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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

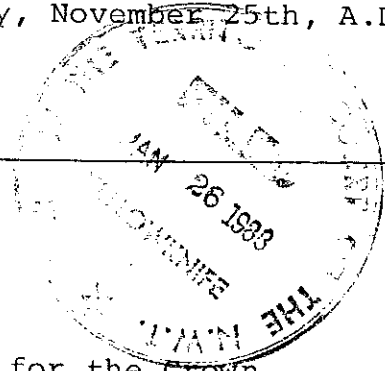
- and -

BERNARD MICHEL

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Transcript of the oral sentencing delivered by His Honour Judge T.B. Davis, sitting at Snowdrift, in the Northwest Territories, Wednesday, November 25th, A.D. 1987.

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APPEARANCES:

MR. R. PEACH Counsel for the Crown

MS. V. SCHULER Counsel for the Defence

(Charges under Section 246 of the Criminal Code and Section 4 of the Snowdrift Liquor Prohibition Regulations)

1 THE COURT: The more serious offence before the Court  
2 today is the assaulting Police Officers by throwing stones at  
3 them when they, the Police Officers, were leaving their place  
4 of employment. The accused and others were together, and  
5 although the accused was in an intoxicated state, he did  
6 throw stones with the others at the Police Officers, although  
7 not striking them at any time. The three were chased by the  
8 Police, and the accused was observed to be intoxicated, and  
9 that to some extent explains, maybe, his actions and his  
10 belligerency. As pointed out by Defence counsel, people in  
11 the North especially, I think, should recognize that the  
12 Police Officers are always called when any problems arise,  
13 and they are needed for the protection of everybody, so they  
14 should be assisted in their duties rather than be the subject  
15 of any assaults or obscenities. It is impossible for the  
16 system to work if the public are not going to support the  
17 Police, because they do have a difficult task.

18 I think in this instance it is appropriate for  
19 me to impose fines on the two offences, because the accused  
20 is not a person that has a substantial record. Therefore,  
21 although ordinarily I might consider a jail term, I am going  
22 to give the benefit of that fact, that the accused has only  
23 two offences on his record, one in 1985 and in 1987 where he  
24 was fined Thirty-five dollars, and I am going to impose fines  
25 instead with the hope that he realizes that he may not be as  
26 lucky in the future if he were to get in trouble again. The  
27 fines on each will be One hundred and twenty-five dollars, or

1 in default thereof twenty days in jail on each charge to run  
2 consecutively. The accused has limited income and limited  
3 ability to pay fines, and I am taking into account his  
4 personal situation when I impose these fines, because he  
5 presently is attempting to improve his situation. He is  
6 trying to go to school and won't have too much time to earn  
7 money or to participate in the fine options program. However,  
8 communities have suggested to us in the past that on viola-  
9 tions of their liquor ordinances that the Court should always  
10 consider a relatively substantial fine, even though it is  
11 necessary to have people pay it over an extended period of  
12 time. On each of the violations of the Snowdrift Liquor  
13 Prohibition Regulations I am going to impose Two hundred  
14 dollars on each, or in default thereof thirty days in jail  
15 on each, all to run consecutively.

16 MS. SCHULER: Your Honour, time to pay, I think he would  
17 need a substantial time. It amounts to Six hundred and  
18 fifty dollars. I would suggest, sir, that he perhaps be given  
19 at least six months to pay.

20 THE COURT: How much?

21 MS. SCHULER: Six months.

22 THE COURT: Six months. Will he make efforts to pay some-  
23 thing on a regular basis throughout that period of time?

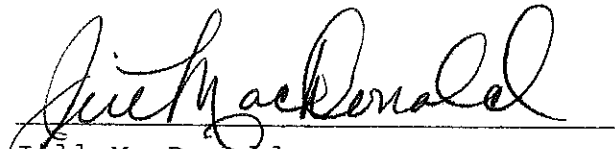
24 MS. SCHULER: Yes, sir.

25 THE COURT: Try to pay a hundred dollars each month during  
26 that time, Mr. Michel, all right? If you will actually try to  
27 pay a hundred dollars per month, I will allow you six months.

1 The other thing is, Mr. Michel, that if you register with the  
2 fine option program you can probably pay it off much more  
3 quickly than that. But maybe it would be more appropriate if  
4 we put the hundred and twenty-five dollar fine within the two  
5 month period, the second One hundred and twenty-five within a  
6 three month period, and that will be sure that nothing is  
7 neglected over a period of time. That will still allow the  
8 the first fine, then, of One hundred and twenty-five dollars  
9 to be payable within two months; the second fine of One  
10 hundred and twenty-five dollars to be payable within three  
11 months; the 25th of July offence for the Two hundred dollars  
12 to be payable within five months; and the second offence, Two  
13 hundred dollar fine to be payable within six months.

14 (AT WHICH TIME THIS MATTER WAS CONCLUDED).

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17 Certified a correct transcript,

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20 Jill MacDonaid  
21 Court Reporter.  
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