*R v Firth,* 2018 NWTSC 55 **S-1-CR-2018-000059**

# IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

**IN THE MATTER OF:**

**HER MAJESTY THE QUEEN**

**- v -**

**LESLIE ROBERT FIRTH**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Transcript of the Decision held before The Honourable Justice L.A. Charbonneau, sitting in Yellowknife, in the Northwest Territories, on the 27th day of August, 2018.

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**APPEARANCES:**

Mr. B. Green: Counsel for the Crown

Ms. J. Cunningham: Counsel for the Accused

(Charges under s. 244.2, s.267(a), s.264.1(1)(a) of the

*Criminal Code*)

**There is a ban on the publication , broadcast or transmission of the evidence taken , the information given or the representations made and the reasons for decision until such time as the trial has concluded pursuant to**

**s . 517 of the *Criminal Code***

1. THE COURT: Mr. Firth faces charges
2. arising from events alleged to have happened on

3 January 9th, 2018. These charges are having

1. discharged a firearm while being reckless to the
2. life or safety of another person; using a firearm
3. in the commission of an assault against Gladys
4. Aleekuk; and uttering threats to cause death to
5. Gladys Aleekuk.
6. On January 17th, 2018, Mr. Firth had a show
7. cause hearing before a justice of the peace. At
8. the conclusion of that hearing, he was ordered
9. detained on the secondary ground. He now applies
10. for a review of his detention.
11. The Supreme Court of Canada decided in *R v*
12. *St. Cloud* that the door to a bail review like
13. this one is only open in certain situations. One
14. of those situations is when there has been a
15. material change in circumstances since the
16. original bail hearing.
17. Here, this is what the request for review is
18. based on: The Crown is not arguing that the door
19. is not open for review. The Crown concedes that
20. there have been material changes in
21. circumstances, but the Crown continues to oppose
22. release on the secondary ground. The Crown takes
23. the position that the changes in circumstances
24. are not significant, and they do not justify a
25. different conclusion on the analysis of whether
26. Mr. Firth's detention is necessary for public
27. safety reasons.
28. The Crown maintains the allegations that
29. were put forward at the January bail hearing.
30. This is what they are in summary, and at this
31. stage, of course, they are only allegations.
32. In January 2018, Mr. Firth and Ms. Aleekuk
33. had been in a relationship for just over a year.
34. On the evening in question, he was at a cabin
35. that Ms. Aleekuk owns at Airport Lake near
36. Inuvik. Ms. Aleekuk went to the cabin to check
37. on Mr. Firth. She was concerned for him because
38. there had been a news story about children dying
39. in a house fire in eastern Canada. Mr. Firth
40. lost his children in similar circumstances many
41. years ago, and Ms. Aleekuk was worried about the
42. news story triggering him.
43. When she arrived at the cabin, she found him
44. there with one of his friends, Mr. Peter Semmler.
45. They were drinking alcohol, according to her.
46. She confronted Mr. Semmler about bringing alcohol
47. to the cabin. Part of the overall context is
48. that Mr. Firth had been trying to maintain his
49. sobriety, and that was one of the reasons for him
50. being at the cabin. Mr. Firth became upset about
51. Ms. Aleekuk's intervention. He left the room and
52. came back with a rifle, loaded it, and pointed it
53. at Ms. Aleekuk.
54. He made comments about being tired and sick
55. of people interfering in his life. He pointed
56. the firearm in her direction, a few feet to the
57. side of her head, and fired. He left the room
58. and returned shortly thereafter carrying the
59. firearm on his side. He said words to the
60. effect, "You want another one? You want another
61. one?" And approached her again. She grabbed the
62. barrel of the rifle.
63. For a time, they both held on to the rifle.
64. He was again saying things along the lines of
65. being sick of people getting into his life. She
66. let go of the rifle eventually. Mr. Firth left
67. the room again, and this was when Ms. Aleekuk got
68. out of the cabin and called the police to report
69. what was happening. They told her to get in her
70. truck. After she spoke to police, which was some
71. distance away from the cabin, Mr. Firth arrived
72. by Ski-Doo. He was still carrying the rifle over
73. his shoulder. He said to her words to the
74. effect, "You're happy now? You called the cops.
75. I don't care anymore. My girls are gone. I'll
76. just wait for them." Ms. Aleekuk was still on
77. the phone with police at that point, and they
78. told her to drive away, and she did.
    1. The next day, the police attended the cabin
