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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

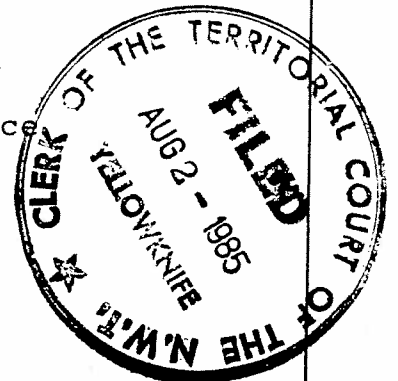
JIMMY ADAMS

Transcript of the oral sentencing delivered by His Honour
Judge T.B. Davis, sitting at Rankin Inlet, in the North-
west Territories, Tuesday, June 25th, A.D. 1985.

APPEARANCES:

MR. M. BLANCHFLOWER Counsel for the Crown

MS. L. ERICKSON Counsel for the Defence



1 THE COURT: Jimmy Adams, a twenty-one year old resident of
2 Rankin Inlet, in the Northwest Territories, appears before the
3 Court for sentencing on two charges to which he admitted his
4 guilt on the 23rd of April, 1985. He admits that between the
5 21st of November and the 25th day of December, 1984, and likely
6 near the latter part of December, 1984, the accused and another
7 adult broke into the local snowmobile store by prying a lock
8 and removed Two hundred and seventy-five dollars worth of goods,
9 oil and parts of ski-doos. Seventy-five dollars was recovered
10 out of this amount, leaving a balance of about Two hundred
11 dollars missing from the Airut Enterprises Company. The
12 accused therefore violated Section 306 of the Criminal Code.
13 He also admits that on the 27th of December, 1985 at about
14 5:00 in the morning the accused and the other adult located a
15 partially covered snowmobile of Howard Green and shoveled
16 it from the snowbank, took it away and disassembled it to the
17 extent that the engine and the track and the undercarriage
18 of the snowmobile along with a ski were removed, leaving just
19 a skeleton remaining which later was considered abandoned by
20 others and lost to the owner, as well. The serial number of
21 the engine was removed so as to avoid detection. The machine
22 originally had cost Two thousand dollars and had a replacement
23 cost of Thirty-two hundred dollars. By stealing it, the
24 value was over Two hundred dollars, and the accused therefore
25 admits that he violated Section 294(a) of the Criminal Code.

26 On the original submissions before this Court,
27 I was inclined to consider that because of the record of the

1 accused, which includes a number of break and enter and theft
2 charges dating back to 1980, possession of dangerous weapons,
3 a mischief offence and breaches of probation, that I would have
4 no alternative but to consider a number of months in jail to
5 indicate to the accused that he must avoid continuation of
6 criminal offences. He has spent fourteen months at one time
7 and seven months at another, plus individual months in jail
8 in the past. I felt that it would not be improper or out of
9 line at all to consider a substantial number of months in jail.

10 However, upon hearing submissions and realizing
11 that the accused has not worked for some period of time and was
12 interested in paying restitution, it was of value to take a break
13 so that the accused could inquire about getting a job that
14 would guarantee the victims of this theft some repayment rather
15 than having the accused just spend the next year in jail.
16 Defence counsel has now submitted that the accused is able to
17 pay about Four hundred dollars a month out of a total income
18 that he expects to have of approximately Five hundred dollars
19 a month and that the accused would prefer to work and pay
20 restitution rather than being placed in jail. Since Crown counsel
21 has no major objection to this proposal, so long as it is
22 complied with, I am today going to suspend the passing of
23 sentence on both of the charges and place the accused on proba-
24 tion for a period of one year.

25 The suspending of sentence will be on Information
26 1029. That is the stealing of the snowmobile from Howard Green
27 under Section 294 of the Code. Probation will be for a period of

1 one year. The accused will be required to report to the probation
2 officer as directed. In addition thereto, the accused will be
3 required to pay restitution in the amount of Two thousand dollars
4 to the Clerk of the Territorial Court by payments of Four
5 hundred dollars per month commencing on the 15th day of August,
6 1985 and monthly thereafter until paid for the benefit of
7 Howard Green of Rankin Inlet in the Northwest Territories. Is
8 there a specific address that Mr. Green might be contacted at
9 in order to make payment of restitution later by the Court?

10 CST. CLARK: Box 190.

11 THE COURT: Box 190. All right. Mr. Green's address will
12 be recognized as Box 190. I want to thank counsel for presenting
13 to the Court a letter from the employer of The Hudson Bay
14 Company Store of the accused who indicates that he will have
15 employment there if he wishes to remain in that employment,
16 because this determination today is based substantially on
17 the fact that the accused now has a job and is willing to pay
18 restitution.

19 On the other charge, that is, on the break and
20 enter and theft into the Airut Enterprises Limited, I am going
21 to impose a fine in the amount of One hundred dollars, or in
22 default thereof two weeks in jail. I am going to place the
23 accused on probation on that offence, as well. That will also
24 be for a period of one year. On that offence the accused
25 will be required to pay restitution to the Court for the
26 benefit of Yvo Airut Enterprises the sum of Two hundred dollars
27 on or before January, 1986.

1 MS. ERICKSON: January 15th, sir.

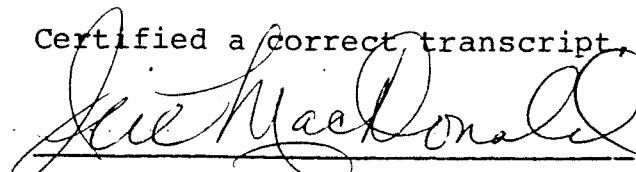
2 THE COURT: On or about January the 15th, 1986. I will give
3 the accused six months in which to pay the fine of One hundred
4 dollars. Do you understand all that, Mr. Adams?

5 MR. ADAMS: Yes.

6 THE COURT: Now, because the sentence is being suspended,
7 Mr. Adams, you have to realize something that is very important,
8 and that is that if at any time during the year that the
9 probation order is in effect you were to fail to comply with
10 the order in any way or if you were to get in any trouble what-
11 soever, you could be re-called by the Court and sentenced on
12 the charge before the Court today. Because as you know, by
13 having the sentence suspended it is just being put over to
14 ensure that you comply with all of the other conditions and
15 comply also with keeping the peace and being of good behaviour.
16 So, it is doubly important that you know that that order can
17 be reviewed and that you can be re-called and sentenced on
18 it if you were to disobey the order, because it is a criminal
19 offence to disobey a probation order. The Clerk will be
20 preparing the orders and will review them with you and will
21 give you copies of them and will advise you on the legal
22 effects of the Code that apply to the orders.

23 MS. ERICKSON: Thank you, sir.

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25 Certified a correct transcript,

26 
27 Jill MacDonald, Court Reporter