

1 IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

2
3
4 IN THE MATTER OF:

5
6 HER MAJESTY THE QUEEN

7
8
9 - and -

10
11
12 GREGORY THIELEN

13
14
15
16 _____
17 Transcript of Sentencing Hearing held before His Honour, Judge
18 T. B. Davis sitting at Yellowknife in the Northwest Territories
19 on Friday, October 10th, A.D., 1986.

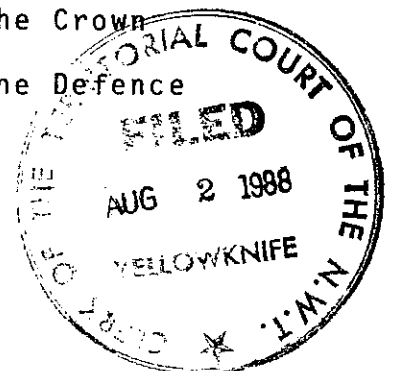
20 APPEARANCES:

21 MS. N. BOILLAT

Counsel for the Crown

22 MR. V. FOLDATS

Counsel for the Defence



23
24
25
26
27 (CHARGE UNDER SECTION 237(b) OF THE CRIMINAL CODE)

1 he is doing at the present time has been for a year and a half,
2 did you say?

3 MR. FOLDATS: Yes, Your Honour, and he has been in
4 the construction field for approximately six or five years.

5 THE COURT: Gregory Lloyd Thielen has come before
6 the Court and has been found guilty of an offence of exceeding
7 the breathalyzer limit on August 10th, 1986 when at approxi-
8 mately 3:00 in the morning he was involved in an accident with
9 another person who was convicted of the same offence of exceed-
10 ing a breathalyzer reading.

11 The other chap had one previous similar conviction in 1981
12 and was fined \$750 by my brother judge in this Court with a
13 licence suspension for three months. The accused's readings
14 after being given a demand were 140 and 150 which is not an
15 exceedingly high reading but certainly is an indication that
16 was well above the limit.

17 Fortunately for Mr. Thielen, Crown has not filed a notice
18 requiring his attendance in jail because he now has a fourth
19 offence of a similar nature having, while being a young person
20 in 1979 and in 1980 and again in 1981, been convicted of similar
21 offences. In 1981 he was in jail for three months.

22 He has had no criminal activity since that time and appears
23 now to have had regular employment and is in the process of
24 purchasing a trailer and living with his common-law wife. He
25 seems to have a good income from the work he does in the con-
26 struction field and I think at this time I will recognize that
27 there has been what is obviously some effort on his behalf to

1 avoid the problems he had in the past, associated with excess-
2 ive consumption of alcohol for a period of time requiring that
3 he finally enter the Detoxification Program and then try and
4 stay away from alcohol when he was having such problems before
5 the Court during the years mentioned.

6 Being a fourth offence, I am going to impose a substantial
7 fine and in addition thereto, cancel the driving privileges
8 of the accused for a substantial period of time because I want
9 him to know that the Courts consider these repeated offences
10 to be of a very serious nature, although I don't for one moment
11 feel that the penalty imposed today will be sufficient to pub-
12 licly be used as a deterrent and I do not intend that this
13 sentence should be in any way used as an example or a precedent
14 for any other convictions of this nature because the accused
15 is getting a special consideration here in not going to jail,
16 especially since there was an accident involving injury to
17 another person.

18 Mr. Thielen, if you were to have a substantial fine and
19 cancellation of your driving privileges, would that be enough
20 to make sure that you promise the Court that you would never
21 again offend?

22 THE ACCUSED: Yes, sir.

23 THE COURT: You feel you have learned this time and
24 it won't happen again?

25 THE ACCUSED: I do.

26 THE COURT: On that basis, I will impose a fine in
27 the amount of \$2,000 or in default thereof, four months in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

jail. In addition thereto, the driving privileges of the accused will be cancelled for a period of two years.

MR. FOLDATS: Your Honour, Mr. Thielen advises that he would require approximately six months to pay the fine.

THE COURT: All right, how much can you pay each month on that, \$400 or \$500?

THE ACCUSED: That would be fine.

THE COURT: As long as you pay on a regular basis, I will give you six months to pay.

MR. FOLDATS: Your Honour, I have Mr. Thielen's driver's licence.

THE COURT: Thank you.

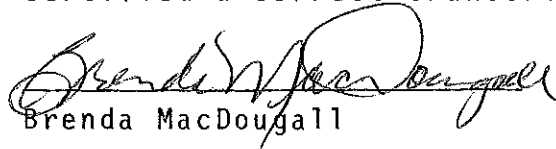
MR. FOLDATS: Your Honour, Mr. Thielen is employed right now and I was wondering if he could perhaps have someone come in to pick up the form with respect to the prohibition?

THE COURT: The Clerk will show him and then he'll be relieved.

MR. FOLDATS: Thank you, sir.

(AT WHICH TIME THIS PROCEEDING WAS CONCLUDED)

Certified a correct transcript,



Brenda MacDougall

Court Reporter