

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

B e t w e e n :

HER MAJESTY THE QUEEN,

Respondent,

- and -

RITA ROSE,

Appellant.

APPEAL FROM THE SENTENCE OF HIS WORSHIP

JUSTICE OF THE PEACE F. HASEY

DATED THE 11TH DAY OF OCTOBER, 1974

---Before THE HONOURABLE MR. JUSTICE MORROW, at the Supreme Court
Sittings, held at the Court House, Yellowknife, Northwest
Territories; on Monday, the 16th day of December, 1974.

HIS LORDSHIP'S ORAL REASONS FOR JUDGMENT

APPEARANCES:

- O. J. T. TROY, Esq., Q.C., Counsel for the Crown.
 - A. JORDAN, Esq., Counsel for the Appellant.
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HIS LORDSHIP'S ORAL REASONS FOR JUDGMENT

---Delivered at the conclusion of the hearing.

HIS LORDSHIP: Stand up, Miss Rose.

Now, Miss Rose, you have apparently responded very well to what the people are trying to do for you. Do you think you can keep out of trouble if I take a chance on you?

Can you say something?

THE APPELLANT: Yes.

HIS LORDSHIP: Do you like Yellowknife?

THE APPELLANT: Not very much.

HIS LORDSHIP: Is it worse or better than Hay River?

Maybe I shouldn't ask you that.

Do you think you can get by in Yellowknife for a while and not go back to Hay River?

THE APPELLANT: Yes, sir.

HIS LORDSHIP: All right, here is what I'm going to do.

The Crown Attorney, Mr. Troy, has been his usual fair self. You realize what happened here is that you started out just as Mr. Troy has mentioned and Mr. Jordan has mentioned. You started out with a minor problem, but because you kept ignoring what the Court officials told you to do -- you didn't turn up and things like that -- you are now subject to a more serious charge now from this very failure to do these things. And I hope you understand that, because at some point in time if you fail to keep up with what the Court does, whether it is Magistrate or Justice of the Peace or a Judge, if you keep ignoring, eventually the Court says: "Put her in jail, get rid of her." Now, we don't like to do that to young people like you. You have a life

live and you should be happy. So what I'm going to do is allow the appeal and vary the sentence as follows:

There will be a suspended sentence of five months.

During that time you will be required to keep the peace, report to the Probation Officer every week or at such other times as he may direct. If it turns out that he only needs you every other week, that's fine. But you will arrange that with Mr. Marier.

You will stay out of Hay River during this five-month period.

Now, do you think you can keep up with these promises?

THE APPELLANT: Yes.

HIS LORDSHIP: All right.

Is that all this afternoon? All right, sit down.

MR. TROY: My Lord, the other three probation orders, I have asked that they be transferred.

HIS LORDSHIP: Well, I don't have to say anything about that.

MR. TROY: No. I trust that when this probation order is signed this young lady would realize that if she disobeys the probation order she can be brought back into Court.

HIS LORDSHIP: Well, you understand, Miss Rose, that you are going to be allowed to go free in Yellowknife or any other place but Hay River and if you keep out of trouble and keep in touch with Mr. Marier you have no trouble, but if you don't keep out of trouble that five months you can be brought back before the Court like you were before. Now, do you understand that?

THE APPELLANT: Yes, sir.

HIS LORDSHIP: All right. Let's hope you will be all

right this time.
