

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

DIANE LARABIE



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Transcript of the Reasons for Sentence delivered by The Honourable Justice V.A. Schuler, sitting in Yellowknife, in the Northwest Territories, on the 12th day of April, A.D. 2001.

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APPEARANCES:

Ms. S. Kendall:	Counsel for the Crown
Ms. A. Davies:	Counsel for the Defendant

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

1 THE COURT: Diane Larabie has been convicted  
2 today, after her guilty pleas, to three counts of  
3 trafficking in narcotics under Section 5(1) of the  
4 *Controlled Drugs and Substances Act*. Without going  
5 into detail about the facts of the offences, it will  
6 suffice to say that within a two-day period she sold,  
7 on two occasions, marijuana and, on one occasion,  
8 cocaine to an undercover agent who contacted her to  
9 purchase the drugs.

10 The circumstances of the offences really aren't  
11 remarkable in any way, and I do take note of the fact  
12 that on the two occasions she was dealing in what is  
13 commonly known as a soft drug and on one occasion the  
14 hard drug cocaine. Suffice it to say that the  
15 trafficking of narcotics is without a doubt a problem  
16 in this community, and it is a problem that reaches  
17 out in many ways to various individuals in the  
18 community and causes a lot of destruction in the  
19 community.

20 Looking at Miss Larabie herself, she is a young  
21 woman of 31 years. I am sure that she realizes how  
22 devastating the use of drugs can be, considering that,  
23 from what I have heard from her counsel, when she  
24 herself starting using cocaine, this eventually led  
25 her to both quit her job and give her children into  
26 the care of Social Services, and I can't imagine to  
27 what extent she must have felt that her life was being

1 affected to cause her to give up her two young  
2 children and let them go into the care of other  
3 people. Her story appears to me to be a very sad one  
4 for those particular reasons. Somehow, and I suppose  
5 I can infer that much of this came from her  
6 relationship with her former common-law spouse who  
7 went to jail and whose drug customers then started  
8 coming to her, but obviously her life went off the  
9 tracks, because it seems that prior to that she was  
10 able to hold down a job, she was doing fairly well,  
11 she was looking after her children. So it is really a  
12 sad situation for her to be in.

13 I take into account the fact that she has plead  
14 guilty. I take into account the fact that she waived  
15 the preliminary inquiry and apparently indicated early  
16 on that she would be pleading guilty. I take into  
17 account the fact that she has cooperated with the  
18 police and assisted them in their inquiries about  
19 other traffickers in this community. I take into  
20 account the fact that she has apparently, since being  
21 charged in November of last year, been free of drug  
22 use, and, according to the letter submitted by the  
23 woman whose house she has been living in, there have  
24 not been any problems with the fact that she has been  
25 staying in that house, which appears to be a home  
26 where drugs are not tolerated.

27 I have to take into account as well

1 Miss Larabie's record, and although the only related  
2 offences on the record are the possession of narcotic  
3 convictions, three of which -- or the three of them  
4 having occurred in 1997. But I have to as well take  
5 into account that she does have a record for a number  
6 of other offences and clearly has come into conflict  
7 with the law on several occasions for things such as  
8 fraud, theft, and failing to appear in court.

9 Miss Larabie, I have already referred to the very  
10 difficult and sad consequences to you, as I perceive  
11 it, from having engaged in the drug trade, and I have  
12 already referred to the fact that you quit your job  
13 and gave up your children. This may be a bit of a  
14 turning point for you. Your lawyer has said that you  
15 are interested in continuing your education and going  
16 into nursing, and I don't know what the results of a  
17 record for drugs -- what kind of affect that can have  
18 on someone who wants to go into nursing, because  
19 obviously as a nurse you would be coming into contact  
20 with various kinds of drugs, and whether the record  
21 will prevent you from being able to pursue that  
22 career, I don't know. However, it seems to me that  
23 this is really a turning point for you because if you  
24 continue in this way, if you continue to accumulate  
25 criminal offences, criminal convictions whether for  
26 drugs or for anything else, you may find that you  
27 really have prevented yourself from pursuing any kind

1 of opportunities. So my wish would be that during the  
2 time that you spend in jail that you give a lot of  
3 thought to that, because obviously at some point you  
4 are going to get out of jail and you are going to have  
5 to decide what you want to do with your life.

6 I agree with Crown counsel that the main factors  
7 I have to be concerned about in this case are both  
8 specific deterrence (that is, preventing Miss Larabie  
9 from continuing in this kind of behaviour) and also  
10 general deterrence (preventing or dissuading others in  
11 the community from engaging in this kind of  
12 behaviour), and I think it is probably trite to say  
13 but it is very clear that the community isn't prepared  
14 to put up with this kind of behaviour.

15 Stand up, please, Miss Larabie. Having heard  
16 everything that has been said and having considered  
17 all of the circumstances, I am going to sentence you  
18 as follows. On Count 1 of the Indictment, you will  
19 serve a term of incarceration of four months'  
20 imprisonment; on Count 2 of the Indictment, four  
21 months consecutive; and on Count 3 of the Indictment,  
22 four months consecutive to that, for a total of 12  
23 months imprisonment.

24 As I said, Miss Larabie, it seems to me that you  
25 better decide what you want to do with your life  
26 because you probably don't have a lot of chances left.

27 That's all. Thank you. I'm sorry. There will

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also be a firearm prohibition order under Section 109 of the *Criminal Code* commencing today and continuing for a period of ten years from your release from imprisonment, and the victim of crime surcharge will be waived.

Now, is there anything else I need to address?


MS. KENDALL: No, thank you, Ma'am.

MS. DAVIES: No, Your Honour.

THE COURT: Thank you both, Counsel.

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Certified Pursuant to Rule 723  
of the Rules of Court

  
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Jane Romanowich, CSR(A)  
Court Reporter