

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

**IN THE MATTER OF:**

**HER MAJESTY THE QUEEN**

**- v -**

**BENJAMIN PEA'A**

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Transcript of the s. 525 Bail Review Decision delivered by  
The Honourable Justice L.A. Charbonneau, sitting in  
Yellowknife, in the Northwest Territories, on August 27,  
2018.

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**APPEARANCES:**

Mr. A. Godfrey: Counsel for the Crown  
Mr. P. Harte: Counsel for the Accused

(Charges under s. 271, 151, 145(3), 145(5), 145(2)(a)  
of the *Criminal Code*)

1 THE COURT: Benjamin Pea'a faces a number  
2 of summary conviction charges. He had a  
3 show-cause hearing on July 27th, 2018, and was  
4 ordered detained by the justice of the peace. He  
5 now applies for a review of his detention.

6 The charges that he faces stem from a series  
7 of alleged events spanning over the course of a  
8 lengthy period of time, and I am going to refer  
9 to those in chronological order. On Territorial  
10 Court File 2017-655, he is charged with sexual  
11 assault, sexual interference, and breach of a  
12 no-contact order with the alleged victim. All  
13 three offences are alleged to have been committed  
14 between July 1st, 2016, and August 31st, 2016.  
15 He has pleaded not guilty to those charges, and  
16 the trial is scheduled to proceed November 14th,  
17 2018. The allegations on that matter are that  
18 the complainant and other youths were staying at  
19 a hotel in Yellowknife. They were on their way  
20 to Deline. The accused was participating in the  
21 trip as well. The complainant alleges that, at  
22 one point, they found themselves alone in a room,  
23 and he attempted to kiss her and grab her from  
24 behind. She was able to get away and reported  
25 this to police. The accused was charged and was  
26 on process. The process included a no-contact  
27 order. She alleges that he breached the

1 no-contact order twice.

2 There was, at one point, another file,  
3 Territorial Court File 2017-2264. The  
4 allegations were of failing to attend court on  
5 May 31st, 2017. That charge has since been  
6 withdrawn.

7 There is, on Territorial Court File  
8 2018-939, a charge for failing to appear on  
9 February 27th, 2018. That date had been  
10 scheduled as a date to confirm a trial date  
11 tentatively scheduled in March 2018 on the  
12 three-count Information involving the sexual  
13 assaults and the breaches of undertaking. The  
14 accused failed to appear on the February 27th  
15 date, so the trial date was cancelled. On this  
16 charge, Mr. Pea'a has pleaded guilty, and his  
17 sentencing has been adjourned to November 14th  
18 with the view of dealing with all his matters at  
19 once.

20 On Territorial Court File 2018-1368, there  
21 is a two-count Information. The first is an  
22 assault alleged to have happened on July 14th,  
23 2018, and the second is for failing to comply  
24 with a reporting condition on the same date. The  
25 allegations in support of those charges are that  
26 the complainant, who is an adult woman, reported  
27 that he assaulted her at her house by choking

1 her. She alleges that this occurred in the  
2 presence of her children. Officers who responded  
3 to the complaint noted bruising on her neck. As  
4 they were dealing with this investigation, police  
5 noted that Mr. Pea'a was on reporting conditions  
6 and that he had failed to comply with this  
7 requirement, and that led to the fail-to-report  
8 charge. My understanding from what I have heard  
9 is that it is intended that this trial would  
10 hopefully proceed in November as well if  
11 not-guilty pleas are entered. These matters are  
12 in Territorial Court tomorrow for plea.

13 The plan put forward at the bail hearing in  
14 front of the justice of the peace was that the  
15 accused would live with his sister in Wekweeti.  
16 There is no RCMP detachment in that community.  
17 The JP was told that it takes 2 to 3 hours for  
18 RCMP to get there if they are called. The  
19 community is serviced out of the Behchoko  
20 detachment. They do regular patrols there, but  
21 there is not the same police presence in the  
22 community as in communities where there is an  
23 actually detachment, obviously.

