

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

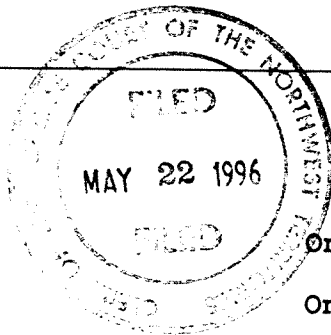
RONALD ROBERT DAWE

Transcript of Reasons for Sentence delivered by The
Honourable Mr. Justice J.Z. Vertes, sitting at Yellowknife,
in the Northwest Territories, on Thursday, May 16,
A.D. 1996.

APPEARANCES:

Mr. L. Rose:

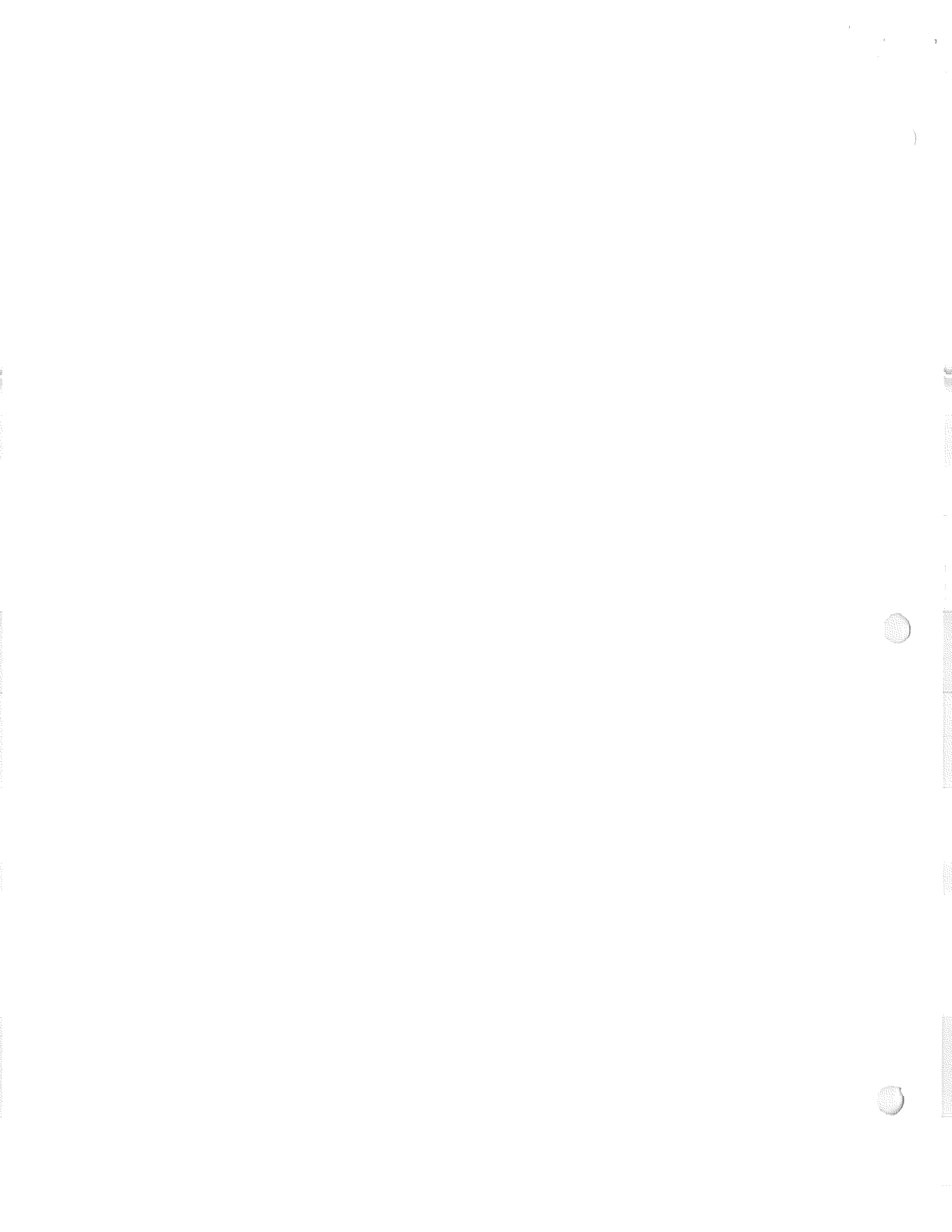
Mr. C. Rehn:



On behalf of the Crown

On behalf of the Defence

(Charge under s. 4(2) of the Criminal Code)



1 THE COURT: The accused, Ronald Robert Dawe,
2 stands convicted on a charge that he had in his
3 possession a narcotic, specifically cocaine, for the
4 specific purpose of trafficking. This crime carries a
5 potential maximum penalty of life imprisonment.

6 In April of last year, a package was found in the
7 backyard of a residence. Inside the package were 25
8 individually wrapped packets or "decks," each
9 containing one half gram of cocaine. The street value
10 was approximately \$1,900. The accused's fingerprints
11 were identified on the packets.

12 At his trial, the accused testified that he
13 prepared the packets at the request of a friend. He
14 said he had no involvement in putting the cocaine
15 inside the packets, nor did he know what they were
16 for. He said that he was not thinking clearly at the
17 time due to being intoxicated. One may well ask how he
18 had the physical dexterity to fold these packets in the
19 precise way they were folded, yet not have the mental
20 dexterity to ask what they were for. In any event, the
21 jury did not believe his story, nor did it leave them
22 with a reasonable doubt, and they convicted him. In
23 doing so, the only rational conclusion to draw is that
24 the 12 members of the jury were convinced that the
25 accused knew full well the purpose of those packets.

