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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

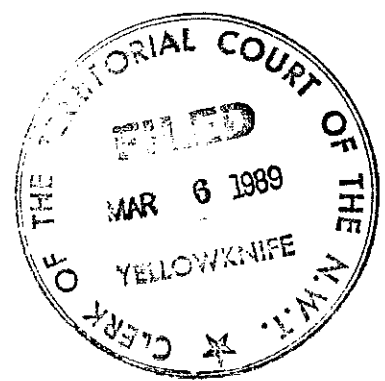
- and -

DOUGLAS NORTH

Transcript of Reasons for Sentence and Sentence delivered by
His Honour, Chief Judge J.R. Slaven sitting at Yellowknife in
the Northwest Territories on Tuesday, January 10th, A.D., 1989.

APPEARANCES:

MR. D. MCWHINNIE	Counsel for the Crown
MR. D. COOPER, Q.C.	Counsel for the Defence



(CHARGE UNDER 23 A.C.S. REGULATIONS)

26

1 THE COURT: Dealing with the gravity of the offence,
2 the fact that the maximum penalties are more than double the
3 maximums for the usual summary conviction offences indicates
4 the seriousness Parliament considers this type of offence to
5 be. I am referring to the COPE case handled by a judge in
6 this Court in November of 1988 and I am told the facts are
7 similar and the judge assessed only what I would call a nom-
8 inal fine of \$100 because he said this was the first of a kind
9 up here and now Mr. Cooper urges on me that there is no pub-
10 licity about these things up here, no signs in the airport
11 warning against behaviour like this and that there are now
12 signs in the Yellowknife Airport. Well, I have to disagree.

13 Mr. North is 28 years of age and flies frequently. I,
14 and of course I have been flying frequently for the last 20
15 years, I suppose in North America this all started with
16 hijackings to Cuba particularly twenty years ago or so.
17 I can remember the first case in Canada of contravening reg-
18 ulations such as this and in fact it might have been the same
19 regulations. As I recall, it was someone flying across Can-
20 ada and the case was heard in Manitoba. Someone was having
21 a few drinks and there was no indication Mr. North did but in
22 that case someone had a few drinks and made a joke in the
23 airport or on a plane and the publicity was nation wide be-
24 cause I knew then and there, this is something a person can't
25 joke about and that's been in my mind for 15 or 20 years.

26 Certainly it must have been brought to everybody's mind
27 in Canada with the Air India occurrences three years ago and

1 security in Canadian airports after Air India became much
2 tighter. For the first time searches of hand luggage were
3 conducted in the Northwest Territories starting two or three
4 years ago. We hadn't had it before and I have noticed that
5 security in Canada has been tighter than in the United States
6 in the last few years since Air India, starting with the Cuban
7 hijacking days when it used to be pretty tight in the States
8 and America is slacking off and Canada, that had been slack-
9 ing, tightened up.

10 Now, Mr. North, I am sure made just a joking remark and
11 never thought anybody would take him seriously. That would
12 have been bad enough but when he says it's in another fellow's
13 bag, he has the gun and bomb, it is more serious.

14 I am sure Mr. North would say that the security personnel
15 overreacted in having the terminal evacuated and a search made
16 but I can't agree that they overreacted. Leaving aside the
17 fact that they had to react to it for security purposes, there
18 is also the matter of the white knuckle fliers that might have
19 been going out on that flight and were nervous anyway without
20 something like this happening and I don't feel that I can treat
21 the matter lightly at all.

22 As I say, I am surprised that when you were in Court in
23 November that Counsel weren't aware of the case I had handled
24 in Inuvik earlier in 1988 and in that case I felt a proper
25 penalty would have been \$1,000. I forget the ramifications
26 of what the man said but I really don't understand Mr. North
27

1 and others if he flies a bit, he can't have been living in a
2 cocoon and the publicity about bombings on aircrafts has been
3 very wide and very high profile in Canada for years and it is
4 something for the Courts to try and ensure that publicity con-
5 tinues or at least the Courts can do what they can to show
6 that this type of an occurrence is not to be tolerated.

7 I convict Mr. North as charged and direct he pay a fine
8 of \$2,000, in default of payment, two months imprisonment.

9 How much time would be reasonable, Mr. Cooper, four
10 months or--

11 MR. COOPER: Yes, that would be fine. In
12 default two months you said, sir?

13 THE COURT: Yes.

14 MR. MCWHINNIE: There is \$300 in Court posted
15 for bail, Your Honour, and I wonder if that can be directed
16 to be released to Mr. North?

17 THE COURT: Do you want it applied to the
18 fine or a cheque made payable to him and returned to him?

19 MR. COOPER: I think at this stage I would
20 like it returned to him, sir.

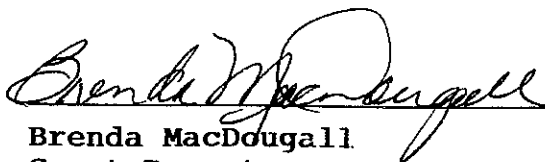
21 THE COURT: I will so direct then.

22 MR. COOPER: Thank you.

23 (AT WHICH TIME THIS PROCEEDING WAS CONCLUDED)

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Certified a correct transcript,


Brenda MacDougall
Court Reporter