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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

v.

LEONARD MASUZUMI

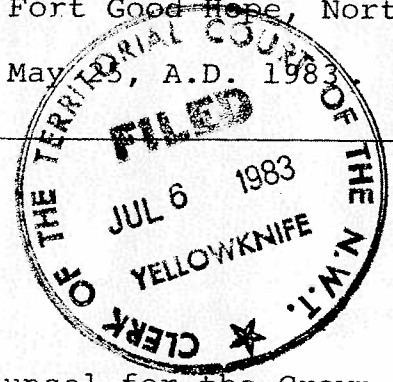
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Transcript of the sentencing delivered by His Honour  
Judge R. M. Bourassa sitting at Fort Good Hope, North-  
west Territories, on Wednesday, May 3, A.D. 1983

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APPEARANCES:

MR. D. FRAYER Counsel for the Crown  
MS. L. ERICKSON Counsel for the Defence





1 THE COURT: Leonard Masuzumi is convicted of an offence  
2 of breach of probation which is now, I understand, the  
3 fifth time he has been convicted of breach of probation.

4 A probation order, as I am sure Mr. Masuzumi  
5 understands, is in a sense the giving of a promise to the  
6 Court that he will stay out of trouble. Everybody is  
7 supposed to do that, but Mr. Masuzumi has made a special  
8 promise to the Court that he would do that, and it is  
9 obvious to me from his past record and what is here that his  
10 word is no good.

11 I do not know what it is that propells Mr.  
12 Masuzumi to get into trouble, but the only thing the Court  
13 can do is put Mr. Masuzumi in gaol for longer and longer  
14 and longer periods of time until he understands he has to  
15 live up to his promises and live up to the responsibilities  
16 we all have in a community, and that is to keep the peace.

17 This kind of offence normally carries with  
18 it, on conviction, extensive periods of gaol up to a maximum  
19 of six months. You have already served time for breach of  
20 probation, and the only thing the Court can do is keep  
21 giving you longer sentences until at some point in time you  
22 understand the consequences of fighting and getting into  
23 trouble and walking around with knives.

24 I am a little reluctant to do that, but it  
25 would appear you have given the Court no other choice, and  
26 you are asking the Court to be sent to gaol. That is the  
27 only conclusion the Court can arrive at when you breach your



1       probation so soon after being put on an order, and almost  
2       for the same kind of thing that got you in trouble in the  
3       past; that is, carrying weapons around.

4               Taking into account the facts that have  
5       been given to me by the Crown, and those are the only facts  
6       before me which indicate, in my estimation, a minimal  
7       breach of a probation order in terms of breaching the peace,  
8       I have no details of the fight or who was injured or what  
9       happened in the fight, just that there was an altercation,  
10      and Mr. Masuzumi disappeared and was arrested.

11              On that basis and taking into account the  
12      fact it would appear from submissions from counsel that Mr.  
13      Masuzumi has responded to part of the probation order for  
14      which he is convicted of breaching today by performing the  
15      community service and paying the fine, I am not going to  
16      send Mr. Masuzumi to gaol for an extensive period of time, I  
17      suppose as a last warning to Mr. Masuzumi.

18              Mr. Masuzumi, you probably have been to Court  
19      enough times that you know that this girl over here is  
20      taking everything down that I say and everything the Crown  
21      Attorney said and your lawyer said today; and I want to make  
22      sure that she takes down that the Court has gone as far as  
23      it can. If you do not obey or live up to your promises  
24      to the Court, you are going to have to go to gaol for long  
25      periods of time, and it is not the Court that will be putting  
26      you in gaol, it will be you, yourself. You have to behave  
27      to stay out of gaol.

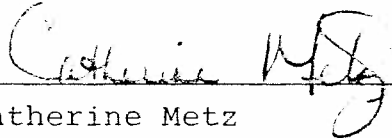


1 I am going to impose a term of one day in  
2 gaol which is served by you being in Court today.

3 In addition to that, I am going to put you  
4 on probation and direct you perform 200 hours of community  
5 service work. You will be on probation for three months,  
6 and that community service work is to be done within two  
7 months. You are to report forthwith to the probation officer  
8 here in Fort Good Hope, and you are to perform that work  
9 under their direction and to their complete satisfaction.

10 I want to point out to you, Mr. Masuzumi,  
11 that if you breach this probation order or if you are in  
12 trouble again, the Crown Attorney will be able to get a  
13 copy of my warning to you today from this lady that is  
14 taking this down, and that will be available to the next  
15 Judge who comes here, and it will be clear to the next Judge  
16 that you have been given every possible chance to keep you  
17 out of gaol. You will have to wait and sign the probation  
18 order, Mr. Masuzumi.

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20  
21 Certified a correct transcript

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23   
24 Catherine Metz  
25 Court Reporter  
26  
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