***R.v. Beaumont*, 2017 NWTSC 80 S-1-CR-2017-000114**

# IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

**IN THE MATTER OF:**

**HER MAJESTY THE QUEEN**

**- v -**

**HOWARD JAMES BEAUMONT**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** 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
28. trafficking found on those individuals.
29. Inside the camper, in a suitcase which was
30. marked with the accused's name, was found
31. 36-and-a-half grams of cocaine, four cell phones,
32. and $9,600, in a freezer, there was approximately
33. a pound or 427 grams of marijuana; under a
34. mattress, there was a further $6,000. More
35. cocaine, another 100 grams or so of cocaine was
36. found in the apartment, along with approximately 10 $8,400 in cash.
37. The other five accused have been released on
38. bail. They are substantially younger than
39. Mr. Beaumont and they have dramatically shorter
40. criminal records. Three of the accused have
41. minimal records; two of the accused have no
42. records at all, and they have all been released
43. on recognizances.
44. Mr. Beaumont has 38 convictions on his
45. criminal record. Five of those convictions are
46. for offences involving drugs; two of those
47. convictions resulted in penitentiary terms. He
48. was last convicted of a criminal offence in 2008.
49. There are, additionally, some offences contrary
50. to the *Alberta Highway Traffic Act* involving
51. driving while disqualified. The
52. disqualifications apparently flowing from not
53. 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,
54. that Mr. Beaumont is charged with that further
55. offences would be committed while he was out on
56. bail.
57. The tertiary grounds come into play as well;
58. in the sense that this is a very strong case
59. against the accused. I did hear Mr. Fix when he
60. suggested there may be some *Charter*
61. considerations with respect to the ITO. The
62. strength of the Crown's case in the context of
63. the tertiary grounds, is essentially about
64. whether or not the administration of justice
65. would be brought into disrepute in the eyes of
66. the public.
67. Mr. Beaumont was found with significant
68. amounts of money, a relatively significant amount
69. of serious drugs, and he is facing a lengthy
70. period of imprisonment if he is convicted. Those
71. are all circumstances that I must take into
72. account.
73. So I believe that detention is warranted,
74. not only on the secondary but also on the
75. tertiary grounds. If there is any question with
76. respect to the application of the tertiary
77. grounds, I would find the detention was required
78. on the secondary grounds alone, and that would be
79. regardless of the onus.
80. 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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1. I, the undersigned, hereby certify that the
2. foregoing pages are a complete and accurate
3. transcript of the proceedings taken down by me in
4. shorthand and transcribed from my shorthand notes
5. to the best of my skill and ability.
6. Dated at the City of Yellowknife, Province
7. of Alberta, this 4 day of September, 2017. 17
8. Certified Pursuant to Rule 723
9. of the Rules of Court 20

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1. Leanne Harcourt, CSR(A)
2. Court Reporter

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