

..... Legal Lite

Q. If an individual commits an offence what are the possible punishments he may receive?

A. A person who commits an offence is liable to up to or a certain punishment up to a given maximum upon judgement of the court. The Criminal Code of Canada provides for a variety of alternatives as follows: Imprisonment, fines, suspended sentences, and discharges. Even where an offence provides for a term of imprisonment, a court may impose any of the punishments mentioned so that where a person could be given 7 years for possession of marijuana, he may be given a fine, a suspended sentence or a discharge.

If an imprisonment is imposed and is for a term of 2 years or more, it will be served in a penitentiary. If the term is for less than two years it will be served in a local jail.

If a fine is imposed, either the fine must be paid or generally the person will spend one day in jail for each \$10 of the fine. If the person wishes to pay the fine but cannot do so immediately, the court may give him time in which to pay the fine.

If the court does not wish to imprison or impose a fine, as it might cause undue hardship, the imprisonment or fine may be suspended and the person will be placed on probation under certain conditions. The conditions may include any restriction the judge feels is proper. This is called a suspended sentence and it means that if the person complies with the conditions of the probation, a fine or imprisonment will not be imposed.

However, if the person does not comply with the conditions of probation he may be brought back to court and sentenced to a fine or imprisonment. When a suspended sentence is given the person usually must report to a probation officer.

Except where a minimum punishment is provided for, the court may, rather than impose any of the punishments mentioned, order that the person be discharged absolutely (an absolute discharge) or on certain conditions (a conditional discharge). It is often mistakenly thought that where the judge orders discharge, the person has no criminal record. This is not true.

As was mentioned in a previous column of Legal Lite where a person has a criminal record (including a discharge) it is possible to apply under the Criminal Records Act of Canada to completely erase the record.

Q. What are the powers of the police with respect to search, seizure and arrest?

A. Where the police suspect or crime is being committed they can obtain a search warrant for the purpose of entering, searching, and seizing as authorized in that warrant. However, before the police can obtain a search warrant they must have proper information to convince the judge that a crime is probably being committed and that the search will produce evidence of that crime.

Also the police have at times the power to arrest a person. The police can arrest where they reasonably believe a crime is about to be committed, is being committed, or has been committed. Where the police do arrest, they must release the person within 24 hours or bring the person before a judge within that time or as soon as possible.

Q. Where is legal advice available?

A. Legal advice is available to all persons through the legal profession — The Barristers' Society of New Brunswick. If an individual can afford his own lawyer

he will provide legal advice. However, if an individual cannot afford to her/his own lawyer, legal advice concerning criminal law is available through Legal Aid.

The New Brunswick Legal Aid provides that in all major centers in New Brunswick a lawyer will be available. He is called duty counsel. Duty counsel will direct the person how to apply for assistance to obtain a lawyer. If a person is charged or arrested he can contact Legal Aid New Brunswick for advice on how to obtain Legal Aid. The Legal Aid office is listed in the telephone directory as Legal Aid New Brunswick.

Knowledge and understanding generate respect for the law, consideration for the rights of others and the need for an ordered society. The enforcement of laws is not for the purpose of punishment but to ensure the protection of people and property, and to maintain order.

Q. What's the law in New Brunswick with regard to a wife who has been beaten by her husband and thrown out of the house along with their children?

A. Matters concerning the protection of persons are divided into two areas, those dealing with Criminal laws and those dealing with non-criminal or Civil laws.

The relevant criminal sections are found in the Criminal Code of Canada. The sections on assault are designed to aid in protecting a person from physical violence and to provide penalties when the crime has been committed. In case of an attack, the police may be called or a victim must go to the police who will help fill out the necessary forms to lay an information. The police will then approach the Crown Prosecutor who may or may

not prosecute based on the complaint if he does prosecute, he will have the court issue a summons to the person who did the act to appear and answer the charge. If that person refuses, he will eventually be arrested and forced to appear. Sometimes this might take some time and practically speaking, can leave a wife in a very vulnerable position until trial. Common Assault carries a penalty of 6 months in jail and \$500.00 fine. Assault causing bodily harm may be punishable by up to 5 years in prison.