24 The proposed surety testified at the hearing  
25 before the justice of the peace. She was not  
26 called at the hearing before me, and the Crown  
27 did not ask to cross-examine her. Counsel were

1 content with my relying on the evidence she gave  
2 at the hearing in July, which counsel advised  
3 continues to be current. She is the accused's  
4 sister and is 28 years old. She confirmed that  
5 she was willing to supervise him and that he  
6 could live with her. She lives with her two  
7 children, aged 6 and 2, in a house that belongs  
8 to her grandmother. There is room for him to  
9 stay until his matters are dealt with. She works  
10 for the Wekweeti Development Corporation and  
11 manages the store, the hotel, and the  
12 corporation. She testified that he could work  
13 where she works and that she would be able to  
14 supervise him during the day. The only time  
15 where she would not be with him at the workplace  
16 would be over the lunch hour, when she goes home  
17 to prepare lunch for her children. She testified  
18 that she does not go out, does not drink alcohol  
19 when she is in the community, and there is no  
20 alcohol in her home. She testified that if the  
21 accused did not follow his conditions, she would  
22 call the police. She testified she understands  
23 her obligations as a surety and is prepared to  
24 carry those out for as long as is needed.

25 It seems, at the time of the hearing before  
26 the justice of the peace, that it was  
27 contemplated that the trial into at least some of

1           these matters would be held in August. The  
2           proposed surety said she was prepared to  
3           supervise the accused until then. Now the  
4           matters are scheduled to proceed in November, but  
5           there is nothing before me that suggests that she  
6           is not prepared to supervise him until then. She  
7           also said she was prepared to ensure that the  
8           accused has a plane ticket to return to Behchoko  
9           for court.

10           One of the things that came up during her  
11           evidence was the whereabouts of the complainants.  
12           She confirmed that, to her knowledge, the adult  
13           complainant lives in Behchoko. As for the  
14           complainant on the sexual assault matter,  
15           Ms. Pea'a testified that she was only rarely in  
16           Wekweeti. She believed that she worked for the  
17           Tlicho government and was there for the summer  
18           for that reason. This, as I will get into  
19           further, turned out to be inaccurate.

20           At the bail review before me, the Defence  
21           put forward the same release plan as the one that  
22           was presented at the original hearing. It is now  
23           undisputed that the surety was mistaken when she  
24           was talking about the whereabouts of the  
25           complainant on the sexual assault allegations.  
26           She was talking about someone else, and this  
27           mistake in identity is one of the bases for the

1 accused's request for a review and why he says  
2 his detention is not necessary. The Defence also  
3 argues that the justice of the peace does not  
4 appear to have taken into account that Mr. Pea'a  
5 is an indigenous offender when considering the  
6 effects of his criminal record on his release  
7 application and his release application more  
8 generally. The Defence argues that although  
9 there are a number of breaches of court orders on  
10 the record, some were alcohol-related; for  
11 example, the two most recent convictions for  
12 breach of probation (failures to keep the peace  
13 from 2015) were alcohol-related. Defence also  
14 noted that the failure-to-appear conviction is  
15 somewhat dated. It goes back to 2011. Defence  
16 argues that, in light of the strong level of  
17 supervision contemplated by the plan, the  
18 criminal record should not be of great concern to  
19 the Court on this application.

20 Although the Defence did not argue this as a  
21 discrete ground for a review, counsel noted that  
22 the justice of the peace's reasons were very  
23 brief and not particularly clear. Among other  
24 things, he did not address the release plan in  
25 any meaningful way. He did not deal with the  
26 submission about how the accused's circumstances  
27 should impact on the relevance of his criminal

1 record. He made reference to having concerns for  
2 the safety of both complainants, whereas, on the  
3 facts before him, only one was believed to live  
4 in Wekweeti.

5 The Crown does not dispute that the person  
6 the surety testified about at the original  
7 hearing was not the complainant on the sexual  
8 assault allegations. Since then, the Crown has  
9 tried to clarify the whereabouts of this  
10 complainant but at the time of the hearing only  
11 had partial information on this point because she  
12 has been difficult to reach.

13 What counsel was able to tell me was that  
14 the complainant had been in Ottawa for some time;  
15 that the last time the Crown's office was in  
16 contact with her, she had indicated she would  
17 return to the Northwest Territories in the middle  
18 of this month. She was unsure where she would be  
19 residing. There was a possibility that she would  
20 return to Wekweeti, but she did not have any firm  
21 plans at that point.

22 The Crown maintains its objection to release  
23 on the primary and secondary grounds. The Crown  
24 points to how dated the first set of charges are  
25 and to the fact that the accused's failure to  
26 appear at the February date to confirm the March  
27 trial date resulted in significant delay already.



