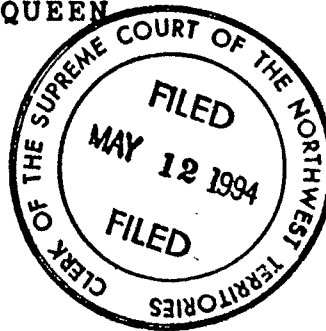


IN THE SUPREME COURT  
OF THE NORTHWEST TERRITORIES

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HER MAJESTY THE QUEEN

- and -



DONALD CORBETT McLEOD

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Reasons for Judgment and Sentence given by The  
Honourable Mr. Justice J.Z. Vertes, at Arctic Red  
River, Northwest Territories, on the 14th day of  
April A.D. 1994

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APPEARANCES:

A.R. Regel, Esq.,	Appeared for the Crown
J.U. Bayly, QC,	Appeared for the Defence
Cheryl Mendryk, Ms.,	Court Reporter

(Charged under Section 234 of the Criminal Code)

1 THE COURT: Donald Corbett McLeod  
2 has entered a plea of not guilty to a charge of  
3 manslaughter; specifically, causing the death of  
4 his 7-month-old daughter, Raquel.

5 The undisputed expert evidence is that Raquel  
6 died on November 21, 1992 as a result of what is  
7 known as "shaken baby syndrome." That is to say,  
8 after being violently shaken, causing subdural  
9 hemorrhage and a swelling of the brain leading, in  
10 the absence of drastic medical intervention, to  
11 unconsciousness and death. The issue I have to  
12 decide is whether the Crown has proven beyond a  
13 reasonable doubt that it was the accused who shook  
14 this baby.

15 Before discussing the evidence, I wish to  
16 make some general comments about the crime of  
17 manslaughter. In doing so, I rely to a great  
18 extent on the majority decision of the Supreme  
19 Court of Canada in the recent case of R. v.  
20 Creighton.

21 Manslaughter is the unintentional killing of  
22 another person. A person convicted of  
23 manslaughter is not a murderer. Murder is the  
24 intentional killing of another person. Someone  
25 convicted of manslaughter did not intend to kill  
26 the victim, but a death resulted from the fault of  
27 that person. The fault may arise from criminal

*Gabe's*

1 negligence or it may arise as the unintended  
2 result of a lesser unlawful act.

3 Manslaughter, whether it be the result of  
4 an unlawful act or criminal negligence, only  
5 requires reasonable or objective foreseeability  
6 of the risk of bodily harm. If it is the  
7 consequence of criminal negligence, the behavioral  
8 norm is that of the reasonable person in all  
9 cases. It does not vary depending on the personal  
10 characteristics, short of incapacity, of the  
11 accused. There is no requirement of  
12 foreseeability of death.

13 In my opinion, the shaking of this baby would  
14 be an assault which is an unlawful act. Any  
15 reasonable person in these circumstances would  
16 foresee the risk of bodily harm. The violent  
17 shaking of a 7-month-old infant would also be a  
18 marked departure from the standards of a  
19 reasonable person; and therefore, constitute  
20 criminal negligence.

21 Both the Crown expert, Dr. Jennifer Rice, and  
22 the Defence expert, Dr. Graeme Dowling, testified  
23 that a significant degree of force is required to  
24 cause the harm inflicted. They both said that a  
25 normal adult would have to appreciate that the  
26 force being used was excessive. Hence, I have no  
27 hesitation in concluding that the shaking of

*Gabe's*

1 Raquel, the shaking that led to her death,  
2 constitutes manslaughter.

3 The evidence revealed that while Raquel was  
4 almost 7 months old, she was born 2 months  
5 prematurely, so she was much smaller and less  
6 developed than a normal infant of her age. On the  
7 date of her death, and the day before, she was  
8 sick. She suffered from a fever, she would not  
9 take her food, she vomited frequently, she had a  
10 cough, and was alternately cranky and listless.  
11 Her mother, Lois Blake, gave her Children's  
12 Tylenol. This is recorded in the toxicology  
13 report submitted as an exhibit. The child was  
14 not, however, apparently so sick as to prevent her  
15 parents from going out.

