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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

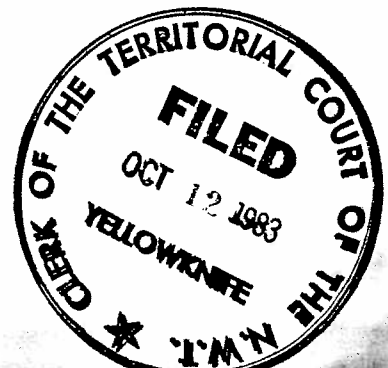
DARLENE ELANIK

Transcript of Sentencing delivered by His Honour Judge
D. E. Toms, sitting at Tuktoyaktuk, in the Northwest
Territories, on Wednesday, August 31, A.D., 1983.

APPEARANCE:

MR. J. H. ... on behalf of the Crown

MR. ... on behalf of the Defence





1 THE COURT: Miss Darlene Elanik has pleaded guilty to violation
2 of Section 59 of the Liquor Ordinance of the Northwest Terri-
3 tories by selling liquor to Bessie Elias on the twenty-sixth
4 of August, 1983, at about eight-thirty in the evening. On
5 that occasion the two bills that were used to purchase one
6 bottle of liquor from the accused were marked by the police;
7 and on subsequent search of the premises, the two bills were
8 found in the premises in a wallet owned by the accused's
9 common-law husband. The one hundred dollars that was used
10 for the purchase of the liquor was admitted by the accused
11 as having been sold to that person for that amount.

12 The accused is twenty years of age and is now
13 employed--has been employed for a month or so on a regular
14 basis, two-week shift program, and earns approximately nine
15 dollars per hour. She is responsible for the care of one
16 four-year-old child, with her common-law husband; and on
17 behalf of the accused. Defence Counsel has suggested that the
18 monies taken by the police on the search warrant, other than
19 the one hundred dollars that has been marked, should be
20 returned to the proper owner. Crown has no major objection
21 to the refunding of the monies, other than the marked bills.
22 And I will commence by ordering that the liquor as seized
23 shall be destroyed, that the one hundred dollars of marked
24 bills shall be forfeited and returned to the Queen, that the
25 remaining monies located in the wallet will be returned to
26 Abraham Nasagaluk, from whose wallet they had been removed.

27 With regard to the penalty imposed for the sale



1 of the liquor, as has been pointed out by Crown that the Leg-
2 islature in the Northwest Territories recently increased the
3 fines from approximately five hundred dollars over a couple
4 of years to a thousand dollars, and recently from one thousand
5 dollars to five thousand dollars, and put the maximum term of
6 jail from a few months to a year. That was an indication
7 that the Legislature, which is the lawmaker, had directed that
8 fines and penalties should be considered to be higher than
9 what had previously been in effect.

10 The Courts have recognized this direction and in
11 recent cases have fined people in the vicinity of two thousand
12 dollars, some higher, some lower, depending on the circum-
13 stances and in fact also placed a number of people in jail
14 for this exact offence.

15 The amount of liquor involved concerning the
16 accused is small. Defence Counsel has pointed out this is
17 the accused's first offence and that she is a sensible enough
18 person to know if she does not go to jail on this occasion
19 a fine will be sufficient to deter her and should be sufficient
20 to notify others that the offence is one for which penalties are
21 severe.

22 I'm going to accept the recommendations of Defence
23 Counsel, who certainly has advised the accused on the serious-
24 ness of the matter, and instead of imposing a jail term, in
25 this instance I will impose a fine of eighteen hundred dollars
26 or in default thereof, two months in jail.

27 MR. TANCOCK: Three to four months to pay, sir.



1 THE COURT: The accused will be allowed four months in which
2 to pay the fine. Do you understand all that, Miss Elanik?
3 THE ACCUSED: Yes.
4 THE COURT: All right.

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7
8 CERTIFIED A CORRECT TRANSCRIPT

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10 *Edna Thiessen*
11 Edna Thiessen, Court Reporter
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