

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

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IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

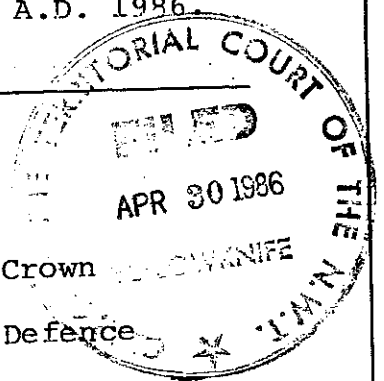
MARK PITSEOLAK

Transcript of the oral sentencing delivered by His
Honour Judge T.B. Davis, sitting at Cape Dorset, in the
Northwest Territories, Friday, March 14th, A.D. 1986.

APPEARANCES:

MS. N. BOILLAT
MR. N. SHARKEY

Counsel for the Crown
Counsel for the Defence



CHARGE READ:

Dec 16/85 A. Reynolds
DATE JUDGE OR JUSTICE

COURT NUMBER
120277

CROWN ELECTION:

Summary Conviction: Indictment:

ACCUSED ELECTION:

Magistrate: Judge & Jury: Judge:

J.P. or Judge's Number

2215KID
Dennis Clayton Judge

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

of the Royal Canadian Mounted Police
of Cape Dorset, Northwest Territories

DATE JUDGE OR JUSTICE

PLEA: Guilty: Not Guilty:

Mar 11, 1986 T.B. Davis
DATE JUDGE OR JUSTICE

a peace officer hereinafter called the informant

THE INFORMANT SAYS THAT he has reasonable and probable grounds to believe and does believe and state the offence

FAILURE TO APPEAR:

Bench Warrant issued:

probable grounds to believe and does believe that

DATE JUDGE OR JUSTICE

Mark PITSEOLAK

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

DISPOSITION
Convicted: Dismissed: Withdrawn:

FINE: 600⁰⁰

J.P. COSTS:

POLICE COSTS:

RESTITUTION:

TOTAL: 600⁰⁰

DEFAULT: 1 month

TIME TO PAY: 2 months

SUSPENDED SENTENCE:

CONDITIONAL DISCH: ABSOLUTE DISCH:

PROBATION FOR:

IMPRISONMENT FOR:

MAR 11 1986 T.B. Davis
DATE JUDGE OR JUSTICE

CARD
O/S
T.P. 4 months
D.B.S.
J.P.
M.V.B.

STATISTICS DATE OF BIRTH: 62-07-01 M F

DRIVER'S LICENCE:

MARITAL STATUS: Single

Sworn before me this 16th day of December

A.D. 19 85

at Cape Dorset, N.W.T.

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

Dennis Clayton Judge
Signature of Informant

Appearance Notice Promises to Appear Recognizance

confirmed by Justice of the Peace

DISTRIBUTION: 1. Clerk of the Judge's Court 2. Registrar of Motor Vehicles 3. Police Copy 4. Crown Attorney 5. Defence

CRIMINAL CODE FORM 2 (Sections 455, 455-1 and 723) NWT 1981 - 80/1180

CHARGE READ: MAR 11 1986
 DATE MAR 11 1986 JUDGE OR JUSTICE T.B. Davis

CROWN ELECTION: Summary Conviction: Indictment:

ACCUSED ELECTION: Magistrate: Judge & Jury: Judge:

CHARGE READ: MAR 11 1986
 DATE MAR 11 1986 JUDGE OR JUSTICE T.B. Davis

PLEA: Guilty: Not Guilty:

FAILURE TO APPEAR: MAR 11 1986
 DATE MAR 11 1986 JUDGE OR JUSTICE T.B. DAVIS, JUDGE

Bench Warrant Issued:

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

DISPOSITION: Convicted: Dismissed: Withdrawn:

FINE: 800

J.P. COSTS: _____

POLICE COSTS: _____

RESTITUTION: _____

TOTAL: 80000

DEFAULT: 2M Consec

TIME TO PAY: 4M

SUSPENDED SENTENCE:

CONDITIONAL DISCH: ABSOLUTE DISCH:

PROBATION FOR: 6 Months

IMPRISONMENT FOR: _____

DATE MAR 11 1986 JUDGE OR JUSTICE T.B. Davis

COURT NUMBER 120278

J.P. or Judge's Number 4246D

THIS IS THE INFORMATION OF Danny Clayton Fudge
(Insert full name, residence and occupation of informant)
a member of the Royal Canadian Mounted Police

OF Cape Dorset, Northwest Territories
a peace officer HEREINAFTER CALLED THE INFORMANT

he has reasonable and probable grounds to believe and does believe and state the offence
probable grounds to believe and does believe that

MARK PITSEOLAK

on or about the eleventh day of January 1986 at or near the Hamlet of Cape Dorset in the Northwest Territories being, at large on his undertaking entered before justice of the Peace Alexander Reynolds and being bound to comply with a condition of that undertaking directed by the justice namely; keep the peace and be of good behaviour, did fail without lawful excuse to comply with that condition, Contrary to Section 133(3) of the Criminal Code.

CARD

O/S

T.T.P. 14 July 86

D.B.S.

J.P.

M.V.B.

STATISTICS DATE OF BIRTH: 62-07-01 M F JUDGE T.B. DAVIS

DRIVER'S LICENCE: _____

MARITAL STATUS: Single

Sworn before me this 11th day of March
 A.D. 19 86
 at Cape Dorset
Thomas B. Davis
 A Judge or Justice of the Peace in and for the Northwest Territories JTC

Danny Clayton Fudge
 Signature of Informant

Appearance Notice Promise to Appear Recognizance

confirmed 18 Justice of the Peace

1 THE COURT: Mark Pitseolak, a twenty-three year old resident
2 of Cape Dorset, in the Northwest Territories, admits that on
3 December the 15th while on probation, which restricted him
4 from the consumption or possession of alcohol, was drinking
5 with a group when they went to his former girlfriend's residence,
6 and upon her return, after she went out to use a telephone,
7 she found the house in a mess. So, she asked all of the persons
8 to leave. The accused remained in the residence and grabbed
9 her but fell and was stunned slightly so that she vacated the
10 premises but was followed by the accused in sock feet without
11 a jacket to another residence where she was able to slam the
12 door and get away from the accused. She returned later to
13 clean up her residence, and the accused was later observed by
14 the Police, at which time he dropped a knife that he had
15 indicated he took so that he could get into his own residence.
16 He was difficult to arrest and had to be arrested with force
17 by the Police at that time, during which he threatened his
18 former girlfriend and was still in an intoxicated state. He
19 violated Section 666 of the Code by consuming alcohol, and
20 in addition thereto, he was on an undertaking and violated the
21 terms of the undertaking by failing to keep the peace and be
22 of good behaviour when he was threatening people on the
23 same day and had to be arrested.

24 It is obvious from the substantial criminal
25 record of the accused that he has a problem with alcohol, and
26 he acknowledges it through counsel today. He has been on
27 probation in the past and has been fined and placed in jail

1 for breach of probation and was very close to the end of his
2 eight month probation term when these offences occurred. It
3 seems, therefore, that alcohol has an adverse effect on this
4 person, and neither jail nor fines assure the public that he will
5 refrain from consumption and therefore refrain from being a
6 problem.

7 It would be very reasonable for the Court at
8 this time to consider jail terms for the violation of the two
9 Court orders, but because the accused has an opportunity to
10 work next Monday and has only had employment intermittently
11 for the past few years, I think it would be to his advantage
12 and probably to the benefit of, or the advantage of, the public
13 if he were actively involved with employment, even if he has
14 to pay a major portion of his income for the next few months
15 to pay fines rather than be placed in jail. Therefore, I am
16 prepared, since the fines have been increased on summary
17 conviction offences now from a maximum previously in effect of
18 Five hundred dollars to Two thousand dollars, to impose higher
19 fines than otherwise would be considered or otherwise would
20 have been available in place of going to jail.

21 In addition to the fines, I am going to require
22 that the accused be placed on probation with the hope that a
23 direction that he have no contact with his former girlfriend
24 will also give her some protection, since a portion of the
25 problems here today seem to have resulted from his relationship
26 and upset condition as a result of separation.