    2. with Ms. Aleekuk's consent. They found a hole in
    3. one of the walls close to a chair. Mr. Firth was
    4. arrested. I understand from what was said at the
    5. hearing that he was in Ms. Aleekuk's company at
    6. the time of his arrest. He was interviewed at
    7. two different times by police officers. In the
    8. first statement, he denied any wrongdoing. In
    9. the second one, he initially denied any
    10. wrongdoing as well, but eventually admitted that
    11. he discharged the firearm.
    12. His version of what happened in that second
    13. statement is different from what Ms. Aleekuk said
    14. in her statement in different ways. For example,
    15. he told the officer that he was not drinking any
    16. alcohol that night. He said he was sleeping and
    17. woke up to Ms. Aleekuk striking him, and that he
    18. must have "snapped," and that's why he fired.
    19. In January 2018, Mr. Firth was under a
    20. firearms prohibition order. That order was the
    21. result of a sentence imposed on him in 2016 for
    22. uttering threats.
    23. Mr. Firth has a lengthy criminal record.
    24. Without referring to it in detail, it includes a
    25. steady stream of convictions for criminal
    26. offences commencing in 1976 and continuing on
    27. until his last convictions in March 2016. This
79. was for the uttering threats I just mentioned, as
80. well as a conviction for drinking and driving.
81. There are numerous convictions for breaches of
82. court orders of various kinds on this record.
83. Several breaches of probation and breaches of
84. undertakings or recognizances. The record also
85. includes numerous convictions for crimes of
86. violence. There are assaults, uttering threats,
87. assault with weapon, assault causing bodily harm,
88. assault with intent to resist arrest, careless
89. use of firearm, and the most serious conviction,
90. for sexual assault in 1997, which resulted in the
91. imposition of a sentence of four-and-a-half years
92. imprisonment. That was the only time Mr. Firth
93. received a sentence in the penitentiary range.
94. Most of the jail terms he received are counted in
95. months. Although on a few occasions, he was
96. sentenced to more than one year imprisonment
97. globally.
98. At the original bail hearing, the release
99. plan presented was that Mr. Firth would go live
100. at the cabin of his sister and her husband, which
101. is about a two-hour drive or ride outside of
102. Inuvik. By all accounts, Mr. Firth is very
103. skilled on the land, and there were numerous
104. tasks that his sister testified he would be able
105. to assist with at the cabin. His sister was the
106. proposed surety. She testified that she had no
107. concerns about his behaviour at this cabin as it
108. is a place where people engage in traditional and
109. bush activities, there's no alcohol, and people
110. are happy when they are there. The evidence
111. painted a picture of a highly-functional and
112. positive environment at that cabin. The relative
113. proximity from town would also have enabled
114. Mr. Firth to report to police regularly if
115. required.
116. The Crown did not have any concerns with a
117. surety herself, but argued that given Mr. Firth's
118. history of alcohol abuse and of violence and of
119. noncompliance with court orders, no plan could
120. alleviate the public safety concerns arising from
121. these allegations. The justice of the peace was,
122. clearly, impressed with the surety and impressed
123. with the plan, but he nonetheless concluded that
124. as good as it was, the plan could not alleviate
125. the public safety concerns arising from the
126. criminal record.
127. I turn now to the circumstances as they were
128. presented to me at the hearing of this
129. application. The release plan that is being
130. proposed now is that Mr. Firth would live in
131. Yellowknife with his friend, Elaine Briere.
132. Ms. Briere swore an affidavit in support of this
133. application, and she also testified at the
134. hearing. She answered all the questions in a
135. straightforward manner and came across to me as
136. an honest, reliable person. She and Mr. Firth
137. have known each for a long time, and were at one
138. point in a relationship. They have a son
139. together who's now 26. She has two other
140. children aged 21 and 15. Ms. Briere and
141. Mr. Firth have remained friends. They get along,
142. and they respect each other. Ms. Briere's home
143. is a nondrinking home. She has space for
144. Mr. Firth. She's never been a surety before, but
145. she is prepared to act as one now.
146. She testified she will call the police if he
147. does not comply with his conditions, she has
148. discussed the matter with her children, and
