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IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

JARED CHAMBERLIN

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Transcript of the Oral Reasons for Sentence of The  
Honourable Justice J.E. Richard, sitting in Yellowknife, in  
the Northwest Territories, on the 23rd day of March, A.D.  
2000.

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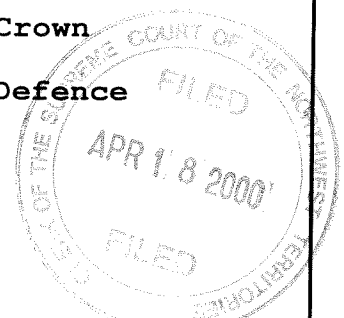
APPEARANCES:

Ms. B. Schmaltz:

Counsel for the Crown

Mr. R. Gorin:

Counsel for the Defence



1 THE COURT: Mr. Chamberlin, before the Court  
2 imposes sentence, do you wish to say anything to the  
3 Court in addition to what your lawyer has said for  
4 you?

5 THE ACCUSED: No, Sir.

6 THE COURT: No, fine.

7 The young man before the Court has pleaded  
8 guilty to trafficking in cocaine.

9 Jared Ryan Chamberlin is 20 years old, grew up  
10 in Yellowknife where he lives with his mother, and he  
11 has a Grade 12 education.

12 At the time of committing the offence, he was  
13 working in security and maintenance at a downtown  
14 shopping mall. It was there, at his place of  
15 employment, that he was approached by an individual  
16 who asked him to provide him with cocaine. Within  
17 three hours, Mr. Chamberlin did just that. He  
18 obtained a gram of cocaine and a gram of marijuana  
19 and sold these to the individual for \$140. The  
20 individual, of course, was a police agent.

21 The offender, Jared Chamberlin, says he made no  
22 profit on this transaction. That, in fact, he lost  
23 \$20 on the transaction. He says he obtained the  
24 cocaine for the purchaser because he considered the  
25 purchaser to be a friend, and a friend who appeared  
26 to be in some physical discomfort in need of cocaine  
27 to alleviate that discomfort.

1           With due respect to the submissions of counsel,  
2           I do not find this latter aspect of the circumstances  
3           to be of major significance when it comes to the  
4           matter of determining an appropriate sentence. The  
5           fact remains that Jared Chamberlin did traffic in  
6           cocaine. He went to a source of cocaine. He bought  
7           it, he transported it, and he sold it. He is clearly  
8           able to obtain cocaine in Yellowknife on an hour's  
9           notice.

10           If there were no customers like Jared Chamberlin  
11           in Yellowknife, we would not have this devastating  
12           social problem in our city. The wholesalers or  
13           distributors would have no one to sell to or to  
14           distribute to.

15           One of the key circumstances of Mr. Chamberlin's  
16           crime, in my view, is the very existence, at present,  
17           of what appears to be a flourishing illegal drug  
18           trade in this community. We know this because we see  
19           the cases before the Court all the time.

20           As has been stated in this courtroom many times  
21           in the past few years, the illegal cocaine trade has  
22           been like a plague which has infested the social  
23           fabric of this city in recent years. Those who  
24           supply cocaine and who traffic in cocaine are preying  
25           upon the weak members of the community who are  
26           addicted to the drug, and there is a snowball effect  
27           of crime in the community when the purchasers at the

1 street level themselves commit other crimes or get  
2 themselves involved in other harmful activity in  
3 order to satisfy their addiction.

4 In accordance with Parliament's direction that  
5 the Court in its sentencing decisions strive for  
6 respect for the law and for the maintenance of a  
7 peaceful and safe community, the Courts of this  
8 jurisdiction have long taken the position that,  
9 absent special circumstances, a conviction for  
10 unlawful trafficking in cocaine will result in a  
11 meaningful jail term. This has been felt to be  
12 necessary with a view to deterrence and also to  
13 denounce the continuing harm that is done to victims  
14 and to this community.

15 In the context of the submissions made on behalf  
16 of the offender for consideration for a conditional  
17 sentence, it is noteworthy that in this courtroom in  
18 recent months and years, both before and after the  
19 Supreme Court of Canada decision in *Proulx*, cocaine  
20 traffickers have almost invariably been sentenced to  
21 actual jail terms and not conditional sentences.

