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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

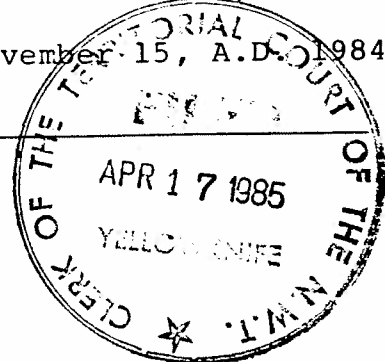
- and -

ALVIN MORRIS YALLEE

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Transcript of the oral sentencing delivered by His  
Honour Judge T.B. Davis, sitting at Fort Norman, in the  
Northwest Territories, Thursday, November 15, A.D. 1984.

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APPEARANCES:

MR. N. SHARKEY Counsel for the Crown

MR. J. VERTES Counsel for the Defence

1 THE COURT: Mr. Alvin Morris Yallee has appeared before the  
2 Court and changed his pleas to pleas of guilty on two charges,  
3 admitting that on the 6th day of October he interfered with  
4 the lawful enjoyment of a property at approximately one p.m.  
5 on that date when he followed his wife into the residence  
6 of the local nurse without any permission to be present  
7 and while he was drinking. His wife had entered the residence  
8 for assistance from the nurse, as she was fearful at that  
9 time of her husband who, when observed, had slurred speech  
10 and was in an impaired state. He was later arrested by the  
11 Police and in entering the property under those circumstances  
12 has violated Section 387(1) of the Criminal Code. As a  
13 result of that violation of the Code he also violated  
14 Section 666 of the Criminal Code, because he was on a probation  
15 order requiring that he keep the peace and be of good  
16 behaviour.

17 He appears before the Court with a number of criminal  
18 offences on his record arising from matters in 1984. He  
19 had received fines for an assault causing bodily harm in  
20 1984; was placed on probation for two years on a break and  
21 enter charge and fined Five hundred dollars for possession  
22 of a weapon charge.

23 The accused is an intelligent and able and  
24 competent man of twenty-seven years of age. He seems to  
25 have allowed the consumption of alcohol to cause him to be  
26 involved with a number of offences, and he now is adding  
27 two criminal offences to his record today. Taking into

1 account his circumstances, Crown counsel has reviewed the  
2 situation and suggested that even though he has failed to  
3 obey a probation order, and usually that would mean the  
4 Court would consider a jail term, both Crown and Defence  
5 counsel have suggested that a substantial fine, the total  
6 being substantial would be sufficient to show others and  
7 the accused that they must respect other people's property  
8 and must obey the probation orders that are in effect. At  
9 this time I do want the accused to know that generally  
10 disobedience of probation orders are viewed by the Courts  
11 as offences that would require consideration for jail terms,  
12 because probation orders are often given to people with  
13 restrictions or with directions to do certain things so  
14 that they will not have to go to jail in the first instance.  
15 If they are not to be obeyed and a person comes before the  
16 Court on occasion for showing that they haven't been obeyed,  
17 then ordinarily it is necessary to penalize them since  
18 they were dealt with more leniently on the first charge.  
19 However, since the accused does appear before the Court in  
20 this instance with the recommendations being made, since he  
21 is going to get regular employment, I am prepared on this  
22 occasion to accept the recommendations so long as Mr. Yallee  
23 knows that it may be his last chance to be dealt with in  
24 this way. Therefore, I hope that the imposition of a fine  
25 will have sufficient deterrent effect on the accused and  
26 others so that the public are protected.

27 On the first charge, and that is the charge relating

1 to the interference with and the use of the property on Information  
2 1342, I am going to impose a fine in the amount of \$300.00,  
3 or in default thereof fifteen days in jail. On the second  
4 offence, and that is disobedience of the probation order by  
5 failing to abstain absolutely from the consumption of alcohol  
6 on Information 1344, even recognizing that that is a hard  
7 and difficult order to obey, I am going to impose a fine in  
8 the amount of \$300.00, or in default thereof fifteen days  
9 in jail, to run consecutively.

10 I am not placing the accused on probation at this  
11 time because he presently is on probation and is required  
12 to perform community service work and still abstain from  
13 the consumption of alcohol on those orders. That will be  
14 in effect until such time as it is amended by an appropriate  
15 Court.

16 Mr. Yallee, you have to realize you are still on  
17 the same terms of the probation as you had been here in the  
18 Court today. It doesn't change the probation orders that  
19 exist. Do you understand that?

20 MR. YALLEE: Yes.

21 THE COURT: How long to pay the fines?

22 MR. VERTES: Three months, Your Honour.

23 THE COURT: The accused will be allowed three months in which  
24 to pay the fines. Mr. Yallee, what I have suggested to most  
25 people when they have substantial fines of this nature is  
26 that we expect them to make partial payments as money becomes  
27 available throughout this three month period. So, \$200.00

1 a month would be easier than trying to produce \$600.00.

2 The other Informations and the other charges, then,  
3 that were before the Court--

4 MR. SHARKEY: Yes. There is no evidence, then, on the remaining  
5 three.

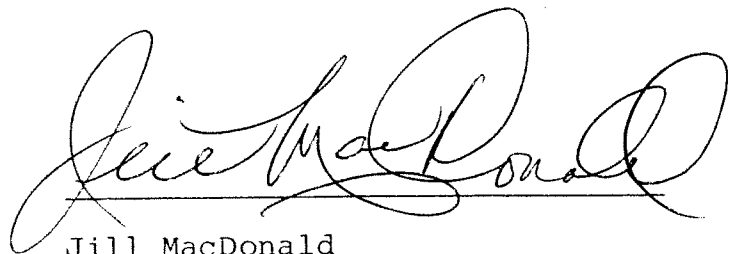
6 THE COURT: Thank you. On that basis, then, the three other  
7 charges will be dismissed for lack of prosecution. One of  
8 them was withdrawn. There has been no plea entered. That  
9 is on a charge relating to the 6th of October, Information  
10 number 1343.

11 MR. SHARKEY: That is withdrawn, then, is it?

12 THE COURT: Yes, there had been no plea entered. In fact,  
13 the other Information 1577 on which there are two charges  
14 under Section 666, there is no plea entered. So, that would  
15 be withdrawn, as well.

16 MR. SHARKEY: All right, then, we'll withdraw the remaining courts.  
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18  
19 Certified a correct transcript,

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22

23 Jill MacDonald  
24 Court Reporter