16 I accept as fact that on November 20 and 21  
17 two young girls, Lena Andre and Patricia Ross,  
18 were at the McLeod-Blake household helping to care  
19 for the baby. They stayed at the house overnight  
20 on November 20th. They were there during the day  
21 on November 21st. Both the accused and Lois Blake  
22 came and went from the house. The question of who  
23 came and went when on November 21st is of some  
24 importance.

25 Lena Andre said that both the accused and Ms.  
26 Blake went out in the afternoon. She and Patricia  
27 took turns caring for the baby. Lena said that.

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1 Donald came back later and she left about half an  
2 hour after that. Patricia stayed behind.

3 Patricia Ross said that the accused and Ms.  
4 Blake came back to the house several times that  
5 afternoon. She also said that at times she was  
6 alone with Raquel and at other times Lena was  
7 alone with Raquel. She knew the baby was sick  
8 because Lois told her and because the baby vomited  
9 on her a couple of times.

10 Patricia said that the accused came home and  
11 then Lena left. After a short time she left. I  
12 take from her evidence that this must have been  
13 sometime later in the evening, because she also  
14 said that when she left the McLeod-Blake household  
15 she went to a friend's place, and about 10 to 15  
16 minutes later somebody came and said the baby was  
17 dead. But I am satisfied that whatever the exact  
18 time was that the accused came home, that he then  
19 took control of the child.

20 Both Lena and Patricia denied grabbing and  
21 shaking the baby at any time. They also said the  
22 baby, while sick, had no difficulty breathing.

23 Lois Blake testified as to the baby being  
24 sick. She said, however, that she did not leave  
25 the house until after 6 or 7 p.m. on November  
26 21st. The accused had gone out before then. When  
27 she left, the two babysitters were with Raquel.

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1 She also testified that she came back a few hours  
2 later to check on Raquel and then left again. She  
3 did not return again until she was told to come  
4 quickly because her baby could not breathe.

5 Lois Blake, as well, denied grabbing and  
6 shaking the baby.

7 I have to say that I approach Ms. Blake's  
8 evidence somewhat cautiously since she could not  
9 recall some events (such as the babysitters  
10 staying overnight) and because, as she  
11 acknowledged, she had been drinking that day.

12 The accused testified that he came home  
13 between 5 and 5:30 p.m. He took the baby into the  
14 bedroom. Sometime later the babysitters left,  
15 first Lena and then Patricia. He then did various  
16 things with the baby. He said she started crying;  
17 he changed her diaper; he tried to feed her; she  
18 was cranky, so he walked her; he tried to get her  
19 to sleep, so he put her in her crib in the  
20 parents' bedroom. He then laid down on the bed.

21 A certain time frame can now be put on the  
22 sequence of events, since we have the evidence of  
23 Olive Blake, Lois' mother, which I accept, who  
24 said that around 9:30 p.m. she came to the house.  
25 Only the accused and Raquel were there. The  
26 accused was lying on the bed. She asked him where  
27 Lois was and he said "I don't know." She also

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1 said that Raquel was in her crib and she was  
2 awake. Mrs. Blake then left.

3 The accused went on to testify that  
4 afterwards the baby was crying, so he put her on  
5 the bed. He said she was lying on her back, she  
6 was awake, she was moving her hands, and she was  
7 trying to crawl towards him. He said he went to  
8 the bathroom. He then went to the window to see  
9 if Lois was coming home. He then went back to the  
10 bathroom. He said that then he heard a bang and  
11 he saw Raquel on the floor. He said she made some  
12 squirming noises, then went stiff, and then went  
13 limp. He put her on the bed. He said she was  
14 making funny noises and having trouble breathing.  
15 He then tried respiration by breathing into her  
16 mouth. He said he heard a skidoo and went to the  
17 window and saw David Kendo.

