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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

ROSEMARY LUNDRIGAN



Transcript of the Oral Reasons for Sentence delivered
by His Honour Chief Judge J. R. Slaven, sitting at
Tuktoyaktuk, in the Northwest Territories, on Wednesday,
November 5, A.D. 1986.

APPEARANCES:

MS. S. AITKEN On behalf of the Crown
MR. J. Z. VERTES On behalf of the Defence

1 THE COURT: There are aggravating factors in this case; one is
2 that Mrs. Lundrigan has three previous convictions for boot-
3 legging. Another aggravating factor is the large quantity of
4 liquor in her house, which to me--if there had been no sale
5 she likely could have been successfully charged and convicted
6 of keeping for sale. It wasn't a small operation, this iso-
7 lated incident of one bottle. Everyone knows, I suppose--can
8 I take judicial notice that everyone knows--there is a lot of
9 bootlegging in Tuk, in the Delta communities. As far as what
10 I see in court, I've seen more evidence of it in Inuvik and
11 MacPherson in the past few years as far as convictions in
12 court go. I've seen in trials here reluctance of purchasers
13 having to give evidence.

14 On the other hand, in Mrs. Lundrigan's favour, is
15 the fact that her last conviction for bootlegging was in 1979.
16 In fact, all three convictions were in 1979, seven years ago.
17 She is a woman with a family, two older children in high
18 school, and a long-time resident--I think even life-time resi-
19 dent--of Tuktoyaktuk, and a well known citizen of this commu-
20 nity.

21 It seems to me considering the length of time that
22 has elapsed since her last conviction that the imposition of a
23 a jail term would be excessive punishment, and in view of the
24 wide latitude I have in the matter of fines, I feel that an
25 appropriate fine would be sufficient deterrent for Mrs.
26 Lundrigan and to others.

27 I am not going to make any order regarding the liquor.

1 I agree with Mr. Vertes that it is not tied in with the
2 offence that was committed. I'm certainly not ordering it
3 returned to Mrs. Lundrigan, though. There are other sections
4 in the Liquor Control Act pertaining to the seizure of liquor
5 and the steps by which a person can apply to have it back.

6 Stand up, please, Mrs. Lundrigan. I convict you as
7 charged and direct you pay a fine of \$10,000.00; in default
8 of payment, four months imprisonment. I'll give you six
9 months time in which to pay the fine.

10 The police will retain the liquor until they can ascer-
11 tain how it should be disposed of by operation of the law as
12 contained in the Liquor Control Act.

13 (AT WHICH TIME THIS MATTER WAS CONCLUDED.)

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16 Certified a correct transcript

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18 Edna Thiessen, Court Reporter
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