149. everyone is in agreement with Mr. Firth living
150. with them. She testified she understands this
151. matter could be pending for a long time, and that
152. her responsibilities as a surety would last until
153. the matter is over. She said she is prepared to
154. take on those responsibilities for as long as it
155. takes.
156. In his own affidavit, Mr. Firth deposes that
157. he wants to access treatment and counselling to
158. deal with his alcohol and grief issues and his
159. trauma. He deposes that he will comply with
160. conditions, that he respects Ms. Briere, and that
161. he would not want to do anything that could
162. result in her being subject to a forfeiture of
163. the recognizance. He deposes that he has work
164. lined up in Yellowknife if released, and as he
165. has been steadily employed over the years, it
166. seems realistic to think that if released, he
167. would, in fact, be able to find work in
168. Yellowknife.
169. The preliminary hearing into this matter has
170. now proceeded. There has also been a pretrial
171. conference, held the same day as the bail review,
172. where the various legal issues that are
173. anticipated to arise at trial were discussed.
174. As is usually the case, at the original bail
175. hearing, allegations were read in by the
176. prosecutor; no witnesses were called. The
177. evidence in support of the allegations was not
178. tested in any way. Now that the preliminary
179. hearing has proceeded, there is a lot more
180. information about what the Crown's case will rest
181. on and look like and some of the challenges the
182. Crown will face. And there are two main elements
183. in this respect: the evidence of Ms. Aleekuk, and
184. the evidence about Mr. Firth's statement to the
185. police, which the Crown hopes to rely on as part
186. of its case.
     1. The testimony of Ms. Aleekuk at the
     2. preliminary hearing was, in very significant
     3. ways, different from the account of events she
     4. gave in the statement she gave to police the
     5. night of the events. Her evidence at the
     6. preliminary hearing was that she contacted police
     7. sometime after these events, saying that what she
     8. said in her statement was not true. The
     9. investigator did not want to take a further
     10. statement from her as he believed her initial
     11. account was the true one. Ultimately,
     12. Ms. Aleekuk contacted a lawyer. What she told
     13. the lawyer is in line with her evidence at the
     14. preliminary hearing: That she was intoxicated on
     15. the night in question; that she has several
     16. blackouts about the evening; that she does not
     17. remember what she told the officer, as she was in
     18. a blackout state at the time of this statement.
     19. Assuming Ms. Aleekuk maintains this version of
     20. events at trial, the Crown intends to call her,
     21. confront her with her statement, and attempt to
     22. have the statement ruled admissible for its truth
     23. under the principled exception to the
     24. inadmissibility of hearsay. Ms. Aleekuk's
     25. statement was video recorded, but was not taken
     26. under oath. A transcript of the statement was
     27. filed at the bail review hearing, so I have the
187. benefit of that.
188. A second important piece of the Crown's case
189. at trial will be Mr. Firth's second statement to
190. police. A transcript of that statement was also
191. filed at the review hearing. The voluntariness
192. of the statement will be an issue at the trial.
193. The officer who took Mr. Firth's statement
194. testified at the preliminary hearing. He was
195. questioned, among other things, about the fact
196. that he did not preserve the footage of the
197. cellblock video recordings for the period of time
198. when Mr. Firth was in custody prior to giving his
199. statement. The officer explained that there are
200. cameras running 24 hours a day, seven days a week
201. that record everything that go on in the
202. cellblock area, but those are on a cycle of time
203. after which the recording gets taped over. It is
204. possible to extract footage before the tape over
205. happens, but not after. He explained that
206. typically the footage would only be preserved if
207. there is an incident or alleged incident at the
208. cellblock. In this case, he knew of no reason to
209. preserve the recording. By the time the issue
210. was raised, the footage had already been taped
211. over as part of the usual cycle.
212. The officer was also questioned about an
213. interruption during the statement. The statement
214. was audio- and video-recorded, and the officer
215. was also recording it with the handheld recorder
216. as a backup. At one point, Mr. Firth said he
