



1 THE CLERK: Glen Henry Koe.

2 MS MORRIS: Your Honour, Mr. Koe is in custody.

3 THE COURT: Yes, Ms Morris?

4 MS MORRIS: We are going to enter an election and plea on
5 these matters.

6 THE COURT: Mr. Koe, with respect to the offence alleging
7 break, enter and theft, you have the option to elect to be
8 tried by Territorial Court judge sitting without a jury--
9 that's this Court; a judge without a jury; or a Court com-
10 posed of a judge and a jury. How do you elect to be tried?

11 THE ACCUSED: Magistrate.

12 THE COURT: Having elected trial by Territorial Court judge,
13 how do you plead, guilty or not guilty?

14 THE ACCUSED: Guilty.

15 THE COURT: And Mr. Koe, with respect to the offence of
16 breach of probation, how do you plead to that charge, guilty
17 or not guilty?

18 THE ACCUSED: Guilty.

19 THE COURT: Ms Morris, do you want to proceed with this
20 matter this morning?

21 MS MORRIS: I am prepared to proceed this morning.

22 THE COURT: Ms Minish Cooper, if I could have the facts?

23 MS MINISH COOPER: Circumstances are, sir, that on the eighteenth
24 of October, 1982, at sometime near midnight in Fort McPher-
25 son in the Northwest Territories, three ^{male} mail individuals
26 approached the residence of one Fred Jerome in Fort McPher-
27 son. The residence was unoccupied at the time, undergoing



1 renovation. A break-in resulted in which a can of glue--
2 that is, contact cement--and a Sony AM-FM cassette radio
3 were stolen. Entry was gained by sliding an unsecured win-
4 dow open, which lead to the kitchen area.

5 The subsequent investigation by the R.C.M.P.
6 revealed that the persons responsible were Glen Henry Koe,
7 Leslie Kevin Snowshow, and a juvenile, Norman Koe.

8 Glen Henry Koe provided a warned statement to
9 the effect that he and Norman Koe slid the window open and
10 then followed Koe into the house. Snowshoe was hiding under
11 the house. He did not admit to taking the radio, just the
12 contact cement, which was later sniffed.

13 Glen Koe's fingerprints were found on the out-
14 side of the glass window.

15 Mr. Koe--Glen Koe, that is--the accused, was on
16 a probation order of Judge Slaven issued the seventh of
17 January, 1982, at the time of this offence. The conditions
18 were that he keep the peace and be of good behaviour. In
19 addition, there was a curfew imposed upon him between ten
20 p.m. and seven a.m. in the mornings.

21 Those are the circumstances as provided by the
22 police in Fort McPherson, sir.

23 THE COURT: Are those facts admitted, Ms Morris?

24 MS MORRIS: Yes, Your Honour.

25 MS MINISH COOPER: Sir, for the information of the Court, I do have
26 a copy of the probation order upon which Mr. Koe was subject
27 at the time of this offence.



1 THE COURT: Ms Morris, you've seen the probation order?
2 MS MORRIS: Yes, sir.
3 THE COURT: Thank you. On sentence, Ms Minish Cooper?
4 MS MINISH COOPER: I have a copy of Mr. Koe's record, sir.
5 MS MORRIS: The record is admitted.
6 THE COURT: Thank you, Ms Morris.
7 MS MINISH COOPER: Sir, I would submit that looking at the record
8 it is fairly obvious that Mr. Koe has been in substantial
9 difficulty with the Courts over the period of 1982, com-
10 mencing i January of 1982. I would suggest also, sir,
11 that there are many--or a number, at least, of property
12 related offences on his record. He is not an individual
13 who has not been in jail before. In fact, over the period
14 of 1982, I would suggest that he has spent a great deal of
15 time in jail. It appears that it has had no great deter-
16 rent effect on this individual; and I would submit, sir,
17 that Mr. Koe does face an additional period of incarceration
18 as a result of these charges. I would have no objection,
19 sir, that because these events essentially took place on
20 the same day, if the Court is so disposed after hearing
21 submissions from Ms Morris, to impose concurrent sentences
22 as a result of the breach of probation and the break and
23 enter; but I would request of the Court that a substantial
24 period of incarceration be imposed on the accused at this
25 time.
26 THE COURT: Thank you, Ms Minish Cooper. Ms Morris, does
27 the accused wish to give evidence or call any witnesses?



1 MS MORRIS: No, Your Honour.

2 THE COURT: Submissions?

3 MS MORRIS: Glen Koe is seventeen years of age; he is from
4 THE C Fort McPherson and has lived there all his life. His
5 MS MO parents, five sisters and one brother live at home. He
6 THE C has grade seven education. His occupation is primarily that
7 MS MO of trapping. Since he has turned sixteen, he has been
8 before the Courts on three occasions. The record shows that
9 he was before the Court first in January of 1982, then again
10 in July of 1982, and once again in October. Although his
11 record is a lengthy one, the actual number of times in which
12 he has been before the Court is only three times.

