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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

DANIEL OOPAKAK

Transcript or the oral sentencing delivered by His
Honour Judge T.B. Davis, sitting at Frobisher Bay, in
the Northwest Territories, Monday, March 10th, A.D.
1986.

APPEARANCES:

MS. N. BOILLAT

Counsel for the Crown

MR. N. SHARKEY

Counsel for the Defence



ADJUDICATION & DISPOSITION

COURT NUMBER

120288

CHARGE READ:

86-02-01
DATE

JUDGE OR JUSTICE

CROWN ELECTION:

Summary Conviction: Indictment:

ACCUSED ELECTION:

Magistrate: Judge & Jury: Judge:

Mar 10 1986
DATE

JUDGE OR JUSTICE

PLEA: Guilty: Not Guilty:

Mar 10 1986
DATE

JUDGE OR JUSTICE

FAILURE TO APPEAR:

Bench Warrant Issued:

DATE JUDGE OR JUSTICE

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

DISPOSITION

Convicted: Dismissed: Withdrawn:

FINE: 300.00

J.P. COSTS:

POLICE COSTS:

RESTITUTION: 6000

TOTAL: 36000

DEFAULT: 2 Months

TIME TO PAY: F 2M R 1M

SUSPENDED SENTENCE:

CONDITIONAL DISCH: ABSOLUTE DISCH:

PROBATION FOR: 6 months

IMPRISONMENT FOR:

Mar 10 86
DATE

JUDGE OR JUSTICE

STATISTICS

DATE OF BIRTH: 66-7-22 M F

DRIVER'S LICENCE:

MARITAL STATUS: single

Sworn before me this 7 th day of FEBRUARY

A.D. 19 86

at FROBISHER BAY, NORTHWEST TERRITORIES

A Judge or Justice of the Peace in and for the Northwest Territories MR. J. TAYLOR

Appearance Notice Promise to Appear Recognizance

confirmed 19 Justice of the Peace

J.P. or Judge's Number

406166

Kim Bernard MELENCHUK

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

A MEMBER OF THE ROYAL CANADIAN MOUNTED POLICE

OF FROBISHER BAY, NORTHWEST TERRITORIES

Peace officer HERINAFTER CALLED THE INFORMANT

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

Daniel OOPAKAK

on or about the third day of FEBRUARY 1986 at or near the town of FROBISHER BAY in the NORTHWEST TERRITORIES, did unlawfully break and enter a certain place, namely Kativik Centre the property of the Municipality of FROBISHER BAY in the NORTHWEST TERRITORIES, situate at the town of FROBISHER BAY, NORTHWEST TERRITORIES, and did therein commit the indictable offence of theft, contrary to section 306(1)(b) of the CRIMINAL CODE.

CARD
OIS
T.T.P.R. 10 May 86
D.B.S.
J.P.
M.V.B.

9:54AM05/15/86 000H9515 A 007
TRUST #0120288
FR CC \$300.00
CHECK \$300.00

K.B. Melenchuk

CST. K.B. MELENCHUK 32993

Signature of Informant

1 THE COURT: Daniel Oopakak, a nineteen year old resident
2 of Frobisher Bay, admits that when he was under the influence
3 of alcohol he passed by the local Kativik Centre and entered
4 an unlocked or open door and went in, and when inside then
5 broke another door and stole some goods of a value of One
6 hundred dollars, doing approximately Forty dollars damage to
7 the premises. A number of items such as tapes and bulbs and
8 a kit bag and badges have been recovered, but the pop and
9 bars and other consumable goods were eaten or not returned.

10 This young man comes before the Court having
11 committed a number of offences since January of 1984 when
12 he was placed on probation and required to make payment of
13 restitution on a Three hundred dollar break and enter, and
14 he recently has served three months in jail as a result of
15 two break and enter offences, for which he was sentenced in
16 March, 1985. He has spent other times in jail, up to one month
17 for breaches of probation and an attempted break and enter
18 during the year 1984.

19 There is a change, however, in his circumstances
20 in that he now has employment and has only been working for
21 a few weeks. He indicates to the Court that he does wish
22 to retain his employment and carry on with his work. He comes
23 from a residence in which there are his brothers and sisters
24 and eleven relatives living with he and his mother. I would
25 think that the Court might consider the possibility of imposing
26 something other than jail for this break and enter and still
27 obtain the deterrent effect, which is what we hope will protect

1 the public in the future. Sometimes it is as much of a penalty
2 for a person to give up their salary for a while as it is to
3 sit in jail. I am inclined, therefore, to feel that in this
4 instance it may be to his rehabilitation that he is employed
5 and pays a fine rather than wastes his time in jail.

6 Under the circumstances, I am going to impose
7 a fine in the amount of Three hundred dollars, or in default
8 thereof two months in jail. In addition thereto, I am going
9 to place the accused on probation for a period of six months
10 and require that he pay restitution to the Clerk of the Court
11 in the amount of One hundred and ten dollars. Was there
12 Twenty dollars recovered? Is that what you said, or was it
13 a net recovery of Eighty dollars?

14 MS. BOILLAT: I understand, sir, that the value of goods taken
15 was One hundred dollars, damage of Forty dollars.

16 THE COURT: Yes.

17 MS. BOILLAT: And that recovered was--

18 THE COURT: You said Twenty at one time. I presume that
19 was--

20 MS. BOILLAT: I understand, sir, that after the items were
21 recovered only Twenty dollars worth of goods was not recovered.

22 THE COURT: Was still not recovered. Yes.

23 MS. BOILLAT: And Forty dollars damage to the--

24 THE COURT: Yes. Thank you.

25 MS. BOILLAT: That makes Sixty dollars, sir.

26 THE COURT: Oh, I see. That's fine, then. That's better
27 than I had thought. There was more recovery than I thought.

1 All right. Pay restitution in the amount of Sixty dollars to
2 the Clerk of the Court for the benefit of Kativik Centre within
3 one month. The young man seems to be earning in the vicinity
4 of Six hundred and sixty dollars a month. I would expect he
5 should be able to pay the Three hundred dollars within a two-
6 month period, even though he is paying the Sixty dollars within
7 one month. Would he be able to pay Two hundred dollars each
8 month for the next two months out of his Six hundred and
9 something.

10 MR. OOPAKAK: Pardon me?

11 THE COURT: Can you pay Two hundred dollars approximately
12 each month out of the next two months?

13 MR. OOPAKAK: Yes.

14 THE COURT: All right. You will be allowed two months in
15 which to pay the fine, then.

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19 Certified a correct transcript,

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21 

22
23 Jill MacDonald
24 Court Reporter.
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