18 David Kendo testified that between 10 and  
19 10:30 p.m. he was driving past the McLeod-Blake  
20 house when the accused yelled at him. The accused  
21 asked him to go get Lois because the baby stopped  
22 breathing. The accused told him that Raquel fell  
23 off the bed. He then went to tell Lois.

24 The accused testified that he was scared and  
25 kept up his resuscitation attempts. About 15  
26 minutes later Lois arrived with two others, who  
27 then took over the attempt to revive Raquel. At

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1 that point he was exhausted and upset and went to  
2 the bathroom where he cried.

3 Lois testified that when she got home the  
4 accused was trying to revive Raquel. He was  
5 upset. He told her that the baby fell off the  
6 bed.

7 At 10:30 p.m. the RCMP received a call from  
8 the nurse to attend at the McLeod-Blake residence  
9 to investigate a sudden death. The accused, at  
10 1:57 a.m., gave a statement to the police in  
11 essentially the same terms as his evidence at  
12 trial. This statement was ruled admissible and  
13 entered as part of the Crown's case.

14 The accused denied shaking the baby. He also  
15 said he was not feeling frustrated or angry,  
16 either with the baby or with Lois for being out  
17 that evening. There was no evidence to suggest  
18 otherwise.

19 An autopsy was performed by Dr. Rice. She  
20 testified that Raquel showed the signs of shaken  
21 baby syndrome: bilateral subdural hemorrhage,  
22 small localized areas of bleeding behind the eyes,  
23 and the lack of any external signs of blunt  
24 trauma. Dr. Dowling agreed, and indeed said that  
25 he had no doubt that shaken baby syndrome is the  
26 correct analysis for the cause of death.

27 Dr. Rice also found a "pattern" bruise on

*Gabe's*

1 Raquel's left cheek caused by a slap to the face,  
2 as well as a small cut in the left corner of her  
3 mouth. In her opinion, which I accept, this  
4 bruise is unrelated to the head injury, but it was  
5 caused before death.

6 Dr. Rice also gave her opinion, with which  
7 Dr. Dowling agreed, that the lethal head injury  
8 could not have been caused by a fall from the  
9 bed. It was an agreed fact that the bed was 21  
10 inches high. Dr. Dowling also said that there may  
11 not be any external or internal signs of any such  
12 fall even if it did occur.

13 I also accept Dr. Rice's opinion that the  
14 presence of a viral infection (if the baby was  
15 sick) or the subsequent attempts at resuscitation  
16 would have no effect on the impact of the head  
17 injury caused by the shaking. The only way this  
18 baby could have survived would have been through  
19 intensive and immediate hospital care to reduce  
20 the swelling of the brain. I understood Dr.  
21 Dowling to be in agreement with this statement.

22 I pause to note that the shaken baby syndrome  
23 is relatively new in that it has only recently  
24 been identified and investigated. Apparently,  
25 cases of this syndrome are concentrated in infants  
26 6 months old or younger. After that age, children  
27 begin to develop sufficient muscular and other

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1 control so as to dissipate the effects of such  
2 shaking. But generally the smaller the infant,  
3 the less force that is required.

4 The point of the controversy in the expert  
5 evidence is over the length of time from the  
6 shaking to the loss of consciousness and then  
7 death.

8 Dr. Rice gave the opinion that the time span  
9 from the shaking to death is variable, but  
10 generally is extremely rapid. It could be as  
11 short as 2 to 3 minutes. She placed the outside  
12 limit as 2 to 3 hours, even though she has heard  
13 of a reported case of 4 hours.

14 Dr. Dowling, on behalf of the Defence,  
15 testified that in the vast majority of lethal head  
16 injuries, unconsciousness is very rapid (in terms  
17 of minutes) if not immediate. Unconsciousness,  
18 without treatment, is then quickly followed by  
19 death. Unconsciousness and loss of breathing  
20 result from the swelling of the brain.

