

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** R. v. Glasgow, 2007 NSSC 370

**Date:** 20071213

**Docket:** CR 267918

**Registry:** Halifax

**Between:**

Her Majesty the Queen

v.

Conrad Glasgow

**Judge:** The Honourable Justice Felix A. Cacchione

**Heard:** December 13, 2007, in Halifax, Nova Scotia

**Written Decision:** December 18, 2007

**Counsel:** James Whiting, for the Crown  
Matthew Gibbon, for Mr. Glasgow

**By the Court:** (Orally)

[1] Mr. Glasgow a 53 year old offender, is single and has a grade 7 education. He entered a guilty plea to possession for the purpose of trafficking in crack cocaine. The quantity involved is significant in the sense that it is larger than one would expect to see for simple possession or personal use, but in the overall picture of matters that come before the Court it is not such a large quantity. It is of sufficient quantity to put him in the possession for the purpose of trafficking category.

[2] Listening to the submissions of counsel and thinking about this file last evening, highlights the need in this province for what is been referred to as a “drug court”. A court that deals specifically with persons who have addictions. Crown has acknowledged that Mr. Glasgow does have an addiction. Certainly he had an addiction at the time of committing this offence and the main principle that is stated throughout the cases dealing with cocaine or crack cocaine is that deterrence is the paramount consideration. I do not argue with that premise but I do see a need to deal with each individual on the basis of the circumstances of the offence and the circumstances of the offender.

[3] Mr. Glasgow has a limited education and a record which has other offences that are similar to the one that is being dealt with this morning. The record dates back to 1978 at which point, if my calculation is right, Mr. Glasgow would have been approximately 24 years of age and there was a gap, in fairness, a gap of 12 years between 1978 and 1990, where there is no record of any criminal activity. But beginning in 1990 it would appear that Mr. Glasgow involved himself in various forms of criminal activity.

[4] Mr. Glasgow, if you learn one thing from your record in the length of your record is that criminal activity is not your strong suit. Some people would take the opportunity, after having been busted one or two times, to say: “This is not good. I am not good at what I am doing. I should look at a different type of employment.” I recognize that you have a limited education and that obviously impacts on the type of work that you can do and I also accept and recognize that you have an addiction. It appears to me that the submissions made by Crown counsel, although acknowledging the addiction, failed to relate the addiction to the subsequent commission of offences for which he was sentenced, I believe in April of 2007 and received two years. There was some issue as to whether or not he was

an addict. I think that issue has been resolved. Certainly I accept the comments of his parole officer, or a parole officer Mr. Noiles, who indicated that during intake at Springhill Mr. Glasgow was identified as having considerable issues with cocaine and that since the identification of the problem Mr. Glasgow has participated in the National Substance Abuse Program of Moderate Intensity and it would appear that his participation has been appropriate and responsive. He is described as, to use the words in the letter, “engaged in the process”, and perhaps with age and certainly with a life-threatening illness, one may look at things differently.

[5] I accept Mr. Glasgow’s apology. I certainly hope that the program or programs he is taking will assist him in staying away from the substance to which he is addicted. It is like alcoholism Mr. Glasgow: once an alcoholic always an alcoholic. I hope that you have stopped using. I am not naive enough to think that you would not have the opportunity to use while in the institution, but I certainly hope that you are taking full advantage of the programs that are made available to you and that you are dealing with your addiction and not biding your time thinking about your release date so that you can get back on the streets and get a rock or two and start all over again.

[6] Mr. Glasgow, according to the presentence report was one of 14 children who grew up in a close family with a strict upbringing. As noted, there was no physical or sexual abuse and my reading of the presentence report is that Mr. Glasgow has eight children; two from his first common law relationship and six from his second. His son remains supportive of his father and describes him, as do others, as a friendly person who gets along well with others. But your son also has some insight into your difficulties Mr. Glasgow, and he says that you could benefit from counselling regarding your drug use. Your sister-in-law says the same thing. And as I have said, I do hope that you are not just going through the motions, if you know what I mean, saying “Well I am taking all these programs, so that looks good. That means I can get earlier release.” I do hope that you are taking the programs because you want to deal with the substance abuse problems that you have.

