

In the matter between:

HER MAJESTY THE QUEEN

Respondent

and

PHILLIP ANTOINE

Appellant

A transcript of the Reasons for Judgment
of The Honorable Mr. Justice W.G. Morrow,
given at Yellowknife N.W.T. on the 30th
day of August AD 1974.

Orval J.T. Troy Esq. Q.C. for the Respondent
The Appellant in person, without counsel.

NORTHWEST TERRITORIES

INFORMATION # 74 141

THIS IS THE INFORMATION OF C. A. W. MERCER
(INSERT FULL NAME, RESIDENCE AND OCCUPATION OF INFORMANT)

a member of the Royal Canadian Mounted Police
of Fort Simpson, N.W.T.

HEREINAFTER CALLED THE INFORMANT

THE INFORMANT SAYS THAT he has reasonable and probable
(IF THE INFORMANT HAS NOT PERSONAL KNOWLEDGE, STATE THAT HE HAS
grounds to believe and does believe that Phillip
REASONABLE AND PROBABLE GROUNDS TO BELIEVE AND DOES BELIEVE AND STATE OFFENCE)
ANTOINE, on or about the 1st day of MARCH A.D.

1974 at or near Fort Simpson in the Northwest
Territories;

CHARGE # one: while his ability to drive a motor
vehicle was impaired by alcohol or a drug did un
lawfully drive a motor vehicle contrary to Sect
234 of the Criminal Code.

CHARGE # two: having consumed liquor in such
quantity that the proportion thereof in his
blood exceeded eighty milligrams of alcohol in
one hundred millilitres of blood, did unlawfully
drive a motor vehicle contrary to Section 235
of the Criminal Code.

charge #2. withdrawn
at crown's request.

licence expired
Mar 19/75.

SWORN BEFORE ME THIS 12th DAY OF MARCH

A.D. 19 74

AT Fort Simpson

[Signature]
A MAGISTRATE OR JUSTICE OF THE PEACE IN AND
FOR THE NORTHWEST TERRITORIES.

SIGNATURE OF INFORMANT

LOCATION AND DISPOSITION BELOW

LOCATION _____
DISPOSITION Guilty

1ST _____
2ND _____
3RD _____

DISPOSITION Found Guilty

ESTIMATE COSTS \$400.00
200.

EXCESS COSTS 150

TOTAL \$403.50

DATE I.D. Found
30 Apr 74

DATE for 74 MAGISTRATE [Signature]

FOR STATISTICS CANADA OR
MOTOR VEHICLE BRANCH

DATE 16-12-44 SEX M.

LEGAL STATUS M.

ISS Edzo

CARD

O/S

T.T.P.

D.B.S.

I.P.

M.V.B.

LIC. NO. 14545

The Court:

Here is what I am going to do. Mr. Troy is a very fair Crown Prosecutor, and he understands it is important to get people to work, but at the same time it is very important that if people are going to drive when they are drunk - and you have done it twice now - that they must be stopped. Now you understand that, don't you? It is for the protection of yourself, your family, and the public.

Now what I am going to do is this. I am going to allow your appeal in part. I am not going to change the suspension of one year, but I am going to modify it to say that for driving to and from and at work only. Do you understand that? That doesn't mean you go out on a picnic or something, but driving to and from and during work you may drive, but that will only take effect when you file with the clerk of the court - this man - a letter showing you have work.

A Yes.

The Court:

Now if you can get that letter - you probably can't get it today - but if you can get that letter today or next week, and you mail it in to the clerk of the court - and who has your license now, the police?

Mr. Troy:

His license has been retained by the Court,
and sent to the Motors Vehicles Branch.

The Court:

All right, when that letter has been sent
to the Clerk of the Court, he will send for the license
and give it to you, after getting your letter, and then
you can drive to, from and during work. Do you
understand?

A Yes.

The Court:

You can only drive during the course of your
employment, and not at any other time. You understand
that do you?

A Yes.

The Court:

All right, you may go.

W.G. Morrow
J.S.C.