22 In addition to the important sentencing  
23 principles of deterrence and denunciation which I  
24 have just referred to, I am compelled to make  
25 reference to two others, being proportionality and  
26 parity.

27 Proportionality means that the sentence imposed

1 must reflect the gravity of the offence and the  
2 degree of the offender's responsibility for it.  
3 Here, Jared Chamberlin was not merely a party to the  
4 offence, he did not merely aid and abet as did the  
5 offenders in the recent cases of *Jama* and *Basson*.  
6 He, himself, was the trafficker. He knows where to  
7 get cocaine in this city and he went and got it and  
8 he sold it to an acquaintance.

9 Parity means that similar offenders committing  
10 similar offences in similar circumstances ought to  
11 receive similar sentences.

12 The Court acknowledges that no two offenders, no  
13 two crimes are identical. However here, none of Mr.  
14 Chamberlin's different circumstances, not his youth,  
15 not his lack of a criminal record, not his proclaimed  
16 misguided motive to help an acquaintance, none of  
17 these circumstances detract from the -- from the core  
18 similarity with others who have come before this  
19 Court; that is, he trafficked in cocaine in this  
20 city.

21 Other offenders, young or old, record or no  
22 record, who have trafficked in cocaine in this city  
23 have invariably received an actual jail term of some  
24 duration. The parity principle compels the Court to  
25 impose on Jared Chamberlin an actual jail term of  
26 some duration.

27 So although I acknowledge that at the outset a

1 conditional sentence is available at law, in the  
2 circumstances of this case, I must decline to impose  
3 one as I am satisfied that to do so would infringe or  
4 be inconsistent with the fundamental purpose of  
5 sentencing, in particular, the maintenance of a safe  
6 and peaceful community and the principles of  
7 sentencing, in particular, deterrence, denunciation,  
8 proportionality and parity.

9 I agree with the recent comments of my colleague  
10 Justice Schuler in the *Basson* case, that the Court in  
11 its sentencing decisions in cases of this nature must  
12 reiterate a strong message to young men and women in  
13 Yellowknife, and that is that trafficking in cocaine  
14 in whatever capacity will entail severe consequences  
15 and that there will be punishment for it.

16 In the present case, there are mitigating  
17 circumstances in the offender's youth, in the absence  
18 of a previous criminal record, and in his plea of  
19 guilty. These are factors which bear on the length  
20 of the jail term. These, however, are not special  
21 circumstances which would take this case out of that  
22 category where a meaningful jail term is the  
23 appropriate sentence for trafficking in cocaine.

24 At age 20, Mr. Chamberlin is still a young man  
25 with his entire future ahead of him. One can only  
26 hope that while he is in jail he will each and every  
27 day reflect on the kind of future he wants for

1           himself after he is released. And I recommend to  
2           you, Mr. Chamberlin, that after you are released,  
3           that you stay away from the drug trade, that you stay  
4           away from people who traffic in cocaine and other  
5           drugs because they will bring you nothing but  
6           hardship, and they will bring you and your family  
7           nothing but grief.

8           Please stand now, Mr. Chamberlin. Mr.  
9           Chamberlin, for the crime that you have committed,  
10          trafficking in cocaine contrary to Section 5(1) of  
11          the Controlled Drugs and Substances Act, it is the  
12          sentence of this Court that you be imprisoned for a  
13          period of ten months. In the circumstances, there  
14          will be no victim fine surcharge and, in addition to  
15          the term of imprisonment, there will be the usual  
16          firearms prohibition order for a period of ten years.  
17          You may sit down.

18          Anything further with respect to this case,  
19          counsel?

20          MS. SCHMALTZ:           I'm not sure -- with respect to the  
21          firearms prohibition, I'm not sure if Mr. Chamberlin  
22          has any firearms, but the time to dispose of any that  
23          he may have, Sir?

24          THE COURT:            Any such item in his possession will  
25          be turned over to a police officer or otherwise  
26          disposed of within 30 days of today's date.

27          MS. SCHMALTZ:           Thank you, Sir.


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THE COURT: Thank you, we'll close court.

(ADJOURNMENT)

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

  
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Sandra Burns C.S.R. (A), R.P.R.  
Court Reporter