

ORIGINAL

CR 03417

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:



HER MAJESTY THE QUEEN

- v -

GARY GEORGE WEDZIN

Transcript of the Decision on Change of Venue Application
held before The Honourable Justice J.Z. Vertes,
sitting in Yellowknife, in the Northwest Territories,
on Friday, the 23rd day of January, A.D., 1998.

APPEARANCES:

Ms. M. Nightingale:

Counsel for the Crown

Mr. T. Boyd:

Counsel for the Defence

1 THE COURT: Now, with respect to Mr. Wedzin's
2 case, all of the same general principles that I
3 referred to in my ruling on the Quitte case apply
4 here. The differences come in the evidence related
5 specifically to this case.

6 The complainant expresses not fear of harassment
7 and intimidation, nor any history of such acts, but a
8 fear that a jury in Fort Rae may not be fair. This is
9 pure speculation. This also ignores the assumption
10 that jurors will do their duty and decide the case
11 based on the evidence. I am not satisfied by what was
12 presented to me that a fair trial could not be held in
13 Fort Rae.

14 The complainant also expresses fear about
15 testifying in front of people in Fort Rae. This, as I
16 indicated earlier, may be present in every case in a
17 small community. In my opinion, however, this too is
18 somewhat speculative. There are no rational indicators
19 as to whether this fear is a fear of harassment or
20 retribution or a fear of exposure of her personal
21 feelings and history. There are protective measures
22 that can be invoked, especially considering the
23 relatively young age of the complainant.

24 If there are difficulties encountered during her
25 testimony due to fear or otherwise, I have no doubt
26 that the trial judge will take appropriate corrective
27 measures. I do not want to prejudge that question.

1 The Crown's motion is denied. This case will
2 proceed in Fort Rae as planned. However, it will start
3 on February 9th, 1998, at 10 a.m., with jury
4 selection.

5 I take it, Mr. Boyd, you are available that week?

6 MR. BOYD: Yes, My Lord, and there's also the
7 need for an interpreter with respect to Mr. Wedzin.

8 THE COURT: Well, there will be interpreters
9 available in Fort Rae as usual. Any questions,
10 counsel?

11 MS. NIGHTINGALE: No, thank you.

12 MR. BOYD: No, thank you.

13 THE COURT: Fine. Thank you for your
14 submissions.

15 THE CLERK: All rise. Court is adjourned.

16

17 **ADJOURNED GENERALLY**

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

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Tara Taylor

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Tara Taylor, CSR(A), Court Reporter

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