

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

In the matter between:

HER MAJESTY THE QUEEN, upon the information of Cst. G.H. Brooks, Peace Officer, sworn the 27th day of December, 1973, the Informant.

Respondent

and

LLOYD ZUBERBIER

Appellant

Reasons for Judgment of the Honourable Mr. Justice W.G. Morrow, given at Inuvik, N.W.T., on the 13th day of May AD 1974.

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

Orval J.T. Troy Esq. Q.C. Counsel

Searle, Finall & Sigler  
For the Appellant

Malcolm McConnell Esq. Counsel

HER MAJESTY THE QUEEN, upon the information of Cot. G. R. Brooks, Peace Officer, sworn the 27th day of December, 1973, the Informant.

RESPONDENT

- and -

LLOYD ZUBERBIER

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 the R. Milligan, Justice of the Peace in and for the Northwest Territories, on the 27th day of December, 1973 upon the conviction of the Appellant on the following charge:

Count 1

"that Lloyd Zuberbier on or about the 26th day of December A.D. 1973 at Inuvik in the Northwest Territories without lawful excuse point a firearm to wit, A Police Positive Special 32-20 W.C.F. Revolver at Chere Zuberbier, contrary to section 86(A) of the Criminal Code Charge No. 1"

Count 2

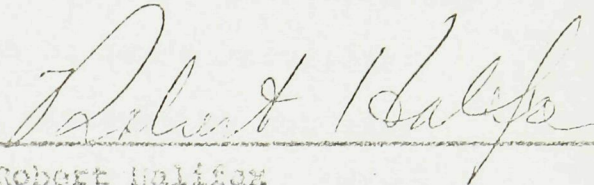
"That Lloyd Zuberbier on or about the 26th day of December A.D. 1973 in or near the Town of Inuvik in the Northwest Territories did have in his possession a restricted weapon. to wit, Police positive special 32-20 W C F Revolver for which he did not have a registration certificate issued to him, contrary to section 91(1) of the Criminal Code.



AND TAKE NOTICE that the grounds of appeal are:

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

DATED at the City of Yellowknife in the Northwest Territories  
this 27th day of December A.D. 1973.



Robert Halifax  
Counsel for the Appellant

to: The Clerk of the Court

(After addresses on behalf of the Appellant and Respondent respectively, judgment was given as follows)

The Court:

I will now give my judgment.

This is a case where normally had there been any appearance of fear or seriousness of the altercation with the wife, I would have been inclined to not vary the sentence of the learned Justice of the Peace Milligan but in view of the circumstances as they have been brought out, and the parties are back together, and where the wife was not sufficiently worried about the problem.

I am going to vary the sentence in each case to the extent that the sentence of thirty days be the time served and there will be a fine of one hundred dollars on each charge, and failing payment, two weeks in gaol, or in default of payment, - how soon can he pay, Mr. McConnell?

Mr. McConnell:

I think he can pay fairly quickly.

The Court:

Well, I think as a precaution I will give him forty-five days to pay.

The Court:



Now Mr. McConnell, is there any reason why we shouldn't make an order as to the destruction of the firearm?

Mr. McConnell:

No objection to that, My Lord.

The Court:

The firearm to be left with the RCMP, and destroyed in accordance with the Criminal Code.

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