

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

Between:

HER MAJESTY THE QUEEN

Complainant

-and-

NOEL BAPTISTE MARLOWE

Defendant.

27-Jan-1976

REASONS FOR JUDGMENT OF THE HONOURABLE
MR. JUSTICE W. G. MORROW

As has been pointed out by the lawyers here, the fact that a person is drunk may be something you have to look at, but drunkenness is no excuse in law in the normal sense.

I think it is a matter of sadness that a nice community like Snowdrift seems to be acquiring problems with alcohol. I hope that the local inhabitants, the leaders of the Community, will be able to do something about it, because unfortunately all the Court can do is hear cases that are caused after the alcohol gets out of control.

This is a lovely Community. In the ten years I have been on the job we haven't had to come here very often, and I hope we don't start having to come regularly.

The fact that the accused here, Mr. Marlowe, even part way through the trial, has pled guilty is to his credit and I have to pay some attention to that.

His Counsel has done his best - his lawyer has done his best for his client.

I have also to take into consideration my responsibility - not only to be fair to the accused and take into consideration the time he has already served (I have to pay attention to that), but I do have a responsibility to the public - to you people and to Parliament.

Now, Parliament has said for this offence the Court can go quite a way and sentence up to fourteen years, and that's a pretty serious crime, a pretty serious penalty. Of course, in this case I have no intention of giving the accused fourteen years, but I point out that is what the law of Canada - what the people of Canada through their Parliament have said can be the punishment.

In this case there were sad consequences that I will not pay attention to in sentencing, which the people here know about. I do have to consider, however, that a man was injured, and this was the very type of injury that the law has been made to provide against - to try to prevent.

I have to take into consideration this man's record, the fact that he has been before the Court before. Even as a young man he has had quite a few of what we call "battles" or "bouts" with the law.

It is possible, from what the Correctional Institute says, that he can well learn his lesson; and if it wasn't because I thought he could still learn his lesson and there was some chance of making a man out of him I would be disposed to give him a very heavy sentence, as has been provided by Parliament.

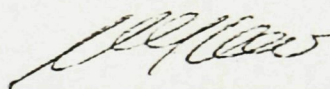
I think this young man, Mr. Marlowe, is at the cross-roads of his life. Either he learns from this one and straightens up or he will end up, I am afraid, spending a large part of his life in gaol, because after a certain time the Courts will no longer be sympathetic if people continue to drink and not be able to control their liquor.

So, taking all these things into consideration, I must give you some term of imprisonment under the circumstances, but I am paying some attention to what your lawyer has said about your behaviour under supervision, so, after allowing for the time you have already spent in gaol, I sentence you to ten months to be served in the Correctional Institute, preferably at Hay River.

I direct a further period of twelve months' probation, during which time you must keep the peace and be of good behaviour; you must not become intoxicated from any type of liquor or drug; you shall report monthly to the probation officer, or in the absence of a probation officer wherever you may be, you will report to the R.C.M.P. monthly at times to be arranged, and if you wish I could recommend that you be

allowed to take alcoholic treatment at Henwood or any such institution that may be available. That's up to you, if you want to control your liquor.

Pronounced at Snowdrift, N.W.T.
January 27, 1976.



W. G. Morrow