[7] There is no question that crack cocaine has had a devastating affect on this community. Day in and day out Courts deal with persons who are either addicted to crack cocaine or who commit offences because of their addiction to crack cocaine. The substance in question is one that, from experience in these Courts,

has led to violence, sometimes considerable violence including murders, often courts will hear “I was high on crack when I did it.” It has broken families apart. It has caused people to steal from their families, from their relatives, caused offenders to liquidate everything they have in order to get that little piece of crack cocaine that they can get the instant enjoyment from its consumption, only to be let down moments later because the high is gone and then they are looking for another fix. I have said it, other judges have said it, crack cocaine is a plague and must be dealt with severely. But there must also be a fairness in the process.

[8] I have considered the principles of sentencing as outlined in ss. 718 to 718.2 of the **Criminal Code**. I agree with the submission of Crown counsel and also of other courts that deterrence is and should be the paramount consideration in sentencing offenders involved with this type of drug. But I think that deterrence in this case must be tempered somewhat given Mr. Glasgow’s recognition, at long last, of his severe addiction to this drug and what it led him to do it. I cannot ignore the fact that he committed other similar offences after he was arrested on this charge, the charge that I am dealing with this morning, and then released on his recognizance. That could be viewed in two ways. One, it could be viewed as not caring and just continuing to go about his business or it could be viewed as corroboration to some degree of the level of his addiction and the situation that he found himself in, that is owing money to his supplier and being threatened for not paying the debt.

[9] The question is do I make the sentence concurrent to his present term or consecutive. It is my view that the term ought to be consecutive to any term that he is presently serving, but the quantum has to take into consideration the totality of the sentence that he is to serve. The Crown is looking for a period of three years consecutive to his present term. The defence is looking for either 20 months concurrent or 12 months consecutive. From the decisions that I have read that deal with a sentencing of individuals charged with trafficking or possessing for the purpose of trafficking crack cocaine, it would appear that three years is a starting point. However, in Mr. Glasgow’s case there are factors that in my view would reduce that period. The first is that Mr. Glasgow has finally taken some responsibility for his actions and taken some steps to deal with his addiction. It would appear, certainly from the comments of the parole officer, that he is participating appropriately in the substance abuse program at the institution and that he is engaged in the process. I take that to mean that he is actually making an effort and not just putting in time. I take into account as well the illness that Mr.

Glasgow has. He has hepatitis C. I do not think it is necessary to hear expert evidence to conclude that that is an illness that has life-threatening effects. I take into consideration as well Mr. Glasgow's plea of guilty and his age. He has the support of his family. There are members of the family present here today and that support is well noted, or documented in the presentence report.

[10] Mr. Glasgow I think that you must and perhaps you have already, but if you have not you have to recognize the seriousness of dealing or possessing for the purpose of trafficking crack cocaine. You have to recognize the problems that it has caused you, but more importantly has caused the community, and you know, it really is quite disheartening every time I drive down Gottingen Street, particularly around Uniacke Square and I see young people, 15, 16, 17 years of age standing on the corner and we all know what they are doing. They are just trying to sell a rock here and there so that they can get some cash to feed their own addiction. And really that is a shame. It is a shame because they may not know or they may not want to know that they are headed where you are. I certainly hope, Mr. Glasgow, that you do take full advantage of the programs that are offered to you, that you do make a decision to change the course of your life and remove yourself from this demon called crack cocaine. And I think that while you are in the institution you may also want to do something to upgrade your education so that when you come out you will have more skills to market so that you can be gainfully employed without turning to this type of behaviour in order to either support yourself or support your addiction.

[11] I do not want to impose a sentence that would remove any hope that Mr. Glasgow has of turning his life around. You know, if you look at your record, you look at your age, there have been a lot of offences on your record. Now is the time for you to make the decision "Do I keep doing that knowing that I am just going to end up back in the Pen, or do I change my life around?" That decision is up to you Mr. Glasgow. I cannot make it for you. But hopefully the sentence that I will impose today will give you a little time to think about that and some time to change your behaviour.

[12] The principle that deterrence is the paramount factor when dealing with this type of drug must be reiterated. I should, however, say that his subsequent commission of offences of a similar nature was in my opinion directly linked to his addiction and Mr. Glasgow has taken steps to deal with that addiction and he should be credited for that.

[13] The sentence of this Court is that you be incarcerated for a period of two years consecutive to any term you are presently serving, and it is my fervent hope and my recommendation that you take advantage of the programs, that you not lose hope and that you come out clean and not turn back to using drugs and obviously the consequence of that is involving yourself in further criminal activity. Good luck to you Mr. Glasgow. Two years consecutive sentence.

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Cacchione, J.