26 At this sentencing hearing, the accused again
27 tells me that he was not thinking clearly that night.

1 He says he did not know what his friends were up to.
2 Yet I recall that at his trial he testified that at the
3 time when this happened, he knew that his friends were
4 facing drug charges.

5 The accused tells me that this was one stupid
6 act. Yes, it was. But I am convinced that he knew all
7 too well what his friends were up to. I am convinced
8 he knew they were engaged in a commercial trafficking
9 operation. Nevertheless, I am also convinced that he
10 was a very minor player in this operation.

11 The accused tells me that he has rehabilitated
12 himself. It seems to me that the only thing that needs
13 rehabilitating is his attitude.

14 I have read very carefully the letters of support
15 presented on behalf of the accused. I know he comes
16 from a good and supportive family. I know that he, at
17 his young age, has unlimited potential; and I also know
18 that merely sending him to jail will accomplish very
19 little with respect to his future personal
20 development.

21 But sentencing in criminal cases is not just a
22 matter of doing what is best for the individual
23 accused. In every case a sentence must have regard to
24 the type and nature of offence and the public impact of
25 the sentence in addition to the personal circumstances
26 of the individual offender.

27 Courts across Canada, and in particular courts

1 whose decisions are binding on me, have repeatedly said
2 that in the absence of exceptional circumstances there
3 will be jail sentences imposed for drug
4 trafficking-related offences. And, in cases involving
5 cocaine, the term of imprisonment will usually be quite
6 severe. Even when, as here, we have a young first
7 offender, the principle remains the same. That is
8 because deterrence - the example set to others - is the
9 overriding element in the sentencing process in these
10 cases.

11 There are, fortunately for this accused, a number
12 of mitigating factors in this case:

- 13 - his relatively minor role in this
14 operation;
- 15 - the strong support he has available to
16 him from his family circle; and
- 17 - what I gather has been his cooperation
 with the authorities since his
 conviction.

18 In addition, I acknowledge the fair and generous
19 position taken by the Crown to the effect that while a
20 penitentiary term is not inappropriate in this case, it
21 is not necessarily the sentence that is most
22 appropriate in this case. I agree.

23 Stand up, Mr. Dawe.

24 Mr. Dawe, it's truly fortunate for you that you
25 did what you did - this act of stupidity, as you say -
26 here in this community, here where your family's good
27 reputation and the good background of which you come

1 from is well known to many people as evidenced by the
2 letters of support that were given to me. Indeed, as
3 evident and known to me. Because if anywhere else you
4 had done this, if you had been caught in Toronto or
5 Edmonton or Vancouver, you'd be in court and nobody
6 would care.

7 THE ACCUSED: I appreciate that.

8 THE COURT: All they would do is look at you
9 and say, Here's another goof that made a stupid act.
10 And, believe me, you would be marching off to the
11 penitentiary and then you could kiss your good future
12 good-bye. It's no joke.

13 If it was not for the good background and for what
14 I am confident will be the continued support of your
15 friends and family and these other people who have come
16 forward to speak on your behalf, then I may be more
17 inclined to follow what higher courts than this one
18 have told me should be done in these types of cases.
19 But I have taken into account all the good things that
20 have been said about you. I have taken into account,
21 as I said, the position taken by the Crown in this
22 case. A position they didn't need to take.

23 The sentence of this Court is that you serve a
24 term of imprisonment of eight months. In addition, you
25 will be on probation for a period of two years from the
26 date of your release. The conditions of that probation
27 will be that you are to keep the peace and be of good

1 behaviour. You are to report to this Court if and when
2 required to do so. You are to report immediately upon
3 your release from custody to the probation supervisor
4 here in Yellowknife, and you are to continue to be
5 under the supervision of the probation officer and
6 report when required by the officer to do so. You will
7 participate in and take such courses, counseling, or
8 other programs as may be directed by your probation
9 officer. You will perform 100 hours of community
10 service work during the term of your probation under
11 the supervision of your probation officer.

12 Do you understand all of those terms?

13 THE ACCUSED: Yes, I do.

14 THE COURT: I want to make it perfectly clear
15 to you that if you breach any of those terms, if you do
16 not follow them, if you commit any other crimes during
17 the term of your probation, you can be charged for
18 that; you can be charged for breach of probation; you
19 can be brought back before me and I can change the
20 terms of your probation and I can extend it. You
21 understand that?

22 THE ACCUSED: I do. I can assure you that won't
23 be a problem.

24 THE COURT: Now, sir, believe me when I say no
25 one takes pleasure in sending anyone to jail. We know
26 that, in reality, it does very little good. But this
27 sentence is not only for you, but for everybody else.

1 THE ACCUSED: I understand.

2 THE COURT: And if it wasn't, as I said
3 before, for all the good things that have been said
4 about you, you would be facing a far more severe
5 sentence. And I hope that, from this day on at least,
6 you will spend your time worrying more about your
7 future and how you can improve that than about anything
8 that you've done in the past.

9 Counsel, are there further directions required?

10 MR. ROSE: Order disposing of exhibits, sir,
11 following the expiration of the appeal period.

12 THE COURT: There will be an order directing
13 the destruction of the exhibits at the end of the
14 appeal period. There will be no victim of crime
15 surcharge under the circumstances. Mr. Rehn, anything
16 else?

17 MR. REHN: No, My Lord.

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

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Jane Romanowich
Court Reporter

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