

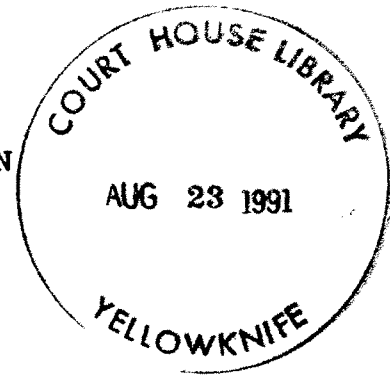
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

HER MAJESTY THE QUEEN

- and -

BRIAN OLLINGTON



Transcript of the Reasons for Sentencing held in Inuvik in the Northwest Territories, on the 21st day of January, A.D., 1991. His Honour Judge B. A. Bruser presiding.

APPEARANCES:

Mr. D. Gates

For the Crown

Ms. J. Lillegran

For the Defence

(CHARGED UNDER SECTION 77(c) OF THE LIQUOR ACT)

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2 THE COURT: Mr. Ollington, you have entered a guilty
3 plea to what we commonly refer to as bootlegging. The
4 bootlegging involved July 1st and then again on
5 November 29th of last year. The Crown points to
6 the gravity of the offence; to use the words of Crown
7 counsel.

8 A Supreme Court judge in the Northwest Territories had
9 the following to say in the case of Charles Hendry and
10 the Queen on appeal. The accused in this case was
11 sentenced to one year imprisonment for supplying liquor
12 to a minor. One teenage girl died and another went to
13 the hospital for a while. Justice de Weerdts said in
14 dismissing the appeal by the defendant:

15 "Our crime rate in these Territories,
16 as shown in statistics published in
17 Statistics Canada, is something like
18 five times the national rate."

19 He referred to the Liquor Act and its regulations and
20 said as well that they:

21 "...are of crucial importance in terms
22 of the peace, safety, welfare, and
23 benefit of people in those communities."

24 He was referring to communities in the Northwest
25 Territories.

26 In your case, you were engaged in a profit
27 enterprise. You were ready, willing, and able to

1 bootleg hard liquor on a moment's notice. The profit
2 you made was between 100 and 300 per cent, per bottle,
3 when comparing what you sold the liquor for with
4 what it could have lawfully been purchased for at the
5 liquor store in Inuvik.

6 The sentence today must discourage you and other
7 people from bootlegging and in that way, public
8 protection can be achieved.

9 Your lawyer has said it is highly unlikely that
10 you will be before the Court again. I accept that
11 submission. Nevertheless, in order to discourage
12 yourself and others, and perhaps in this case
13 particularly other people, there has to be a firm
14 punishment for each of the offences.

15 There is an ironic twist here. The Court has been
16 told that your wife has had alcohol abuse problems.
17 Your behaviour in bootlegging liquor is an example of
18 the sort of activity that aggravates alcohol abuse
19 throughout the Delta.

20 Apparently, you do not, right now, have the
21 financial ability to pay high fines. The Court has
22 offered community service work in lieu of high fines.
23 You have had the opportunity of discussing the options
24 with your lawyer as to whether you should receive
25 community service work or substantial fines.

26 You are healthy. You have the ability to find
27 meaningful work. You are able to enroll in the Fine

1 Option Program if the fines in each case do not exceed
2 \$1,000 on each matter.

3 There will be a fine in the amount of \$1,000 or in
4 default, 90 days imprisonment. The imprisonment for
5 the November 29th offence will be consecutive if the
6 fine is not paid or worked off or a combination of the
7 two.

8 In addition, I am placing you on probation for a
9 period of 12 months. The purpose of the probation
10 order is to ensure that for the next 12-month period,
11 you do not operate a taxi cab anywhere in the
12 Northwest Territories. This is part of the message I
13 am trying to get through to other people in this
14 particular case.

15 Let me assure you that if you had more means to pay a
16 fine that a fine for each matter of \$1,500 to \$2,000
17 may have been appropriate.

18 The terms of the probation are that you keep the peace
19 and be of good behaviour and appear before the Court as
20 required to do so by the Court. I would like you to
21 be back before the Court on April 18th, 1991, at 1:30
22 in the afternoon. You will report to the probation
23 officer within two days of today and thereafter when
24 and as directed by him or her. In your case continued
25 reporting may not be necessary. You will be under the
26 supervision of the probation officer and you will not,
27 as I said before in general terms, operate a taxi cab

1 anywhere in the Northwest Territories during that
2 12-month period. There will not be any community
3 service work. Those are the terms, unless counsel
4 have any suggestions of anything further to add.

5 MR. GATES: No, Your Honour.

6 MS. LILLEGRAN: No, sir.

7 THE COURT: If the fines had not been imposed, I
8 would have given community service work of about
9 100 hours for each matter. As I said before, you had
10 the opportunity of talking over community service work
11 and a fine with your lawyer a few minutes ago. Your
12 preference has been to have a fine imposed.

13 There will be no victim of crime surcharge in
14 either matter, given the apparent hardship and given
15 the fact that surcharges cannot be worked off in the
16 Fine Option Program.

17 When will the probation order be ready?

18 THE CLERK: Shortly following the closing of court, sir.

19 THE COURT: Please remain behind. Once you have signed
20 the probation order you are free to go.

21 How long would your client require to pay \$2,000?

22 MS. LILLEGRAN: I'm not certain at this point, Your Honour.

23 I think Mr. Ollington feels it might take him up to
24 a year to do that. Your Honour may wish to set a
25 period shorter than that and see where we are at in
26 terms of payment.

27 THE COURT: What does the Crown say? The suggestion

1 has merit to it.

2 MR. GATES: I agree. Indeed, you might consider
3 bringing him back in six months. On the 18th of
4 April we will see how he is doing at that point in
5 time.

6 THE COURT: The problem is, we do not have any dates
7 after April.

8 I will give you until August 31st. If that is not
9 enough time, before that date, you can apply to the
10 Court for an extension.

11 Now, Ms. Lillegran, do you see any benefit, from your
12 perspective, to having your client appear before the
13 Court?

14 MS. LILLEGRAN: No, Your Honour, I don't.


15 THE COURT: Then I will delete that term.

16 You won't have to appear before the Court in April.
17 If August 31st comes around and nothing has been paid
18 or very little has been paid or if there has not been
19 any effort to enroll in the Fine Option Program to
20 work off part or all of the fine, then you are
21 unlikely to get an extension. If you have made an
22 effort to pay off the fine or work off part or all of
23 it, then you may very well get an extension if you
24 cannot complete everything by the end of August. Time
25 will tell.

26 Please remain until you sign the probation order.

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Certified a correct transcript 
Deborah A. Praine, Court Reporter