217. wanted a cigarette, and that he would talk after.
218. He and the officer left the room for that
219. cigarette break. The recording system in the
220. interview room got turned off. The officer also
221. turned off the handheld recorder. He explained
222. that he did so because he considered that to be a
223. break from the statement. He was asked about
224. what they talked about during the break, and
225. although he could not remember it verbatim, he
226. explained the conversation was about hunting,
227. boating, and activities on the land. The officer
228. said he did not think there was any conversation
229. about Ms. Aleekuk.
230. The Defence argues that the plan now being
231. presented is a strong one; that there is no
232. reason to doubt the surety's ability to do what
233. she said she would do. Mr. Firth would live in
234. Yellowknife, as opposed to being at a cabin a few
235. hours away from Inuvik. This added distance from
236. where Ms. Aleekuk lives, the Defence argues,
237. means that the potential for she and Mr. Firth to
238. have contact would be more remote. This is
239. relevant both to her safety and to potential
240. interference with the administration of justice.
     1. The Defence argues that an important change
     2. in circumstances is that the Crown's case is not
     3. as strong as it might have appeared at the time
     4. of the initial bail hearing. The Defence argues
     5. that because the statement Ms. Aleekuk gave to
     6. police was unsworn, the Crown will very much have
     7. an uphill battle on the hearsay application. As
     8. for the statement to police, Defence argues that
     9. even if it is admitted, it is not altogether
     10. clear what admissions were made by Mr. Firth. In
     11. addition, the Defence argues that the
     12. voluntariness voir dire will be an uphill battle
     13. for the Crown as well given that part of the
     14. exchange between the officer and Mr. Firth was
     15. not recorded.
     16. The Crown argues that the changes in
     17. circumstances do not have any real impact on the
     18. analysis on the secondary ground. The Crown
     19. argues that when one reviews Ms. Aleekuk's
     20. statement to police, it belies the notion that
     21. she was in a blackout when she gave it. The
     22. Crown takes the position that it has a reasonable
     23. chance of success on the hearsay application,
     24. even if Ms. Aleekuk maintains her current version
     25. of events. Crown takes the position that this is
     26. a classic case of a serious incident of domestic
     27. violence where the complainant is recanting.
         1. Ms. Aleekuk has never told police that she
         2. fears Mr. Firth. Even in her statement to the
         3. police, the night of these events, she said she
         4. did not fear him. As I said, they were together
         5. when he was arrested. But the Crown maintains
         6. that there is concern for her safety and concerns
         7. for interference with the administration of
         8. justice.
         9. As for Mr. Firth's statement, the Crown
         10. argues that what he said, when read in the
         11. context of the full exchange with the officer, is
         12. very inculpatory, and will be of considerable
         13. assistance to the Crown if the statement is ruled
         14. admissible. The Crown takes the position that
         15. the interruption in the recording will not be
         16. fatal to its case on admissibility, particularly
         17. since immediately after the cigarette break the
         18. officer states that nothing about the case was
         19. discussed during the break, and Mr. Firth does
         20. not say anything that would indicate
         21. disagreement.
         22. The Crown argues, much as it did at the
         23. initial hearing, that even accepting that the
         24. surety is well intended and is a good surety, the
         25. Court cannot have confidence that Mr. Firth will
         26. comply with release conditions.
         27. The right to bail is constitutionally
             1. protected, closely linked to the presumption of
             2. innocence and of crucial importance in our
             3. justice system.
             4. The Supreme Court has reaffirmed this last
             5. year in the opening paragraph of its decision in
             6. *R v Antic,* 2017 SCC 27 when it said:
             7. The right not to be denied bail without just cause is an essential
             8. element of an enlightened justice system. It entrenches the effect of
             9. the presumption of innocence at the pretrial stage of the criminal trial
             10. process, and safeguards the liberty of accused persons.

