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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

LOUIS RABESCA

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Transcript of the Oral Sentencing Delivered by His Honour Judge R. M. Bourassa, sitting at Rae in the Northwest Territories, on Thursday, September 1st, A.D., 1983.

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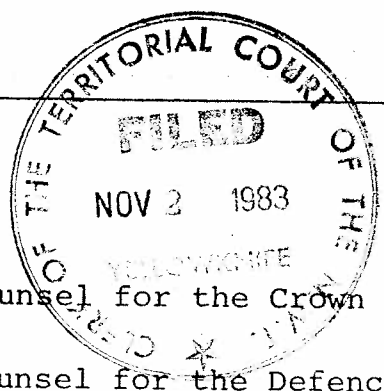
APPEARANCES:

MR. M. ZIGAYER:

Counsel for the Crown

MR. L. SEBERT:

Counsel for the Defence





1 THE COURT: Louis Rabesca is convicted of two charges of  
2 Break and Enter, and one charge of failing to comply with  
3 his promise made to a judge or a justice. Break and Enter  
4 offences in the Northwest Territories have always been treated  
5 pretty leniently, and that is evident in Mr. Rabesca's  
6 criminal record. In March of 1981 he was convicted of Break  
7 and Enter and the passing of sentence was suspended; in May  
8 of 1982 he was convicted of two counts of Break, Enter and  
9 Theft for which he received thirty days in jail each consecutive.

10 This sentencing is different than Nova Scotia for example.  
11 In that province, a first time break and enter will usually  
12 result in six months in jail; a second time break and enter  
13 will usually result in a year in jail; and a third time break  
14 and enter will usually result in something in the neighborhood  
15 of two to three years in jail.

16 Break and Enter, next to assaults and crimes of violence  
17 are the most common crime in the Northwest Territories.  
18 Louis Rabesca has been given every opportunity in the past  
19 to modify his behavior so he doesn't bother other people. He  
20 has been given probation, short terms in jail, longer terms  
21 in jail, and that hasn't stopped him from continuing to  
22 bother people like Jimmy Drybones.

23 He committed a Break and Enter on the 18th of August and  
24 was arrested on that day, and he made a promise to the  
25 court on that day that he would stay out of trouble. Three  
26 days later he is up to his same old tricks. I think when a  
27 person is first before the courts, Mr. Rabesca, the courts



1 make every possible effort on their behalf to consider  
2 personal factors, and the person that is charged with the  
3 offence: it is almost as if he were more important than  
4 the community. But after they have been convicted a number  
5 of times, I think the interests of the community become  
6 more important. The court can only spend so much time trying  
7 to help one particular person. It seems to me that a  
8 significant jail term is going to have to be imposed here  
9 so that Louis Rabesca and anyone else that thinks like Louis  
10 Rabesca clearly understands that if they want to continue  
11 to commit Break and Enter offences, they can expect to be  
12 treated harshly. It may very well be that we are going to  
13 have to impose jail terms of three years for a second and  
14 third break and enter as is done in Nova Scotia and some other  
15 provinces.

16           Would you stand, please. On the charge of failing to  
17 comply with your undertaking, I sentence you to one month in  
18 jail. On the charge of Break and Enter into Jimmy Drybone's  
19 house, which I think is aggravated by the fact that you had  
20 just been released from arrest on another break and enter, I  
21 sentence you to seven months in jail consecutive. Taking  
22 totality into account and that all these offences occurred at  
23 roughly the same time, with respect to the Break and Enter  
24 into the bunk house I sentence you to six months in jail  
25 concurrent.

26 MR. ZIGAYER:           Sir, I would ask for an order for the return  
27 of the exhibits after the appeal period.



1 THE COURT: So ordered.

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3 (AT WHICH TIME THESE PROCEEDINGS WERE CONCLUDED.)

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Certified a correct transcript,

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Laurie Ann Young

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Laurie Ann Young

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Court Reporter

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