1 The Crown is concerned about further delay that  
2 could arise if the accused fails to appear again.

3 With respect to the secondary grounds, the  
4 Crown's concerns stem largely from the fact that  
5 there is no police detachment in Wekweeti, which  
6 has an impact on the degree of meaningful  
7 supervision the authorities can exercise outside  
8 the supervision that the surety can offer. An  
9 added concern is the response time should there  
10 be any issue. The Crown also notes that, aside  
11 from the criminal record, the current set of  
12 allegations raise concern about the accused's  
13 ability or willingness to comply with release  
14 terms.

15 Before I turn to the analysis of the issues  
16 raised by this bail review, I do want to make a  
17 few comments about the importance for justices of  
18 the peace to provide reasons when they render a  
19 decision about bail.

20 The justice of the peace delivered his  
21 decision immediately after counsel finished their  
22 submissions. The decision reads as follows:

23 Looking at the plan put forward by  
24 defence, I agree with the crown. I  
25 have some serious concerns about the  
26 telephone line contact. I have  
27 concerns about the primary, the

1           safety of the victim in both, and the  
2           fact that the person is not far away,  
3           and that, even though the accused is  
4           working or will be working, it still  
5           leaves me grave doubts as to how much  
6           he will be covered or be supervised.  
7           So I'm not -- on primary and  
8           secondary grounds, I'm not granting  
9           release.

10           The right not to be denied bail without just  
11           cause is fundamentally important and  
12           constitutionally protected. As I said in  
13           delivering another bail review decision earlier  
14           today, the Supreme Court of Canada described this  
15           right in *R v Antic*, 2017 SCC 27, as "an essential  
16           element of an enlightened criminal justice  
17           system" and said it "entrenches the effect of the  
18           presumption of innocence at the pretrial stage of  
19           the criminal trial process and safeguards the  
20           liberty of accused persons."

21           Any decision that has the consequences that  
22           a decision on bail has needs to be explained by  
23           the decisionmaker. The importance of providing  
24           reasons in other contexts was emphasized by the  
25           Supreme Court of Canada in *R v Sheppard*. In that  
26           case, the Supreme Court said that reasons serve a  
27           number of important purposes, including

1           accountability for decisionmaking and  
2           reviewability of decisions. These principles are  
3           also relevant in the context of decisions about  
4           bail.

5           A person who is ordered detained at the  
6           pretrial stage is entitled to understand why the  
7           decisionmaker has come to the conclusion that  
8           this was necessary, and, if an accused is  
9           released over the Crown's objections,  
10          complainants, witnesses, and members of the  
11          public are entitled to know why that decision was  
12          made, particularly when the allegations are  
13          serious and raise public safety concerns.

14          Reasons are essential for there to be  
15          accountability and transparency in the  
16          decisionmaking process. Of course, when there is  
17          a jury election, bail decisions are covered by  
18          publication bans for periods of time, so the  
19          public at large may not have immediate access to  
20          them through media reports, but they are still  
21          part of the record, and those publication bans  
22          cease to be in effect when the trial has been  
23          completed, which means the transparency is still  
24          there.

25          Equally importantly, there is the issue of  
26          reviewability of the decision. In the context of  
27          bail reviews, the Supreme Court has made it clear

1 in *R v St-Cloud* that in this Court, after a  
2 justice of the peace's decision on bail, the door  
3 will not always be open to review. Among the  
4 things that open the door to review by this  
5 Court, aside from the statutory reviews pursuant  
6 to Section 525, review will be open if the  
7 justice of the peace has erred in law, if the  
8 decision by the justice was clearly inappropriate  
9 because the justice who rendered it gave  
10 excessive weight to one relevant factor or  
11 insufficient weight to another.

12 This particular case has come before the  
13 Court by operation of Section 525 of the *Code*, so  
14 the issue does not arise in the same way, but the  
15 point is that any time a justice of the peace  
16 delivers a bail decision, that decision could be  
17 subject of a review application at the instance  
18 of the Crown or of the accused; therefore,  
19 reasons must be given that will enable the  
20 reviewing Court to carry out its function.

21 The Crown noted at the hearing into this  
22 application that the justice of the peace did  
23 provide some reasons but fairly acknowledged that  
24 they were very brief; and that, they were. It  
25 would have been very helpful if the justice of  
26 the peace had elaborated more on the nature of  
27 his concerns for the safety of both complainants,

1 including the one who lived in Behchoko,  
2 especially considering that the focus of the  
3 Crown's submissions at the bail hearing was  
4 concerns for the safety of only one of the  
5 complainants, the one who was, at the time,  
6 believed to live in Wekweeti. It would also have  
7 been helpful for the justice of the peace to  
8 explain why the proposed plan did not address his  
9 concerns and for him to have addressed the  
10 defence's submissions about the lack of  
11 significance of the accused's criminal record in  
12 light of the circumstances.

