Date: 2012 06 04
File: T1-CR-2011-001957

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

HER MAJESTY THE QUEEN

- and -

HUGUES LATOUR

REASONS FOR JUDGMENT
of the
HONOURABLE CHIEF JUDGE ROBERT GORIN

Heard at:	Inuvik, Northwest Territories May 1, 2012
Date of Decision:	May 1, 2012
Counsel for the Crown:	Jessica Patterson
Counsel for the Accused:	Stephen Shabala

[s. 72(1), s. 266 and s. 145(3) of the *Criminal Code*]

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A. INTRODUCTION

[1] On May 1st of this year in the Town of Inuvik, I found Mr. Latour guilty of charges of forcible confinement, assault, and breach of recognizance. I advised that written reasons would follow. My reasons for finding Mr. Latour guilty on the counts to which I have referred are set out in the paragraphs which follow.

B. THE EVIDENCE

[2] All three charges arose from an incident that occurred on September 26th, 2011. I will briefly review what I feel are the important parts of the evidence.

[3] The victim in this matter testified that at the time she was in a boyfriend/girlfriend relationship with the accused. She testified that the accused thought she had stolen some marijuana from a larger amount that he had recently purchased. He went to her father's residence which she was occupying at the time. He forced his way in by pushing open the back door which caused her to be pushed into a wall. He then pushed her out of his way and entered the living room where he began to search for the missing marijuana. After he was unable to find anything, he left. During the entire incident he had his infant son with him and was holding him.

[4] A friend of the victim was with her at the time. Her testimony was entirely consistent with that of the victim. The only point on which they differed was whether the accused was holding his infant son at the time that he was searching the living room for the missing marijuana. The victim testified that the accused put

his son down at this point. Her friend testified that he continued to hold him throughout the entire incident.

[5] There were also portions of a written "Facebook" conversation between the accused and the victim which took place shortly after the incident that were entered into evidence. The Facebook conversation refers to the missing marijuana. It is apparent that following the incident, the accused became aware that the weight of the marijuana he had purchased was short at the time he bought it and that the victim had not taken the missing marijuana.

[6] There were other portions of the Facebook conversation in which the incident giving rise to the charges were discussed. At one point during the Facebook conversation that followed the incident, Mr. Latour stated: "Why did you act that way at your door. Waiting for your bitch to hide everything?"

[7] At another point in the conversation the victim advised Mr. Latour that she had called the police and told them that he had forced his way in the residence and would not leave. In his responses, Mr. Latour did not say that he had not done so. On the contrary, he admitted that he had made a "mistake" as a result of having been shorted during his purchase of the quarter ounce of marijuana.

[8] On a number of occasions during the Facebook conversation, the accused asked the victim to return the keys to his residence.

[9] Mr. Latour's testimony was that he discovered that the weight of the marijuana he purchased was short. He assumed the victim had taken the missing marijuana. He then went to the victim's residence with his son to break up with her and get his keys back. He said that the topic of the missing marijuana did not come up when he went to the residence. He simply asked for the return of his keys. He advised the victim he wished to break up. After repeating his request that she return his keys, she told him to leave and he complied. He testified there was no forcible entry and no push. He stated that he did not search for the marijuana while at the residence occupied by the victim.

C. ANALYSIS

[10] As stated, Mr. Latour, testified that when he went to the residence, he simply asked for his keys and that when they weren't given to him and he was asked to leave, he did so. He testified that he did not attempt to search for the missing marijuana. Yet in the Facebook conversation, which occurred soon after the incident, he asked the victim why she acted "that way" at her door. He asked her whether she was waiting for her friend to hide "everything".

[11] Mr. Latour testified that while he was at the residence, the topic of the missing marijuana did not come up. Yet it appears that he was quite focused on the missing marijuana during the Facebook conversation that he had with the victim soon after he left her presence.

[12] I find it odd that Mr. Latour would choose to break up with the victim with her friend present. I also find very noteworthy that portion of the Facebook conversation in which Mr. Latour's only real response to the victim's accusation that he forced his way in the residence and would not leave, is that he made a "mistake". I find that this response is at odds with his testimony that he did not force his way into the residence.

[13] Due to all the foregoing problems with Mr. Latour's testimony, I don't believe him. Moreover, his evidence does not leave me with a reasonable doubt as to his guilt.

[14] The evidence of the victim was unimpeached during cross-examination. It was almost completely consistent with the evidence of her friend who was present at the time of the incident. The difference in their testimony concerning whether Mr. Latour was holding his infant son at the time he was searching for the missing marijuana is rather minor when one considers the highly charged nature of the confrontation along with its brevity. It does not cause me to doubt their testimony as a whole. Based on the evidence I have heard it is clear that there would have been at least a brief period of time that the accused was holding his son while he was in the living room.

[15] The evidence of the victim and her friend was consistent with, and not contradicted by, those portions of the Facebook conversation between the accused and the victim, which have been entered into evidence. I was impressed with the quality of the evidence of both Crown witnesses. I was also impressed with their demeanor during their testimony.

D. CONCLUSION

[16] It is for the foregoing reasons I found that the charges of forcible entry and assault were proved beyond a reasonable doubt. Since it was also established that the accused was on a recognizance which required that he keep the peace and be of good behavior, it follows the charge of breach of recognizance is also established to the required standard.

Robert D. Gorin
J.T.C.

Dated at Yellowknife, Northwest Territories, this
4th day of June, 2012.

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