

CR 02838

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

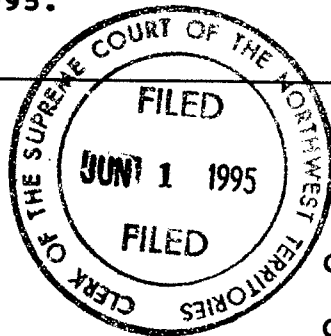
DARM RYAN CROOK

Transcript of the Reasons for Sentence Delivered by The Honourable Mr. Justice M. M. de Weerd, sitting at Yellowknife in the Northwest Territories, on Monday, May 29th, A.D., 1995.

APPEARANCES:

MR. A. REGEL:

MR. A. FOX:



Counsel for the Crown

Counsel for the Defence

1 THE COURT: Darm Ryan Crook is before the court
2 this afternoon to be sentenced on two counts under the
3 Narcotic Control Act, one count being of trafficking
4 in cocaine on September 7, 1994, at Yellowknife, and
5 the other having in his possession cocaine for the
6 purpose of trafficking at Yellowknife on September 13,
7 1994. In each instance, the quantity was one gram,
8 and it appears from the circumstances which were not
9 in dispute that Mr. Crook was making himself available
10 through the use of a telephone pager to persons who
11 might wish to purchase cocaine in such quantities.
12 This has in other cases been referred to as a
13 dial-a-doper system or scheme.

14 Mr. Crook has informed me in his statement to the
15 court this afternoon that when he became involved in
16 this it did not occur to him that cocaine was a
17 dangerous drug or that it could negatively affect the
18 lives of those who use it, notwithstanding that some
19 information is apparently available through the
20 schools. It had not registered apparently with Mr.
21 Crook that he was doing anyone any harm.

22 As the Alberta Court of Appeal made clear some
23 15 years ago in the case known as **R. vs Maskell**,
24 cocaine is a very dangerous drug, and its danger lies
25 in its addictive nature so that people who become
26 slaves to this drug can ruin their own lives and the
27 lives of those who depend on them and come in contact

1 with them.

2 Mr. Crook is someone who seems to have a strongly
3 supportive family. He is highly spoken of in the
4 presentence report. He is close to achieving his
5 immediate educational objectives having not much
6 further to go before achieving his grade 12
7 graduation.

8 He is now 19 years of age. He appears to be
9 healthy and strong. Like so many persons in his peer
10 group, I suspect, he has either chosen to ignore or
11 perhaps never fully understood how much harm he would
12 do to himself, far less others, by becoming involved
13 in the cocaine trade.

14 This court is bound to apply the law as it has
15 developed to this point in this jurisdiction, and so
16 while Parliament has provided a maximum sentence of
17 life imprisonment for these offences, marking how
18 seriously they are regarded by the Canadian public,
19 the court is left to determine if a lesser sentence
20 will accomplish the aims and abide by the principles
21 of sentencing.

22 Given Mr. Crook's age, his absence of any previous
23 criminal record, his plea of guilty and waiver of a
24 preliminary inquiry, it seems to me that while I must
25 give first place to the principle of deterrence, that
26 is to say the crafting of a sentence which will be
27 seen by others as well as by you, Mr. Crook, as being

1 severe enough to discourage them from attempting to
2 follow in your footsteps. It is a shame that pain
3 must be inflicted to accomplish this end, and the
4 court attempts to minimize that. In our efforts to
5 reach an appropriate balance, we realize that we may
6 be accused of undue severity or undue leniency. We do
7 our best simply to arrive at an appropriate balance on
8 the facts as we see them.

9 Here there is hope that you will learn a lesson
10 from this unpleasant experience, that you will not
11 only yourself avoid any repetition of this behavior,
12 but that you will in your contacts with your peers
13 actively discourage them from being so foolish.

14 It must be plain that some prison time will have
15 to be imposed, and I gather that you accept that, Mr.
16 Crook. Crown counsel asks me to consider a sentence
17 of two years less a day. Your counsel has asked me to
18 consider a shorter sentence with probation instead of
19 incarceration. I am going to adopt the alternative
20 proposed by Mr. Fox.

21 Would you stand up, please, Mr. Crook. Is there
22 anything you wish to add before the court passes
23 sentence?

24 THE ACCUSED: No.

25 THE COURT: All right. The sentence of the court
26 is that you serve a term of imprisonment for one year
27 following which you will be on probation for one year

1 further. During that further year, you will report to
2 your probation officer beginning immediately on your
3 release from prison until such time as the year is up.
4 So that one year counts from the time of your release
5 from prison.

6 During that year, you are to keep your probation
7 officer notified of any change in your address,
8 occupation, or employment. You will during that
9 period perform 200 hours of community service work
10 under the direction and supervision and to the
11 satisfaction of your probation officer. I am not
12 saying what that work should be. That is something I
13 leave to you and the probation officer to work out
14 together. Do you understand?

15 THE ACCUSED: Yes.

16 THE COURT: Is there any further condition I
17 should consider, Mr. Regel?

18 MR. REGEL: Not that I can suggest, My Lord.

19 THE COURT: Mr. Fox?

20 MR. FOX: None, My Lord.

21 THE COURT: Have you any question about that, Mr.
22 Crook?

23 THE ACCUSED: No.

24 THE COURT: I am going to direct the clerk when
25 she has prepared the probation order to read it over
26 to you. You will be asked to sign a copy to show that
27 that is been done. If you have any difficulty

1 understanding any part of it, I am going to ask Mr.
2 Fox to explain that for you.

3 MR. FOX: I will do that, My Lord.

4 THE COURT: All right. Also, Mr. Fox, bring to
5 your client's attention those provisions of the
6 Criminal Code which govern probation. I will simply
7 tell you now, Mr. Crook, that if you are in breach of
8 your probation, you can be brought back before the
9 court. You can be charged with that breach, and if
10 found guilty, you can be punished for the breach. Do
11 you understand?

12 THE ACCUSED: Yes.

13 THE COURT: Furthermore, the terms of probation
14 can be lengthened, and additional terms can be added.
15 I will say to you that I have chosen to impose only
16 what I consider minimal terms. Do you understand?

17 THE ACCUSED: Yes.

18 THE COURT: I see you as an intelligent young man
19 who should have been much too smart to find yourself
20 involved in this get rich quick scheme. The risks and
21 penalties are much too severe considering whatever
22 small gain you might see from involvement in such a
23 scheme. That will be all.

24 MR. REGEL: My Lord, just a couple of quick
25 things. I take it the victim fine surcharge is waived
26 for both counts?

27 THE COURT: I didn't hear anybody speak about such

1 a surcharge. What do you wish to say about it?

2 MR. REGEL: In view of the jail term, it may not
3 be appropriate to impose one.

4 THE COURT: I take it you agree with that, Mr.
5 Fox?

6 MR. FOX: I agree, My Lord.

7 THE COURT: Then there will be no such surcharge
8 in this case.

9 MR. REGEL: The other thing, My Lord, the jail
10 term, would that be one year concurrent on each count?

11 THE COURT: One year concurrent on each count.

12 MR. REGEL: Thank you, My Lord. That is the only
13 additional inquiry I had.

14 THE COURT: All right.

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18 Certified Pursuant to Practice Direction #20
dated December 28, 1987.

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Laurie Ann Young
Court Reporter

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