceration on May the 16th, 1987.

4 Both of the young men seem to be trying to do something to
5 improve themselves while in gaol, in that they have participated
6 in life skills programs or in upgrading programs. And it is very
7 unfortunate that the Court must deal with these kinds of problems
8 of young men who almost automatically increase the length of time
9 they are in gaol by escaping when the opportunity presents
10 itself. It is only in the most extreme circumstances that an
11 additional and a consecutive gaol term is not imposed for escaping
12 custody. But because of the ages of the accused and because the
13 escape does not appear to have been planned, but was spontaneous
14 upon noticing the light and the power having been out so that
15 the alarm would not have been activated, I am going to keep the
16 length of the gaol terms to be added to their present terms to
17 a minimum, because I must recognize that once they got started,
18 the additional thefts of vehicles seemed to just naturally follow
19 in order to continue the escape that they had started.

20 Appeal Courts have recognized that escapes from gaol must be
21 considered very serious matters and must ordinarily be determined
22 by an additional gaol term. As a result of that, for both of the
23 young men, I am going to, on the escape charge, give them four
24 months in gaol to run consecutively to the terms presently being
25 served. Because of the two additional charges that each have
26 acknowledged, and that is the theft of the vehicles, I am
27 recognizing that the public must be protected, because in this

1 instance substantial damage was done to one of the vehicles, and
2 in addition thereto, both persons participated in attempting to
3 cover up their positions when they were approached by the police.
4 Those factors, combined, make the additional offences more
5 serious than what might otherwise have been considered by the
6 Court for the theft of a vehicle. Therefore, on the two theft
7 charges, I am going to impose an additional two months gaol on
8 each, but I will allow the second theft charge, two months, to be
9 served concurrently, but the first theft charge for each to be
10 served consecutively, which means, effectively, both young men
11 are going to be required to have an additional six months in
12 gaol.

13 Is there any misunderstanding or problem with regard to the
14 terms that I am imposing?

15 MS. AITKEN: Your Honour, the 387 charge.

16 THE COURT: I recognize that it would be convenient to consider
17 some form of restitution, but I don't believe these two young
18 men are in a position to ever get anything done with them, and
19 on the 387 charge, therefore, I am going to impose one month in
20 gaol, but I will allow that to be served concurrently. That will
21 be for both.

22 (AT WHICH TIME PROCEEDINGS CONCLUDED)

23 -----

24 Certified a correct transcript,

25 Debra Chipperfield
26 Debora Chipperfield,
27 Court Reporter.