

*Narcotic Control Act 4(1)
- Trafficking in Narcotic
- Sentence Appeal*

IN THE COURT OF APPEAL FOR THE NORTHWEST TERRITORIES

YELLOWKNIFE CRIMINAL SITTINGS

JUNE 22, 1981

	<u>COUNSEL</u>	<u>TRIAL JUDGE</u>	<u>COURT</u>
DANIEL NORMAND DESCHENES (Appellant)	JOHN Z. VERTES, ESQ.	J.R. SLAVEN	TALLIS, J.A. KERANS, J.A. McCLUNG, J.A.
- and -			
HER MAJESTY THE QUEEN (Respondent)	WILLIAM D. DELANEY, ESQ.		

Traffic in a Narcotic, Sec. 4(1) N.C.A.

APPEAL NO. 385

MEMORANDUM OF JUDGMENT
DELIVERED FROM THE BENCH

TALLIS, J.A.:

In this case the appellant seeks leave to appeal a sentence of three years' imprisonment upon a charge of trafficking in a narcotic contrary to Section 4(1) of the *Narcotic Control Act*.

In dealing with narcotic offences we share the view of the lower court that the principle of deterrence must be emphasized. In this jurisdiction the following observations of Mr. Justice Morrow in *R. v. Swanson* 25 A.R. 197 (Court of Appeal of Northwest Territories) are still applicable:

"We would further observe that in the Northwest Territories, perhaps more than anywhere else in Canada, there are social problems not normally found in other parts, and in consequence in our opinion the climate should be made inhospitable to the introduction of narcotics in any form."

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However, the Court is of the view that the sentence of three years must be rationalized with other sentences imposed in this jurisdiction and accordingly leave to appeal sentence is granted and the appeal is allowed with the sentence being varied to imprisonment for a term of two years less one day.

In so reducing this sentence the Court recognizes that the Supreme Court and Territorial Court have indicated that more severe sentences will be imposed if the incidence of drug trafficking cases continues to rise in the Northwest Territories. If, notwithstanding, the earlier pronouncements of the Supreme Court and of the Court of Appeal for the Northwest Territories people still persist in becoming involved in drug trafficking offences the trial courts will feel justified, in the proper circumstances, to respond to the situation by imposing longer sentences of imprisonment.

C. F. Tallis
J.A.

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B E T W E E N :

DANIEL NORMAND DESCHENES

APPELLANT

AND:

HER MAJESTY THE QUEEN

RESPONDENT

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