

In the matter between:

HER MAJESTY THE QUEEN, upon the
information of Cst. C.F. Banting
sworn the 11th day of January AD
1974, the Informant

Respondent

- and -

LLOYD WILLARD PATRICK ALEEKUK

Appellant

A Transcript of the Reasons for
Judgment of The Honourable Mr.
Justice W.G. Morrow, given
at Inuvik, N.W.T. on May 14th,
1974.

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

M. McConnell, Esq., for the Appellant

HER MAJESTY THE QUEEN, upon
the information of Cst. C. F.
Banting sworn the 11th day of
January A.D. 1974, the Informant,

Respondent

- and -

LOYD WILLARD PATRICK ALECHUK

Appellant

NOTICE OF APPEAL

TAKE NOTICE that the Appellant hereby appeals against the sentence of Thirty (30) days imprisonment without the option of a fine passed upon him by His Worship F. Greenland, a Justice of the Peace in and for the Northwest Territories, at Inuvik in the said Territories on the 16th day of January A.D. 1974 upon the following charge:-

"That Lloyd Willard Patrick Alechuk did on or about the 11th day of January A.D. 1974 at Inuvik in the Northwest Territories, unlawfully sell liquor contrary to section 57 (c) of the Liquor Ordinance of the Northwest Territories."

AND TAKE NOTICE that the grounds of appeal are:-

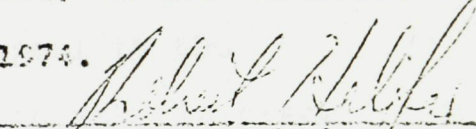
- (a) that the sentence of Thirty (30) days imprisonment is excessively severe in all the circumstances; and
- (b) that sentence was passed on the basis of a wrong principle.

DATED at the City of Yellowknife, in the Northwest Territories this 31st day of January, A.D. 1974.

TO:

The Clerk of the Court

AND TO: Crown Attorney


Per Robert Valian
Counsel for the Appellant

(Mr. McConnell and Mr. Troy having addressed the court respectively on behalf of their clients, judgment was given as follows)

The Court:

Well, in this case I see nothing excessive under the circumstances I can see nothing excessive in the sentence imposed by the Justice of the Peace at the time. I agree with this type of offence it would appear that fines are merely putting an economic ^{emphasis} on something that is already an economic crime, if I can use those words loosely. It is a turning back we must consider, and the police have a difficult time, and the learned Justice of the Peace has felt he must impose a fine to prevent the continuation of such offences.

The only problem I have here is that we are talking about four days and I am wondering if in view of the amount that the man has already served, the sixteen days of the thirty, and will in effect be merely put back in for another four days, just what I should do.

He has had this hanging over his head, so I think in this case I will allow the appeal to the extent of the time served, but I want to make it clear that it is not a criticism in any way of the original sentence.

W.G. Morrow
W.G. Morrow
J.S.C.