

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

JONAS MODESTE

Transcript of the Reasons for Judgment by The Honourable
Justice L. A. Charbonneau, sitting in Deline, in the
Northwest Territories, on the 15th day of February, A.D.,
2012.

APPEARANCES:

Ms. A. Paquin: Counsel for the Crown

Ms. B. Rattan: Counsel for the Defence

Charges under s. 267(b), 267(a) & 252(1) Criminal Code

1 THE COURT: Mr. Modeste faces three
2 charges in this trial, all arising from the
3 same incident that happened on March 26, 2010,
4 almost two years ago now. These charges are
5 one count of assault causing bodily harm; one
6 count of assault with a weapon, the weapon being
7 a snowmobile; and one count for failing to remain
8 at the scene of an accident for the purpose
9 of escaping civil or criminal liability. The
10 victim in the two assault charges is Frank Elemie
11 Junior, who is Mr. Modeste's cousin. The two of
12 them have known each other all of their lives.

13 The witnesses called by the Crown at trial
14 included Mr. Elemie Junior, Mr. Walter Modeste,
15 and a police officer, Corporal Sheldon Robb.
16 Certain matters were the subject of admissions
17 recorded in an Agreed Statement of Facts
18 that was marked as Exhibit 1 at the trial.
19 In addition, a map showing portions of the
20 community of Deline was entered as Exhibit
21 2, and during his testimony Mr. Elemie Junior
22 made certain notations on it to illustrate
23 and explain certain portions of his evidence.
24 Other witnesses referred to the map as well
25 in explaining where different things happened
26 during the course of this incident.

27 There was also a book of photographs

1 that was filed as an exhibit. It shows four
2 photos of Mr. Modeste's snowmobile, taken by
3 the police officer. The officer also explained
4 the damage that he saw on the snowmobile when
5 he investigated this. There were two photographs
6 of the area where the collision happened and two
7 photographs showing Mr. Elemie Junior's injuries.

8 That was the evidence presented by the Crown
9 at the trial, and Mr. Modeste, as was his right
10 to do so, chose not to present any evidence.

11 There are certain matters that are not in
12 issue. It does not appear to be disputed that
13 on the day in question, during the early evening,
14 Mr. Modeste and Mr. Elemie Junior were both at
15 the residence of Walter Modeste. There they had
16 socialized and consumed some vodka. According to
17 Mr. Elemie Junior there were other people there.
18 According to Walter Modeste it was just the three
19 of them in the house at that point. But it is
20 of no consequence whether somebody else was there
21 with them or not.

22 The mood was fine and friendly for a period
23 of time, but at one point an argument broke out
24 between Mr. Jonas Modeste, the accused, and
25 Mr. Elemie Junior. That argument had to do
26 with certain things that had been said between
27 them in the past. Mr. Elemie Junior admitted

1 in his evidence that he punched Mr. Modeste in
2 the face because he was upset.

3 Shortly thereafter Mr. Elemie Junior was
4 asked to leave by Walter Modeste and he did,
5 and he started walking home. He showed the
6 Court on Exhibit 2, and also marked with a red
7 dotted line, the path that he took to make his
8 way home. The collision where he was injured
9 and which forms the subject matter of these
10 charges happened a relatively short time after
11 he left Walter Modeste's residence, under ten
12 minutes. By that point Mr. Elemie Junior had
13 almost reached his house. He also marked on
14 Exhibit 2 the location where the collision
15 took place; he marked that with a red X.

16 As a result of the collision Mr. Elemie
17 Junior suffered a number of injuries, including
18 an abrasion and hematoma on his forehead, and
19 more significantly a broken tibia on his right
20 leg. After the collision Mr. Modeste did not
21 remain at the scene. Mr. Elemie Junior ended
22 up being assisted by someone who drove by a
23 short time later in a truck, and he took him
24 to the Health Centre.

25 I will first address Count 3 because it is
26 far less contentious than the other two counts.
27 Yesterday defence counsel acknowledged that the

1 evidence before the Court is to the effect that
2 Mr. Modeste did not remain at the scene after the
3 collision, and that on a proper interpretation of
4 Section 252 of the Criminal Code this charge has
5 been proven.

