

IN THE SUPREME COURT
OF THE NORTHWEST TERRITORIES

REGINA

VS.

CLAUDE JEROME HARRY

Transcript of Sentence given
by The Honourable Judge R.M. Bourassa
sitting at Inuvik, Northwest Territories
on the 2nd day of May, A.D. 2002.

B. Lepage, Esq.

Crown Counsel

T. Boyd, Esq.

Counsel for the Accused

Joan L. Yaehne

Court Reporter

(Charged under Section 348(1)(b) of the Criminal Code)



1 **THE COURT:** Thank you, Mr. Boyd. The accused have
2 been found guilty of a break and enter and commit
3 assault. It is an indictable offense, and a serious
4 offense.

5 This is not a case of self-defense or protection
6 of another. What motivated Claude Harry was clearly
7 retaliation. His drunken common-law was pushed,
8 and, as a result of being pushed and the
9 drunkenness, fell down. He took great exception to
10 that, and reacted violently.

11 I have no doubt that the consumption of liquor
12 contributed to his conduct.

13 The accused, Claude Harry, has a long criminal
14 record going back to 1990, including eight prior
15 convictions for assaults, as recently as February,
16 2000. He has received one year imprisonment for
17 assaults on his spouse, and has nonstop convictions
18 for assaults in the past. He also has convictions
19 for failure to comply with court orders, offenses
20 involving consumption of alcohol and drugs.

21 There is no remorse. The victim was thoroughly
22 beaten and knocked down. I don't think I can say
23 anything to Mr. Harry that has not already been
24 said.

25 Stand up please, Mr. Harry. Anything you want
26 to say?

1 **CLAUDE HARRY:** Nothing. No, I don't. I am sorry
2 for what I did, and I was intoxicated, mind my own
3 business, anyways, just mind my own business.
4 That's all I have to say.

5 **THE COURT:** One year. With respect to Claude (sic)
6 Harry, he has a criminal record going back to 1977,
7 and then no other convictions from 1978 to the year
8 2000. He was convicted of failure to comply with a
9 probation order.

10 I find that peculiar. There must be some
11 offense missing there, because obviously to be on
12 probation and was on probation in the year 2000, and
13 a probation order doesn't run from 1978 to 2000.
14 There is a conviction missing there, but I don't
15 know what it is.

16 Harold Harry, in my view, played a lesser role.
17 He was drunk, and went to help his brother. That
18 doesn't condone or ameliorate his conduct in any
19 way. In fact, getting involved in a fight like this
20 as a third man in is aggravating, even in hockey.

21 The big difference between Harold Harry and
22 Claude Harry is the criminal record. Claude Harry
23 has, as I have already indicated, nonstop
24 convictions for assaults, and that is not the same
25 thing for Harold.

26 Stand up, Harold. Anything you want to say?

1 **HAROLD HARRY:** No, sir.

2 **THE COURT:** There will be a term of imprisonment of
3 one day, together with probation for nine months.
4 You are to keep the peace and be of good behavior.
5 You are not to be within the building known as
6 Sydney Apartments. You are not to be in the Sydney
7 Apartments for any circumstances, do you understand?

8 You are to pay \$500 by way of restitution or
9 compensation to the clerk of the court for payment
10 to Mr. Podzadny, and that is to be done within five
11 months.

12 As I pointed out to you, Mr. Harry, the only
13 difference between you and your brother is that you
14 don't have a criminal record like he does. You get
15 convicted of more assaults, and you will be getting
16 jail sentences like he does. Do you understand
17 that?

18 **HAROLD HARRY:** Yes, sir.

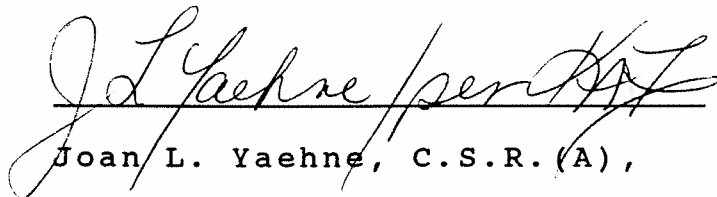
19 **THE COURT:** Okay. Watch your drinking. It would
20 not have happened if you had not been drinking.

21 (PROCEEDINGS CONCLUDED)

22 -----

1 I, Joan L. Yaehne, C.S.R.(A), Court Reporter,
2 hereby certify that I attended the above Examination
3 and took faithful and accurate shorthand notes and
4 the foregoing is a true and accurate transcript of
5 my shorthand notes to the best of my skill and
6 ability.

7 Dated at the City of Calgary, Province of
8 Alberta, this 7th day of July, A.D. 2002.

9
10 
11 Joan L. Yaehne, C.S.R.(A),
12 Court Reporter

13 JLY
14
15
16
17
18
19
20
21
22
23
24
25