

*in appeal*

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES  
(Before His Lordship, The Honourable Mr. Justice, W. G. Morrow)

IN THE MATTER OF:

HER MAJESTY THE QUEEN,

vs

ALEXIS SIMON.

A transcript of the Sentencing portion of  
a trial held at Fort Smith, Northwest  
Territories, on the 31st day of January,  
A.D. 1974.

Appearances:

- O. J. T. Troy, Esq., Q.C., appearing on behalf of the Crown.
- The accused appearing on his own behalf.
- R. B. Waller, Esq., appearing as amicus curiae.

*in appeal -  
no change in case,  
altered amount.*



1 THE COURT: Thank you. Stand up, Mr. Simon.

2           When I look at your record I am saddened. I wonder,  
3 perhaps, if things might have been different, although  
4 who knows, if the first time you had a brush with the  
5 law you had not been given six months for what appears  
6 to have been a relatively minor offence. However, later  
7 on the Court tried to compensate for that by giving you,  
8 in 1969, probation as an experiment, and that didn't seem  
9 to work, and then later on, even after your lengthy  
10 history of trouble the Parole Board attempted to give you  
11 another chance, and in less than a month you broke that  
12 again.

13           I am known for not favouring sending people, young  
14 people, native people such as yourself, to the penitentiary,  
15 particularly the one at Prince Albert. So that I would  
16 know a little bit about what was going on I have made  
17 a study by personally going into penitentiaries and jails,  
18 and I must say I abhor what I saw in Prince Albert. Now,  
19 it is difficult, we have to have jails for people, but  
20 I must say I hate the thought of sending people like  
21 you there. I don't expect much reformation of anyone in  
22 a place like Prince Albert. These were my thoughts <sup>even</sup> before  
23 I heard your story tonight.

24           On the other hand there comes a time when the Court  
25 has to protect society, even after making all the necessary  
26 adjustments as are laid down in the law cases dealing  
27 with sentencing, and even applying the most sympathetic



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approach to your case here tonight, I have no alternative but to send you to jail, of course, and you have expected it.

It may be that you could still be saved, I don't know. I hope you can, but you are going to have to change your mental attitude if you are going to be saved. You must not start looking upon people like Beze as heroes and martyrs. You must start looking for your own redemption.

In respect to Count Number One I am sentencing you to four years. In respect to Count Number Two I am sentencing you to two years concurrent. I am making a direction that in my opinion you should not be incarcerated in Prince Albert. I am making a direction that in my opinion every effort should be made to attempt to cure you in respect to your mental attitudes and your physical condition, if that is part of it, and if you respond to treatment you be given an opportunity to learn a trade. Now, I don't see that I can do any more than that.

I feel sorry for you Mr. Simon, but I also feel sorry for the people who have been -- for the girl who has been a victim here. You may sit down.

(CONCLUDED)

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