6 The Crown did file a number of authorities
7 dealing with the interpretation of this
8 provision, which has evidently given rise
9 to a fair bit of case law and litigation
10 over the years. I found those cases very
11 helpful and I thank counsel for them. Some
12 of the litigation about this section has been
13 on the issue of how the term "accident" should
14 be defined. For example, whether it requires
15 that injuries or damages be caused, and also,
16 whether an incident caused by the deliberate
17 actions of the accused person should be
18 considered as fitting within the definition
19 of accident.

20 I must admit that at first blush, because
21 the term "accident" is not defined in the
22 Criminal Code, I might have been inclined to
23 think that within its ordinary meaning it does
24 not include something that arises from the
25 deliberate act of a person, because to me at
26 first blush that is inconsistent with the notion
27 of an accident, as it is normally understood.

1 That is the conclusion that was reached
2 by the Supreme Court of Newfoundland in the
3 case of R. v. O'Brien [1987] N.J. No. 406,
4 which was one of the authorities given to me
5 by the Crown. But there are problems with
6 that interpretation, and those problems have
7 been underscored by Appellate Courts from other
8 jurisdictions who have concluded that even in
9 situations involving the deliberate action on
10 the part of the accused the provision applies.

11 The British Columbia Court of Appeal
12 reached this conclusion in 1988 in the case
13 of R. v. Hansen [1988] B.C.J. No. 2600, and
14 that interpretation was implicitly adopted
15 again by that same Court many years later,
16 in 2006, in R. v. Chase [2005] B.C.J. No.
17 1660, [2006] B.C.J. No. 1252. The Quebec
18 Court of Appeal reached the same conclusion
19 in R. v. Riseberg [1987] J.Q. No. 48, and
20 although the point was not specifically
21 argued, it appears a similar interpretation
22 was implicitly accepted by the Nova Scotia
23 Court of Appeal in R. v. Chisholm [1998]
24 N.S.J. No. 274.

25 So having reviewed these cases, and with
26 the benefit of both counsel's submissions
27 yesterday, I have come to the conclusion that

1 when considering the scope of Section 252 and
2 its purpose, the positions adopted in British
3 Columbia, Quebec and Nova Scotia by the Appellate
4 Courts in those provinces is a preferable one,
5 and that whether the collision that happened in
6 March, 2010 was the result of a deliberate act
7 on Mr. Modeste's part or not, Section 252 applies
8 in this situation.

9 The evidence establishes the other elements
10 of this offence clearly. Mr. Modeste was in the
11 care and control of a motor vehicle. After the
12 accident, although he stopped briefly, he did
13 not remain at the scene. That being so, the
14 presumption set out in paragraph (2) of the
15 provision is available to the Crown to establish
16 his intent to escape civil or criminal liability.
17 I conclude there is nothing arising on the
18 evidence that rebuts that presumption or raises
19 a reasonable doubt about Mr. Modeste's intent.

20 That being the case, and as his counsel
21 very reasonably conceded yesterday, he must
22 be found guilty of Count 3, and I so find.

23 With respect to Counts 1 and 2, the Crown's
24 position is that I should accept the evidence
25 of Mr. Elemie Junior in its entirety, and that
26 on that evidence both charges have been proven
27 beyond a reasonable doubt. Defence counsel

1 argues to the contrary, that I should have a
2 reasonable doubt on the issue of Mr. Modeste's
3 intent. Defence argues that there is no evidence
4 showing Mr. Modeste intended to hit Mr. Elemie
5 Junior with his snowmobile. Defence counsel
6 urges me to approach Mr. Elemie Junior's evidence
7 as to what happened in those key moments with
8 a lot of caution because Mr. Elemie Junior's
9 perception of events was clouded by his
10 consumption of alcohol.

11 Defence also argues that Mr. Elemie Junior
12 had other options available to him as the
13 snowmobile was approaching. Mr. Elemie Junior
14 acknowledged that he took a few steps towards
15 the snowmobile and put his foot on the hood of
16 the snowmobile. At that point his intention was
17 to try to jump over the snowmobile. In essence,
18 the defence is arguing that the injuries that
19 he suffered as a result of the collision were
20 not caused primarily by anything deliberate
21 Mr. Modeste did, but rather by Mr. Elemie
22 Junior's choice to jump over the snowmobile,
23 or try to.

