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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

ROBERT BAPTISTE ABRAHAM

Transcript of the Oral Judgment delivered by His Honour
Judge R. M. Bourassa, sitting at Yellowknife, in the
Northwest Territories, on Tuesday, November 1, A.D. 1983.

APPEARANCES:

MR. M. E. N. ZIGAYER On behalf of the Crown

MS. P. SPENCE On behalf of the Defence



1 THE COURT: What a sad case. Here is fifty-nine year old man
2 who has spent almost seventeen years in jail in his forty-
3 three years of adulthood. Almost half his life has been
4 spent in jail because of crime. After being sentenced to a
5 three year term for indecent assault, being released on mand-
6 atory supervision, he is, within two months of release, par-
7 ticipating in a crime of theft: he takes possession of the
8 stolen property, a five hundred dollar camera and lens, and
9 sells it for twelve dollars. I note that I am not punishing
10 him for his record.

11 Usually, the last resort--for the most optomistic
12 judge--after probation is found not to work and fines are
13 found not to work and jail is found not to work, in the sense
14 of rehabilitation, is an accused's age. Usually one finds
15 by the time a person has reached the age of thirty, they are
16 fed up or tired of being in jail, and that "rehabilitates"
17 them. Unfortunately, for Robert Baptiste Abraham, even his
18 age is not rehabilitating him.

19 I don't see that I have any alternative, much as I
20 am sympathetic to the pleas of Defence Counsel on behalf of
21 her client, to do anything else with Mr. Abraham but put him
22 back in jail. The public has to be protected; people have
23 the right to enjoy their property without worrying about it
24 being taken and, as was done in this case, disposed of by Mr.
25 Abraham for twelve dollars. People are entitled to protec-
26 tion; that is something that is simple and straight forward.
27 I notice that this isn't the first time Mr. Abraham has been
convicted of offences of possession of stolen property. I



1 am only looking back as far as 1975; in 1975, 1977,
2 in Edmonton he received fourteen months for a charge of pos-
3 session of stolen property. As recently as March, 1980,
4 in Fort Smith for possession of stolen property, he received
5 only four months. Lenient sentences or severe sentences, it
6 doesn't seem to make any difference to this offender.

7 The Court must respond to its duty to protect the
8 public. As sad and as unfortunate a situation as this may
9 be. I don't see that the Court has any alternative under
10 the circumstances but to return this man to prison for a
11 length of time that is proportionate to the crime. The crime
12 is serious. The accused by virtue of his criminal record
13 should know better. I think selling a five hundred dollar
14 piece of photographic equipment for twelve dollars aggravates
15 the situation. And of course, the fact is put before the
16 Court today that as a result of the accused and the other person
17 leaving the camera in the bush, the accused knowing it was
18 in the bush and doing nothing about it, the camera now is
19 certainly less valuable, not working the way it should be or
20 at least not as it was.

21 It is an unfortunate situation. As badly as I feel,
22 I don't have any choice, Mr. Abraham. I sentence you to ten
23 months' imprisonment, consecutive to any other time you are
24 now serving.

25 (AT WHICH TIME THIS MATTER WAS CONCLUDED.)

26 -----
27 Certified a correct transcript:

Edna Thiessen
Edna Thiessen, Court Reporter