21 In Dr. Dowling's opinion, it is possible for  
22 consciousness to be maintained for up to 2 to 3  
23 hours and he, too, knows of a rare case where it  
24 is reported to last for 4 hours. Dr. Dowling  
25 testified that, in this case, if death occurred  
26 between 10 and 10:30 p.m., which is based on the  
27 evidence I accept, then the absolute outside limit

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1 for the time of the shaking would be between 6 and  
2 6:30 p.m.; although, as he qualified it, in the  
3 majority of cases, unconsciousness comes within  
4 minutes.

5 Dr. Dowling also testified that for the  
6 period of consciousness there would be certain  
7 symptoms, some of them similar to a sick baby,  
8 such as lethargy, vomiting, and crying. But he  
9 also said that if these symptoms had been seen  
10 much earlier than his outside time limit, he could  
11 not ascribe these symptoms to the head injury. Of  
12 course, the ordinary observer may not distinguish  
13 between the two causes of the symptoms.

14 Defence counsel's position is that this is a  
15 question of opportunity. There is no evidence of  
16 motive. So there must be proof of exclusive  
17 opportunity for the accused to be convicted. That  
18 exclusive opportunity can only be based on the  
19 expert evidence in this case.

20 Defence counsel says that if you take Dr.  
21 Dowling's outside limit of 4 hours, then four  
22 people had the opportunity to commit this crime,  
23 for at least four people had access to the child:  
24 the accused, Lois Blake, Lena Andre, and Patricia  
25 Ross. To accept that proposition, of course, I  
26 would have to reject the accused's evidence that  
27 he came home between 5 and 5:30 p.m. Because if

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1 that is the case, then the accused had exclusive  
 2 opportunity, since he took control of the baby  
 3 when he came home. But as will be seen and on  
 4 reflection, I do not think the determination of an  
 5 exact time as to when the accused came home or  
 6 when others left is as important as the evidence,  
 7 which I have already accepted, that indicates that  
 8 death occurred sometime between 10 and 10:30 p.m.

9 Defence counsel also says that if the shaking  
 10 occurred earlier, then it may not be unusual to  
 11 know the symptoms afterwards, which would be the  
 12 same as the symptoms the baby had been suffering  
 13 from for the previous two days. Therefore, no one  
 14 would think anything was wrong.

15 All of this, of course, is premised on the  
 16 assumption that this baby would have remained  
 17 conscious for an appreciable period of time after  
 18 being shaken. And, if I understand Defence  
 19 counsel, he says that I should at least have a  
 20 doubt on this point, based on Dr. Dowling's  
 21 expanded time limit according to his rare case.

22 For the reasons that follow, I reject that  
 23 argument, and with it, I reject the accused's  
 24 denial that he shook the baby.

25 Dr. Rice stated, in a very strong opinion,  
 26 that this baby, once shaken, would be unconscious  
 27 immediately. She said that there may have been

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1 some initial twitching or seizures, but the onset  
 2 of unconsciousness would be very rapid. Dr.  
 3 Dowling, when asked to comment on this opinion,  
 4 said he "cannot say she is wrong." Dr. Rice had  
 5 the opportunity to conduct a thorough examination  
 6 of the child's body, and I find her opinion to be  
 7 compelling and persuasive.

8 Coupling this opinion with the shared opinion  
 9 of both doctors that in the vast majority of cases  
 10 unconsciousness and death are very rapid, if not  
 11 immediate, convinces me that this child could not  
 12 have been shaken by anyone but the accused.

13 Furthermore, Dr. Dowling testified that if  
 14 this child was crawling and alert, then she was  
 15 not a lethally head-injured child. Dr. Rice  
 16 testified that this child would not have been  
 17 lively after being shaken. Yet the accused said  
 18 that when he first put Raquel on the bed she was,  
 19 and I repeat, awake, moving her hands, and trying  
 20 to crawl towards him. If this child had been  
 21 shaken earlier, she would not be acting like  
 22 that.

23 So I cannot conclude otherwise than that the  
 24 accused at some point between 9:30 and 10 p.m.  
 25 shook that baby. I need not find motive. The  
 26 shaking may have been for any number of reasons.  
 27 But, according to the expert evidence I accept, it

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1 had to have been of sufficient force that the  
2 accused should have or would have known that it  
3 was excessive.

