

**IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES**

**IN THE MATTER OF:**

**HER MAJESTY THE QUEEN**

- v -

**HOWARD JAMES BEAUMONT**

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Transcript of the Oral Decision on Bail Review delivered by  
The Honourable Judge A.M. Mahar, sitting in Yellowknife, in  
the Northwest Territories, on the 21 day of August, 2017.

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**APPEARANCES:**

Mr. A. Godfrey:	Counsel for the Crown
Mr. S. Fix:	Counsel for the Accused

1 THE COURT: We are here for a bail review  
2 for Howard Beaumont. At the time of the original  
3 hearing, the Crown agreed that a review was  
4 required, and, essentially, we are looking at  
5 this as a bail de novo, which means a new bail  
6 hearing. It is an application for release.

7 Regardless of the onus, the real question on  
8 bail is always a consideration of the three  
9 grounds that might require that someone who is  
10 otherwise presumed innocent not be released.

11 The accused is charged with offences both  
12 contrary to the *Controlled Drugs and Substances*  
13 *Act*; essentially, possession for the purpose of  
14 trafficking in cocaine, as well as proceeds of  
15 crime in an amount of approximately \$16,000.

16 A police investigation began back in May of  
17 2017. There were some six individuals who were  
18 being investigated and eventually arrested. A  
19 number of locations were searched; essentially,  
20 an apartment, a camper at the Fred Henne  
21 Campground, and two vehicles.

22 Mr. Beaumont was arrested in the camper.  
23 There were warrants obtained for all of the  
24 locations. Two other individuals were in a  
25 vehicle in the vicinity of the camper when  
26 Mr. Beaumont was arrested and there were also  
27 some indications, strong indications, of drug

1 trafficking found on those individuals.

2 Inside the camper, in a suitcase which was  
3 marked with the accused's name, was found  
4 36-and-a-half grams of cocaine, four cell phones,  
5 and \$9,600, in a freezer, there was approximately  
6 a pound or 427 grams of marijuana; under a  
7 mattress, there was a further \$6,000. More  
8 cocaine, another 100 grams or so of cocaine was  
9 found in the apartment, along with approximately  
10 \$8,400 in cash.

11 The other five accused have been released on  
12 bail. They are substantially younger than  
13 Mr. Beaumont and they have dramatically shorter  
14 criminal records. Three of the accused have  
15 minimal records; two of the accused have no  
16 records at all, and they have all been released  
17 on recognizances.

18 Mr. Beaumont has 38 convictions on his  
19 criminal record. Five of those convictions are  
20 for offences involving drugs; two of those  
21 convictions resulted in penitentiary terms. He  
22 was last convicted of a criminal offence in 2008.  
23 There are, additionally, some offences contrary  
24 to the *Alberta Highway Traffic Act* involving  
25 driving while disqualified. The  
26 disqualifications apparently flowing from not  
27 being covered by insurance.

1           Mr. Beaumont is proposing a surety in the  
2 person of his mother. She is willing to sign in  
3 an amount of \$10,000. I accept that this is a  
4 significant amount of money for her. They are  
5 also willing, together, to come up with \$10,000  
6 by way of deposit.

7           Mr. Fix, on behalf of the accused, suggests  
8 this is sufficient to not only ensure  
9 Mr. Beaumont's appearance in court, but also to  
10 make sure that he does not commit further  
11 offences while he is out on bail. He does have  
12 one prior conviction for failing to appear back  
13 in 2004, along with 12 other breaches of court  
14 orders.

15           The driving disqualifieds, although not  
16 criminal offences, do carry on what I can only  
17 characterize as a clear record of a total  
18 disregard for the rules.

19           I am convinced on the primary grounds that  
20 release would be appropriate, the surety that is  
21 offered as well as the cash deposit would be more  
22 than enough to ensure that Mr. Beaumont appeared  
23 in court.

24           I am utterly unconvinced on the secondary  
25 grounds. There is a significant risk given the  
26 lengthy and serious criminal record before me,  
27 and given the nature of the offence, or offences,

1           that Mr. Beaumont is charged with that further  
2 offences would be committed while he was out on  
3 bail.

4           The tertiary grounds come into play as well;  
5 in the sense that this is a very strong case  
6 against the accused. I did hear Mr. Fix when he  
7 suggested there may be some *Charter*  
8 considerations with respect to the ITO. The  
9 strength of the Crown's case in the context of  
10 the tertiary grounds, is essentially about  
11 whether or not the administration of justice  
12 would be brought into disrepute in the eyes of  
13 the public.

14           Mr. Beaumont was found with significant  
15 amounts of money, a relatively significant amount  
16 of serious drugs, and he is facing a lengthy  
17 period of imprisonment if he is convicted. Those  
18 are all circumstances that I must take into  
19 account.

20           So I believe that detention is warranted,  
21 not only on the secondary but also on the  
22 tertiary grounds. If there is any question with  
23 respect to the application of the tertiary  
24 grounds, I would find the detention was required  
25 on the secondary grounds alone, and that would be  
26 regardless of the onus.

27           Mr. Fix, any -- any comments?

1 MR. FIX: No, Sir. Thank you.  
2 THE COURT: Mr. Godfrey, anything?  
3 MR. GODFREY: No, thank you. No questions.  
4 THE COURT: Thank you, Mr. Fix. Thank  
5 you, Mr. Beaumont.  
6 MR. FIX: Thank you, Sir.

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8 **CERTIFICATE OF TRANSCRIPT**

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I, the undersigned, hereby certify that the foregoing pages are a complete and accurate transcript of the proceedings taken down by me in shorthand and transcribed from my shorthand notes to the best of my skill and ability.

Dated at the City of Yellowknife, Province of Alberta, this 4 day of September, 2017.

Certified Pursuant to Rule 723  
of the Rules of Court



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Leanne Harcourt, CSR(A)  
Court Reporter