

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

HER MAJESTY THE QUEEN,

Applicant

- and -

WILLIAM ROBERT NORN,

Respondent

AND IN THE MATTER OF AN APPLICATION
BY THE CROWN ATTORNEY OF THE NORTH-
WEST TERRITORIES FOR AN ORDER CHANGING
THE PLACE OF THE TRIAL IN RESPECT TO
THE RESPONDENT HEREIN

Application for an Order directing that the Trial of the Respondent
be held at some convenient place other than Fort Resolution

Application heard at Fort Resolution, March 7, 1977

Judgment of the Court filed April 1, 1977

Order Granted

Counsel on the Hearing:

Mr. O. J. T. Troy, Q.C. for the Crown (Applicant)

Mr. G. Price for the Respondent

Reasons for Judgment of:

The Honourable Mr. Justice C. F. Tallis

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REASONS FOR JUDGMENT OF THE HONOURABLE
MR. JUSTICE C. F. TALLIS

This is an application on behalf of the Crown for an Order directing that the trial, by jury, of the Respondent accused William Robert Norn be held in a place other than Fort Resolution, Northwest Territories.

The accused (Respondent) has been charged in an indictment that:

"William Robert Norn on or about the 2nd day of May, A.D., 1976, at or near Fort Resolution in the Northwest Territories did unlawfully have sexual intercourse with Marie Sayine a female person who was not his wife, without her consent, contrary to Section 144 of the Criminal Code."

This Application came on before me at Fort Resolution on Monday, March 7th and at that time I heard several other applications of a similar nature. I have now delivered written Reasons for Judgment in the case of Regina v. Steve Jim Lafferty. In this particular case the Respondent strenuously argued that the circumstances are quite different from the Lafferty case.

I have carefully reviewed the evidence on this application and particularly the oral evidence of Corporal Madrigga that was given in Fort Resolution. After carefully considering this matter I have concluded that it does appear expedient to the ends of justice to direct that the trial of this accused be held at a place other than Fort Resolution. In coming to this conclusion I have also had the opportunity to consider the oral judgment of Osler, J. in *Regina v. George Ross Davidson* delivered on February 21, 1977 in Toronto Weekly Court.

I accordingly order and direct that the trial of the accused William Robert Norn be held at Hay River in the Northwest Territories.

Pursuant to Section 527(2) of the *Criminal Code* I also make an order directing payment by the Crown to the Accused of any travelling expenses caused to the accused and his witnesses as a result of this order changing the place of the trial. Leave is reserved to Counsel to apply for further directions with respect to payment of these additional expenses.

I should also add that in the light of this Order, there is now a heavy responsibility placed on the R. C. M. P. Detachment at Fort Resolution, Northwest Territories to ensure that all witnesses are in attendance at the opening of this trial, once the date has been fixed.

Dated at Yellowknife, Northwest Territories this 1st day of April, A.D. 1977.

C. F. Tallis

C. F. Tallis, J.S.C.