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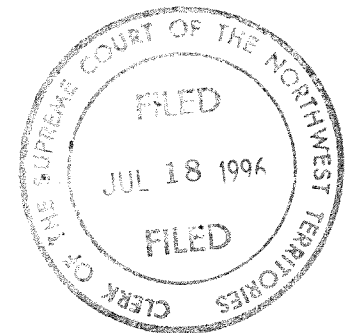
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

MICHAEL LAFFERTY



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Transcript of the Decision of the Honourable  
Mr. Justice J. E. Richard, sitting at Yellowknife  
in the Northwest Territories, on June 26, A.D., 1996.

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APPEARANCES:

MS. U. ARVENETES

On behalf of the Crown

MR. P. BOLO

On behalf of the Defence

1 THE COURT: I have reviewed the order of detention  
2 made by the Territorial Court Judge, as requested by  
3 Michael Lafferty.

4 I have now had an opportunity to review the  
5 transcript of the bail hearing before the Territorial  
6 Court Judge on May 24th, the documentary exhibits that  
7 are filed by both counsel, and I have considered  
8 carefully the testimony of Michael Lafferty and of the  
9 other witnesses who testified in support of his  
10 release while awaiting his trial.

11 I want to say at the outset that I accept  
12 Mr. Lafferty's statement that life has changed for him  
13 since he received a penitentiary sentence in 1990. I  
14 view as genuine his acknowledgement that alcohol has  
15 ruined his life and that he does not want to drink  
16 again. I accept as genuine his desire to obtain his  
17 release so that he can support his family, and so that  
18 he can continue in his real efforts to lead a  
19 constructive life.

20 However, with some considerable regret, I have  
21 decided that the law, and Michael Lafferty's personal  
22 circumstances, compel me to dismiss his application  
23 and to uphold the decision of the Territorial Court  
24 Judge requiring him to be detained in custody until  
25 his trial is held.

26 I am not satisfied that his detention is  
27 necessary on the primary grounds to ensure his

1 attendance in court. However, I am satisfied that his  
2 detention pending his trial is necessary for the  
3 protection or safety of the public, having regard to  
4 all of the circumstances that are present here.

5 The main consideration is Mr. Lafferty's  
6 unfortunate addiction to alcohol and the effect that  
7 alcohol has on his behaviour. He has a history of  
8 violent behaviour when he is drinking; most notable is  
9 his violent conduct which led to a three-year  
10 penitentiary term in 1990, following the unlawful  
11 confinement of a taxi driver at gunpoint for several  
12 hours.

13 I accept everything that he says about his  
14 intentions and the positive steps that he has taken to  
15 turn his life around since his release from  
16 penitentiary in 1991. But he also tells me himself  
17 that he has had some slips. His wife and his mother  
18 confirm that he has had some slips. And he is a  
19 danger to the public when he slips from his  
20 abstention. During one of his slips he was intoxicated  
21 in a public place and had to be ordered from a  
22 convenience store.

23 He acknowledges that he was drinking on the  
24 occasion of the altercation with Mr. Jackson on May  
25 9th. For purposes of this review only I refer to the  
26 Crown allegations, and I find that his drinking led to  
27 at least some level of violent aggressive behaviour

1           towards Mr. Jackson.

2           There is a substantial risk that violent  
3           behaviour will occur if he has another slip.

4           Mr. Lafferty strikes me as an intelligent man. I  
5           am certain that he knows that he cannot guarantee the  
6           Court that he will not have another slip.  
7           Unfortunately, as he knows, that is the nature of  
8           alcoholism or a dependency on alcohol. In the context  
9           of this review hearing it means that there is a  
10          substantial likelihood that Mr. Michael Lafferty will  
11          commit a criminal offence, or interfere with the  
12          administration of justice while awaiting his trial  
13          date.

14          Mr. Lafferty, I am saying these things to you in  
15          some detail because I want you to know, sir, that I  
16          have given careful consideration to your application  
17          on this bail review, and I want to try and have you  
18          understand why I can't grant your request. You and  
19          your lawyer, Mr. Bolo, have presented a very good case  
20          here, and there is nothing more that could possibly be  
21          said in your favour on this application. It is to your  
22          credit that people like Bill Erasmus and Jonas  
23          Sangris, and Darryl Beaulieu, and Karen Lorenzen and  
24          Mike Stillwell, and your friend Steve Christensen,  
25          that they all speak very highly of you, and from  
26          having seen you and heard you speak, I can understand  
27          why they feel that way about you. They all obviously

1 want to help you have a better life than you had when  
2 you were younger. But each one of them notes, or  
3 cautions, that it is your alcohol problem that stands  
4 in the way of you attaining that better life. It is  
5 that same caution that I must use in carrying out my  
6 responsibility, which is to ensure the safety of the  
7 public between now and the time that that charge is  
8 disposed of.

9 So, in the result, you will have to remain in  
10 custody until your trial on this serious charge, or  
11 until it is disposed of in a final way. We in the  
12 court system will make every effort to see that your  
13 case moves expeditiously.

14 I realize that the Court's decision today will  
15 cause some hardship to your immediate family and also  
16 to your mother, but the Court has a wider  
17 responsibility which must override those concerns.

18 So the application under Section 520 of the  
19 Criminal Code is dismissed for the reasons that I have  
20 mentioned.

21 We will close court.

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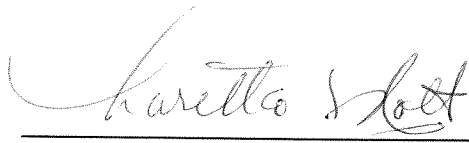
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Certified Pursuant to Practice Direction #20  
dated December 28, 1987.



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Loretta Mott,  
Court Reporter