

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

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

VICKY ORLIAS

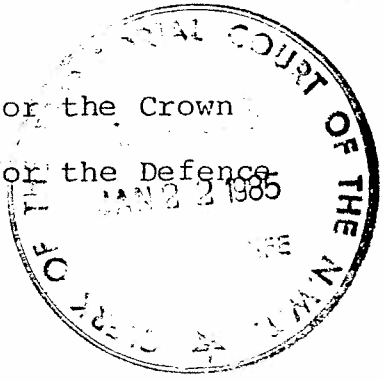
---

Transcript of Proceedings held before His Honour Judge  
T. B. Davis, sitting at Fort Good Hope, in the North-  
west Territories, on Wednesday, November 14th, A.D.  
1984.

---

APPEARANCES:

MR. N. SHARKEY Counsel for the Crown  
MR. J. VERTES Counsel for the Defence



(Facts, submissions and sentencing)

1 THE CLERK: Vicky Orlias.

2 MR. VERTES: I appear for Mrs. Orlias, Your Honour. We're  
3 prepared at this point to take a plea on the charge under  
4 Section 84(1) of the Criminal Code.

5 THE COURT: Thank you. Ms. Orlias, the charge is that at  
6 Fort Good Hope on the 15th of September you did without  
7 lawful excuse point a firearm at Elizabeth Kelly, contrary  
8 to Section 84(1) of the Criminal Code. Do you understand  
9 that?

10 MS. ORLIAS: Yes.

11 THE COURT: How do you plead to that charge, guilty or not  
12 guilty?

13 MS. ORLIAS: Guilty.

14 THE COURT: I accept the plea of guilty.

15 MR. SHARKEY: Thank you, sir. This is a conviction registered  
16 after the facts. If you find her guilty of this offence,  
17 we will not be proceeding and calling no evidence on the  
18 damage charge. Now, this took place around six o'clock in  
19 the evening on the 15th of September. The Defendant, Vicky  
20 Orlias, was drunk. She went into Patsy and Del Turo's house  
21 here in Fort Good Hope. She was carrying a Remington twelve  
22 gauge shotgun. The only people in the home at the time were  
23 Elizabeth Kelly, who is thirteen, and Dino, who is eleven,  
24 Dino Turo. They were watching television, and Vicky came  
25 into the house and pointed the shotgun at them, asked them  
26 where their parents were. Well, the kids said they didn't  
27 know, and then she left. We don't know if the gun was

1 loaded or not.

2 I would say by way of background here that this  
3 incident of Vicky walking into the house is somewhat a  
4 continuation of marital strife. The accused's husband,  
5 Alfred, apparently it is a well known fact, is living at  
6 another woman's house, and the Tueros are very good friends  
7 of the other woman. And we simply suspect that it was  
8 because she was looking for either her husband or one of  
9 these people that she stopped in there with the shotgun in  
10 her possession. These are our facts, sir, on the pointing  
11 of the firearm charge.

12 MR. VERTES: The facts are admitted, Your Honour.

13 THE COURT: A conviction, then, will be entered under Section  
14 84(1).

15 MR. SHARKEY: And there is a record of previous conviction, only  
16 for possession of brew. She received a hundred dollar fine  
17 back in September. The Crown's position on sentence is that  
18 the woman, Vicky Orlias, in pointing this shotgun at these  
19 young children, the young girl and boy, I think obviously  
20 now realizes the seriousness of what she did.

21 It is because of her personal circumstances and  
22 her age, sir, in this case we as the Crown urge that you  
23 impose a fine on this Defendant. Apparently she works at--  
24 I have taken this up with Corporal Kendall, and apparently  
25 she works at the hotel here. We ask, as well, you make a  
26 discretionary order under Section 98 of the Code prohibiting  
27 her from possession of firearms for a period of a year,

1 simply to make the point further to her and to others that  
2 sometimes when you do drink and you do pick up a gun that  
3 certain serious repercussions will follow. That is a  
4 recommendation, sir, I make in this case after, again, speak-  
5 ing with Corporal Kendall as to what indeed in this case  
6 the Police feel might be a fair submission on sentence in  
7 this case for this Defendant. Even though there are young  
8 children, we are urging the Court to impose a fine. As you  
9 pass sentence, perhaps you might make note of the fact of  
10 the potential for danger that she well knows is there when  
11 you drink and pick up a gun.

