*R. v. Jerome*, 2020 NWTTC 09

*June 9, 2020*

*File: T-1-CR-2019-002322*

**IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES**

          **BETWEEN:**

**HER Majesty the Queen**

**- and -**

**TRAVIS JEROME**

**SUPPLEMENTAL REASONS FOR JUDGMENT**

**of the**

**HONOURABLE CHIEF JUDGE ROBERT DAVID GORIN**

Heard at:                             Inuvik, Northwest Territories

Date of Decision:                 February 14, 2020

Date of Original Written Judgment: March 23, 2020

Date of Supplemental Reasons: June 9, 2020

Counsel for the Crown:           Duane Praught

Counsel for the Accused:       Charles Davison

[Ss. 270(1)(a), 129(a), & 733.1 of the *Criminal Code*]

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1. These are reasons which are supplemental to those that I issued on March 23rd of this year in *R. v. Jerome*, 2020 NWTTC 04, that explained why I had acquitted Mr. Jerome of charges of assaulting a police officer and two other related counts.
2. In my original reasons I referred to the following exchange which the transcript of the trial I had ordered indicated had occurred between counsel and the alleged victim of the assault, Constable Thomas while he was testifying during the trial:

Q Now the – the swing that you described earlier in your testimony. Did it take place in those few seconds that we just played?

A Yes it did.

Q Can you describe where it took place?

A As soon as he rolled over to his side and then back, he came up. It’s – It’s not real clear on the video, to be honest, it’s not real clear on the video, *which is horseshit*. He did roll over and that’s when he came up with his right hand.

[3] This past Friday afternoon, it came to my attention that the transcript that was produced from the recording was not accurate and that the italicized words in the above exchange were in fact: “*which is unfortunate*”.

[4] While the audio-recording of the words spoken was not clear, upon listening to the recording it is very apparent that Constable Thomas did not use the vulgar language attributed to him.

[5] It is extremely regrettable that the error was made. Since the words stated in the transcript and my original reasons for judgment reflect on Constable Thomas’s professionalism, I feel it very important that the record be corrected to the fullest extent possible through these supplemental reasons.

[6] That said, it is also important to note that the error in the transcription and my resulting misunderstanding as to what Constable Thomas said had no impact on my ultimate reasons for acquitting Mr. Jerome of all the within charges. To be clear, I would have come to the same conclusion for essentially the same reasons notwithstanding the erroneous transcription.

[7] Anyone reading my original written reasons of March 23rd, 2020 should be aware of these supplemental reasons. For that reason, I hereby direct the Clerk of the Court to endorse the front page of my March 23rd, 2020 reasons to indicate that these supplemental reasons have been filed on this matter.

Dated at Yellowknife, Northwest

Territories, this 9th day of June, 2020.

Robert Gorin

Chief Judge of the

Territorial Court

R.  *v. Jerome, 2020 NWTTC 09*

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**HONOURABLE CHIEF JUDGE**

**ROBERT DAVID GORIN**

[Charges under Ss. 270(1)(a), 129(a), & 733.1

of the *Criminal Code*]