4 This is not to say that the baby may not also  
5 have fallen off the bed. That is conceivable. It  
6 would also explain the apparent consistency of the  
7 accused's statements. But that was not the  
8 primary or a contributing factor in the death. In  
9 this case, the substance of the expert evidence  
10 convinces me that the only reasonable conclusion  
11 is that the baby was shaken shortly before the  
12 accused noted her breathing problems at a time  
13 when he had exclusive access and control of the  
14 child.

15 The onus on the Crown is not to prove the  
16 accused's guilt beyond any possible or speculative  
17 doubt. The test is whether, in view of the  
18 accused's evidence or the evidence as a whole, I  
19 am left with a reasonable doubt as to the guilt of  
20 the accused. On the whole of the evidence  
21 presented in this case, I have no doubt.

22 I repeat what I said earlier. There is no  
23 evidence that the accused intended Raquel's  
24 death. The death was the unintended consequences  
25 of what I have found to be a dangerous act that  
26 the accused should have foreseen would cause harm  
27 to Raquel. For these reasons, I find the accused

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1 guilty as charged.

2 (BRIEF ADJOURNMENT)

3 THE COURT: Donald Corbett McLeod stands  
4 convicted, after trial, of the charge of  
5 manslaughter arising from the death of his  
6 7-month-old daughter. I need not recount the  
7 facts. Suffice to say that I found beyond a  
8 reasonable doubt that the accused caused this  
9 child's death through what is termed the "shaken  
10 baby syndrome."

11 In my earlier reasons for judgment I spoke  
12 about the distinction between the crimes of murder  
13 and manslaughter. Manslaughter is the  
14 non-intentional killing of another person.  
15 Because it is non-intentional, it is less  
16 blameworthy than murder, but it is blameworthy  
17 nonetheless and must be punished.

18 But the punishment for manslaughter also  
19 stands in sharp contrast to that for murder.  
20 Murder carries a mandatory life sentence.  
21 Manslaughter carries no minimum sentence, although  
22 it does have a possible maximum sentence of life  
23 imprisonment.

24 Because manslaughter can occur in a wide  
25 variety of circumstances, the penalties must be  
26 flexible. An unintentional killing while  
27 committing a minor offence, for example, attracts

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1 a much lighter sentence than unintentional killing  
 2 where the circumstances indicate an awareness of  
 3 risk of death, just short of what would be  
 4 required to infer the intent required for murder.  
 5 The sentence should be tailored to suit the degree  
 6 of moral fault of the offender.

7 In this case I find it significant that the  
 8 expert evidence at trial indicated that shaken  
 9 baby syndrome is a newly identified and  
 10 investigated syndrome and that case histories  
 11 reveal that this crime is usually committed by  
 12 parents or other caregivers who act out of  
 13 frustration or momentary impulse. In this case,  
 14 as well, there was no evidence of any malicious  
 15 intent or pattern of malicious behavior by the  
 16 accused toward his child. I am satisfied that,  
 17 although his actions were criminally dangerous, he  
 18 had no intention to inflict harm. To his credit,  
 19 he took immediate steps to try to aid his child  
 20 when he noticed her difficulty in breathing and he  
 21 sought help. But, as unintended as it may have  
 22 been, death was the result, and for that he must  
 23 be punished.

24 If I look merely at the circumstances of the  
 25 offence, I would have to say that this is on a  
 26 scale of culpability on the lesser side. But, to  
 27 determine overall moral fault, I must also examine

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1 the circumstances of the offender. For, if  
 2 someone acts violently and that person has a  
 3 history of violent behavior for which he has  
 4 previously been sanctioned, then surely his degree  
 5 of moral fault must be considered as quite a bit  
 6 higher than someone who acts out of character.

7 The accused is almost 23 years old.

8 Unfortunately, he has already accumulated a  
 9 serious record of criminal convictions, many of  
 10 them for crimes of violence.