27 On the breach of probation fine the amount will

1 be Six hundred dollars, or in default thereof one month in
2 jail. On the breach of the undertaking under Section 133(3)
3 of the Code the fine will be in the amount of Eight hundred
4 dollars, or in default thereof two months in jail to run
5 consecutively. In addition, on the offence dated the 11th day
6 of January, 1986 I am going to place the accused on probation
7 for a period of six months, and he is to refrain absolutely
8 from any contact both directly and indirectly with--is it Miss
9 Gunn? And what is her full name?

10 MS. BOILLAT: Quarak Gunn.

11 THE COURT: Thank you. During the period of that order.
12 I would also require that the accused participate in alcohol
13 counselling treatment if there had been the suggestion that
14 that might be appropriate, but since he has not himself indicated
15 that he is ready to do so, it may not be of any value.
16 So, I am not going to require that at this time.

17 MS. BOILLAT: Is the Court considering a condition that he
18 refrain from the consumption of alcohol?

19 THE COURT: I had marked the possibility of refraining from
20 excessive consumption of alcohol, and I would be prepared to
21 put that in if Crown suggested that might be appropriate.

22 MS. BOILLAT: Sir, that is not--there is some difficulty in
23 regard to enforcement of excessive, what is excessive. It's
24 not--

25 THE COURT: Is there a breathalyzer available in the community?

26 MS. BOILLAT: No, sir. Sir, if the accused has such an
27 apparent difficulty with alcohol and admits that, I wonder

1 whether it would not be to his own benefit that there be some
2 measure to encourage him to abstain if this is the difficulty
3 that ensues.

4 MR. SHARKEY: Sir, in light of the submissions I have made, I
5 see my friend's point. We ask that you direct that he report
6 to a probation officer and participate in any alcohol or other
7 related programs as directed by the officer, but nothing in
8 the probation order, sir, about the abstention from the use of
9 excessive use of alcohol. My friend says it's hard for the
10 Police to enforce the excessive clause. Well, I say that the
11 consumption clause is--has potential for abuse. So, why not
12 just direct that he take any programs--

13 THE COURT: Mr. Pitseolak, have you thought of trying to
14 stay away from alcohol by taking some counselling or not?

15 MR. PITSEOLAK: Taking some what?

16 THE COURT: Counselling programs or anything.

17 MR. PITSEOLAK: Yeah, I could go through counselling if it's
18 possible.

19 THE COURT: All right, then, I will require that the accused
20 report to the probation officer when and as directed, and in
21 addition thereto that he will participate in alcohol counselling
22 and treatment as directed by the probation officer. The Clerk
23 will be preparing the probation order for your signature, Mr.
24 Pitseolak, and you will have to sign it before you leave here
25 today.

26 THE CLERK: To pay the fine, sir?

27 THE COURT: Oh, yes. How long will it take you to pay the

1 Six hundred dollar fine?

2 MR. PITSEOLAK: Is three months too long?

3 THE COURT: When do you expect to get work?

4 MR. PITSEOLAK: Starting Monday,

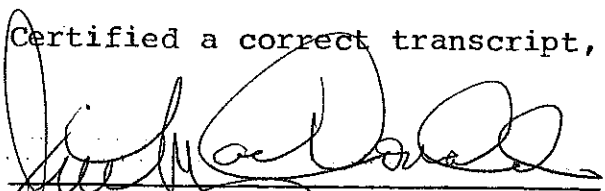
5 THE COURT: Why can't you pay it, then, within the month?

6 MR. PITSEOLAK: A month?

7 THE COURT: Why not? Is there some reason that you couldn't
8 if you're going to get work on Monday?

9 MR. PITSEOLAK: There is a reason why I said that, because I have
10 to pay my bills for my house and food.

11 THE COURT: All right. I will allow two months on the first
12 fine, then. That's the Six hundred dollars. That means you will
13 have to try to put Three hundred dollars a month aside on
14 that first charge. On the Eight hundred dollars I will allow
15 four months. That means you will have to put Four hundred
16 dollars aside for the next two months thereafter. Do you
17 understand that?

22 Certified a correct transcript,
23 
24 _____
25 Jill MacDonald, Court Reporter.