





1 THE COURT:           Several years ago, Chief Magistrate Parker,  
2 I think, was the first one of the Territorial Magistrates  
3 to run into the problem of sentencing under the  
4 Narcotics Act. He made a very straight forward  
5 judgement, which puts the position clear for this  
6 Court, that particularly in the Northwest Territories,  
7 where we have the difficulty of changing culture  
8 among some of our indigenous people; of all things  
9 and of all places in Canada, this is the one area  
10 that we do not want to introduce drugs. We have  
11 already got the problem of liquor and it's  
12 attributes. If possible, the Court should strain  
13 to deter any further problems.

14           The Court of Appeal of Alberta, which is  
15 essentially the Court of Appeal of the Northwest  
16 Territories, in several judgments, one of which  
17 is the Doyle case, made a special effort to indicate  
18 the principles to be followed, stressed deterrence  
19 as the main objective for this type of offence;  
20 I of course, am bound by that decision; even if  
21 I did not agree with it, but I do agree with it.  
22 I have already, in previous judgments, expressed  
23 my approval of Magistrate Parker's enunciation of  
24 the principles.

25           I think we have a very heavy burden in this  
26 jurisdiction to, as much as possible, to try to  
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1 discourage the intrusion of the drug traffic into  
2 an area where we are still a frontier and where,  
3 as I mentioned, we still have cultural changes  
4 coming and taking place. Accordingly, as I have  
5 indicated before, I take a very serious view of  
6 this type of offence. I make it clear, that if  
7 it was not for the peculiar circumstances of these  
8 series of cases, which all seem to arise from the  
9 same general period of time and the same efforts;  
10 if it was not for that and if it was not for the  
11 fact that this present accused has many things to  
12 his credit, one of which is the fact he pled guilty  
13 and that in itself is rehabilitation and retribution  
14 is taking place; if it was not for that, I would  
15 impose a much more serious sentence than I am  
16 today. I agree with Mr. Troy, that the Wick case  
17 and the related cases, are not to be considered a  
18 precedent for the normal drug trafficking cases.  
19 I am sure from my reading of the judgment of the  
20 Court of Appeal, did not so intend. But I do say,  
21 in fairness to all, that this case should be treated  
22 more or less along the same lines.

23  
24 I am reluctant to interfere with this man's  
25 employment, but that is one of the incidents of a  
26 person who embarks upon a breaking of our law.  
27 In some cases, yes, we would excuse it. I hope



1 this doesn't interfere with this man's future and  
2 employment; and I hope, as he indicated to Mr. Cooper,  
3 his counsel, that he is now going to go on a  
4 straight path. I do think that some type of jail  
5 term and probation is in order.

6 Would you stand up, Mr. Cole.

7 I sentence you to two months to be served in the  
8 Yellowknife Correctional Institute; and a further  
9 period of ten months probation, during which period  
10 you are to keep the peace and be of good order.  
11 You are not to have any contact with drugs of any  
12 sort during that period. You are to report  
13 monthly to the probation officer at a time and place  
14 to be arranged with that office. During the two  
15 months period that you are serving in the Institute,  
16 I recommend, that if they can work it out, that you  
17 be given an opportunity to continue your employment  
18 in the form of day work.

19 MR. COOPER: My Lord, is it your intention to deal with the  
20 question of intermitent sentence?

21 THE COURT: No. I do not think it is appropriate in this  
22 type of case. I have made a recommendation;  
23 let him go out and try to preserve his job.  
24 It is up to the Institute. There will be a  
25 direction, although I do not think it is necessary  
26 that the exhibits, such as they are, will be  
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turned over to the R.C.M.P., for disposal in  
the normal way.

Certified correct:

Malcolm T. Ward.,  
Reporter.

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