11

1. The just cause that can serve as a reason to
2. order the detention of an accused person in our
3. system is one or more of the three grounds set
4. out in the *Criminal Code*. Here, only the
5. secondary ground is engaged.
6. The secondary ground justifies detention
7. where the detention is necessary for the
8. protection or safety of the public, including any
9. victim or witness to the offence or of any person
10. under the age of 18 years, having regard to all
11. the circumstances including any substantial
12. likelihood that the accused will, if released
13. from custody, commit a criminal offence or
14. interfere with the administration of justice.
15. That's set out in Section 515(10)(b) of the *Code*.
16. Some key elements of this description are,
    1. first, that the detention must be necessary, not
    2. simply helpful or convenient; second, the mere
    3. possibility that an accused may commit another
    4. offence is not sufficient to justify detention.
    5. The threshold is higher and is "substantial
    6. likelihood"; and, third, even a substantial
    7. likelihood in the commission of an offence does
    8. not on its own suffice; it has to be linked to a
    9. threat or a risk to the safety of the public.
    10. Any decision on bail involves a risk
    11. assessment analysis. No one has a crystal ball
    12. and can predict with any degree of certainty
    13. whether a person will or will not comply with
    14. release conditions, will or will not be able to
    15. abstain from consuming liquor, will or will not
    16. commit further offences. Simply put, there is no
    17. way of being sure either way, and that goes in
    18. both directions. The Crown will never be able to
    19. show in a determinative way that the accused will
    20. commit a further offence and harm someone if
    21. released; and an accused will never be able to
    22. show in a determinative way if he or she will not
    23. commit any further offence.
    24. Past conduct is one of the things courts
    25. look at in this effort to assess what a person's
    26. future behaviour may be. This is why a person's
    27. criminal record is relevant at a bail hearing.
17. Some might say that is just judging someone on
18. their past and isn't fair, but in assessing
19. future risk, one cannot ignore past conduct,
20. especially repeated past conduct. The criminal
21. record should never be the only consideration,
22. but it certainly is a consideration.
23. In this case, the criminal record is
24. particularly troubling for several reasons.
25. First, it is very lengthy and spans several
26. decades with very few gaps; Second, it contains
27. numerous crimes of violence, including some very
28. serious ones; and, third, it contains numerous
29. convictions for not complying with court orders.
30. We know that a criminal record that includes
31. a lot of breaches can be misleading. For
32. example, if a no-alcohol condition was part of
33. the release terms, the breach conviction could
34. represent simply someone having consumed alcohol,
35. and nothing else having happened, no other crime
36. having been committed. On the whole, Mr. Firth's
37. record of conviction suggests that a number of
38. substantive offences were committed while he was
39. bound by court orders.
40. In addition, after being sentenced to
41. four-and-a-half years imprisonment for sexual
42. assault and being released on parole, he violated
43. his parole conditions and was recommitted to
44. custody. He has driven motor vehicles while he
45. was prohibited. He has a strong pattern of not
46. actually complying with release terms and court
47. orders, even when the stakes are high.
48. It is argued that this release plan is
49. better than the previous one because it
50. contemplates the accused living much further away
51. from Ms. Aleekuk than was the case under the
52. original plan, and that is true. On the other
53. hand, the first plan contemplated Mr. Firth being
54. essentially at a bush camp some distance from the
55. community of Inuvik and without easy access to
56. alcohol. While it has been said that he is
57. capable of abstaining, the criminal record
58. suggests a long-lasting issue with alcohol. If
59. Mr. Firth lived in Yellowknife, even in an
60. alcohol-free home, alcohol would be readily
61. accessible to him. There are two liquor stores
62. here, several bars and licenced premises where
63. alcohol is sold. So while the plan is stronger
64. from the point of view of keeping the accused and
65. Ms. Aleekuk apart, (acknowledging that there is
66. no guarantee they would not be in contact,
67. particularly as she has said from the beginning
68. that she doesn't fear him and was with him at the
69. time of his arrest), the plan is weaker as far as
70. potential access to alcohol.
    1. The seriousness of the allegations also
    2. comes into play when examining the secondary
    3. ground. Here we have an allegation of a firearm
    4. being discharged inside a house, pointed a short
    5. distance away from a person's head. This,
    6. especially in the face of the criminal record
    7. that includes numerous convictions for serious
    8. violent crimes, including convictions for assault
    9. with weapon and a conviction, albeit dated, for
    10. careless use of a firearm, is of great concern.
    11. It is very clear that there are triable
    12. issues in this case; I certainly agree with
