

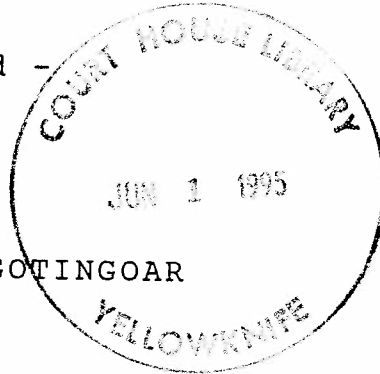
ORIGINAL

IN THE TERRITORIAL COURT  
OF THE NORTHWEST TERRITORIES

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HER MAJESTY THE QUEEN

- and -



TIMOTHY ANGOTINGOAR

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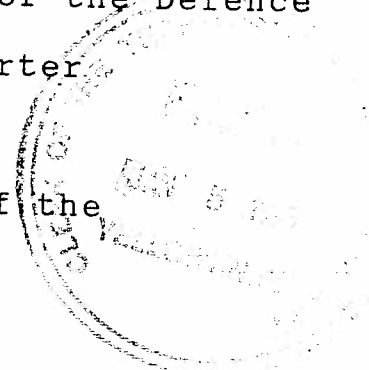
Transcript of Proceedings and Sentencing given by  
His Honour Judge R.M. Bourassa, at Rankin Inlet,  
Northwest Territories, on the 23rd day of November  
A.D. 1994

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APPEARANCES:

Ms. U. Arvanetes,	Appeared for the Crown
Mr. D. Blais, Esq.,	Appeared for the Defence
Cheryl Mendryk, Ms.,	Court Reporter

(Charged under Section 3(1) of the  
Narcotic Control Act)



MR. BLAIS: Your Honour, first if we might deal with the 3(1) Narcotic Control Act charge. We apply to change our plea to guilty. It was a charter oriented defence and he's waiving that plausible defence. On the 3(1) Narcotic Control Act Charge --

THE COURT: Yes.

MR. BLAIS: He wishes to change his plea to guilty and waive his -- any rights to any defence under the charter he might have had.

THE COURT: Want to give me your allegations?

MS. ARVANETES: On October 26th of this year the accused was in Rankin Inlet. The police received information that he may possibly be in possession of narcotics. It was also learned that there was an outstanding warrant for his arrest from Thompson, Manitoba. Police confirmed that the accused was on a Calm Air flight and attended at the airport. Mr. Angotingoar was seen and approached and he was arrested on the outstanding warrant. Prior to leaving the airport terminal and being placed in the police vehicle, he was searched by Constable Malcolm and 9 grams of hash was located in his pocket. Those are the facts.

THE COURT: What's the value of the hash?

*Gabe's*

1 MS. ARVANETES: I don't have any information.

2 THE COURT: Ms. Arvanetes, I expect to  
3 know that. How can I address a sentence on in  
4 possession of a narcotic when I don't know the  
5 value of what he's holding? \$25, \$1,000? I have  
6 to know.

7 MS. ARVANETES: I'll see if we have that  
8 information on the file. No, I don't have that  
9 information, Your Honour, and I'm not --

0 THE COURT: Well, then we'll adjourn the  
matter and you can get the information. It would  
seem to me it's a foregone conclusion that that's  
required in these matters, the same way you  
quantify on how drunk someone is by a breathalyzer  
reading.

MS. ARVANETES: Certainly.

THE COURT: I'll set the matter aside,  
you can get that information. Surely the police  
know in Rankin Inlet what a gram of hashish sells  
for.

MS. ARVANETES: We'll get that information,  
Your Honour, we'll put that aside. With respect  
to the committal on the 266 charge --

THE COURT: I've dealt with that matter,  
I can't revisit it.

MS. ARVANETES: Right. No, Your Honour, it  
was my intention to enter a stay on that charge.

*Gabe's*

1 THE COURT: All right, set the matter  
2 aside, we'll deal with the Alogut matter and I'll  
3 deal with this matter again later.