24 In a criminal case the Crown, of course,
25 bears the onus to prove each and every element
26 of the offence beyond a reasonable doubt. If
27 the evidence or lack of evidence gives rise to

1 a reasonable doubt about either Mr. Modeste's
2 intent or the question of causation Mr. Modeste
3 is entitled to the benefit of that doubt. That
4 rule requiring proof beyond a reasonable doubt
5 applies to the assessment of credibility and
6 reliability of witnesses. In other words, if
7 there is a reasonable doubt that arises about
8 Mr. Modeste's guilt based on credibility or
9 reliability of witnesses he is entitled to
10 the benefit of that doubt.

11 I found Mr. Elemie Junior to be a very
12 forthright witness. He testified in a clear
13 manner. He was not inconsistent about any of
14 the significant details about what happened, and
15 he was not shaken at all on cross-examination on
16 those important details. He readily admitted
17 things that did not put him in the best of light.
18 He admitted that he was the one who brought up
19 things from the past and caused the argument
20 at Walter Modeste's house. He admitted that
21 he threw the first punch at Mr. Modeste.

22 He took responsibility essentially for the
23 whole incident. Several times he said he felt
24 bad because he felt this was all his fault, and
25 although he was mad when he was first taken to
26 the nursing station shortly after being struck,
27 very soon after the police officer attended

1 the nursing station to speak to him, and after
2 Mr. Elemie Junior had given him some information
3 about what happened, Mr. Elemie Junior actually
4 wanted to withdraw his complaint. He refused to
5 give a statement at that time. It was only after
6 he came back from the hospital in Yellowknife,
7 where he was treated for his injuries, and after
8 the police officer told him that Mr. Modeste
9 had come into the station and admitted what had
10 happened, that Mr. Elemie Junior agreed to give
11 a formal statement to the police.

12 During his evidence he made a point of
13 saying more than once that Mr. Modeste is a
14 "good guy," and even at the end of his evidence,
15 when all of the questions were finished and he
16 was about to leave the courtroom, Mr. Elemie
17 Junior asked if he could say something, and when
18 I permitted him to do so, again he reiterated
19 that Mr. Modeste is a "really good guy."

20 So from all of this it is very clear that
21 Mr. Elemie Junior does not have an axe to grind
22 against Mr. Modeste. He is not trying to get
23 Mr. Modeste in trouble. He testified at the
24 trial, he said, because he had no choice, which
25 is true. He was under subpoena by the Crown and
26 he took an oath to tell the truth, so he had no
27 choice. I infer from everything that he said

1 that if it had been left up to him this matter
2 would not have been pursued in the criminal
3 courts, and while this does not automatically
4 mean that his evidence should be accepted, it
5 certainly gives credence to his credibility in
6 the sense that it is very clear to me that he
7 is not out to get Mr. Modeste, he is not out
8 for revenge, and he feels bad about everything
9 that happened and about these proceedings taking
10 place.

11 All that being said, as far as his
12 description of what happened, Mr. Elemie
13 Junior did not at all back down from his
14 description. There is an area of inconsistency
15 in his evidence, and it has to do with how he
16 assessed his own state of intoxication as a
17 result of consuming vodka at Walter Modeste's
18 house. In his examination-in-chief he placed
19 himself at a one on that scale of one to ten
20 that counsel often use with witnesses to get
21 them to describe their level of intoxication,
22 with zero representing complete sobriety and ten
23 representing being heavily intoxicated, close to
24 passing out. Mr. Elemie Junior put himself at
25 a one on this scale in his examination-in-chief.

26 In cross-examination he was reminded or
27 asked if he remembered saying to the police

1 that he was at a three on that scale, and he
2 answered that he may have said that to the
3 police, but he still remembered what happened.
4 Corporal Robb, using the same scale, placed
5 Mr. Elemie Junior at a five, so slightly higher.
6 Corporal Robb testified he has had a lot of
7 experience dealing with people and dealing
8 with intoxicated people.

9 The signs of impairment or observations
10 that he based his assessment of Mr. Elemie
11 Junior's intoxication were that he had some
12 slurring in his speech, a smell of alcohol
13 on his breath, and glassy eyes. He also said
14 that he had seen Mr. Elemie Junior many times
15 around the community of Deline, which is not
16 a large community. He had seen him in a normal
17 sober condition, and Mr. Elemie Junior was
18 different when he saw him that day at the
19 nursing station.