    13. Defence on that point. The strength of the
    14. Crown's case is not referred to in the
    15. description of the secondary ground whereas under
    16. the tertiary ground, it is spelled out as one of
    17. the factors to consider in the analysis. This
    18. does not mean that the strength of the Crown's
    19. case is entirely irrelevant to the analysis under
    20. the secondary ground. Public safety concerns
    21. will naturally be greater if the Crown appears to
    22. have a solid case on allegations that involve
    23. very dangerous conduct or conduct where serious
    24. harm was caused. But the strength of the Crown's
    25. case is not as directly relevant as it is for the
    26. analysis under the tertiary ground.
    27. To the extent that the strength of the
        1. Crown's case is relevant, it goes without saying
        2. that the task of the bail hearing judge or the
        3. bail review judge is not to try the case. As far
        4. as the issue of whether Ms. Aleekuk's statement
        5. will be ruled admissible, a full analysis will
        6. have to be conducted once all the voir dire
        7. evidence has been called. The fact that the
        8. statement to police was not sworn will be a
        9. factor, but the statements were audiotaped and
        10. videotaped, and the trial judge will have the
        11. benefit of seeing and hearing the statement.
        12. Although, I did not view the statement at this
        13. hearing, I was given the transcript, as I have
        14. mentioned. Without going too far into the
        15. analysis for present purposes, because it is not
        16. my task, I will say that on its face, the
        17. transcript, in my view, does seem to belie the
        18. contention that it was given by someone in a
        19. highly-intoxicated state. That being said, it is
        20. also not going to be a clear-cut case for
        21. admissibility.
        22. As for the accused's statement, again, it is
        23. not for me at this stage to engage in a full
        24. analysis of whether it will be ruled voluntary.
        25. The significance of there being no footage of the
        26. cellblock during the period of time when
        27. Mr. Firth was there will depend on what is
71. alleged to have taken place during that time, and
72. the evidence of the people who were involved in
73. guarding him. As for the fact that the cigarette
74. break was not recorded, again, the significance
75. of that will depend on the evidence adduced at
76. the voir dire.
77. One thing that I can say from the review of
78. the transcript is that it does seem to me that
79. the things said by Mr. Firth, when considered in
80. the context of the whole of the statement, would
81. be helpful to the Crown if this statement is
82. admitted. He acknowledges firing the gun, talks
83. about having snapped, talks about having wanted
84. to leave the area afterwards because he did not
85. want anything else to happen. If the Crown fails
86. on the hearsay application, and Mr. Firth's
87. statement is admitted, it may not assist the
88. Crown on all the counts of the indictment, but it
89. will assist the Crown on the careless discharge
90. count, which is obviously very serious.
91. As I said already, the strength of the
92. Crown's case is not as directly relevant to the
93. secondary ground as it is when release is opposed
94. on the tertiary ground. If the Crown had an
95. extremely weak case, that would play a part in
96. the analysis, because it does relate back to the
97. risk assessment that I referred to earlier. The
98. same would be true if the allegations did not
99. disclose conduct that suggests a high degree of
100. risk to the public. Here, the allegations are of
101. conduct that presents an extremely high public
102. safety risk, not just to Ms. Aleekuk herself, but
103. to others. The Crown's case is not a "slam
104. dunk," far from it, but it is also not at the
105. weakest end of the spectrum, in my view. The
106. plan has some strengths, but Mr. Firth's track
107. record of compliance with court orders, probation
108. release terms, driving prohibitions, and his
109. failure to abide by his parole conditions in
110. circumstances where he knew the stakes were very
111. high makes it very difficult for me to have
112. confidence that he will comply with conditions I
113. would impose on him this time. And that,
114. combined with the accessibility of alcohol in his
115. proposed city of residence, leaves me with great
116. concerns.
117. On the whole, I find that Mr. Firth's
118. continued detention is necessary on the secondary
119. ground. I have no doubt about the surety's good
120. intentions or even about Mr. Firth's good
121. intentions at this time, but on the whole of the
122. evidence, in my view, there is a substantial
123. likelihood that he will commit a further offence
124. if released, and that this would jeopardize the
125. safety of the public. For those reasons, the
126. application is denied.

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# 6 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, Northwest
7. Territories, this 19th day of September, 2018.

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1. Certified Pursuant to Rule 723
2. of the Rules of Court

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1. Karilee Mankow
2. Court Reporter

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