

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

In the matter between:

HER MAJESTY THE QUEEN

Respondent

and

GRANT GIROUX

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 1974.

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

Robert Halifax Esq. for the Appellant

Appeal # 1182

THIS IS THE INFORMATION OF Cst. F.G. KRISTJANSON, a  
INSERT FULL NAME OF JUDGE AND OCCUPATION OF INFORMANT

member of the Royal Canadian Mounted Police

OF Fort Resolution, N.W.T.

HEREINAFTER CALLED THE INFORMANT

THE INFORMANT SAYS THAT \_\_\_\_\_  
OF THE INFORMANT HAS NOT PERSONAL KNOWLEDGE, STATE THAT HE HAS

REASONABLE AND PROBABLE GROUNDS TO BELIEVE AND DOES BELIEVE, AND STATE GIVE REASONS

that Grant GIROUX did on or about the 10th Day of July, A.D. 1974, at Fort Resolution, in the Northwest Territories did unlawfully assault Cst. F.G. KRISTJANSON, A peace officer engaged in the execution of his duty, CONTRARY to section 246(2)(a) of the Criminal Code.....

- CARD
- OJS
- T.T.P.
- D.B.S.
- J.P.
- M.V.B.

STATEMENT AND DISPOSITION BELOW

CONVICTION GUILTY

SENTENCE 6 MONTHS IN A.O.L. STARTING 6-7-74  
1ST \_\_\_\_\_  
2ND \_\_\_\_\_  
3RD \_\_\_\_\_

REASON CONSECUTIVE TO PREVIOUS CHARGES.

TRAVEL COSTS \_\_\_\_\_

OTHER COSTS \_\_\_\_\_

TOTAL \_\_\_\_\_

REMARKS \_\_\_\_\_

7-74 R Fontaine  
MAGISTRATE

FOR STATISTICS CANADA OR MOTOR VEHICLE BRANCH

4-7-57 SEX FEMALE

STATUS Subj

FT. RESOLUTION

NO. \_\_\_\_\_

SWORN BEFORE ME THIS 16th DAY OF July

A.D. 19 74

AT Fort Resolution, N.W.T.

R Fontaine  
A MAGISTRATE OF JUSTICE OF THE PEACE AND FOR THE NORTHWEST TERRITORIES

[Signature]  
SIGNATURE OF JUDGE

The Court:

Stand up Mr. Giroux.

Mr. Giroux, your lawyer has done the best he can for you on this appeal. He has presented your case well.

Looking at your record, however, it seems apparent that for a young man, if you don't smarten up pretty soon, you are going to end up as what we call a common criminal, and will not have much freedom left to you in your life. Now you are at the crossroads; you have to smarten up pretty soon. Apparently you can hold a job, you can get employment, but you can't seem to be able to drink without getting into trouble, and then if you do get into trouble you seem to resent the fact that the police are doing their duty. The police have a tough enough job without having to put up with obstruction and assaults of the kind such as you have been charged with today.

Now it is quite true that in a physical sense this assault was not a very severe one, but in the sense of pride - and I think that is very important for those who have to enforce the law - their position in the community is very important, and the very fact that when the facts came out here there was snickering



1 throughout the court room - including from the  
2 Bench, indicates the type of ridicule that that police  
3 officer has probably suffered in his community, and  
4 it may have affected his authority, and I think it is  
5 part of the thing, part of the matter, that undoubtedly  
6 affected the sentencing in this case.

7 Now the difficulty I have is that there may have  
8 been some error in principle, and I am a little per-  
9 turbed about the fact that your Notice of Appeal  
10 as given to me was many days after you apparently had  
11 signed it, so I feel it is my duty to make absolutely  
12 sure that you have been treated justly.

13 Accordingly, although I normally would not consider  
14 that there was an error in principle, in this case, in  
15 an attempt to remove any possible injustice, I  
16 am removing the consecutive aspect of the sentence,  
17 but I am not disturbing it in any other way, so that the  
18 appeal will be allowed to the extent that the consecutive  
19 aspect is removed, and the sentence will be six months  
20 from the date you were first incarcerated.

21 In other words, the calculation will take place  
22 from the first date of the incarceration.

23 Mr. Halifax:

24 I believe My Lord that is the 16th of July  
25 1974.

26 Mr. Troy:  
27



That will be concurrent to any other sentence imposed?

The Court:

Concurrent to any other sentence. All right, that's fine, you may go, at least, go from here.

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W.G. Morrow  
J.S. C.

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