

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF :

HER MAJESTY THE QUEEN

- and -

CHARLIE BELL KOE



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Transcript of the Reasons for Sentence delivered by The Honourable Judge R.M. Bourassa, sitting in Yellowknife, in the Northwest Territories, on the 19th day of March, A.D. 2002.

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APPEARANCES:

Ms. L. Colton:

Counsel for the Crown

Ms. K. Payne:

Counsel for the Accused

(Charges under s. 733.1(1) x2, 348(1)(a) x2, 348(1)(b) x11,  
and 344 of the Criminal Code of Canada)

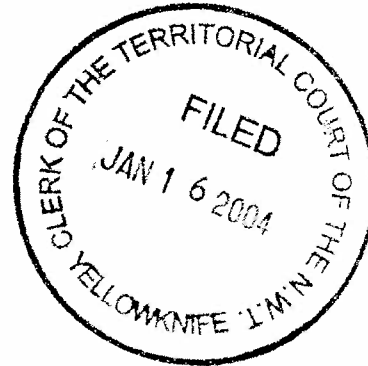
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1 THE COURT:

2 Well, Charlie Bell Koe seems to  
3 have an insatiable appetite for other people's  
4 property and still has not learned anything about the  
5 consequences of his behaviour. From the pre-sentence  
6 report, it appears that he really doesn't care. He  
7 says that break and enters is "what he does", it's all  
8 he knows how to do. And efforts in the past to stop  
9 him have had no impact.

10 He has a Grade 5 education, and presents through  
11 the two pre-sentence reports that have been filed  
12 someone who is essentially indifferent to the effect  
13 or impact he has on other people.

14 Almost single-handedly, he's responsible for ten  
15 break and enters, thousands of dollars of loss and  
16 damage, two safe attacks, the upset and discomfort of  
17 the many people involved. He had an eclectic interest  
18 in break and enters everywhere from a law office to  
19 the Metis office to the diocesan centre and the Jan  
20 Stirling Building.

21 I take into account he's pleaded guilty, but it  
22 doesn't seem to reflect any remorse. At least that is  
23 not what appears -- that is not what comes to mind  
24 when I read the pre-sentence report.

25 In aggravation, I take into account that many of  
26 these break and enters were effected with  
27 premeditation, the accumulation of tools and the use  
of tools. I take in great aggravation the fact that

1 young offenders were involved. A 12-year-old boy was  
2 involved in a number of these break and enters.  
3 Further in aggravation is the fact there were two safe  
4 attacks, which normally result in lengthy periods of  
5 imprisonment, thousands of dollars stolen, thousands  
6 of dollars of property destroyed wantonly (destroying  
7 a monitor because he can't find money, stealing a  
8 \$3,000 lap top and then just destroying it). He  
9 seems, as I've indicated, to have little understanding  
10 or remorse on all of this. He may have been under an  
11 early release regime, but certainly was on probation  
12 at the time he committed these offences, and the  
13 probation had absolutely no impact on him. First of  
14 all, he didn't even bother to report, and, secondly,  
15 the fact that being on probation didn't do anything in  
16 terms of making him think twice about committing break  
17 and enters. This is aggravating.

18 The consequences of the past of break and enters  
19 and theft have had absolutely no effect on his  
20 conduct. In 1984 he was convicted of break and enter  
21 and placed on probation for six months; 1998,  
22 convicted of theft under \$5,000 and given six months  
23 open custody; 1998 again, mischief and theft under, a  
24 short term of secure custody; 2000, break and enter,  
25 failure to comply with a disposition. He was given a  
26 break, a suspended sentence and probation. First  
27 offence, I take it, as an adult. Then in April 2001,

1 break and enter, theft over, breach of probation.

2 In my view, any one of these break and enters,  
3 particularly the break and enter involving the safe  
4 attacks, would merit a term of imprisonment  
5 approaching federal penitentiary time. In my view, a  
6 federal penitentiary sentence, under all of the  
7 circumstances before me, is arguably justifiable.  
8 Counsel says it is unfortunate if he has to be  
9 warehoused. However, I want to underline and point  
10 out that that is up to Mr. Koe. He doesn't have to be  
11 here. It is his conduct that brings him here. If he  
12 didn't want to be warehoused, then all he has to do is  
13 change his conduct. Unfortunately, some people,  
14 perhaps Mr. Koe is one of them, seem bound and  
15 determined to serve a life sentence on the installment  
16 plan. They're in and out of jail on a regular and  
17 continuing basis. Maybe that is the future for  
18 Mr. Koe; I don't know. But if that is his future, it  
19 is as a result of choices he makes. And indeed it's  
20 unfortunate, but sometimes the only way of protecting  
21 the public is to warehouse people, and clearly the  
22 public needs to be protected from this man. The  
23 litany of damage and theft and vandalism that the  
24 Crown just went through is astounding.

25 He says in the pre-sentence report that that's  
26 all he knows how to do, that's what he does. He's not  
27 even any good at it. Well, I don't see that he should

1 take any comfort in that.

2 I have to take totality into account and I do.

3 Stand up, Mr. Koe. Anything you want to say?

4 THE ACCUSED: Yeah. The probation officer  
5 doesn't know what he's doing. I do feel remorse and I  
6 am sorry. That's what I've been taught to do since I  
7 was a kid.

8 THE COURT: Time to learn a new trade,  
9 Mr. Koe, because you're no good at this one.

10 On the charge of the break and enter at the Jan  
11 Stirling Building, there will be a term of  
12 imprisonment of two years. On the charge of break and  
13 enter the diocesan centre, two years. On the charge  
14 of break and enter Boyd Denroche, two years. On the  
15 other break and enters, eighteen months. On each of  
16 the charges of breach of probation, four months. I  
17 really am stretched not to impose penitentiary time,  
18 and, in my view, a sentence in the neighbourhood of  
19 three years would be justifiable. I take into account  
20 the Crown position and the guilty plea. I'm going to  
21 make all of the sentences concurrent to two years less  
22 a day.

23 The accused will be placed on probation for  
24 eighteen months following his release. He is to  
25 report once a week to the probation officer for the  
26 first six months of his release and thereafter as  
27 often as required.

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I want to make it very clear to Mr. Koe that if he is involved in further break and enters such as this, I expect the Crown won't be asking but will be demanding federal penitentiary time.

Mr. Koe, whatever you think of jail, believe me, federal penitentiary is no fun.

That's all.

MS. COLTON: Sir, I don't think you addressed the theft under.

THE COURT: I'm sorry. Yes. That's four months concurrent.

MS. COLTON: Concurrent. To be fair, it's globally two years less a day?

THE COURT: Yes.

MS. COLTON: Thank you.

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Certified to be a true and accurate transcript, pursuant to Rules 723 and 724 of the Supreme Court Rules of Court



Jane Romanowich,  
Court Reporter