20 Of course, one factor to consider is the
21 fact that Mr. Elemie Junior appeared different
22 to Corporal Robb that day may have been in part
23 because of what had just happened to him, which
24 was far from normal. In addition, while the
25 use of the scale of one to ten can be useful
26 up to a point in allowing the witness to express
27 or explain their view of a person's level of

1 intoxication, it is far from precise.

2 So for those reasons, while I recognize
3 there are some inconsistencies on that issue,
4 I do not find that they lead me to conclude
5 that Mr. Elemie Junior was so intoxicated that
6 his account of events should be rejected or
7 discounted, or that there should be a doubt
8 about whether he remembers things correctly.
9 When I consider the evidence as a whole, I
10 conclude that Mr. Elemie Junior's consumption
11 of alcohol that day, and the passage of time,
12 may have made certain details unclear about
13 the events, but as far as the key aspects of
14 the events I find his recollection reliable.

15 That is even more so because his evidence is
16 in many respects corroborated by other evidence.
17 His description of hitting the hood and the front
18 of the snowmobile is consistent with the damage
19 that was observed to the vehicle by Corporal
20 Robb. His description of falling on his forehead
21 is corroborated by the injury he suffered to his
22 forehead. His account of punching Mr. Modeste
23 in the face is corroborated by the fact that
24 Corporal Robb saw Mr. Modeste a few days later
25 and he had a black eye. His recollection of
26 being asked to leave the house by Walter Modeste
27 is corroborated by Walter Modeste's testimony.

1 His evidence about how much time he had been
2 walking before Mr. Modeste caught up with him
3 on his snowmobile is also consistent with how
4 much time Walter Modeste says Mr. Jonas Modeste
5 remained in his house after Mr. Elemie Junior
6 had left, before Jonas Modeste also left.

7 I accept Mr. Elemie Junior's account of
8 events. So the facts as he described them are
9 what must be analyzed to decide whether these
10 charges have been proven beyond a reasonable
11 doubt by the Crown.

12 Mr. Elemie Junior's evidence about what
13 happened on the road, or the most significant
14 parts of it, were that he was walking up the
15 road, he was getting fairly close to his house
16 and near an intersection, and he heard the noise
17 of a snowmobile behind him. At first he thought
18 nothing of it because a snowmobile on the streets
19 of Deline is not an unusual thing. Then he heard
20 the noise of that snowmobile change as though it
21 was going faster. That caught his attention and
22 he turned around to look. That is when he saw
23 Mr. Modeste on his snowmobile 300 or 400 feet
24 away, coming up behind him. Mr. Elemie Junior
25 showed on photograph number 5 where Mr. Modeste's
26 snowmobile was. The snowmobile, he says, was
27 on the right side of the road - this is when you

1 are looking at the photos - and that Mr. Elemie
2 Junior himself was on the left side of the road,
3 again looking at the photograph.

4 Mr. Elemie Junior described the road as
5 being wide enough for two vehicles to pass.
6 This was confirmed by Corporal Robb, and
7 the photo also shows this to some extent.
8 Mr. Elemie Junior says Mr. Modeste was looking
9 at him. Mr. Elemie Junior did not move at
10 first because he said he did not think that
11 Mr. Modeste was actually going to try to run
12 him over. Mr. Elemie Junior thought he was
13 just trying to scare him.

14 Mr. Elemie Junior said the snowmobile
15 was going fast, he said 60 to 65 miles an
16 hour, which would mean over a hundred kilometers
17 an hour. I find as a fact that the speed was
18 likely lower than what Mr. Elemie Junior's
19 perception was, in part because I accept defence
20 counsel's submissions that had the snowmobile
21 been travelling at over a hundred kilometers an
22 hour it could be expected that the consequences
23 would have been much more serious to Mr. Elemie
24 Junior. But I do accept that the snowmobile was
25 travelling at a fast speed.

26 Mr. Elemie Junior then realized he was
27 going to get hit if he did not do something.

1 He explained why he tried to jump over the
2 snowmobile. He explained that if he had tried
3 to get off the road he would have been in deep
4 snow, he could have been stuck, and could then
5 possibly have been run over because he would
6 have had no way to get away, and he explained
7 that if he tried to run in the other direction,
8 run on the road, which was quite slippery, he
9 was worried that he might fall, and again could
10 be run over.