12 MR. VERTES: Thank you, Your Honour. I thank Mr. Sharkey for  
13 his comments and might say that I agree with his comments  
14 in terms of disposition, that the imposition of a fine  
15 would be very fair and appropriate. Furthermore, I see no  
16 problem with the type of restricted order that he is  
17 requesting under Section 98. This whole incident stems from  
18 what is indeed a sad set of circumstances, as Mr. Sharkey  
19 has related.

20 Mrs. Orlias is a forty-four year old woman, Your  
21 Honour, who has been married for twenty-one years to Alfred  
22 Orlias. I am told that since May he has been living with a  
23 woman who is a younger sister of Mrs. Orlias. And, indeed,  
24 since the separation she tells me that she has not been  
25 receiving any support from her husband, notwithstanding the  
26 fact that there are six children still at home supported  
27 by Mrs. Orlias. The six children range in age from eighteen

1 to five. Certainly, the incident was caused by feelings of  
2 anger on the part of Mrs. Orlias. She informs me that on  
3 the evening in question she had been drinking, and she had  
4 formed the opinion that Turos and her younger sister and  
5 her husband were all taunting her. As my friend indicated,  
6 it led her to go into the Turo household and try and find  
7 out where her younger sister and her husband were. I am  
8 advised that nothing further came of the incident and  
9 therefore, indeed, there was no actual repercussions from  
10 it or any injuries or any other ramifications from this  
11 situation.

12 She has been employed as a cook at the hotel here  
13 since August, earning approximately Four hundred and fifty  
14 or Five hundred dollars every two weeks. Certainly, it is  
15 my respectful submission that this is a mature woman who  
16 really shouldn't need to be put on probation of any means  
17 and a relatively small fine notwithstanding the seriousness  
18 of the charge, but because of the circumstances it is my  
19 respectful submission a relatively small fine would be  
20 appropriate. I think this woman is deterred by these  
21 proceedings. I have no comment to make, no argument against  
22 the restriction order as suggested by my friend that Mrs.  
23 Orlias not be in possession of any firearm for a period of  
24 a year. Those are my submissions, Your Honour.

25 THE COURT: Mrs. Vicky Orlias has entered a plea of guilty to  
26 a charge under Section 84(1) of the Criminal Code, admitting  
27 that on the 15th of September, 1984 she pointed a firearm,

1 which was a shotgun, at other persons when she was in an  
2 impaired state and when she was upset because of family  
3 problems. Mrs. Orlias is a mother of a number of children  
4 and therefore would certainly understand that any person  
5 who is in an impaired state has the possibility of causing  
6 serious damage to somebody else if they have in their  
7 possession any kind of a firearm.

8 I am accepting today the submission by counsel  
9 that Mrs. Orlias would have thought about this matter since  
10 being charged and realized how much danger other people can  
11 be in, the same as she would realize if her own children  
12 were in that place and somebody who was impaired pointed a  
13 firearm at them. It is as a result of that I am accepting  
14 the recommendations that it is not necessary for me to do much  
15 in the line of a heavy penalty, but to impose a very small  
16 fine and restrict Mrs. Orlias from having possession of a  
17 firearm so that she will know that the Courts consider  
18 this matter serious, even though there was no harm done  
19 in this instance.

20 Are you agreeable, Mrs. Orlias, to make sure that  
21 you restrict yourself in the future from any kind of  
22 activities of this type?

23 MRS. ORLIAS: Yes.

24 THE COURT: All right. I am going to impose, then, a fine on  
25 Mrs. Orlias, who has employment, even though she supports  
26 a large family and that they will be the ones also to have  
27 less. I am going to impose a fine in the amount of Twenty-

1 five dollars, or in default thereof five days in jail.

2 I am going to, under the terms of the Criminal  
3 Code, restrict Mrs. Orlias from having possession of a fire-  
4 arm or ammunition or explosive substance for a period of one  
5 year, which means, Mrs. Orlias, that you are not to in any  
6 way have possession of any kind of a firearm or ammunition  
7 or any explosive substance that could cause any people any  
8 injury for a period of a year. Do you understand that?

9 MRS. ORLIAS: Yeah.

10 THE COURT: How long will it take to pay the fine?

11 MR. VERTES: Thirty days, Your Honour.

12 THE COURT: The accused will be allowed one month to pay the  
13 fine.

14 MR. SHARKEY: There is no evidence on the 387.

15 THE COURT: There is no plea entered. So, it is just a with-  
16 drawal on that charge. The other charge is being withdrawn,  
17 and they're not proceeding against you, Mrs. Orlias. So,  
18 you may be excused on that matter, as well.

19 -----  
20  
21 Certified a correct transcript,

22 

23  
24 Jill MacDonald  
25 Court Reporter  
26  
27