

1992

C. Y. 6681

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IN THE COUNTY COURT OF DISTRICT NUMBER THREE

HER MAJESTY THE QUEEN

Informant

- versus -

GUY PAUL LeBLANC

Defendant

BEFORE: The Honourable Judge Charles E. Haliburton,
J.C.C.

CHARGE: Two counts under Section 267 (1)(b) of the
Criminal Code.

SENTENCE: January 22nd, 1993.

COUNSEL: Robert M.J. Prince, Esq., Crown Attorney
Philip J. Star, Esq., Defence Attorney

S E N T E N C I N G

HALIBURTON, J.C.C.

Well, I won't make a long to do about sentencing this man. The charge arises from a fight which took place, a sort of a fight which took place at a New Year's Eve party. All participants apparently had been drinking. The assault was triggered by the fact that Mr. Olsen who has testified, and who was a brother-in-law of the accused had repeatedly cut off his telephone line as he was attempting to dial out, apparently to the radio station CJLS for some reason. After the third time he was cut off, he lost his temper and struck his brother-in-law, without looking, with the telephone receiver, causing him some injury. Whether he left the house because he was in a temper or whether he left, as his Counsel suggests, because he thought that since Mr. Olsen was a good deal bigger than he was, he better get out of there fast, I'm not prepared to say but he then got into a tussle with another brother-in-law in the street. Why that brother-in-law pursued him, I don't know. As a result of that second tussle, that brother-in-law received a broken nose.

I think I have to take into account that the parties were drinking and perhaps impaired to some extent. Perhaps their self-control was... their ability to exercise self-control was limited because of their ingestion of

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alcohol. I think it is widely accepted that one's normal personality, one's unconscious attitudes are inclined to come to the fore when self-control is limited by alcohol or other substances. I have long been personally very concerned about the tendency, for younger people especially, to let it all hang out, to blow up, to show their feelings, get it off their chest. That appears to be what happened here. In terms of my generation, Mr. LeBlanc simply lost his temper. Losing one's temper may explain but it doesn't excuse and one should make one's best efforts to contain one's temper if it's going to affect anybody else or be demonstrated in a way like this.

As a result of LeBlanc losing his temper, I presume the public of Nova Scotia was put to some expense for medical treatment and so on for his victims and, of course, the family, while things apparently are pretty much back to normal now as has been indicated by Mr. Olsen, the family has been put to some trauma as a result of his behaviour on the night in question. If he had been self-disciplined enough to hold his temper and simply walk out of the house without hitting anybody probably that would have been different.

I am not persuaded, on what I've heard, that he has an alcohol problem that needs to be assessed. It's unfortunate that he will carry a criminal record but he can take action to have that removed at some point in the

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future to the extent that that is an impedement to him in any way.

I think the appropriate way to deal with the matter is as recommended by counsel with a monetary penalty. I am going to impose a fine of \$750.00 on Mr. LeBlanc to be paid on or before May 31st, 1993, \$375.00 on each count with a victim fine surcharge of \$50.00, \$25.00 on each count to be paid to the Clerk of the County Court.

DATED at Yarmouth, in the County of Yarmouth and Province of Nova Scotia, this 22nd day of January, A.D., 1993.

CHARLES E. HALIBURTON
JUDGE OF THE COUNTY COURT
OF DISTRICT NUMBER THREE

TO: Mrs. Diane E. Hamilton
Clerk of the County Court
P.O. Box 188
YARMOUTH, Nova Scotia
B5A 4B2