11 Since 1987, when he was 16 years old, the  
 12 accused has been convicted of 14 offences, four of  
 13 them in Youth Court. He started out with a  
 14 conviction in 1987 for sexual assault, for which  
 15 he served 6 months in secure custody. He has, in  
 16 addition, among his other convictions, three  
 17 convictions for assault and one for assault  
 18 causing bodily harm. Three of these convictions  
 19 arose from situations of domestic violence toward  
 20 his partner.

21 As additional aggravation, at the time of  
 22 this offence he was on probation, as well as on an  
 23 undertaking awaiting trial on outstanding assault  
 24 charges.

25 He has been in pre-trial custody for 17  
 26 months, although 6 months were spent serving a  
 27 sentence. I do, however, take the 11 months spent

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1 on remand into account and give it proportionately  
2 more credit than the time actually served.

3 In an affidavit submitted by Defence counsel,  
4 Willard Hagen, Chief of the Gwich'in Tribal  
5 Council, describes the accused as a mild-mannered,  
6 polite young man who previously acted in an  
7 appropriate and responsible manner with his  
8 child. Mr. Hagen formed these impressions while  
9 the accused attended his bush camp in 1992 as part  
10 of a probation order.

11 I have no doubt that the accused can be  
12 polite, mild-mannered, caring, and responsible at  
13 times. But his personal history also reveals that  
14 he is, for one reason or several, incapable of  
15 controlling his behavior at all times. This may  
16 be indicative of why he is now before this Court.

17 In my opinion, the circumstances of the  
18 offence and this offender would mandate a  
19 penitentiary term. This is, in fact, what Crown  
20 counsel suggests as being appropriate, even if I  
21 take into account the time spent on remand.

22 But, as Defence counsel reminds me, I should  
23 keep in mind that Mr. McLeod is still a relatively  
24 youthful offender; that any sentence I impose  
25 should be structured so that it is constructive as  
26 opposed to being destructive, especially keeping  
27 in mind what he says has been a particularly

*Gabe's*

1 difficult time for Mr. McLeod in remand.

2 Considering all that has been said and all of  
3 the circumstances surrounding this offence, I have  
4 decided to structure a sentence that attempts to  
5 both denounce this conduct and establish the  
6 opportunity for eventual rehabilitation. Will you  
7 stand, Mr. McLeod?

8 Mr. McLeod, the death of your daughter has  
9 been a tragedy. It's been a tragedy for your  
10 family and for your entire community, and I am  
11 prepared to accept that it has been a tragedy for  
12 you as well. But you are still a young man. I  
13 hope that you will take the time to think about  
14 your life, to think about your behavior, and to  
15 try to come to control of your behavior, to try to  
16 come to grips with your life because you still  
17 have most of your life ahead of you. And I am  
18 sure through hard work, I am sure through  
19 self-awareness, through an understanding of why  
20 you may have acted in the past as you did, you can  
21 come to grips with that and still be a credit to  
22 yourself and perhaps someday earn back the trust  
23 and respect of your community.

24 It is the sentence of this Court that you  
25 serve a term of imprisonment of two years less one  
26 day.

27 Considering your personal history, I will

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1 have the Warrant of Committal endorsed with a  
 2 recommendation that the correctional authorities  
 3 allow you to serve your sentence at the  
 4 Yellowknife Correctional Centre and with my  
 5 recommendation that they give consideration to  
 6 such education and other programs and courses that  
 7 may benefit you upon your release.

8 In addition, I direct that for a period of  
 9 two years after the expiration of your sentence,  
 10 you be on probation subject to the following terms  
 11 and conditions: you are to keep the peace and be  
 12 of good behavior. You are to report when and as  
 13 required by this Court. Upon your release you are  
 14 to report immediately to the probation officer in  
 15 whatever community you may be residing at the  
 16 time. You are to continue to report to that  
 17 probation officer as and when directed by the  
 18 probation officer; and you are to participate in  
 19 whatever counselling or treatment programs are  
 20 recommended for you by your probation officer. Do  
 21 you understand those terms?

