

IN THE YOUTH COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

J.N.

Transcript of the oral sentencing delivered by His Honour Chief Judge J.R. Slaven, sitting at Resolute Bay, in the Northwest Territories, Friday, September 6th, A.D. 1985.

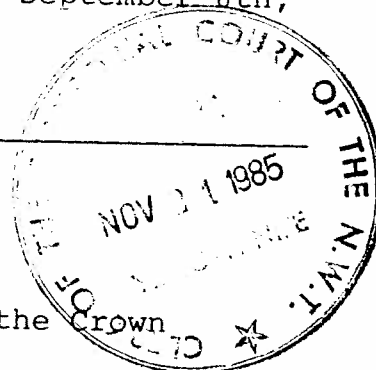
APPEARANCES:

MS. L. WALL

Counsel for the Crown

MR. V. FOLDATS

Counsel for the Defence



1 THE COURT: Well, I can't add anything to the pre-disposition
2 report. It's excellent. It presents a discouraging picture.
3 I consider this is the third young male in his family to run
4 afoul with the law. The only question is should the custody
5 be open or secure and how lengthy should it be. In subsection
6 (5) of Section 24 of The Young Offenders Act there are two
7 criteria, I suppose; one of protection of society; two, the
8 needs and circumstances of the young person. I feel that
9 with the easy access he would have to gasoline and whatever
10 else he might want to sniff when in open custody his
11 needs and circumstances require secure custody. I also feel
12 that his needs and circumstances require a substantial length
13 of time to help him rehabilitate himself; more than is necessary
14 for the protection of society having regard to the seriousness
15 of these offences and the circumstances in which they were committed.

16 There hasn't been much damage done, not much
17 loss of property. However, several break and enters, which
18 though they are not in a residence, are still considered
19 serious offences where a maximum penalty for adults of
20 fourteen years jail is provided. I have comments in the
21 pre-disposition report regarding his influence on others,
22 the fact that he took two youths aged thirteen and nine with
23 him on the break and enter into the school. I feel that
24 youths like that are certainly members of society, and they
25 must be protected as well as the victims of the break and
26 enters.

27 Accordingly, I find the criteria in subsection

1 24(5) in the matter of this young man before me to have been
2 satisfied. I do really think that for his reformation and
3 rehabilitation a period of twelve months secure custody followed
4 by some open custody is required. I grant you, it's a great
5 leap, but I think to try to save this young man extreme measures
6 are required right at this moment. This might be his last chance.

7 I am going to follow the recommendations in
8 the pre-disposition report. I find him guilty on all the charges
9 before the Court. I direct he be committed to secure custody
10 for a period of twelve months; following the period of secure
11 custody to be placed in open custody for a period of nine
12 months. I want a copy of the pre-disposition report to be
13 attached to the warrants of committal, and that having been
14 done, there is no necessity for me to make any comments in the
15 warrants regarding the type of treatment he requires.

16 I wish the students from the school who were here
17 earlier still were here. Liquor is bad enough, Mr. N. Various
18 types of dope, marijuana, hash, cocaine are worse, likely.
19 Sniffing solvents is the worst of all. You see now where it has
20 led you. Apparently you feel no remorse. You like getting high.
21 Usually we will tell people that their behaviour is not accept-
22 able in society when they commit a lot of offences and when they
23 commit serious offences. In your offences of sniffing you are
24 the victim. It's not someone that is assaulted and injured.
25 It's not someone whose home is broken into and something is
26 stolen. Those are the type of victims in most crimes. But
27 here you are the victim. You're victimizing yourself. You

1 think about that. Have I missed anything?

2 MS. WALL: No, Your Honour. I believe that's all.

3 MR. FOLDATS: Your Honour, perhaps we could take five minutes
4 before continuing with other matters.

5 THE COURT: Certainly. While Mr. N. is still here, I am
6 still not that familiar with committal warrants on the Young
7 Offenders. So, if counsel will agree, the secure custody
8 I have assigned, if you wish, to the three indictable
9 offences, the three 306s, and the summary offences, the 133s
10 and the 3(1), will be on open custody.

11 MR. FOLDATS: Certainly. And on the Section 33, the review?

12 THE COURT: I was just going to ignore that.

13 MR. FOLDATS: You're not going to change the disposition,
14 in other words. That's what your decision is.

15 THE COURT: Okay. Court is recessed.

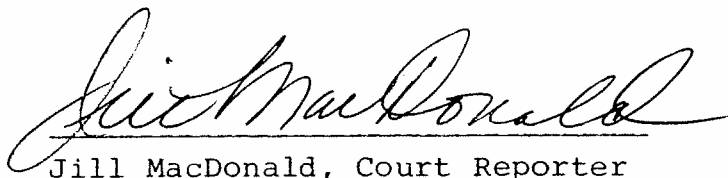
16 (COURT RECESSED BRIEFLY)

17 (UPON RESUMING)

18 THE COURT: Before we leave the J.N. matter, in view of
19 the outstanding excellence of the pre-disposition report and
20 the assistance it was to all of us here today in a
21 difficult matter, I am sure counsel will agree with me that
22 it would be appropriate if I instruct the court reporter to
23 make a transcript of counsel's submissions on sentence and
24 my remarks on sentencing with that transcript to be sent
25 to the author of the report with our thanks and a copy of
26 the transcript to the Minister of Social Services, and I do
27 instruct you, Ms. MacDonald.

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Certified a correct transcript,



Jill MacDonald, Court Reporter