

In the matter between:

HER MAJESTY THE QUEEN

Respondent

and

THOMAS THRASHER

Appellant

REASONS FOR JUDGMENT of the
Honourable Mr. Justice W.G.
Morrow, at Fort McPherson,
N.W.T. on the 15th day of
May AD 1974.

Orval J.T. Troy Esq. Q.C. for the Respondent

M. McConnell, Esq. for the Appellant

BETWEEN:

HER MAJESTY THE QUEEN,

Respondent

and

Tommy MASHNER

Appellant

NOTICE OF APPEAL

TAKE NOTICE THAT the Appellant hereby appeals against

the Sentence imposed on the Appellant on the 9th
 day of April, 1974 by J. P. Sebastien Justice of the
Peace at Port Mcnerson in the Northwest
or Magistrate (Place)
 Territories after a plea of Guilty made by
(Guilty) or (Not Guilty)

the appellant upon the following charge: that he, on or about the
 27th day of March A.D. 1974 at the settlement of Port Mcnerson in
 the Northwest Territories, being a interdicted person did unlawfully
 consume liquor, contrary to section 66 of the Liquor Ordinance.

AND was sentenced to; fifteen (15) days imprisonment in any
 Common Gaol in the Northwest Territories

AND TAKE NOTICE THAT the grounds of appeal are as
 follows: (1) Sentence was too harsh
 (2) Remain out of gaol in order to support my family

DATED at Port Mcnerson in the Northwest
 Territories this 10th day of April, 1974

Complete and mail to -
 Clerk of the Court,
 Box 550,
 Yellowknife, N.W.T.

Tommy Mashner
 Defendant (Appellant)
 (Tommy Mashner)

(Mr. Troy and Mr. McConnell having addressed the court, Mr. Justice Morrow gave judgment as follows)

That's fine, that's good enough. Stand up Mr. Thrasher. Mr. Thrasher, looking at the Probation Report, which has been very helpful, and listening to your lawyer, and listening to the Crown Counsel, who has been his usual fair self, I must say that ordinarily I would not have disturbed the sentence imposed by the Justice of the Peace on a man who keeps getting drunk, and has a record like you have, because eventually you are going to end up in jail. I would not ordinarily have disturbed the fifteen day sentence.

However, the Probation Officer says you and your wife are prepared to go to Henwood and try to take the treatment there against drinking. You have shown since March that you can stay off liquor, so this last time, you understand, the last time, I am going to give you a chance, and I am going to suspend sentence for three months. You will be required, a condition of that will be that if given the opportunity to go to Henwood you will go. Secondly, you will keep the peace, and thirdly, on your return you will report to the probation officer, or in his absence the R.C.M.P. at a time fixed by them.

Do you think you can stick to it?

A Yes.

The Court: All right. You are allowed to go.

W.G. Morrow
J.S.C.