13 If what was at issue at the review before me  
14 was how the justice of the peace weighed the  
15 various factors or whether his decision was  
16 clearly inappropriate within the meaning of  
17 *St-Cloud*, I have to say it would be extremely  
18 difficult for this Court to engage in the  
19 analysis it is required to undertake.

20 I make these comments not to be critical but  
21 simply to convey the importance for justices of  
22 the peace to endeavor to explain how they have  
23 arrived at any given decision at the conclusion  
24 of the bail hearing. To do so may require taking  
25 a short adjournment before delivering the  
26 decision, but given the importance of bail  
27 decisions, given what is at stake, in my

1 respectful view, it is time well spent to ensure  
2 that the main issues raised by each of the  
3 parties have been properly addressed.

4 Turning to the question I must decide on  
5 this application, it is clear that at least part  
6 of the information that caused concern to the  
7 justice of the peace was his belief that one of  
8 the complainants was present in the community  
9 where it was proposed the accused would be  
10 released, and that was inaccurate because the  
11 surety confused that complainant with another  
12 person. This alone is a reason to revisit the  
13 issue of bail, quite apart from any deficiencies  
14 that may exist with the reasons provided by the  
15 justice of the peace for ordering detention.

16 Other things that have changed about the  
17 circumstances are that one of the breach charges  
18 that the accused faced has been withdrawn. That  
19 is somewhat balanced out by the fact that, on the  
20 failure-to-appear charge, he has now pleaded  
21 guilty, and so, he has acknowledged that he did  
22 not appear on the date that had been scheduled to  
23 confirm the March trial date.

24 The primary ground is concerned with whether  
25 the accused's detention is necessary to ensure  
26 that he will attend court. In the circumstances  
27 of this case, the concern is not really about the

1 accused fleeing the jurisdiction, disappearing  
2 forever, or anything of that nature. His ties  
3 are with the NWT. The concern is more that, if  
4 he fails to attend his November trial date, there  
5 will be yet another delay on a matter that has  
6 been adjourned multiple times and is already 2  
7 years old. In this jurisdiction, such a delay is  
8 unheard of for dealing with summary conviction  
9 matters and well above what the Supreme Court has  
10 said is reasonable in the context of matters  
11 going to trial in the Territorial Court.

12 The accused already has a conviction for  
13 failing to attend court. He has now pleaded  
14 guilty to having failed to appear when these  
15 matters were to be spoken to to confirm a trial  
16 date. This raises very real concerns about  
17 whether he can be trusted to attend court at the  
18 currently scheduled date. The surety can make  
19 arrangements for him, but, ultimately, he is the  
20 one who has to get on the plane and attend court  
21 to face these charges and the possible  
22 consequences of being found guilty, if this is  
23 what ends up happening.

24 The secondary ground is concerned with  
25 public safety and interference with the  
26 administration of justice. Here, the accused was  
27 released after being charged with offences of a

1 sexual nature against a young person. He is  
2 charged with having breached twice a no-contact  
3 condition with respect to that witness. He has  
4 failed to appear on that matter, as already  
5 noted, and he now faces a charge for a further  
6 crime of violence as well as with not complying  
7 with a reporting condition.

8 I agree with defence counsel that a criminal  
9 record must be examined in the context of the  
10 circumstances of the offender and that, for  
11 example, breaches of court orders can sometimes  
12 show little more than the fact that a person has  
13 a substance abuse issue and has been released on  
14 terms that he or she simply could not be expected  
15 to follow.

16 In this case, the evidence presented by the  
17 accused is that he has effectively been homeless  
18 and couch-surfing for a long period of time, and  
19 he has only had sporadic employment. His  
20 criminal record cannot be read in isolation from  
21 those circumstances. At the same time, this is  
22 an accused who has, on this string of charges,  
23 been granted bail, not just once but multiple  
24 times. He was trusted to comply with conditions  
25 despite his record for noncompliance. The fact  
26 that his personal circumstances provide an  
27 explanation and context for his conduct does not,



1 in and of itself, remove the concerns that this  
2 conduct gives rise to.

