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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

HER MAJESTY THE QUEEN

VS

ALBERT DICK

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---Before HIS HONOUR JUDGE T.B. DAVIS at Tuktoyaktuk,  
Northwest Territories, on October 25th, 1984.

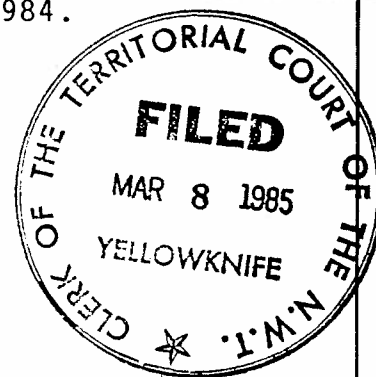
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APPEARANCES:

J.D. SUTTON            Counsel for the Crown.  
L. ERICKSON            Counsel for the Accused.

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His Honour's remarks on imposition of sentence.



1 Mr. Albert Dick, who is a 21-year-old single  
2 resident of Tuktoyaktuk, has entered pleas of guilty to two  
3 charges, admitting that he did on the 25th of September  
4 break and enter the dwelling house of John Nuttall with intent  
5 to commit the indictable offence of theft. On that occasion  
6 he was seen crawling into the window of the residence, and was  
7 observed crawling out of the residence, without doing any  
8 harm. The accused also admits that on the 22nd of October,  
9 1984, while he was impaired, he committed an assault on  
10 Willie Robert Dick, who was a two-year-old relative, while  
11 in his own home and, therefore, violated Section 245. On  
12 that occasion Mr. Dick was causing a problem in his own  
13 residence, and the police were called by his mother, who  
14 reported that the two-year-old had received a bloody nose.  
15 He had started yelling and threw something at the door, and  
16 finally submitted to arrest.

17 Defence Counsel has pointed out that the accused took  
18 nothing in the break and enter into the premises of a person  
19 he had known, and that he has no recollection of the assault  
20 because of his state of impairment. He had just been released  
21 from being in the police cells for drunkenness when he had  
22 committed the break and enter, looking for more alcohol

23 Through Defence Counsel, the accused acknowledges that  
24 he feels that some prohibition with regard to alcohol would  
25 be appropriate. The accused had a serious previous break,  
26 enter, and theft charge, and also had four years ago  
27 a theft charge, and on both offences he had been placed on

1 probation only. It would appear that some other form of  
2 penalty would be appropriate to indicate to the accused that  
3 he must treat other persons' property with more respect and  
4 not break into premises. Breaking into a private residence  
5 can bring life imprisonment. Parliament has said that break-  
6 ing into a residence is a serious offence. There are some  
7 break and enters where people go into a place and steal chips,  
8 and there are fines available for that. I had considered  
9 on this occasion putting the accused in jail for a number  
10 of week-ends so it would not interfere with the work that he  
11 expects to get in the near future. Because work is so hard  
12 to come by, I do not want to interfere with his opportunity  
13 to work, and I am, therefore, not going to require that  
14 the accused go to jail for any length of time, but to ensure  
15 that the accused and others know that the courts consider  
16 break and enter to be a serious matter, I am going to impose  
17 one day in jail on the break, enter, and theft charge, and  
18 his day in court yesterday and today would be suitable to  
19 cover that time. On that offence, I am also going to impose  
20 a fine in the amount of \$300.00, or, in default, 10 days in  
21 jail.

22 On the assault charge, I also want the accused to know  
23 the seriousness of the offence, and I am going to impose  
24 one day in jail, and that would be satisfied by his attendance  
25 in court today. I am going to place the accused on prob-  
26 ation for a period of 9 months. One of the terms will be to  
27 report to the Probation Officer forthwith, and as directed.

1 Secondly, that he will attend and take alcohol counselling  
2 and curative treatment programmes as recommended by the Prob-  
3 ation Officer.

4 Mr. Dick, would it be of help to you if I were to  
5 restrict you from the excessive consumption of alcohol?

6 THE ACCUSED: I could do it on my own.

7 THE COURT: Are you prepared to take the treatment programmes  
8 and overcome the problem of drinking?

9 THE ACCUSED: Yes.

10 THE COURT: How long would you need to pay the \$300.00?

11 MISS ERICKSON: 3 months.

12 THE COURT: All right, if you pay it on a monthly basis, I  
13 will allow a total of 3 months.

14 MR. SUTTON: Do I take it that the two 1-day terms are  
15 concurrent?

16 THE COURT: Yes. I put it on the record to ensure that  
17 the accused knows that the Court has now considered a jail  
18 term, and it is on his record that I have considered that  
19 seriously. So the jail terms would be concurrent. The Clerk  
20 will be preparing the Probation Order, and you will be re-  
21 quired to sign it before you leave.

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23  
24  
25 Certified correct  
26 *G. Mitchell*  
27 (G. Mitchell - CSR RPR - Court Reporter)