4 (BRIEF ADJOURNMENT)

5 THE COURT: Now, is the Crown in a  
6 position to finish off the Angotingoar matter?

7 MS. ARVANETES: Yes, Your Honour. I have an  
8 amount for the drugs, the 9 grams of hash. I'm  
9 advised that \$100 per gram is the price. Now,  
10 that would be in Rankin Inlet.

11 THE COURT: Those facts admitted as  
12 true?

13 MR. BLAIS: Yes. Although Mr.  
14 Angotingoar indicates he paid \$600 for the hash  
15 but...

16 THE COURT: Fine. On sentence?

17 MS. ARVANETES: Your Honour, a criminal  
18 record is alleged.

19 MR. BLAIS: It's acknowledged, Your  
20 Honour.

21 THE COURT: Exhibit 1.

22 EXHIBIT NO. 1:

23 CRIMINAL RECORD

24 MS. ARVANETES: The convictions on the record  
25 are unrelated. With respect to this offence, Your  
26 Honour, I would -- the drugs are obviously for  
27 personal use, considering the amount. Drugs, as

*Gabe's*

1 well as alcohol, especially overuse and abuse of  
2 them, lead to more serious matters. Mr.  
3 Angotingoar comes from a very small community,  
4 Chesterfield Inlet, and drugs are certainly a  
5 problem there, as well as other places in the  
6 North.

7 A fine is the usual penalty in the  
8 circumstances. I note that Mr. Angotingoar has  
9 been in custody since October 27th, Your Honour.

10 THE COURT: Is that as a result of a bail  
11 hearing?

12 MS. ARVANETES: That was on remand custody.

13 THE COURT: And he failed on the bail  
14 hearing?

15 MS. ARVANETES: Yes, he did, he was detained,  
16 so he's served a period of custody -- well, he's  
17 been in jail until today. So Your Honour may wish  
18 to consider the remand time as time served for the  
19 drug offence. Those are all my submissions.

20 THE COURT: Mr. Blais?

21 MR. BLAIS: Yes, Your Honour. The bail  
22 hearing was also in connection -- this is a  
23 reduced charge from the 4(1) Narcotic Control Act  
24 which was a reverse onus on the bail hearing and,  
25 of course, he was denied bail on the basis of that  
26 and the other outstanding charges. So as a result  
27 he's been in custody, as the Crown has indicated,

*Gabe's*

1 since October 27th.

2 He's 32 years of age, lived in Chesterfield  
3 Inlet for the last ten years. He's been married  
4 for ten years and at the time was working as a  
5 contract Northwest Territorial Power Plant  
6 operator in Chesterfield Inlet. His training --  
7 his education is Grade 10 level, plus training in  
8 that field where he's been working for some time.

I'd agree with the Crown's submissions as to  
disposition.

THE COURT: The maximum fine here is  
\$1,000. The quantity of the value -- street value  
of the drug seized was close to that, although the  
accused says he paid \$600 for it. Nevertheless,  
the courts in applying this law attempt to make it  
unprofitable to buy the drug or I should say  
expensive to buy the drug.

Stand up, Mr. Angotingoar. There will be a  
fine of \$1,000 plus two days in jail. If the fine  
is not paid, four months in jail. In addition to  
that, there will be a victim of crime surcharge.  
Do you need time to pay the fine?

THE ACCUSED: Two months.

THE COURT: Two months to pay.

MR. BLAIS: Thank you, Your Honour.

(PROCEEDINGS CONCLUDED)

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*Crabe's*

I, Cheryl Mendryk, C.S.R.(A), hereby certify that I attended the above Proceedings and took faithful and accurate shorthand notes and the foregoing is a true and accurate transcript of my shorthand notes to the best of my skill and ability.

Dated at the City of Calgary, Province of Alberta, this 5th day of December, A.D. 1994.

Cheryl Mendryk  
Cheryl Mendryk, Ms.  
Court Reporter.