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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

TEODORE YACEKO

Transcript of the Oral Sentencing delivered by His
Honour Judge R. M. Bourassa, sitting at Yellowknife,
in the Northwest Territories, on Friday, December 9,
A.D. 1983.

APPEARANCES:

MS N. BOILLAT On behalf of the Crown

No one appearing contra



1 THE COURT: The regulations that businessmen have to operate
2 under sometimes become pots of spaghetti in terms of finding
3 an end to them, and it's amazing that here in Yellowknife
4 where the cost of living is thirty percent more than in
5 Edmonton, and this Defendant is charging ten dollars a
6 hundred weight and licenced carriers are charging fifty to
7 eighty percent more. People who want to truck produce into
8 Yellowknife should be encouraged. From the Ordinance, it
9 would appear that obtaining a certificate is a very simple,
10 straightfoward thing, but I am familiar with some of the
11 procedures that have to be followed in other jurisdictions
12 and it becomes very, very difficult, very time-consuming,
13 and very difficult to obtain a permit to truck anything
14 anywhere.

15 I think it is important in sentencing to deter-
16 mine if the accused is operating out of total frustration with
17 the snowfall of regulations or if he is just deliberately
18 ignoring a very straightforward, simple exercise.

19 I take into account that it would appear from
20 the Ordinance that obtaining a certificate borders on a
21 matter of right, and as well that the Defendant has as of
22 this late date in any event applied for a certificate.

23 In imposing sentence, I note it is a summary
24 conviction matter punishable by a maximum five hundred dollar
25 fine or six months imprisonment, or both, and that that max-
26 imum is reserved for the worst example of this offence. I
27 take into account the accused has been convicted of a similar

1 offence in another jurisdiction in the past in imposing
2 sentence in this instance.

3 Mr. Yaceko, would you stand up, please? On
4 this charge, I'm going to impose a fine of three hundred and
5 fifty dollars, in default thirty days in jail.

6 Do you require time to pay the fine?

7 THE ACCUSED: No, I can pay it Monday morning.

8 THE COURT: Well, that is time. I have to give you four-
9 teen days.

10 THE ACCUSED: Thank you, Your Honour.

11 THE COURT: That is fourteen days to pay the fine.

12 MS BOILLAT: Your Honour, I would ask that you order that
13 the exhibits be returned to the accused.

14 THE COURT: I have no exhibits.

15 MS BOILLAT: We're willing at this time to waive the appeal
16 period. The truck has been seized by the police, and they
17 require authority to return it.

18 THE COURT: Well, on Crown undertaking and upon a waiver
19 of the appeal period, I will direct any exhibits seized
20 in the investigation of this matter be returned to Mr.
21 Yaceko forthwith.

22 MS BOILLAT: Thank you, Your Honour.

23 THE COURT: Thank you, Ms Boillat.

24 (AT WHICH TIME THIS MATTER WAS CONCLUDED.)

25 -----
26 Certified a correct transcript

27 Edna Thiessen
Edna Thiessen, Court Reporter