13 On many of the offences shown in the past, he
14 has received concurrent sentences. Similarly, with the
15 case before the Court, Mr. Koe was sentenced in October
16 of last year for a 294(b) offence for which he received six
17 months in jail. This offence happened on the same date
18 as the offence which is presently before the Court. I do
19 have copies--unfortunately, not certified copies--of the
20 information. It seems that on the 294(b) offence, Mr. Koe
21 received a suspended sentence, but on the related breach of
22 probation on the same date he received six months. So, I
23 assume he was sentenced on the breach of probation to serve
24 six months and received a concurrent sentence on the break
25 and entry.

26 He is therefore--as shown on his criminal re-
27 cord, he is presently serving nine months, being six months



1 for the one offence which occurred on the same day as the
2 present break and enter and three months for the careless
3 use of a firearm, for a total of nine months.

4 THE COURT: The three months is concurrent, isn't it?

5 MS MORRIS: I'm sorry, yes.

6 THE COURT: So, he is serving six months.

7 MS MORRIS: I believe that the three months then on the
8 theft under the first one shown here, October twentieth,
9 Eighty-two, three months on a theft under, and six months
10 consecutive on breach of probation.

11 His expected date of release is April now. He's
12 earned remission time and expects to be released April first.

13 It is admitted that in the facts which have been
14 admitted, Mr. Koe--there is no alleged damage to the prem-
15 ises. Mr. Koe was aware that they were vacant, and there-
16 fore he was not putting any occupants in danger or fear of
17 danger. The purpose of this break and enter was to obtain
18 glue, which was taken from the premises. It is submitted
19 that because there was no damage or no occupancy, these
20 are mitigating circumstances. Also mitigating is the fact
21 that Mr. Koe is a youthful offender. Although he was been
22 before the Courts on three previous occasions, he is yet
23 only seventeen years of age. I would submit that since he
24 is serving nine months--unfortunately, this offence became
25 separated from the other ones which were before the Court
26 October tenth--October twentieth, he is serving nine months
27 and the totality of the sentencing should be considered



1 in sentencing for the present offence.

2 The other three offences which are shown on the
3 twentieth of October took place on the tenth, so that we
4 have three which took place on the tenth of October, and
5 two for which he has been sentenced on the eighteenth;
6 then there are the two which are before the Court today
7 which also occurred on the eighteenth. I would therefore
8 submit concurrent sentencing, concurrent to the times he
9 received on the offences for the eighteenth of October
10 should be considered in sentencing for the present offence.

11 Those are my submissions.

12 THE COURT:

Thank you, Ms Morris.

13 Glen Henry Koe is convicted in this Court of
14 two offences of break, enter and theft. The facts
15 reveal breaking into an unoccupied building, stealing
16 glue for sniffing and a radio, and a breach of probation.

17 Mr. Koe, age seventeen, has accumulated a
18 criminal record showing seventeen criminal convictions.
19 It is just incomprehensible to me that Mr. Koe has not yet
20 learned that he has certain responsibilities as a citizen
21 and certain obligations. Included in those seventeen crim-
22 inal convictions are six breaches of probation--and again,
23 the breaches of probations have been treated in the past
24 more severely than the substantive offences--and it is in-
25 comprehensible to me that Mr. Koe has not yet learned and has
26 not been deterred. I can appreciate that he is young, that
27 lessons may be difficult for young people to learn, but with



1 the penalties that Mr. Koe has received, and the consequen-
2 ces flowing from his criminal activity, it's incredible
3 to me that Mr. Koe has not made the connection that it
4 doesn't pay to commit crimes.

5 In those circumstances, I think the only course
6 the Court has is to impose a sentence that is going to be
7 one that is going to reflect the principle of deterrence,
8 and deterrence generally to deter anyone else from committing
9 the kind of offences that Mr. Koe has committed.

10 The probation that Mr. Koe was subject to was
11 breached in a substantial way in that not only did he breach
12 the statutory condition of failing to keep the peace, but
13 he also breached the probation order by failing to observe
14 a curfew. In aggravation is the fact
15 that Mr. Koe was in Court in July of this year and sent-
16 enced to a period of jail for breach of probation and
17 shortly after his release was involved in further criminal
18 activities.

19 For the breach of probation, Mr. Koe--would you
20 stand, please? I want to make it clear to any persons, Mr.
21 Koe, that when they make a promise to the Court to be of
22 good behaviour and not breach the peace and one put
23 on probation that that promise is important; and if they
24 fail to comply with that promise they can expect to be
25 treated severely by the Courts, especially in light of the
26 fact that they have ignored their obligations in the past.
27 On this charge, I sentence you to six months in jail



1 consecutive to any other term you are now serving. With
2 respect to the break and enter, Mr. Koe, I sentence you to
3 one month in jail concurrent.

4 (AT WHICH TIME THE PROCEEDINGS CONCLUDED)
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9 Certified a correct transcript

10 *Edna Thiessen*

11 Edna Thiessen
12 Court Reporter
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