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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

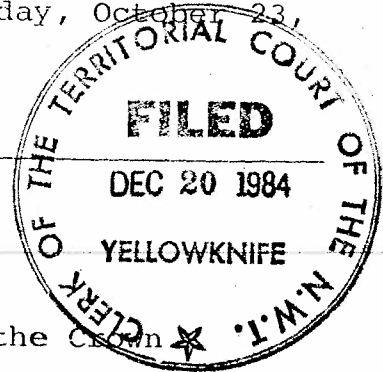
IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

JAMES GLEN TOBIE

Transcript of the oral sentencing delivered by His Honour Chief Judge J. R. Slaven, sitting at Yellowknife, in the Northwest Territories, on Tuesday, October 23, A.D. 1984.



APPEARANCES:

MR. N. SHARKEY On behalf of the Crown
MR. V. FOLDATS On behalf of the Defence

1 THE COURT: Well, this twenty year old man was driving on the
2 15th of August near Detah with a female passenger in the
3 vehicle. He went off the road. His passenger was cut
4 about the face, but happily she was not severely injured.
5 When he took the breathalyzer test he blew point-twenty-two
6 on both blows, which are very high. It's a serious matter
7 because the passenger was injured and could have easily
8 been injured much more seriously. He was arrested and
9 placed in cells and released at six o'clock in the evening
10 on that day. The next day, the 16th of August, another
11 motorist in Yellowknife complained about his driving at
12 shortly after ten o'clock in the evening. The Police
13 arrested him again, and he blew on this occasion point-
14 twenty-nine and point-thirty-one, which are the highest
15 blows I've seen for a couple of years.

16 This is a very serious occurrence being it was
17 just the day after the first one, together with the inter-
18 fering with another motorist and the high amount of alcohol
19 in his system. It was obviously a danger to anybody on the
20 streets. I would be inclined to give him some time in jail
21 for these occurrences, but he has a good job, and I don't
22 want him to lose that job.

23 Would you stand up, please, Mr. Tobie. I convict
24 you on the charge of driving while drinking on the 15th of
25 August. I direct you pay a fine of One thousand dollars,
26 in default of payment one month imprisonment. I convict
27 you on the charge of driving while drinking on the 16th of

1 August. I direct you pay a fine of Fifteen hundred dollars,
2 in default of payment six weeks consecutive. You only had
3 a beginner's license or a learner's permit, as we call it.
4 You certainly got your driving career off to a dandy start.
5 I convict you on that charge under the Vehicle's Ordinance.
6 I direct you pay a fine of Fifty dollars.

7 What will happen to the failure to appear charge,
8 Mr. Sharkey?

9 MR. SHARKEY: We'll call no evidence on it.

10 THE COURT: There's no plea. So, it will be withdrawn.

11 MR. SHARKEY: Yes.

12 THE COURT: Now, it's a total of Twenty-five hundred and
13 fifty dollars. I'll give you four months. Will that
14 suffice?

15 MR. FOLDATS: Your Honour, perhaps six months would be --

16 THE COURT: Very well. Six months to pay the fines. I also
17 order you be prohibited from driving for a period of two
18 years.

19 MR. FOLDATS: Thank you, Your Honour.

20 THE COURT: Thank you, Mr. Foldats.

21
22
23 Certified a correct transcript,

24 

25
26 Jill MacDonald
27 Court Reporter