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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

SIMON ADAMS

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Transcript of the Oral Reasons for Judgment Delivered  
by His Honour Judge R. M. Bourassa, sitting at  
Tuktoyaktuk in the Northwest Territories, on Wednesday,  
September 18th, A.D., 1985.

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APPEARANCES:

MS. L. WALL: Counsel for the Crown

MR. R. REID: Counsel for the Defence



1 THE COURT: Well, I will deal with the conflict in the  
2 evidence first. I have heard the evidence from the three  
3 Crown witnesses. I have evidence of people who are involved  
4 in the offence as spectators and victims as it were.  
5 All three were sober.

6 The evidence of Mr. Thrasher who was present throughout  
7 is compelling and convincing. He was a good witness.  
8 An effort was made perhaps to compromise his testimony  
9 by suggesting there is bad blood between he and the accused.  
10 I found Mr. Thrasher fair, and I think he bent over backwards  
11 to relate what happened without trying to color it in  
12 any way. Listening to him, I am certain he could have  
13 made it sound a lot worse for the accused than what he  
14 did. He indicates that the accused came in. He heard  
15 the accused in the house. He woke up. He heard Simon  
16 come in the living room where he had been sleeping with  
17 his wife and four children. The accused was there with  
18 a rifle and said that he was fed up and was swearing  
19 and was expressing anger, demanding to know where his  
20 common-law wife was.

21 At that point his common-law wife came out of the  
22 bathroom where apparently she had been when he arrived  
23 earlier unseen by Mr. Thrasher. As she came out he pointed  
24 the rifle at her.

25 Paula Gruben says that as she came out she was made  
26 aware of the fact that there was a rifle pointed at her.  
27 She was quite honest. She said she didn't see the rifle

1 pointed at her, but when she was made aware of that fact,  
2 she went back into the bathroom. When she first went  
3 into the bathroom she saw the accused talking with Mr.  
4 Thrasher and saw him with the rifle in his arm. I believe  
5 in cross-examination when the witness said "he didn't point  
6 the gun at me," she was speaking about when she first saw  
7 him. When she went into the bathroom he was standing  
8 sideways to her. She was not asked if that was when she  
9 came out the second time, and she was made aware of the  
10 fact that there was a gun pointed at her.

11 The evidence of Shirley Thrasher was she was frightened.  
12 She held her head down so as to try and blot out what  
13 was occurring, but what she heard and what Paula Gruben  
14 heard and saw ties in and confirms the evidence of Lawrence  
15 Thrasher.

16 I find no conflict in the evidence whatsoever. I  
17 am well aware of the Chomenko position as well as Pelly.  
18 There was intent.

19 I am satisfied that the accused on the very facts  
20 of the case, and there is nothing to indicate otherwise,  
21 exposed the others to a significant danger. I have no  
22 evidence which would compromise the Crown's case on that  
23 point of intent. I have no evidence that would suggest  
24 a lack of intent.

25 I am satisfied that the Crown has proven its case  
26 both with respect to the facts and the factual elements  
27 required, and with respect to intent. From the evidence

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before me. I think it is clear what the accused's intent was at that time. The accused will be convicted of the Section 85 offence.

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Certified a correct transcript,

Laurie Ann Young  
Laurie Ann Young  
Court Reporter