Section 745 of the Code describes "Peace Bonds". If a person fears that another will harm himself (herself), the spouse, children or property, the procedure is to make a complaint (lay an information) before a Judge of the Provincial Court. That person must go to the local police who have the forms and will help with the procedure. A judge then calls the parties together and may order the offending party to make a promise to keep the peace. Conditions may be set on the bond as the judge sees fit (for example, a person is not to go within 100 yards of your house) and a time period that the bond is to last is specified. Sometimes the posting of money is required. If this peace bond is breached, a charge is laid under Section 746.

In any instance, if a victim is unwilling to press charges and only wants the police to come and settle the quarrel, the law will probably be of little use, no matter how efficiently the police on the scene may arbitrate. The threat of criminal sanction may be the only effective deterrent.

Collective this week Basil Hobbs and Rick Northrup.

Dr. John Anderson says...

"Higher education is not dead it is just sick. The disease is called constraintitis. This disease exists all across the country and affects every university, but I'm sure we will recover... we must be optimistic," said UNB President John Anderson.

When asked if he was pleased with the budget at the University Dr. Anderson replied that he was not by "any stretch of the imagination". The main point of his statement concerning this subject was that he was very disappointed that the government grants in no way matched the recommendations of the MPHEC.

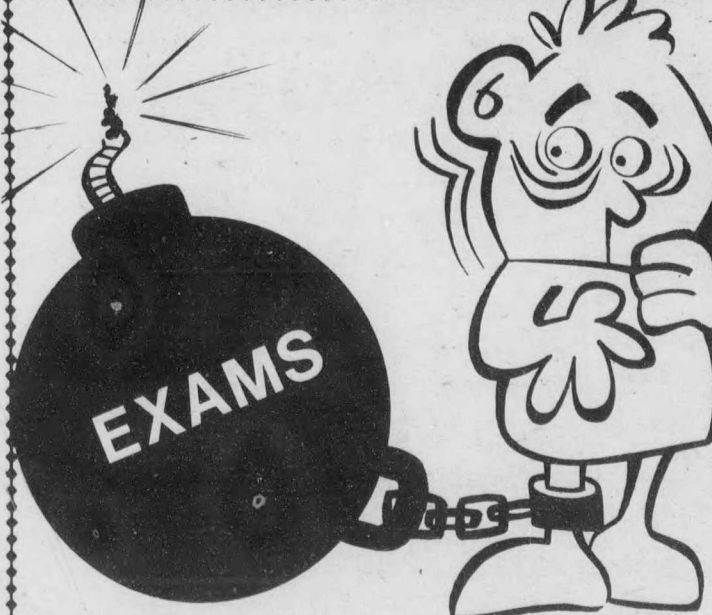
Dr. Anderson said that he ran into no more problems this year than last year, but, he stated that the several little problems had

been built up and have begun to snowball over the past few years and these problems are usually based around spending. Dr. Anderson said, "I guess one major delight is the recent action taken by the SRC to speak to the Premier and confront him with the problems facing the students as far as tuition goes and the operating grant. This means that the students are taking more notice of the problem and are bothering to do something about it." Dr. Anderson is pleased that the students are going about this in a non-confrontation way by seeking private meetings with Hatfield, and not wild placard waving sit-ins.

Dr. Anderson feels that the students may be able to swing public opinion by the way they are approaching this problem.

As far as the Alterations and Renovations fund goes Dr. Anderson has heard no news and as he puts it "as time goes on I get more and more uneasy". Dr. Anderson says that next year we will have 6.7 percent more to spend but he says that this increase in no way matches the inflation rate.

Dr. Anderson's term of office comes to an end next June (1979) and as far as re-offering, Dr. Anderson told this reporter that he had "made no arrangements with the movers about the furniture". He said that a 7 member Joint committee has been appointed three members from the Board of Governors and three members from the Senate and the University secretary who does not vote. This committee has not as yet met, but should do so in the near future.



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Chess Problem - and mate in 4. Solve column.

YEAR END REVIEW column of the year appropriate to reviews of UNB chess players.

Sept - The New Maine Chess Match Univ. of Maine, Orono. UNB players participated. Fred McKim, Eugene Butland, Robert Langelaan.

Oct - Charles McKim played in

The first year of as an SRC funded to have been a Oliver said that had a "reasonable members and that trained to an "accomplishment". He also broadcasts had been that they had deadlines, and the good audience. footage even made news, that of P getting a pie in the Oliver said he

TO SUBLET: Attention one bedroom basement person from May Skyline Acres, distance of UNB route. \$140/month after 6 p.m.

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