11 So in that split-second moment he decided
12 that his only course of action, or the best one,
13 was to try to jump over the snowmobile. So he
14 took a few steps and put his foot on the hood
15 of the machine as it was coming towards him.
16 He says the speed at which he connected with
17 the snowmobile caused him to flip a few times
18 in the air, and then he landed on the ground on
19 his forehead. He did admit in cross-examination
20 that trying to jump over the snowmobile was his
21 decision, but he also said that he did not want
22 to run the risk of being run over, which he
23 thought could happen if he tried to get away
24 some other way. He said he did not want to
25 get run over and end up paralyzed.

26 So that is the factual basis upon which
27 I must examine whether the charges are proven.

1 The Crown argues that because of the way the
2 term "assault" is defined in the Criminal Code
3 the charges are made out if the Crown has proven
4 that Mr. Modeste intended to actually collide
5 with Mr. Elemie Junior, or if the Crown has
6 proven that Mr. Modeste intended to threaten to
7 apply force to him by driving in his direction
8 because assault, of course, is defined as the
9 application of force, but also the threat to
10 apply force. I agree with that submission from
11 the Crown.

12 On the issue of intent, which is one of
13 the two points on which defence says this case
14 should fail, the Crown does not have any direct
15 evidence. That is not unusual. The Crown
16 cannot adduce direct evidence of what is going
17 on in an accused person's mind at the time of
18 the event. The Crown must rely on two things:
19 The notion that people generally intend the
20 natural consequences of their actions, and
21 also circumstantial evidence that may shed
22 light about Mr. Modeste's state of mind and
23 what his actions were aimed at doing.

24 In the evidence the following elements
25 of circumstantial evidence are present, and
26 in my view are relevant, in establishing what
27 Mr. Modeste's intent was: The first is the

1 fact that he increased his speed as he was
2 approaching Mr. Elemie Junior. The second is
3 the absence of any evidence that he tried to
4 slow down to stop or to avoid the collision
5 at any time. The third is the conditions
6 that were present at the time, namely a wide
7 road, good lighting conditions, no other
8 pedestrians, vehicles, dogs, or any obstacle
9 that could have impeded Mr. Modeste in driving
10 a snowmobile to explain why he continued driving
11 in Mr. Elemie Junior's direction. The fourth
12 is the altercation that took place at Walter
13 Modeste's house a short time before this.

14 While Walter Modeste's evidence was vague
15 in some respects, and I must say left me with
16 the impression that he may not have been entirely
17 forthcoming about his recollection of what
18 happened at his house, he did say that after
19 Mr. Elemie Junior left at his request Mr. Jonas
20 Modeste wanted to leave too, and Walter Modeste
21 was sufficiently concerned about what might
22 happen if both went out at the same time that
23 he tried to keep Mr. Modeste in his house longer.
24 He kept him there by talking to him. It is clear
25 that he did not want him to leave right away, and
26 I find that that is quite telling.

27 Whatever Walter Modeste saw and heard in

1 his house of the argument and the altercation,
2 and whether he told the Court the full details
3 of what he saw or not or whether he remembers
4 those details or not, what is clear is that
5 he was really concerned about the altercation
6 between these two men continuing. He did
7 testify that Mr. Modeste seemed okay, but
8 I find that Walter Modeste's actions speak
9 clearly. In trying to keep Mr. Modeste with
10 him inside the house and not let him leave
11 right behind Mr. Elemie Junior, what that
12 tells me is that Mr. Walter Modeste was quite
13 concerned about Jonas Modeste's state of mind.

14 The next factor is Mr. Modeste's conduct
15 after the collision. This is something that
16 must be approached with caution, because a
17 person could panic after an event like this,
18 even if it was purely accidental, and have all
19 sorts of reactions. So it does not necessarily
20 show a guilty state of mind, but it is a piece
21 of circumstantial evidence, among others, and the
22 fact that Mr. Modeste did not stop at the scene
23 for very long, did not remain at the scene, did
24 not go to the police for a number of days after
25 the fact even though the police had actually
26 towed his snowmobile away.

