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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

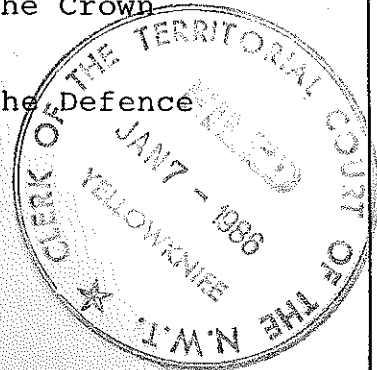
ERNIE OLDERSKOG

Transcript of the Oral Sentencing Delivered by His
Honour Judge R. M. Bourassa, sitting at Yellowknife in
the Northwest Territories, on Tuesday, November 5th,
A.D., 1985.

APPEARANCES:

MR. T. HUMPHRIES: Counsel for the Crown

MR. P. FUGLSANG: Counsel for the Defence



1 THE COURT: Ernie Olderskog is convicted of two charges of
2 driving while impaired and one of assault. The first
3 two of these offences occurred on the 8th of May, and
4 the second on the 21st of July. On both occasions Mr.
5 Olderskog was incredibly intoxicated.

6 On one of the occasions, the evidence was before
7 me that he and a friend had consumed 60 ounces of liquor
8 in addition to a few more rounds of drinks when the
9 independant civilian witness was present. Mr. Olderskog
10 was "falling down drunk" at that point.

11 On the earlier occasion on the 8th of May, again
12 the level of intoxication was astounding.

13 It is clear that drunken drivers are as much a menace
14 in the Northwest Territories and in isolated communities
15 as they are on the highways in the United States or Canada.
16 One only has to recall the situation with respect to a
17 little girl in Tuktoyaktuk who was run over and killed
18 by a drunk driving a snowmobile; and this court had
19 occasion to preside over a case in Pond Inlet where another
20 drunk driving a skidoo drove over an elderly woman and
21 broke her leg. Because we have small communities doesn't
22 in any way lessen the danger. In fact, it may make the
23 danger greater because it is quite common knowledge
24 that in virtually all the communities in the north, we
25 can't assume that at 2 o'clock in the morning the
26 streets are empty. More often than not the streets
27 are as populated at 2 in the morning as they are at 2

1 in the afternoon with kids and people.

2 I want to point out to you, Mr. Olderscog that you
3 are indeed fortunate in one sense, and that is that there
4 is no automatic prohibition with respect to driving in
5 the Northwest Territories. It is my privilege or at
6 least it is my right to make such a prohibition, but it
7 is not an automatic one. If you were convicted in Alberta
8 the prohibition against driving is automatic. You might
9 want to think about your job before you go on another
10 binge such as I have heard of.

11 In addition, Mr. Olderscog, I would point out to
12 you that you will now have three convictions for drinking
13 and driving and should you be convicted again within the
14 next three or four or five years of a similar offence,
15 at the option of the Crown attorney upon your conviction,
16 the minimum sentence would be three months imprisonment.
17 I am sure you are aware of that.

18 Both of these matters went to trial. Mr. Olderscog
19 came apparently from Edmonton for his trial. I think
20 I can take into account to a degree in any event that
21 the trial and the adjournments have been at no small
22 inconvenience and expense to Mr. Olderscog. That in itself
23 may be somewhat of a deterrent.

24 With respect to the assault, not much can be said
25 for that. I agree with the submissions of Mr. Fuglsang
26 that it was relatively speaking a minor assault. There
27 was no rhyme or reason for pulling the man's hair and

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pulling him away from the unconscious individual on the floor. The application of any force upon someone without their consent is an assault. However, it is clear that Mr. Olderscog, in his state of intoxication, wasn't weighing the niceties of what he was doing. It just goes to show the difficulties and the problems that can happen as a result of excessive drinking.

I am aware, of course, that with both of these convictions being entered at the same time, and one previous conviction having been proven that the court is dealing with, by way of penalty, both of these offences as second convictions. The minimum term of imprisonment is fourteen days, and I emphasize "the minimum."

I would have hoped that after being charged on the 14th of May with the offence of driving while impaired and, after signing his undertaking, Mr. Olderscog would have been a little more careful with his drinking, but he turned around and kept drinking, and, of course, was charged again on the 21st of July.

Stand up, please, Mr. Olderscog. For the reasons I have given with respect to the offence of the 8th of May of driving while impaired, there will be a term of imprisonment of fourteen days. With respect to the charge of assault, there will be a fine of \$100, in default of payment, twelve days in jail consecutive. With respect to the driving while impaired on the 21st of July, there will be a term of imprisonment of twenty-one days, and

1 the fourteen days will be concurrent to that. Do you
2 require time to pay the fine?

3 MR. FUGLSANG: Twenty-one days, Your Honour.

4 THE COURT: Alright, twenty-one days. Is that everything
5 then, Mr. Humphries?

6 MR. HUMPHRIES: Yes, Your Honour, for this matter.
7

8 (AT WHICH TIME THESE PROCEEDINGS WERE CONCLUDED.)
9
10

11 Certified a correct transcript,
12

13 *Laurie Ann Young*
14 Laurie Ann Young
15 Court Reporter
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