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IN THE YOUTH COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

W. A.

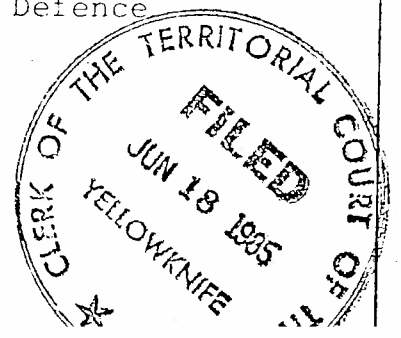
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Transcript of the Oral Reasons for Sentence delivered  
by His Honour Judge R. M. Bourassa, sitting at Copper-  
mine, in the Northwest Territories, on Monday, May 27,  
A.D. 1985.

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APPEARANCES:

MR. J. D. SUTTON                      On behalf of the Crown  
MS. L. ERICKSON                      On behalf of the Defence



1 THE COURT: W.A. is convicted of an offence of  
2 break, enter and theft, as a young offender. He has a pre-  
3 vious criminal record of three charges of break, enter and  
4 theft, and two charges of breach of probation. Like most  
5 people before the court with criminal records, the dispo-  
6 sitions on that record shows the normal course: the first  
7 time he was in court, he was given a suspended sentence,  
8 and I'm sure cautioned or warned at that time to stay out  
9 of trouble; two months later, he was convicted of break and  
10 enter again, and received a short term of imprisonment of  
11 two weeks to try and discourage him. In October of 1984, he  
12 was again convicted of break, enter and theft, and breach of  
13 probation, for which he received, it would appear to be, two  
14 months in jail. Normally, I think with that progression,  
15 the court should be considering a further term of imprison-  
16 ment.

17 The predisposition report is a very positive one;  
18 but having read that, I was almost brought to the conclusion  
19 that it was dealing with someone who had no previous criminal  
20 record.

21 It would seem that W. is one of those fortunate  
22 individuals who knows how to live by hunting and trapping,  
23 he is available for work, he's got a stable home environment,  
24 there is really no reason--none of the conventional reasons,  
25 in any event--for him to be doing these kinds of things.  
26 The break and enter was for liquor, apparently, and liquor  
27 not being available, this accused and the co-accused, one

1 year older, settled for money. This is after serving two  
2 months imprisonment for the very same offence. The court  
3 has to try and deter individuals, that there is a normal  
4 progression of penalty. If two months isn't going to deter  
5 him, perhaps six months will.

6 I'm told that the co-accused, virtually the same  
7 age--eighteen--was dealt with in ordinary court and had the  
8 passing of sentence suspended. It's only indicated that  
9 there were other charges involved. I can't speculate, but  
10 apparently he was a first offender. This man is not a first  
11 offender. My inclination is to impose a term of imprison-  
12 ment and to impose a substantial term of imprisonment; how-  
13 ever, I don't think I can disregard the predisposition  
14 report totally.

15 I am going to make a disposition that perhaps will  
16 recognize the recommendations in the pre-disposition report.  
17 I want to point out something to you, W. , and I want you  
18 to listen very carefully. If you are back before the courts  
19 again, as far as this court is concerned, you've exhausted  
20 and used up any possibility of leniency. If you want to  
21 spend your time in jail, then all you have to do is continue  
22 to commit break and enters. The next time someone comes  
23 by your house and suggests you go out on a lark, or to commit  
24 a break and enter, you would be far smarter if you told them  
25 to go away. With the record you have, I think I would be  
26 quite justified in imposing a term of imprisonment for six  
27 months. Do you understand that?

1 THE ACCUSED: Yes.

2 THE COURT: Stand up, please. My disposition in this matter,  
3 taking into account your guilty plea and the predisposition  
4 report, is that I'm going to order that you do one hundred  
5 hours of community service work, and further that you report  
6 to the youth court worker forthwith and thereafter once a  
7 week for as long as the youth court worker requires. You  
8 are to continue to live with your parents. Within the next  
9 two months, you are to pay restitution in the amount of  
10 fifty dollars to the Redsons--is that the right name?

11 MR. SUTTON: Yes, Redsons Limited.

12 THE COURT: You are to keep the peace and be of good behaviour  
13 and stay out of trouble. Do you understand those conditions?

14 THE ACCUSED: Yes.

15 THE COURT: What happens to you in the future is up to you  
16 and no one else. You decide what you want to do with the  
17 help of the youth court worker. You will have to wait and  
18 sign some papers, and then you will be free to go.

19 MS. ERICKSON: Thank you, sir.

20 (AT WHICH TIME THIS MATTER WAS CONCLUDED.)

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Certified a correct transcript

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Edna Thiessen, Court Reporter

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