3 Weighing against these concerns, the accused  
4 presents a release plan that has some strengths  
5 in that he would work, this work being provided  
6 by his surety and, therefore, be under her  
7 supervision most of the waking hours. Given that  
8 there is no police presence in that particular  
9 community, there will be very little by way of  
10 external supervision aside from that of the  
11 surety, so, in reality, the strength of this plan  
12 stands or falls with the strength of the surety.

13 Given the accused's track record for  
14 compliance, without someone willing to supervise  
15 him and being willing to risk losing money if the  
16 duties are not carried out adequately, it would  
17 not be realistic to contemplate release.  
18 Reporting through a landline is really the only  
19 means of reporting available under the  
20 circumstances. It is far from perfect, but it is  
21 something. There will be limited possibilities  
22 for random curfew checks and no possibility for  
23 immediate intervention if problems arise. At the  
24 same time, it is not even known at this time if  
25 the complainant will return to Wekweeti. In  
26 addition, the right to reasonable bail is  
27 constitutionally protected for everyone in this

1 country, no matter which community they live in  
2 and where their ties are located.

3 I do have concerns under both grounds but  
4 especially under the primary ground. At the same  
5 time, bearing in mind that these are all summary  
6 conviction offences and that the accused's  
7 criminal record is relatively limited, I am not  
8 satisfied that pretrial detention is the only way  
9 to alleviate those concerns.

10 I am going to grant the application, and I  
11 am going to release the accused, but on very  
12 strict conditions, which will place considerable  
13 burden on his surety. If she is unable to follow  
14 through on the things she told the justice of the  
15 peace she could do, she will need to contact  
16 police, and the accused will have to be taken  
17 back into custody. I trust that defence counsel  
18 will make sure that she realizes this and takes  
19 it seriously. If there are any breaches of these  
20 conditions, she will have to answer for the steps  
21 that she has taken to supervise him, and if she  
22 does not satisfy the Court that she has done  
23 everything that she could to ensure compliance,  
24 she will face forfeiture.

25 Because of the delay and of primary-ground  
26 concerns, I am not prepared to have the accused  
27 released until his travel plans for the November

1 court dates are actually made and proof has been  
2 provided to the RCMP and to the court registry.  
3 In addition, in order to ensure that the matters  
4 do proceed as scheduled, I will require him to  
5 surrender himself into the custody of the RCMP  
6 some days ahead of his actual court date. That  
7 way, if he does not turn himself in, police will  
8 have time to apprehend him and ensure that he is  
9 there to face these charges.

10 For those reasons, I am granting the  
11 application and ordering that Mr. Pea'a can be  
12 released on a recognizance. This will be with  
13 Bianca Pea'a as his surety. She will be  
14 responsible for \$1,000 without deposit on that  
15 recognizance if there is any breaches, and  
16 Mr. Pea'a will also be responsible for a separate  
17 \$1,000 without deposit if he breaches. The  
18 conditions of release will be as follows. Listen  
19 carefully, Mr. Pea'a. These are the conditions  
20 you will be bound by between now and your trial  
21 date. The first is to keep the peace and be of  
22 good behaviour. You know what that means. The  
23 second is to attend court as required. You also  
24 know what that means. Now, I have a question  
25 because, in the transcript, there was reference  
26 to House 24A in Wekweeti being the house of --  
27 where Bianca Pea'a lives, but on the form of

1           recognizance of surety, it said 42A, so I do not  
2           know which is right, but someone will have to  
3           find out and let the clerk know.

4           It will take a while before these can be  
5           perfected, so I will just ask, Mr. Harte, that  
6           you clarify this with the surety and just let the  
7           Court know. So it is either 24A or 42A.  
8           Whichever it is, but the grandmother's house.

9           THE ACCUSED:           If it was 42, it would have  
10          been uptown and then 24 is downtown, so I think  
11          it's 24. It kind of got mistaken from them  
12          because she used to live in Whati, and that was  
13          at 42, the House A unit, so I think she got that  
14          mistaken and it's supposed to be 24 house --  
15          house unit.

16          MR. HARTE:           I'll make sure that the  
17          correct number is --

18          THE COURT:           All right. See if we have the  
19          correct house, and if there is any confusion, we  
20          are talking about Bianca Pea'a's house, whatever  
21          the number is.

22          The other condition is that you are to  
23          remain in Wekweeti except for the purpose of  
24          attending court. You are to abstain absolutely  
25          from the possession and consumption of alcohol.  
26          You are to provide a sample of your breath upon  
27          demand to a police officer who has reasonable

1 grounds to believe you have been consuming  
2 alcohol. So if they ask you for a breath sample,  
3 you have to give it to them.

