

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

B e t w e e n :

HER MAJESTY THE QUEEN, upon the
information of T. W. Ralph, sworn
the 7th day of November, 1974,

Respondent,

- and -

MOISE BEAULIEU,

Appellant.

APPEALS FROM THE SENTENCES OF HIS WORSHIP
JUSTICE OF THE PEACE D. DANKS

DATED THE 7TH DAY OF NOVEMBER, 1974

Before THE HONOURABLE MR. JUSTICE MORROW, at the Supreme Court
Sittings, held at the Court House, Yellowknife, Northwest
Territories; on Tuesday, the 17th of December, 1974.

HIS LORDSHIP'S ORAL REASONS FOR JUDGMENT

APPEARANCES:

O. J. T. TROY, Esq., Q.C., Counsel for the Crown.

J. E. RICHARD, Esq., Counsel for the Appellant.

HIS LORDSHIP'S ORAL REASONS FOR JUDGMENT

---Delivered at the conclusion of the hearing.

HIS LORDSHIP: Stand up, Mr. Beaulieu.

I don't like to see young people come before the Court for the first time, even when it's an appeal. You look like a smart-looking young man that should be able to do better than this. You have at least pled guilty, which showed some indication that you may be on the way to rehabilitating yourself. I hope so. You have been very foolish.

Now, I agree with the principle of deterrence for this type of offence, particularly at this time of year in a community like Inuvik, because the citizens have to leave their vehicles running.

fact it could even be a matter of life and death if a vehicle wasn't able to start and an emergency came up. So we have to take into consideration local conditions.

However, I do, while looking at these cases, think that the Justice of the Peace did err in principle in making a series of consecutive sentences, the effect of which was to exceed his total jurisdiction under a summary conviction matter.

Accordingly, because of that, I am allowing the appeal in part.

I will substitute a sentence of three months on the first count, time served to be allowed for, and on each of the remaining three there will be three months, all to be concurrent.

Is that fair enough, Mr. Troy?

MR. TROY: Yes, My Lord.

HIS LORDSHIP: Now, let's hope you've learned your lesson and that you won't be back.

HIS LORDSHIP: Is that everything then?

MR. TROY: Yes, sir. I will be leaving town tomorrow, and if Mr. Richard prepares an order I will be glad to sign it.

MR. RICHARD: My Lord, the three months on the first count includes the time in custody?

HIS LORDSHIP: Yes, sir. Well, you can put right in the order the period from the 7th of November to the 5th of December to count.

Now, you would be better not to ask that question.

MR. RICHARD: No, sir, I would be afraid that they might not count all of that time because of this warrant that was executed on the 12th of November.

HIS LORDSHIP: Well, let us make it clear, Mr. Troy, let's put it in the order that the time served from the 7th of November to today's date to count.

MR. RICHARD: To today's date, sir?

HIS LORDSHIP: Yes. Now, I think that's giving him a break. But I don't think we should fiddle around with it.

MR. TROY: You would have to be almost a mathematical genius to figure it out.

HIS LORDSHIP: Well, if you put it in the order, I would think, Mr. Richard, that would straighten it out.
