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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

CECILE FOOTINHELL  
a.k.a. YAKKIENA



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Transcript of the Oral Sentencing delivered by His Honour Judge T. B. Davis, sitting at Yellowknife, in the Northwest Territories, on Friday, June 15, A.D. 1984.

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APPEARANCES:

MR. M. D. GATES                      On behalf of the Crown

MR. C. ROGERS                        On behalf of the Defence

1 THE COURT: Having found Cecile Footinhell, also known as  
2 Yakkiena, guilty of two offences, and having acknowledged  
3 her plea of guilty to the third offence, it is necessary to  
4 consider sentencing of this young lady, who is presently  
5 sixteen years old, on the three charges. It has been properly  
6 pointed out to me by both Crown and defence counsel that  
7 problems with this young girl have arisen as a result of  
8 minor consuming of alcohol which resulted in a breach of  
9 probation, failure to attend in court as required, and  
10 failure to comply with the conditions of an undertaking.

11 Cecile has not appeared in adult court on  
12 criminal offences in the past; although, in January of 1984,  
13 she was convicted of consuming alcohol while a minor. At  
14 that time, she was placed on probation which required that  
15 she refrain from the consumption of alcohol, but there seems  
16 to be a problem that Cecile has been unable to refrain from  
17 the consumption of alcohol.

18 The difficulty therefore is to try to determine  
19 what would be best in the form of sentencing for the pro-  
20 tection of the public, which includes Cecile, and to try to  
21 deter her from committing any offences, and at the same  
22 time take into account her age and the hope of rehabilitation.  
23 The court is not allowed to impose long terms of punishment  
24 based only on the possibility of assistance and rehabilitation  
25 of the accused while incarcerated, but I do believe that it  
26 is possible for the court to consider terms in jail and be  
27 somewhat influenced as to the length of those terms by the  
possibility of programs available while in jail for assis-

1 tance in rehabilitation. But even though at this time I  
2 would feel that she might benefit substantially by the  
3 Social Services agencies and the correctional services  
4 working with her while in jail, I am not allowed to have that con-  
5 sideration affect my decision of what would be an appropriate  
6 sentence to be imposed, other than if it were to just be a  
7 very slight weight that is put on that decision by the court. As a  
8 result of that, I cannot do what I think might be appropriate  
9 and that is direct and require that she get assistance.  
10 All I can do is require and have Cecile know that court  
11 orders, when they are issued, must be obeyed, and that it is a  
12 very serious offence to not appear in court when required  
13 or to consume alcohol when you are directed by any court,  
14 whether it's Justice of the Peace court, Territorial Court,  
15 or Supreme Court, to consume alcohol when you are told not  
16 to, and that breaches of probation, if you fail to keep the  
17 peace and be of good behaviour while you are on probation can  
18 mean very serious consequences to you in the future.

19 Under the circumstances, I feel that since the  
20 accused is not in a position where she can pay a fine  
21 that short terms of jail would be appropriate to try to em-  
22 phasize to this young lady how serious it is to disobey  
23 court orders. At the same time, I must admit I am taking  
24 into account in a slight way the fact that there are some  
25 benefits that she can receive from the counselling services  
26 that would be available and will in this instance be  
27 recommended for her while being at the ladies correctional

1 centre at Fort Smith, and I would recommend that that is  
2 where she be placed immediately, or as soon as possible;  
3 although, I realize the court has no control over that  
4 direction.

5 Under the circumstances, with regard to the  
6 three offences--do you have anything you wish to say to me,  
7 Cecile, before I try and determine what should be done?  
8 Anything you would want me to hear from you, because this  
9 is the time if you have anything that you would like to say  
10 to let me know before I decide anything? Can you think of  
11 anything you want to tell me?

12 THE ACCUSED: (Shakes head.)

13 THE COURT: All right. On each of the charges, then, I  
14 think I am going to impose two weeks in jail, one consecutively  
15 on each. That will be a period of six weeks in total in  
16 jail. On at least one of the warrants for committal, Madam  
17 Clerk, I wish to have a recommendation made that she be  
18 given counselling services with regard to possible alcohol  
19 treatment.

20 I am considering probation, gentlemen, but I  
21 don't know whether at this time it would be of any value,  
22 because I don't want to cause this young girl to breach  
23 a condition of probation, and the only condition I would be  
24 considering would be, other than naturally she must keep the  
25 peace and be of good behaviour, would be to report to the  
26 probation officer in the community in which she lives.

27 Any recommendations?

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MR. GATES: I would suggest, sir, and the constable brings to my attention that Miss Footinhell may have been placed on probation a few weeks ago in Rae, that it's probably inappropriate here.


THE COURT: All right, thank you. Miss Footinhell, I'm not going to be placing you on probation, and I'm going to ask you to do this, and very seriously consider it. You are a young girl, and you can use help when you get back to Rae, or back to Yellowknife, Go to the probation officer and tell them that you want somebody to talk to on a weekly basis about your problem of drinking. Do you understand what I'm suggesting? That will give you a contact then and if you need any help as to finding a place to live or anything in that regard, they're the proper people to speak to. Once you make the contact, you know the people to talk to. Do you understand that?

THE ACCUSED: (Nods head.)

(AT WHICH TIME THIS SENTENCING MATTER CONCLUDED.)

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Certified a correct transcript

  
Edna Thiessen, Court Reporter