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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

FREDERICK EVANS

Transcript of the Trial Proceedings held before His
Honour Judge R. M. Bourassa, sitting at Yellowknife,
in the Northwest Territories, on Tuesday, January
19th, A.D., 1988.

APPEARANCES:

B. BRUSER, ESQ.: Appeared on behalf of the Crown
F. EVANS, ESQ.: Appeared on his own behalf -

Charge under Section 245 CRIMINAL CODE

1 MADAM CLERK: Ray Frederick Evans, you stand charged that on or
2 about the 28th day of November, 1987, at or near the City of
3 Yellowknife, in the Northwest Territories, did assault Alice
4 Mary Sanderson, contrary to Section 245 of the Criminal Code.

5 THE COURT: Crown election?

6 MR. BRUSER: Summary, Your Honour?

7 THE COURT: Do you understand the charge against you, Mr. Evans?

8 THE ACCUSED: Yeah.

9 THE COURT: What do you wish to do about this charge?

10 THE ACCUSED: I'd like to plead guilty, but I'd like to explain
11 a couple of things.

12 THE COURT: You sit down and I'll give you that opportunity.

13 You sit down, then, and the Crown attorney is going to tell me
14 what happened. You listen carefully to what he says.

15 MR. BRUSER: This involves a matrimonial dispute, Your Honour.

16 It happened on the 28th of November. On that date, Your
17 Honour, in the morning, the police went to the Yellowknife
18 Hospital to talk to the victim, Alice Sanderson. She was
19 noted to have dried blood around her right ear; she had a
20 small cut to the cartilage area of it. There were also marks
21 on the right side of her neck, which appeared to the police
22 officer to be friction type marks. They talked with her.
23 She then described an altercation she had had with Mr. Evans.
24 She did not want the police to be contacted.

25 The police eventually learned, Your Honour, that what had
26 occurred is that the two of them had had an argument that
27 morning at around 5:00 a.m.; the argument escalated.

1 Mr. Evans is alleged to have grabbed her by the upper arms and
2 then pushed her away from him. She was trying to follow him
3 into the bathroom. When he pushed her, she fell against a
4 door jamb. That's how she injured her ear, and that is how
5 she bruised her right arm.

6 After he left the bathroom, he tried to leave the home,
7 but it seems that he then grabbed her by the collar area and
8 shook her, causing some friction marks to her neck. She says
9 that she felt as though she were being choked.

10 Those are the alleged facts.

11 THE COURT: Mr. Evans, is what the Crown attorney told me true?

12 THE ACCUSED: Some are true, but I don't think some are.

13 THE COURT: Well, you stand up, please. You tell me what parts of it
14 aren't true or that you don't agree with. Stand up, please.

15 THE ACCUSED: Well, when I went to, in the bathroom, she wouldn't
16 let me go there, so....

17 THE COURT: You said that?

18 THE ACCUSED: She -- I mean -- when I was going to the bathroom,
19 she didn't want me to go there, and I didn't mean to hurt her,
20 but I just pushed her away. I just wanted to go -- I really
21 need to go to the bathroom, so I just pushed her away. I
22 didn't want to hurt her; I just wanted to get in the bathroom.
23 And then when I left, she kept bothering me, and I just was
24 shaking her; I wasn't trying to hurt her or anything. And
25 after that, I just -- I didn't want to hurt her -- so I just
26 went up-town.

27 THE COURT: Well, I think that's what I understand the Crown

1 to have said.

2 On sentence?

3 MR. BRUSER: On sentence....

4 THE ACCUSED: Well, I don't think I'm -- well, I'm pleading
5 guilty, but I don't think I'm guilty. But the reason I don't
6 think I'm guilty, I was provoked in it and that's all.

7 THE COURT: Well, I'll hear from you in a moment, Mr. Evans.

8 On sentence?

9 MR. BRUSER: There is no record to allege.

10 I should point out to the Court that further on the docket
11 is the name Sanderson, the same victim as is charged with an
12 assault upon this gentleman, and her name is yet to come up.
13 That involved a different date and not the same event.

14 THE COURT: Earlier or later?

15 MR. BRUSER: That was a later date, Your Honour, in December.
16 There was alcohol involved, I am told. That's all I have to
17 say.

18 THE COURT: All right, Mr. Evans. What do you want to say in
19 your own behalf? Stand up, please.

20 THE ACCUSED: Just that -- like, I was, mentioned, like, I
21 wasn't starting anything, like, for this, you know. Like, I was
22 provoked until like, you know, she kept bothering me and that.
23 And it wasn't my fault, like, you know; I didn't start
24 anything.

25 THE COURT: How tall are you, Mr. Evans?

26 THE ACCUSED: About five-eleven.

27 THE COURT: How much do you weigh?

1 THE ACCUSED: About 185.
2 THE COURT: How tall is she?
3 THE ACCUSED: She's, I don't know, about five, five-six, maybe.
4 THE COURT: She doesn't weigh as much as you?
5 THE ACCUSED: No.
6 THE COURT: Surely, you can keep control of yourself.
7 THE ACCUSED: It's not -- she might be shorter and smaller, but
8 I don't think that she -- when she gets mad she is....
9 THE COURT: Well, I don't doubt that a small person can do
10 damage.

11 (AT WHICH POINT ORAL SENTENCING WAS DELIVERED)

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13 Certified a correct transcript,

14
15 Debora Chipperfield
16 Debora Chipperfield,
17 Court Reporter
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