

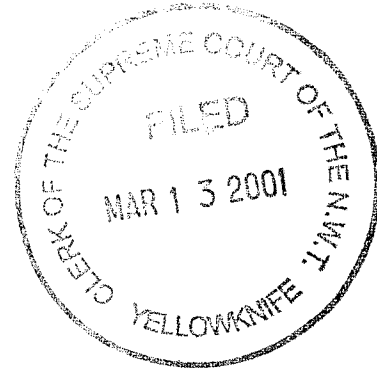
R. v. Pound, 2001 NWTSC 22

S-1-CR-2001/08 & 11, 12, 13

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN



- vs. -

JASON REIGH POUND

Transcript of the Oral Reasons for Sentence by The Honourable Justice J.E. Richard, at Yellowknife in the Northwest Territories, on February 22nd A.D., 2001.

APPEARANCES:

Ms. S. Kendall:	Counsel for the Crown
Mr. A. Mahar:	Counsel for the Accused

1 THE COURT: I turn now to the case of Jason
2 Reigh Pound.

3 Jason Pound was last in this courtroom in
4 October of 1997 when he was 18 years old and was
5 sentenced to 12 months imprisonment for selling
6 cocaine to an undercover police officer.

7 Today, he is here again because he got himself
8 involved again in the illegal drug trade in 1999 and
9 2000. His lawyer says that Mr. Pound got involved
10 again not because of any personal addiction to
11 drugs, such as is the case with some other offenders
12 that come before the Court, but rather because he
13 was attracted to the easy money and the attendant
14 lifestyle that comes with easy money.

15 I will not repeat here again what the Courts
16 have been saying for the last number of years about
17 the havoc that has been caused to the social fabric
18 of our community since the increase in the illegal
19 cocaine trade in Yellowknife in the past ten years
20 or so. Mr. Pound has heard it before in this
21 courtroom, and others, who may have been present in
22 any of our courtrooms in recent years, have heard it
23 over and over and over again.

24 The Court has been attempting to do its part in
25 eradicating this evil and the police have certainly
26 been doing their part.

27 During the year 2000, the RCMP had an extensive

1 undercover operation within Yellowknife's illegal
2 cocaine trade. That operation culminated in the
3 arrest of many people on November 15th, including
4 Jason Pound who turned 22 years of age just last
5 month.

6 The police agent that Jason Pound sold cocaine
7 to was a person who Jason Pound considers to be a
8 close personal friend which simply confirms that in
9 this illegal drug trade, nobody can be trusted.

10 Jason Pound says to the Court today that he has
11 now learned this and that he will not get himself
12 involved in the drug trade again. He knows that he
13 is going to penitentiary and he says that he is
14 confident that he is finished with his involvement
15 in the drug trade.

16 Mr. Pound is to be sentenced for three
17 offences.

18 Count 1 consists of two transactions on April
19 23rd and April 29th of last year. In the first of
20 those transactions, Mr. Pound sold cocaine to an
21 agent for \$100. In the second, the sale was for
22 five grams of cocaine for \$500.

23 Count 2 consists of one transaction for five
24 grams of cocaine for \$500.

25 In Count 3, Mr. Pound stands convicted of the
26 offence of robbery. This offence is related to the
27 illegal drug trade in as much as Mr. Pound

1 participated in the planning and arranging of the
2 robbery of an associate of eight pounds of
3 marijuana. Although Mr. Pound, I am told, did not
4 know in advance that a firearm was to be used in the
5 robbery, the two main assailants used a shotgun and
6 in fact discharged it in the air at one point to
7 intimidate the victim.

8 The circumstances are set forth in detail in
9 the Agreed Statement of Facts marked as an exhibit
10 on this hearing. From these circumstances, it is
11 evident that Mr. Pound had at relevant times ready
12 access to significant amounts of cocaine and was
13 more than a street-level trafficker of one gram
14 amounts for personal use.

15 In addition to these offences for which Jason
16 Pound is to be sentenced today, I am told that he
17 was sentenced last week in Territorial Court to nine
18 months imprisonment for trafficking in one half
19 pound of marijuana, an offence which occurred in
20 July 2000 and which also came to light when the
21 police operation came to a head in November.

22 Crown and defence counsel have commendably put
23 some effort into the preparation of joint
24 submissions on a global sentence for all of these
25 matters. That joint submission is essentially a
26 global sentence of four years in federal
27 penitentiary less credit for pre-trial custody.

1 I accept these joint submissions as I see no
2 compelling reason not to, taking into account
3 everything that has been said today.

4 Please stand, Mr. Pound.

5 Mr. Pound, it saddens me to be sending you to
6 penitentiary today. This job is never easy but it
7 saddens me what I am told about you, I see your
8 mother here in court again today. Your lawyer did a
9 good job for you the last time and again today. And
10 I am accepting what they have said about the talents
11 that you have that you are wasting and that you are
12 just wasting your life. I don't think that I can
13 say any more to you today than what I said to you
14 the last time that you were here. It is just a
15 shame that you are wasting your life like this.
16 Perhaps I can just suggest to you that if you can
17 just remember your own words today, what you said in
18 court.

19 THE ACCUSED: Yes.

20 THE COURT: But you leave us no choice.

21 On Count 1, trafficking in cocaine contrary to
22 Section 5(1) of the *Controlled Drugs and Substances*
23 *Act*, the sentence of the Court is 15 months
24 imprisonment concurrent to time now serving.

25 Count 2, trafficking in cocaine contrary to
26 Section 5(1) *Controlled Drugs and Substances Act*, 15
27 months imprisonment consecutive.

1 Count 3, the offence of robbery contrary to
2 Section 344 *Criminal Code*, 12 months imprisonment
3 consecutive.

4 That is a total of three and a half years and
5 that's concurrent to the nine month sentence that
6 you are now serving.

7 In addition, there will be the mandatory
8 Section 109 firearms prohibition order. Any item
9 will be surrendered to the police forthwith.

10 In the circumstances, there will be no Victim
11 Fine surcharge.

12 You may sit down.

13 Anything further on these cases?

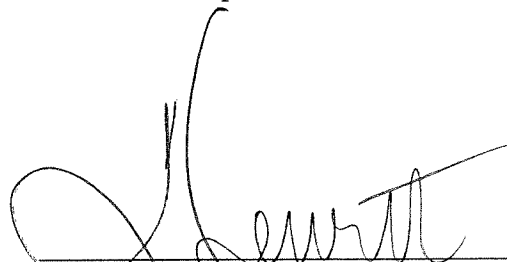
14 MR. MAHAR: No, thank you, sir.

15 MS. KENDALL: No, thank you, sir.

16 THE COURT: Fine, we will close court.

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

18 Certified pursuant to Rule 723
19 of the Supreme Court Rules.

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23 
24 Lois Hewitt,
25 Court Reporter
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