

In the matter between:

HER MAJESTY THE QUEEN

Complainant

and

GEORGE HARRY

Defendant

REASONS FOR JUDGMENT of the
Honourable Mr. Justice W.G.
Morrow, given at Inuvik, N.W.T.
on the 14th day of May AD 1974

O.J.T. Troy Esq. Q.C. for the Complainant

M. McConnell Esq., for the Defendant

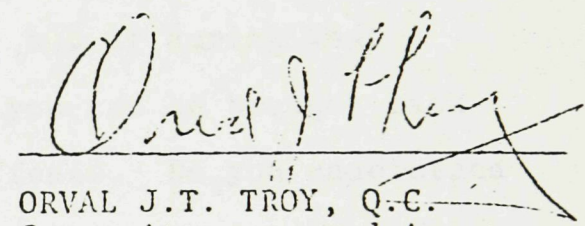
C A N A D A)
NORTHWEST TERRITORIES)
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HER MAJESTY THE QUEEN
-and-
GEORGE HARRY

I N D I C T M E N T

GEORGE HARRY stands charged that he, on or about the 18th day of September A.D. 1973 at or near the Town of Inuvik in the Northwest Territories with intent to wound, did unlawfully cause bodily harm to LEONARD FRANK HARRY, contrary to Section 228(a) of the Criminal Code.

DATED this 11th day of April, A.D. 1974 at the City of Yellowknife in the Northwest Territories.



ORVAL J.T. TROY, Q.C.
Crown Attorney and Agent
of the Attorney General of
Canada and the Northwest
Territories.

(Mr. Troy and Mr. McConnell having addressed the court, judgment was given as follows)

The Court:

Mr. Harry, everyone here, the police, the Crown Attorney, the Probation Officer, and your lawyer, everyone here, they all say you have been a good man until this accident happened.

Do you understand that you made a mistake when you fired that gun? Now if the court gives you another chance, and doesn't put you in jail, do you think you can keep out of trouble in the future?

Mr. Harry: Yes.

The Court: Well, this is what I am going to do. I am going to suspend sentence for two years. Now this means that for two years from today, if you stay out of trouble, you will not have to go to jail, but if during that two years you get into trouble, you can be brought back to me to be punished for this offence. Do you understand that?

Now as part of this, you are going to have to make some promises to me, to the court, and if you break those promises you can be brought back to the court to be punished.

Now these are the promises. The first one is to keep the peace and be of good behavior for two years. Do you promise that?

Mr. Harry: Yes.

The Court: Next, you must not drink with either

one of your sons in your house.

Mr. Troy: That is Leonard.

The Court: What are the names of your sons?

Mr. Harry: Leonard and Forrest.

The Court: Leonard and Forrest. If they come to your house and start to drink, you must phone the police to protect yourself. Can you keep that promise?

Mr. Harry: Yes.

The Court: And you yourself must not get drunk. Can you keep that promise?

Mr. Harry: Yes.

The Court: Next, every month at a time to be arranged by the Probation Officer, you must call on the Probation Officer and let her know that you are keeping out of trouble, and take her advice if she can help you, or his advice if it is a man. Next, any guns that you have you must leave with the R.C.M.P., or the probation officer, whichever one they work out among themselves, and if you go hunting you must take your guns back to the those persons when you finish hunting.

Now is that satisfactory to the Probation Department.

Mr. Sealy: No sir, we could not accept the guns.

The Court: All right, they will be left with the police. That is all right, is it not, Mr. Troy?

Mr. Troy: Yes sir.

The Court: They will be left with the police then.

The Court: Now is there anything I have missed, gentlemen?

Mr. Troy: Sir, could there be a condition in respect to paragraph F of Section 662(3)?

The Court: Which is that?

Mr. Troy: To notify the court or the probation officer of any change in address or employment, or occupation.

The Court: All right, you will also notify the police or the probation officer when you change your job, or when you move from Inuvik to a different place. Now do you promise those things. He makes those promises to me.

Mr. Harry: Yes.

The Court: That's fine, all right, sit down. Thank you Mr. Allen.

Mr. Troy: Sir, could there be an order that the various items seized at this investigation be either destroyed, or returned to the owners.

The Court: About, the rifle, I will leave that with the police until he goes hunting.

Mr. Troy: Could there be an order that it remains with the police to be turned over to Mr. Harry only when he is going hunting?

The Court: Right.

Mr. Troy: Could it be in the terms of the probation

order.

The Court: There will be an order in the probation order that the rifle be left with the police, and other exhibits will be returned to the police or destroyed, as the circumstances seem fit.

Mr. Troy: My Lord, I don't know whether this would be appropriate or not, but Leonard Harry is here himself.

The Court: Well, would you ask him to come forward.
Come up here Leonard.

Mr. Troy: I might point out My Lord, that from the information received that Mr. Harry and Leonard are very fortunate that Leonard wasn't killed that night.

The Court: You are the son of this man here?

Leonard Harry: Yes.

The Court: You are the son, yes, and do you understand what I said a few minutes ago?

Leonard Harry: Yes.

The Court: Are you going to give any trouble, or will you visit your father without drinking?

Leonard Harry: Yes.

The Court: You make that promise, all right, and will you tell your brother the same, because you understand that you are very lucky it wasn't a more serious case. All right, you can sit down.

What other exhibits are there, Mr. Troy?

Mr. Troy: I have a list here, My Lord.

The Court: Generally what are the other exhibits, documents and so on?

Mr. Troy: Blood samples and that sort of thing. I have the list right here.

The Court: Oh, I see. Well, the physical articles can be left with the R.C.M.P. to be destroyed, or returned to the owner, as they see fit.

Mr. Troy: There was some ammunition and the rifle, and there was some clothing, and that's it.

The Court: Well, I will leave that up to the police. If there is anything of value they will return it, and if not, they will destroy it.

Mr. Troy: And there is a half bottle of Calona Royal white wine.

The Court: That's to be destroyed.

I want to say in respect to this case the attitude taken by the Crown Attorney and by the R.C.M.P. has been most responsible, and certainly as far as I am concerned, commendable.

Mr. Troy: Well My Lord I would also like to thank my learned friend for his cooperation, and also the Probation Service. I think this is an excellent example where all parties and the enforcement agencies of the Department of

Criminal Justice, the system of Criminal Justice have cooperated fully and to the fullest extent in what we hope may be to the best interest of all concerned.

The Court: Well, we will hope so.

W.G. Morrow
J.S.C.