

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

In the matter between:

HER MAJESTY THE QUEEN

Respondent

and

JAMES STEWART

Appellant

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

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

John Bailey Esq. for the Appellant

Northwest Territories,
14 May 19 74

TO: The Court of Appeal for
the Northwest Territories.

On the 13th day of May 19 74

at Inuvik, Northwest Territories, I was
convicted on a charge of WARRANT - Sec. 357 (4) CC and Failing to
under Section xxxxxxxx of Juvenile Court - Sec. 133 (5) C.C.

before Police Magistrate R. MILLER and was
sentenced to 7 days imprisonment on each charge consecutive
with Sentence being Suspended for a period of 3 months
I wish to appeal against the conviction

(or sentence) on the following grounds: -

(a) that the sentence was incorrect in that the Justice of the Peace
erred in sentencing me to 7 days imprisonment consecutive on each

(b) charge plus placing me on a suspended sentence for 3 months.

(c) _____

I am (~~anxious~~) desirous of being present in
person upon the hearing of this appeal.

(Sgd.) _____
(Appellant)

This form to be prepared in six copies.

Original and duplicate for the Court of Appeal, Yellowknife, NWT.
Copies to Informant, Convicting Court, Crown Counsel and
Appellant.

(Mr. Troy and Mr. Bailey having addressed the court,
Mr. Justice Morrow gave judgment as follows)

The Court: The appeal will be allowed to this extent.

The new sentence will be five months sus-
pended. The conditions will be (1)

To keep the peace and be of good behavior.

(2) You will refrain from the excessive
use of alcohol.

Now this direction about the paying, Mr.

Troy, do you want that as one of the
bonds, or do you want a separate

direction?

Mr. Troy: No My Lord. I would like to have it a
condition of the recognizance he can be
brought up under Section 666.

The Court: Then there will be a further direction, a
further condition that as he earns
money - and then we better be fair in case
he loses his job - as he may earn money
he shall pay off the \$95.23 at the rate of -
I am going to say twenty dollars each pay
cheque, each monthly pay cheque.

Mr. Bailey, does that give your man enough to
live on?

Mr. Bailey:

He informs me it will, My Lord.

The Court:

All right, that will be the other condition.
Is there anything else Mr. Troy that you
think we have missed?

Mr. Troy:

Is that payable to the Northwest Terri-
tories Housing Corporation?

The Court:

Yes.

Mr. Troy:

Through the Probation Services?

The Court:

I think so, are you satisfied to have it
through you Mr. Sealy?

Mr. Sealy:

Yes.

The Court:

Fine, that will be it. Is it Housing
Corporation or Housing Association?

Mr. Sealy:

Association.

The Court:

All right; Mr. Bailey, you will explain that

to your client?

Mr. Bailey:

I will My Lord.

The Court:

I want to compliment the police and the Crown for straightening out what is an easy enough mistake.

Now does that complete the matter.

Mr. Troy:

Yes My Lord.

W.G. Morrow
J.S.C.