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IN THE YOUTH COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

K.A.

Transcript of the oral sentencing delivered by His Honour Judge T.B. Davis, sitting at Cape Dorset, in the Northwest Territories, Tuesday, March 11th, A.D. 1986.

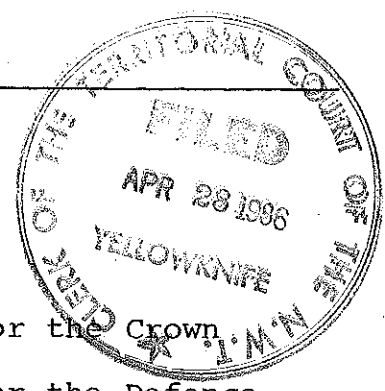
APPEARANCES:

MS. N. BOILLAT

Counsel for the Crown

MR. N. SHARKEY

Counsel for the Defence



1 THE COURT: K.A. comes before the Court admitting that he
2 damaged property in August, 1985, that is almost seven months
3 ago, when he was entering the property and kicked the door in
4 because he was looking for something to sniff or to drink.
5 He did damage to property at that time and is guilty of mischief.
6 He also admits that on the 12th day of August, 1985, just about
7 six days after the other offence he broke and entered a
8 residence and took some liquor on that occasion, knowing that
9 the house had been broken into earlier. But by entering and
10 taking two bottles of liquor he violated the break and enter
11 charge under the Code.

12 Although he is now eighteen years of age, the
13 offences occurred when he was still under eighteen, and, there-
14 fore, is subject to the rules of the Youth Court and the Young
15 Offenders Act. He is entitled to be treated on this occasion
16 as a young offender, even though he had previously been dealt
17 with as an adult.

18 I have heard submissions by counsel, and it is
19 suggested that these offences are serious enough to justify
20 jail terms or incarceration of some type or another, because
21 he had been involved with offences in the past and has been
22 in jail. But I have reviewed, as well, the pre-disposition
23 report which indicates that Mr. A. is a polite, cooperative
24 young man who is sorry now and shows remorse for having committed
25 the offences. The report indicates that he intended to
26 return to school, although his attendance has not been very
27 good in the past year that he had been there. He comes from

1 a stable family. While he was a student he was considered to
2 be a smart person, a bright young man, outgoing, industrious
3 and willing to make efforts. He was in grade nine until
4 recently.

5 Some of the people in the community have
6 indicated that maybe he should stay in the community and do
7 community service work and supervise school grounds and be
8 responsible for helping other people not to get in trouble.
9 He has good health, but seems to be sometimes swayed by his
10 peers, which means that he follows what other people are
11 doing, even if it's not within the law.

12 On this occasion I am going to give him the
13 benefit of being before the Youth Court, and instead of
14 requiring custody I am going to place him on probation. The
15 period will be for nine months. I will require that he report
16 to the Youth Court Worker when and as directed. I am going
17 to require that he attend school regularly, and that means
18 that he has the responsibility of attending school at all
19 times unless he has a good excuse, and if he does not attend
20 he will have to be called back to the Court to be dealt with.

21 On the two charges I am going to make a total
22 for community service work to be done, and I am recognizing
23 that both of these offences are not the most serious in the
24 category but still deserve some substantial work, because the
25 young man certainly should have known that he shouldn't cause
26 damage or mischief and should not have broken and entered,
27 I am going to require that he perform one hundred hours of

1 community service work as and when directed by the Youth
2 Court Worker. That will mean that if there is any work that
3 can be available to be done that Mr. A. will have to do it,
4 and if he fails to do it upon the request of the Youth Court
5 Worker, he will also be reported and have to come back to the
6 Court. Mr. A., do you understand all that?

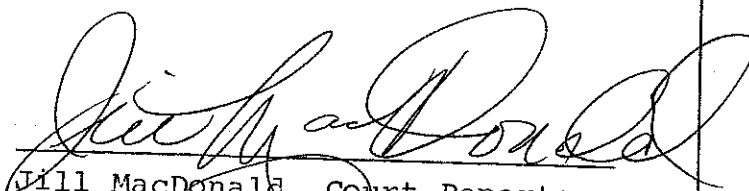
7 MR. A.: Yes.

8 THE COURT: And you're agreeable to perform the community
9 service work and keep out of trouble, are you?

10 MR. A.: Yes.

11 THE COURT: All right. The Clerk will be preparing your
12 probation order, and you will be required to sign it before you
13 leave here as well today.

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17 Certified a correct transcript,

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21 Jill MacDonald, Court Reporter.
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