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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

JACK NOKSANA

Transcript of the Oral Sentencing Delivered by His Honour Chief Judge J. R. Slaven, sitting at Tuktoyaktuk in the Northwest Territories, on Wednesday August 12th, A.D., 1981.

APPEARANCES:

MR. D. GATES: Counsel for the Crown
MR. E. JOHNSON: Counsel for the Defence





1 THE COURT: Well, this break and enter takes on some
2 importance because he has been convicted of a break and
3 enter and two other theft type charges just in February
4 of this year for which he was given a short jail term. The
5 weapons offence I am very concerned about. The incident
6 went on for some time at various places. Shots were fired
7 apparently at a building as well as in the air. He had
8 the weapon while he was drunk, and he pointed it at another
9 individual as well as at the police.

10 What is disturbing to me is how people are so quick to
11 pick up a weapon in some communities, and it so often
12 happens where there is a party and an argument, and someone
13 goes and gets a gun and comes back. It is a terrible thing
14 when you can't have your drinking fights with your fists, but
15 you have got to go and get a shotgun as the old equalizer,
16 and I must, on the weapons charge and also on the break and
17 enter, impose sentences that will deter this man and deter
18 others.

19 I have got to look at the protection of the public
20 and the protection of society. As is pointed out, he is
21 a very young man, and I must not impose such heavy sentences
22 that there will be no chance of rehabilitation.

23 I don't think concurrent sentences are called for.
24 They are two completely different types of offences even
25 though they are rather close in time.

26 However, in the sentences that I impose, I will be



1 offender. Would you stand up, please, Mr. Nokšana. Jack
2 Nokšana, I convict you as charged on the break, enter and
3 theft contrary to Section 306 of the Code and direct you
4 to be imprisoned for a period of four months. I convict
5 you as charged under Section 85 of the Criminal Code for
6 dangerous use of a weapon and direct you to be imprisoned
7 for a period of six months to be served consecutive. I
8 also order, pursuant to Section 98(1) that you be prohibited
9 from having in your possession any firearm, ammunition or
10 explosive substance for a period of five years from this
11 date.

12 MR. GATES: Sir, I wonder if we might have some order for
13 the disposition of the exhibits.

14 THE COURT: Whose weapon was it?

15 MR. GATES: The police aren't sure whether it belongs to
16 the accused or not. Apparently it does.

17 THE COURT: I order that the gun be destroyed.

18 MR. GATES: Thank you, sir.

19

20 (AT WHICH TIME THESE PROCEEDINGS WERE CONCLUDED.)
21

22

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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