

IN THE COURT OF APPEAL FOR THE NORTHWEST TERRITORIES

THE COURT: The Honourable Mr. Justice Lieberman
The Honourable Mr. Justice Harradence
The Honourable Mr. Justice de Weerd

B E T W E E N:

TIMIUSIE EVIC

APPELLANT

- and -

HER MAJESTY THE QUEEN

RESPONDENT

REASONS FOR JUDGMENT
(OF THE MAJORITY)

Lieberman, J.A. I will ask Mr. Justice Harradence, with whose disposition of this appeal I respectfully agree, to give the reasons for judgment of the majority of the Court.

Harradence, J.A. The Appellant entered a plea of "guilty" to trafficking in marijuana. The amount involved was some 180 grams. He was sentenced to a term of 18 months imprisonment. He appealed from that sentence. The Appellant has a previous conviction for simple possession of a narcotic for which a fine was imposed.

The majority of the Court recognize that in an attempt to discourage this vile activity, stringent methods must be employed, particularly in an area where the havoc wrought by these substances will have a devastating effect on the entire

N.W.T. Appeal No. 418

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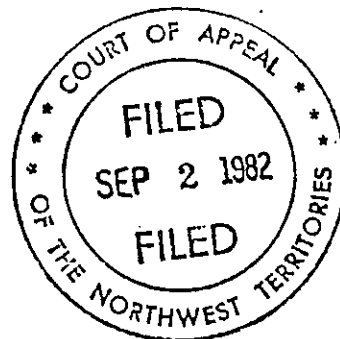
Appellant

and

HER MAJESTY THE QUEEN

Respondent

REASONS FOR JUDGMENT
(OF THE MAJORITY)



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THE COURT: The Honourable Mr. Justice Lieberman
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B E T W E E N:

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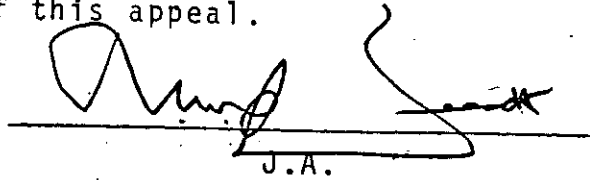
RESPONDENT

REASONS FOR JUDGMENT
(DISSENTING)

de Weerdt, J.A. With great deference to my learned brothers,
I would dismiss this appeal while recognizing that 18 months is
(as it was intended to be) a harsh sentence.

The learned sentencing Judge had been sitting in the small communities of the Eastern Arctic for some two weeks before imposing the sentence under appeal. He could see at first hand the potential for harm in this offence, which was committed - on the facts before him - from a purely mercenary motive. It was his view, and I cannot find it in me to say that he was wrong in principle, that an exemplary (and even harsh) sentence was necessary to discourage the traffic in drugs into the small communities of the Eastern Arctic.

For these reasons, I respectfully dissent from the majority in the disposition of this appeal.



J.A.

Delivered from the Bench at Yellowknife, June 28th, 1982.

COUNSEL: D. MacDonald, Esq., for the Appellant.
M. Zigayer, Esq., for the Respondent.

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B E T W E E N:

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REASONS FOR JUDGMENT
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