27 So I conclude that there is a strong

1 body of circumstantial evidence suggesting
2 that Mr. Modeste was upset at Mr. Elemie Junior
3 and that he intended to drive his snowmobile at
4 a fast rate of speed in his direction, either
5 to actually run him over or to threaten him and
6 give him a very good scare. I do not see how,
7 under the lighting and road conditions that
8 prevailed at the time, the trajectory of his
9 snowmobile as described by Mr. Elemie Junior
10 can be explained in any other way than through
11 deliberate action, particularly in the absence
12 of any other evidence.

13 In my view, it is quite significant that
14 when Mr. Elemie Junior first turned around
15 to look behind him Mr. Modeste was not on the
16 same side of the road as he was. Mr. Modeste
17 had to change the course, the direction of his
18 snowmobile. He had to change sides of road in
19 order to come at Mr. Elemie Junior. I find no
20 basis to conclude or have a reasonable doubt
21 that this was just a coincidence in all the
22 circumstances. I find that this was a deliberate
23 act.

24 The Crown does not have to prove that
25 Mr. Modeste meant to cause bodily harm of this
26 kind or any other kind to Mr. Elemie Junior.
27 What the Crown has to prove is that a reasonable

1 person in the circumstances would inevitably
2 realize that his actions, the force applied or
3 threatened to be applied, would put Mr. Elemie
4 Junior at risk of suffering some kind of bodily
5 harm, although not necessarily serious bodily
6 harm or the precise kind of harm that Mr. Elemie
7 Junior suffered here. In simple terms, the
8 Crown does not have to prove that Mr. Modeste
9 intended to break Mr. Elemie Junior's leg, but
10 the Crown has to prove that a reasonable person,
11 in his circumstances, would realize the risk
12 involved in the actions that he was taking.
13 I conclude that a reasonable person in these
14 circumstances would inevitably realize that
15 driving a snowmobile at a fast speed, directly
16 at a person walking on the road, did put the
17 person at such risk of suffering some kind of
18 bodily harm.

19 As I have already mentioned, another
20 argument raised by defence is that it was
21 Mr. Elemie Junior's decision to try to jump
22 over the snowmobile that is the cause for the
23 injuries he suffered. But having considered
24 that argument, I conclude that Mr. Elemie
25 Junior's decision cannot be separated from
26 the situation that he found himself in as a
27 result of Mr. Modeste's actions, which I have

1 found were deliberate.

2 On the issue of causation, the question
3 to be asked is whether Mr. Modeste's conduct
4 contributed significantly to the bodily harm
5 suffered by Mr. Elemie Junior. In my view,
6 that test is clearly met from the evidence in
7 this case. I find that Mr. Modeste's actions
8 were in fact the main contributing factor; they
9 created this whole situation. From Mr. Elemie
10 Junior's point of view, as he explained, he was
11 in a very difficult position and one he had to
12 react to very quickly. It may be that if he had
13 been in a completely sober state he would have
14 done something else or made a different choice,
15 but sober or not sober, he explained why he
16 decided against the other courses of action
17 that were available to him.

18 It is important to remember, and I accept
19 this and find this as a fact, at that point
20 Mr. Elemie Junior no longer thought that
21 Mr. Modeste was just trying to scare him.
22 At that point Mr. Elemie Junior thought
23 Mr. Modeste was going to run him over.
24 So he did not want to put himself in a
25 more vulnerable position by getting stuck
26 in the deep snow on the side of the road,
27 and he did not want to risk falling on the

1 slippery road and being an easier target.
2 So he decided to try to jump. In hindsight,
3 looking at all of this very calmly now, it
4 may well be that his attempt to jump over
5 a snowmobile in motion does not seem like
6 a very good idea, but he would have never
7 been in the situation of having to choose
8 between these unappealing options had it
9 not been for Mr. Modeste's actions.

10 So for these reasons, and based on my
11 acceptance of Mr. Elemie Junior's account
12 of what happened that day, I have come to
13 the conclusion that the Crown has proven
14 its case beyond a reasonable doubt on both
15 Counts 1 and 2, as well as Count 3 for
16 the reasons that I have already given.
17 So convictions will be entered on these
18 three counts.

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20
21 Certified to be a true and
22 accurate transcript, pursuant
23 to Rules 723 and 724 of the
Supreme Court Rules.

24
25 _____
Joel Bowker
26 Court Reporter
27