4 You are going to abide by a curfew and be  
5 inside that residence between 10:00 p.m. and  
6 7:00 a.m. except if you are required to be at  
7 work. 10 o'clock at night, 7 o'clock in the  
8 morning, you have to be inside the house. You  
9 are to follow any house rules imposed by Bianca  
10 Pea'a. This is so that she has -- she is the  
11 only person who can actually supervise you  
12 because there is no police officers there, so I  
13 want to give her the control that she might need  
14 in order to be able to discharge her obligations.

15 The next condition is going to be that you  
16 maintain employment under her supervision. So if  
17 she says you will go work as a cook, that is what  
18 you will do. If she says you do some other work  
19 under the umbrella of the places she has some  
20 control over, then you just follow her directions  
21 in that regard. No contact, direct or indirect,  
22 with Star Beaulieu or Lilah Judah. That is  
23 straightforward enough.

24 You are to provide proof of purchase of your  
25 travel arrangements to the court registry and to  
26 the RCMP. The requirements for this travel are  
27 going to be that you travel the most direct route

1 available, and those travel dates must be such  
2 that you are able to turn yourself into the  
3 custody of the RCMP before 4:00 p.m. on Friday,  
4 November the 9th.

5 The next condition is whatever date you  
6 travel, immediately upon arriving, you will go  
7 directly to the RCMP detachment to turn yourself  
8 in to their custody.

9 The next condition is you will report by  
10 landline to the RCMP detachment in Behchoko  
11 within 48 hours of your return to Wekweeti. So  
12 within 2 days after you arrive in Wekweeti, you  
13 report to them by phone, using that landline, and  
14 after, you report on Mondays, Thursdays, and  
15 Saturdays between 10:00 a.m. and 4:00 p.m. All  
16 of these will be written down for you.

17 MR. GODFREY: And just -- if I could, Your  
18 Honour, Saturday, the -- there is no clerk at the  
19 Behchoko RCMP, and I don't believe there would be  
20 anybody answering the phone on the Saturdays.

21 THE COURT: Same with Sundays, I take it?

22 MR. GODFREY: Yes.

23 THE COURT: Okay. So do you think Monday  
24 and Thursday would be sufficient?

25 MR. GODFREY: Yes, that would be fine.

26 THE COURT: All right. So Monday and  
27 Thursday, not Saturday.

1           The next condition is you will present  
2 yourself at the door of the residence or answer  
3 the landline if a member of the RCMP or a bail  
4 supervisor conducts a curfew check. This is just  
5 to make sure you are following that condition.

6           You are not to be in possession of a  
7 firearm, crossbow, prohibited weapon, restricted  
8 weapon, prohibited device, ammunition, prohibited  
9 ammunition, or explosive substance. Most of  
10 those things probably do not apply to you, but,  
11 basically, you cannot be in position of those  
12 types of weapons.

13           Now, I will just indicate that it is my  
14 intention that conditions that I have numbered as  
15 11 and 12, so the ones that relate to the travel  
16 arrangements and the surrendering into custody,  
17 be replaced by similar conditions achieving the  
18 same purpose if, for whatever reason, there is a  
19 change in the trial date. So that could be done  
20 by way of written application, if it can be  
21 worked out between counsel, or through another  
22 court appearance, but my main concern, as will be  
23 obvious from everything I have said, is that the  
24 matters do proceed to trial when they are  
25 scheduled and that there is no further delay due  
26 to a failure to attend.

27           So it may take some time before all of this

1 is worked out. Until then, of course, Mr. Pea'a  
2 will have to remain in custody, but once these  
3 requirements have been satisfied and the surety  
4 has signed the recognizance, he will be released  
5 on those conditions.

6 -----

7 **CERTIFICATE OF TRANSCRIPT**

8  
9 I, the undersigned, hereby certify that the  
10 foregoing pages are a complete and accurate  
11 transcript of the proceedings taken down by me in  
12 shorthand and transcribed from my shorthand notes  
13 to the best of my skill and ability.

14 Dated at the City of Edmonton, Province of  
15 Alberta, this 7th day of September, 2018.

16  
17 Certified Pursuant to Rule 723  
18 of the Rules of Court

19  
20 

21 \_\_\_\_\_  
22 Joanne Lawrence  
23 Court Reporter

24  
25  
26  
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