22 THE ACCUSED: Yes.

23 THE COURT: Now, Mr. McLeod, I'm sure  
 24 your lawyer will explain the significance of the  
 25 probation order to you, but let me say this: that  
 26 considering your history, and considering the  
 27 seriousness of this sentence, I have no doubt that

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1 if you do not comply with those probation terms or  
 2 if you commit any other crimes while you're on  
 3 probation, that you will be dealt with severely;  
 4 that if you do not comply with the probation  
 5 order, you could be charged for that, in addition  
 6 to any other crimes that you may commit, and the  
 7 terms of the probation order may be changed if you  
 8 do not comply with them. Do you understand that?

9 THE ACCUSED: Yes.

10 THE COURT: You may have a seat. Under  
 11 the circumstances, counsel, I'm not going to  
 12 impose a victim of crime fine surcharge. Is there  
 13 anything else?

14 MR. REGEL: Just the mandatory Section  
 15 100 order, My Lord. I should note the accused is  
 16 already subject to one for a 10-year period, but I  
 17 expect this would have to run from the date of his  
 18 release.

19 THE COURT: I notice that he is already  
 20 subject to a mandatory 10-year order. Is there  
 21 much point to my adding on to it? Mr. Bayly?

22 MR. BAYLY: I'm not sure there's much  
 23 point in adding on to it. The effect would be, I  
 24 suppose, to make 10 years more like 12 years,  
 25 because I'm assuming they don't run consecutively  
 26 if they are separately ordered. But I suppose the  
 27 question is with a 10-year order already, there

*Gabe's*

1 may be no necessity. You do have some information  
2 before you in the affidavit of Willard Hagen of  
3 the aptitude of this young man in the bush. It's  
4 limited information, but it would certainly burden  
5 his options further if it's extended  
6 significantly.

7 THE COURT: Mr. Regel?

8 MR. REGEL: I would just simply note the  
9 circumstances, My Lord. Section 100 doesn't seem  
10 to contemplate not imposing it where it's not  
11 really going to accomplish any real -- seems to be  
12 a mandatory type of order unless there's certain  
13 specific requirements met in the case, and it  
14 doesn't appear in the Crown's submission that they  
15 are met.

16 THE COURT: Considering those comments,  
17 there will be the mandatory order under Section  
18 100 prohibiting the accused from having in his  
19 possession any firearms or explosives for a period  
20 of 10 years, starting from the expiration of his  
21 sentence of imprisonment.

22 Anything else?

23 MR. REGEL: Nothing from me, My Lord.

24 MR. BAYLY: No, My Lord. With the  
25 exception, when I spoke to Lois Blake, she said  
26 some things had been taken as potential evidence,  
27 none of which were presented in Court, but I'm

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1 assuming that Mr. Regel, with the assistance of  
2 the RCMP, can see to it that any personal effects  
3 that are wanted, I think there's some blankets and  
4 some clothing, will eventually be returned.

5 MR. REGEL: I expect that won't be a  
6 problem, My Lord.

7 THE COURT: Very well. Then before we  
8 close, gentlemen, let me say that, as I'm sure is  
9 apparent to everyone, this has been a very  
10 difficult case, and I want to thank both of you  
11 for the professional manner in which it has been  
12 presented, it's been of great assistance to me.

13 If there's nothing further, counsel, then we  
14 will close court.

15 (PROCEEDINGS CONCLUDED)

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*Gabe's*

1 I, Cheryl Mendryk, C.S.R.(A), hereby certify  
 2 that I attended the above Proceedings and took  
 3 faithful and accurate shorthand notes and the  
 4 foregoing is a true and accurate transcript of my  
 5 shorthand notes to the best of my skill and  
 6 ability.

7 Dated at the City of Calgary, Province of  
 8 Alberta, this 24th day of April, A.D. 1994.

10  
 11 Cheryl Mendryk  
 12 Cheryl Mendryk, Ms.  
 13 Court Reporter.

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