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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

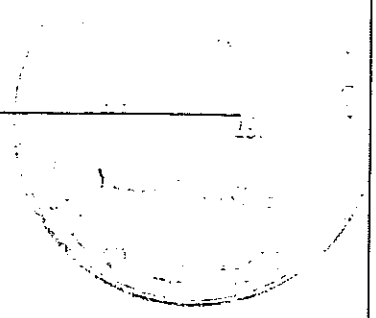
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Transcript of the oral Sentencing delivered by His Honour Judge T.B. Davis, sitting at Yellowknife, in the Northwest Territories, Tuesday, November 22nd, A.D. 1988.

APPEARANCES:

MR. R. PEACH Counsel for the Crown
MR. V. FOLDATS Counsel and Agent for the Defence
(Charge under Section 23 A.C.S.R.)



1 THE COURT: Ronald Cope admits that while he was passing
2 through the Yellowknife airport about six p.m. on the 20th
3 of October, 1988 he in a joking manner while partially
4 intoxicated mentioned that he had a bomb in his pocket, to
5 which the security persons operating at the airport followed
6 their new policy under the Air Carrier Security Regulations
7 and reported this incident to the authorities, the police,
8 and in addition thereto vacated the airport. When he was
9 arrested he had his luggage taken from the airport and was
10 taken to the police station, consequently missing his flight
11 and running into the inconvenience of stopping overnight
12 in the city until another flight became available.

13 The accused acknowledged that he was embarrassed
14 by what had happened and had apologized for the statement
15 made as he was passing through the airport here in the
16 Northwest Territories. Defence counsel has suggested there
17 was no malicious intent, that it was a lighthearted action,
18 and the accused was almost bewildered by what had happened
19 as a result of his somewhat joking way of suggesting he
20 had a bomb.

21 Crown counsel has properly pointed out that if a
22 threat or a scare is made concerning bombs around airports,
23 that there is always the potential of substantial harm and
24 often such a threat or a scare can result in substantial
25 inconvenience to the travelling public. It would seem to me
26 that although a policy might be set down to vacate an airport
27 upon a threat being made in a joking manner that that policy

1 has to be tempered with at least some judgment and common
2 sense by the persons who are going to hear the statement made
3 by a person and recognize that if it is in a joking way, the
4 inconvenience should probably only occur to the joker, not to
5 the entire airport, and that that person and his luggage
6 should be put aside. But I cannot imagine that the policy
7 would be reasonable to close down an international airport at
8 Toronto if one drunk comes in and says he has a bomb in his
9 pocket in a joking way.

10 Defence counsel has suggested that under the
11 circumstances the accused has already incurred substantial
12 inconvenience, embarrassment and expenses involved by
13 arranging to hire counsel on his behalf to appear in
14 Court when he was travelling back to the south from a
15 temporary job in the Northwest Territories, and that by doing
16 so he has recognized his responsibility after posting bail
17 of \$200.00.

18 I am inclined to think that that is almost
19 sufficient for a discharge. I do not feel a discharge in
20 this instance would be in the best interests of the public,
21 because there would be no apparent concern for deterrence.
22 Although I don't want to make the accused a scapegoat or set
23 an example with him, I do feel that the Government of Canada
24 has put in regulations because of a serious situation that
25 can result, and it would be detrimental to that policy if
26 the accused were to get a discharge at this time. I
27 do feel that general deterrence must be a factor in sentencing

1 on this type of a charge. I don't feel that the accused him-
2 self requires much in the line of deterrence, and a small
3 fine certainly would be satisfactory so that he will remember
4 that this is not to happen again, and I expect it never will.
5 But so as to not decrease the intended effect of the regula-
6 tions that have been put in effect, especially for these circum-
7 stances, I am going to impose a fine in the amount of \$100.00,
8 or in default thereof five days in jail.

9 MR. FOLDATS: Your Honour, with respect to time to pay, could
10 the bail monies be applied? I have instructions to have the
11 bail monies apply to the fine.

12 THE COURT: I would expect there would be no difficulty if
13 that is in the Court's hands at this time to make the bail
14 monies apply and send the balance to either counsel or to
15 the accused.

16 MR. PEACH: Yes, Your Honour. That is not opposed.


17 THE COURT: Madam Clerk, could you make a notation, then, that
18 the fine can be paid from the bail monies.

19 In closing on this matter, I do want to say that
20 I would classify this instance as a somewhat trivial viola-
21 tion of that section in that there was no malicious intent
22 and that it was just made in a joking manner. As a result
23 of that, I do not in any way feel that this \$100.00 fine
24 would be a precedent in the future for somebody else who
25 happens to come before the Court for the same offence.

26 (AT WHICH TIME THIS MATTER WAS CONCLUDED).
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Certified a correct transcript,


Jill MacDonal, Court Reporter.