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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

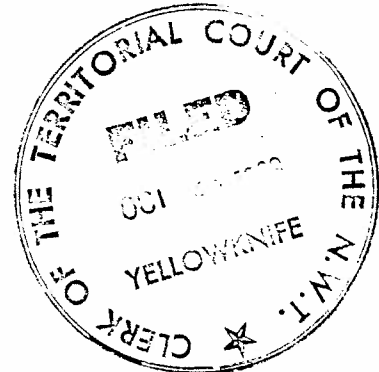
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BOBBY (ROBERT) DRYBONES

Transcript of the Sentence delivered by His Honour Judge
T. B. Davis, sitting at Rae, in the Northwest Territories
on Wednesday, January 12, A.D. 1983.

APPEARANCES:

MR. G. BICKERT On behalf of the Crown
MS C. WALKER On behalf of the Defence





1 THE COURT: In this case, Bobby Drybones, who is a twenty-one
2 year old resident of this community of Rae-Edzo, has pleaded
3 guilty to possession of firearms dangerous to the public
4 peace and being contrary to Section 85 of the Criminal Code.

5 On September 12, 1982, the accused, while having
6 consumed alcohol, had pointed a firearm at his common-law
7 wife, had been in a fight, had a loaded gun, and chased a
8 person, became annoyed and shot a gun into the ceiling; and
9 then, on another occasion, had also a loaded gun that was
10 pointed at a lady with a child, which gun also went off when
11 the lady pushed the gun to the side.

12 I look at these incidents as being
13 extremely dangerous to those persons who were in his presence.

14 Following that, the accused then left the house
15 and was up on the roadway, and again had possession of a
16 dangerous weapon when another fight occurred. Fortunately,
17 the gun was taken from him on that occasion.

18 These are matters that people in the community and
19 people throughout Canada have considered to be very serious,
20 because they can very easily not be as fortunate as they were
21 in this instance when nobody was harmed even though guns
22 were fired in the presence of children. My problem today,
23 therefore, is to determine what would be an appropriate
24 sentence by the Court to ensure that other people know that
25 if they carry and fire guns in the presence of others and
26 are dangerous in the way they deal with guns that they also
27 will be subject to consideration of a serious crime by the



1 Court.

2 In this instance, it is usually not
3 done to place a person in jail on the first offence, but
4 because of the seriousness and the situation that had been
5 in effect when these were occurring, I think that the recom-
6 mendation by the Crown as to a short, sharp sentence in jail,
7 followed by possibly a period of probation, might be the
8 only proper and suitable sentence by the Court so that accused
9 himself and those others who know of this sentence will re-
10 alize that jail is likely when any offence occurs of this
11 nature. I would hope that the accused who is a young man
12 will realize that probation and counselling services required
13 by probation will be to his benefit in the long run. I
14 therefore feel a probation order is also appropriate.

15 I am therefore going to try to both accomplish
16 some deterrence and accomplish some rehabilitation for the
17 accused by a sentence that will include a period of one month
18 in jail, followed by one year of probation. Terms of
19 the probation order will be to report within three weeks from
20 release from jail and thereafter as required by probation
21 services. That is, report to the probation services within
22 three weeks, and thereafter as required.

23 The accused has indicated a willingness to take
24 alcohol counselling or participate in it, and I am therefore
25 not making a recommendation in that regard or requirement in
26 that regard, but I have taken into account the attitude of
27 the accused by giving one month rather than three months in



1 jail. I would therefore hope that he would follow through
2 on that recommendation, but it will not be a part of the
3 probation order as such.

4 MR. BICKERT: Thank you, Your Honour. This is a case where I
5 would submit I would be remiss if I didn't draw the Court's
6 attention to the provision of Section 98 of the Criminal
7 Code with respect to prohibition of possession of firearms.
8 I submit its a case falling squarely within section (1) of
9 Section 98 where violence against a person was used, threat-
10 ened or attempted. And while it is always unfortunate to
11 take away someone's hunting privileges, I submit from what I
12 know of this individual he does not--he's not a subsistence
13 hunter, by any means. He may engage in sport hunting as any
14 of us may, but I submit that he has forfeited that right by
15 his misuse of a firearm for the minimum term required in
16 Section 98(1).

17 THE COURT: I understand the minimum term is a five-year term?

18 MR. BICKERT: Yes.

19 THE COURT: Unfortunately, as well, because of the use of fire-
20 arms in a violent way, threatening to the public, I must
21 order that the accused be restricted from possession or the
22 use of any firearms or ammunition for a period of five years
23 under Section 98 of the Criminal Code. I would ask Counsel
24 to explain the details of that particular order as such to
25 the accused at some time.

26 -----
27 Certified a correct transcript: Edna Thiessen
Edna Thiessen, Court Reporter