

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

ORAL REASONS FOR JUDGMENT OF HIS LORDSHIP THE HONOURABLE MR. JUSTICE WILLIAM G. MORROW, given at Hay River, N.W.T., on the 24th day of November, A.D., 1966,

In the matter between:

HER MAJESTY THE QUEEN

Appellant

- and -

VERNON WILLIAM HAGEN

Respondent

MORROW, J.

I can tell you this, I have only one problem, and that is the question of intent to escape. There is no question about the contact of the two cars. I think that has almost been admitted by the accused himself. Even if he hadn't admitted it, I am satisfied the police constable did a good job of research, and I am satisfied he put the facts together properly.

In looking at this case, <sup>course</sup> there ~~of~~ course has to be evidence of care, charge, or control of a vehicle, evidence that <sup>was</sup> it ~~is~~ involved in an accident, (in this case with another vehicle), ~~and~~ that there was an intent to escape civil or criminal liability, and, of course, failure to stop the vehicle, and so on.

I am satisfied on the evidence before me that the respondent, ~~originally the accused,~~ was in charge of, or had the

care and control of the vehicle in question; that he was involved in an accident on the date set out in the charge; and that he failed to stop his vehicle.

I wish to say at this point that I think the police did an excellent job of piecing together the pieces, if I may use that phrase, and of identifying the two vehicles, the one that had escaped, and the one that was damaged.

However, I have difficulty with the question of intent to escape. The burden is at all times on the Crown to prove beyond a reasonable doubt all the essentials of this offence. In this case the respondent went into the witness box and gave an explanation, which explanation was consistent with his subsequent behaviour, where within <sup>five</sup> the last fifteen or twenty minutes or half an hour of the accident he came back to within a very short distance of where the accident took place. There is no sign that he tried to hide his car, there is nothing to indicate he was aware of the damage.

I am therefore dismissing the <sup>a</sup> appeal, ~~with no costs.~~  
I would like to compliment Counsel for the Crown on his fairness where the other side was not represented by Counsel.

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