

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

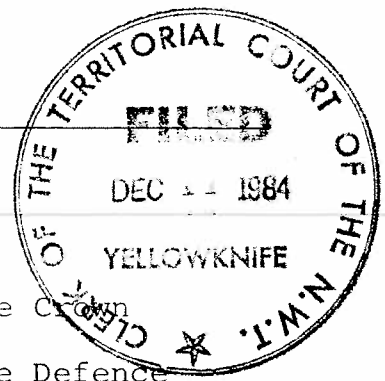
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LEO ANGOTINGOAR

Transcript of the Oral Sentencing delivered by His Honour Judge R. M. Bourassa, sitting at Yellowknife, in the Northwest Territories, on Friday, September 7, A.D. 1984.

APPEARANCES:

MS. N. BOILLAT On behalf of the Crown
MS. V. SCHULER On behalf of the Defence



1 THE COURT: Some day I hope to find out, I hope some bright
2 counsel will enlighten me, or some accused person will stand
3 up and explain to me why they continue to commit offences,
4 such as this man, who was been before the courts on numerous
5 occasions for more or less the same charges--break and enter,
6 possession of stolen property, forged documents. Is it
7 because a person can commit so many crimes and only get
8 caught on such a small percentage of them that it becomes
9 worthwhile? Surely, that is not the case. Of all the juris-
10 dictions in Canada, the clearance rate by the police here
11 is such that it must make their chests glow with pride. I
12 just don't understand what makes a man like Leo Angotingoar,
13 who went to jail for seven months last August, and who
14 couldn't have been out of jail very long--maybe a few months--
15 steal another man's passbook and go right back to what he
16 was doing before. He doesn't strike me as being a stupid
17 man; he's obviously seen the consequences of being caught
18 and convicted in the past, yet he's out of jail and right
19 back into someone else's bank account. Is it the fact that
20 the courts are not being severe enough and not, in fact,
21 deterring? If that's the case, that can be remedied by im-
22 posing terms of imprisonment close to penitentiary time.
23 I don't believe it's because the man lacks intelligence.
24 He has skills. It is difficult to understand.

25 In any event, notwithstanding that disability that
26 I'm under, I have to impose a sentence with respect to this
27 individual. It was a carefully premeditated, thoughtful plan

1 executed, between this individual and two others to steal
2 money from another person. This accused stole the bank pass-
3 book, got together with two other individuals and planned
4 out how to divide up responsibility and how to extract money
5 from that account. Their plan, after being organized, was
6 in fact carried out. Six hundred dollars was stolen on the
7 sixteenth of May by presenting a forged withdrawal slip
8 signed by this accused; and then on the twenty-second of
9 May, a further nine hundred dollars was to be withdrawn.
10 Thanks to the prompt action of the police here in Yellow-
11 knife, the plan was cut short at that point. They waited a
12 few days, almost a week, between presenting the false docu-
13 ments. They divided up responsibility between the three of
14 them, perhaps to deflect suspicion; but I find and I am sat-
15 isfied that Leo Angotingoar played a preeminent role. He
16 was the one that stole the passbook, he is the one that had
17 the knowledge and experience gleaned from past conduct of
18 this nature to come up with the plan and the scheme to steal
19 the other man's money.

20 One co-accused remains at large, and I am certain
21 he will be before the courts eventually.

22 Another co-accused has been convicted and was given
23 three months' imprisonment on this offence.

24 I am satisfied that Counts Two and Three represent
25 one continuing offence and should be dealt with by way of
26 concurrent sentence. It was one plan, one criminal course
27 of conduct manifesting itself in two withdrawals. I speak

1 of it as the offence, it should be dealt with as one.

2 The other fellow received three months; he, as
3 well, had a criminal record indicating some personal violence
4 and some minor charges of mischief, but nothing of this
5 nature, whereas this accused was convicted in December of
6 1980 of eighteen charges of forgery. He was convicted in
7 January of 1981 of break, enter and theft, possession of
8 stolen property, and uttering a forged document, and another
9 unrelated one in Eighty-three. In August of 1983, two
10 charges of forgery, for which he received a total of seven
11 months. I am satisfied that the circumstances, at least as
12 I understand them as presented to me, warrant treating this
13 offender a little bit differently than his co-accused. I
14 recognize the principle that where possible co-accused should
15 be dealt with in a similar fashion; however, that principle
16 recognizes as well where circumstances are similar--and I
17 don't believe that the circumstances surrounding each
18 offender here are that similar--while they may both be of
19 the same age and both have a criminal record, Leo Angotingoar
20 is the accused that knows what's going on. He's the accused
21 that knows how to do this kind of thing.

22 I make it very clear, I'm not taking his criminal
23 record in aggravation. I look at the record only as a
24 reflection of his experience in the past and his antecedents.
25 There is no mitigation available for him as a result of not
26 having a record. I don't accept it in aggravation.

27 I've already stated that I believe both these

1 counts should be dealt with as one continuing offence.

2 I believe a term of imprisonment is obvious. I
3 may be just wasting my breath and the Court Reporter's paper
4 in pointing out to Mr. Angotingoar--I'm sure it's been done
5 in the past--that if you are going to steal from other
6 people, you are going to get caught. There's no way around
7 it here. You'll get caught, and you'll end up in front of
8 a court, and at one point or another may end up being con-
9 victed on an offence. At thirty-one, you've spent over a
10 year in jail. I would think time becomes pretty valuable
11 at your age, Leo, and that you would be more interested in
12 spending your time on the street than in the Yellowknife
13 Correction Centre with the teenagers that are in there. I
14 don't think I can honestly and legally do anything else
15 than impose a term of imprisonment.

16 Crown counsel is suggesting a very significant
17 term of imprisonment, in the range of a year or a year and
18 a half. If I had an answer to the dilemma I posed earlier,
19 perhaps I could be a little more accurate in my sentencing,
20 but attempting to balance the factors I have before me as
21 best I can and taking into account what your counsel has
22 said on your behalf, on Count Two, I'm going to sentence
23 you to a term of imprisonment of seven months; on Count
24 Three, a term of imprisonment of seven months concurrent.
25 With respect to Count One, in addition to imprisonment of
26 seven months concurrent, I'm going to place you on probation
27 for a further six months following your release. During

1 that term of probation you are to keep the peace and be of
2 good behaviour; secondly, pay restitution to the Clerk of
3 the Court in the amount of two hundred dollars within five
4 months, which will in turn be paid to Mr. Allan Frank.

5 (AT WHICH TIME THIS MATTER WAS CONCLUDED.)

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7
8 Certified a correct transcript

9
10 *Edna Thiessen*

11 Edna Thiessen, Court Reporter

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