

R. v. Pellisey, 2000 NWTSC 27

CR 03825

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

WESLEY JAMES PELLISEY



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Transcript of the Oral Reasons for Sentence by The Honourable Justice V.A. Schuler, at Yellowknife in the Northwest Territories, on Thursday, April 6th A.D., 2000.

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APPEARANCES:

Ms. D. Robinson: Counsel for the Crown  
Mr. G. Watt: Counsel for the Accused

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Charge under s. 5(1) Controlled Drugs and Substances Act

1 THE COURT: The facts in this case are quite  
2 straightforward obviously. The undercover agent  
3 approached Ms. Bryan to obtain some cocaine.  
4 Ms. Bryan then made arrangements by telephone  
5 apparently to have Mr. Pellisey supply some cocaine  
6 and subsequently Ms. Bryan was given \$140 by the  
7 police agent. On meeting with Mr. Pellisey,  
8 Ms. Bryan obtained one gram of cocaine from him and  
9 gave him the \$140 and subsequently turned the  
10 cocaine over to the police agent; fairly  
11 straightforward circumstances and the type of  
12 transaction that is fairly common in the sense that  
13 we see fairly often before this Court.

14 I take into account that Mr. Pellisey has only  
15 one prior conviction. It is completely unrelated  
16 and it was four years ago so in my view it is really  
17 not relevant to the offence that I am sentencing him  
18 for today.

19 The Crown and the defence have made a joint  
20 submission for a nine month sentence. And I must  
21 say that considering the other cases that counsel  
22 have referred to, certainly that submission is  
23 within the range that this Court has imposed for  
24 sentences in the other cases. In those  
25 circumstances, I am quite prepared to accept  
26 counsel's joint submission.

27 In Mr. Pellisey's case, I have to say it is

1 really unfortunate, Mr. Pellisey, that you became  
2 involved in this behaviour because you certainly  
3 seem to have some ambition and you certainly seem to  
4 have some good points in terms of your background,  
5 your athletic background, the fact that after  
6 dropping out of school you then went back to school  
7 and got your high school diploma.

8 I have said this before in other cases, and I  
9 will say it to you, it always amazes me how gullible  
10 people can be, you included, and by "gullible" I  
11 simply mean that if you think that you can get  
12 involved in this activity and get away with it,  
13 well, you're wrong, because the people that you are  
14 dealing with are either going to be police officers  
15 or agents for the police or they are going to be  
16 quite willing to rat on you. And to throw away  
17 everything that you have done and become involved in  
18 this kind of thing really doesn't make very much  
19 sense at all and you are looking at a nine month  
20 jail sentence on this conviction and certainly if  
21 you get involved in this again, you will be looking  
22 at a longer sentence, I would think.

23 So I have to take into account that this kind  
24 of activity is quite common; it is a problem.  
25 People who traffic in drugs are not just dealing  
26 with the person that they are trafficking to. They  
27 are also contributing to a huge problem in this

1 community. You can't just look at it as the fact  
2 that Ms. Bryan wanted to buy some cocaine, you don't  
3 know where the cocaine is necessarily going. You  
4 don't know whether it might end up in the hands of  
5 some kid. You don't know what is going to happen.  
6 You don't know who could be hurt by this. And, as I  
7 say, it seems to me to be a pretty narrow view that  
8 you can sell drugs to someone and probably get away  
9 with it. You can't, and you won't. And to give up,  
10 as I say, what you have worked for in the past,  
11 because I don't know what a nine month jail sentence  
12 will do, and a drug trafficking conviction do, to  
13 your chances of becoming a Renewable Resources  
14 officer. While you are sitting there at the  
15 correctional centre, you should give a lot of  
16 thought to this because it seems to me that with  
17 this kind of conviction, you are really on the brink  
18 and you have to make a decision about what you  
19 really want to do.

20 So I accept the recommendation of counsel and  
21 stand up, please, Mr. Pellisey.

22 The sentence that I impose on you is nine  
23 months in jail.

24 Because I am required under Section 109 of the  
25 Criminal Code, there will be a firearm prohibition  
26 order in the usual terms for a period of -- I think  
27 that the mandatory period is ten years, is that

1 right?

2 MS. ROBINSON: I believe so on a first offence.

3 THE COURT: For a period commencing today and  
4 continuing for a period of ten years from your  
5 release from imprisonment. That's the requirement  
6 under the Criminal Code.

7 I will just say for the record that if in fact  
8 you were currently working as a Renewable Resources  
9 officer, then in light of the fact that there were  
10 no firearms involved in this case I certainly would  
11 have made the order under Section 113 permitting the  
12 lifting of that prohibition for purposes of  
13 employment. I don't think that I can do that  
14 because you are not in fact employed as a Renewable  
15 Resources officer and there is no indication that is  
16 the only employment that you could get but I will  
17 say that much for the record in case it is of future  
18 assistance.

19 All right, you may sit down.

20 Is there anything further, counsel?

21 The Victims of Crime surcharge will be waived  
22 in the circumstances.

23 MS. ROBINSON: I believe the firearm order  
24 provides for the ordinary turning over -- I don't  
25 know if Mr. Pellisey has any firearms but if they  
26 could be turned over.

27 THE COURT: The order will just state if Mr.

1 Pellisey has possession of any such items, they are  
2 to be turned over within 24 hours to the RCMP.

3 MS. ROBINSON: Thank you, My Lady.

4 THE COURT: Is there anything further that I  
5 need to deal with then?

6 MS. ROBINSON: No, thank you.

7 THE COURT: Thank you. Counsel, are either  
8 of you involved in the other matters at 10 o'clock?

9 MS. ROBINSON: Mr. O'Halloran appears for the  
10 Crown for chambers, My Lady.

11 THE COURT: I will just ask you to indicate,  
12 Mr. Sheriff, that we will deal with criminal  
13 chambers now.

14 **(AT WHICH TIME THE ORAL REASONS FOR SENTENCE CONCLUDED)**

15 Certified pursuant to Rule 723  
16 of the Supreme Court Rules.

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Lois Newitt,  
Court Reporter