

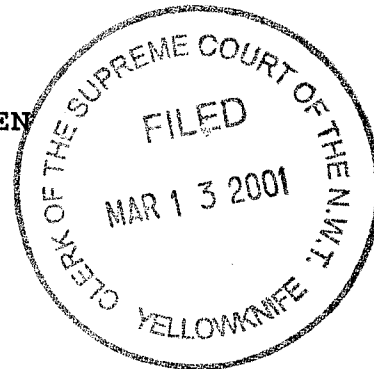
R. v. King, 2001 NWTSC 23

S-1-CR-2001/09 & 10

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN



- vs. -

DWAYNE FREDERICK KING

---

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 will deal firstly with Dwayne  
2 Frederick King.

3 This offender has pleaded guilty to trafficking  
4 in cocaine in March and July of last year.

5 During the year 2000, the RCMP had an extensive  
6 undercover operation within Yellowknife's illegal  
7 cocaine trade. That operation culminated in the  
8 arrest of many people on November 15th, 2000. This  
9 offender was not one of those arrested that day but  
10 did turn himself into the police the following day.  
11 He has been in custody since that day awaiting  
12 disposition of these charges, a period of three  
13 months.

14 I am told that Mr. King indicated early on  
15 through his counsel that he was prepared to plead  
16 guilty.

17 Today, he pleads guilty to two counts of  
18 trafficking in cocaine, and his counsel and Crown  
19 counsel present a joint submission to the Court for  
20 an appropriate sentence.

21 Count number 1 consists of two separate sales  
22 of five grams of cocaine to an undercover agent,  
23 each transaction for \$500, on March 23rd and March  
24 29th last year.

25 Count number 2 consists of another sale of five  
26 grams of cocaine for \$500 on July 12th, 2000.

27 The detailed circumstances of these offences

1 are set forth in an Agreed Statement of Facts marked  
2 as an exhibit on this hearing. From those  
3 circumstances, it is evident that Mr. King, at the  
4 relevant times, had readily available to him  
5 significant amounts of cocaine. He was involved in  
6 this illegal commercial enterprise in Yellowknife at  
7 a level above the ordinary street trafficker.

8 This offender, Dwayne Frederick King, is an  
9 aboriginal person originally from Yellowknife though  
10 he spent many of his formative years in Edmonton. He  
11 is now 27 years of age and has two children. He has  
12 an extensive criminal record as a youth and as an  
13 adult though mainly for property offences and none  
14 of it for drug offences.

15 I am told by his counsel that he got involved  
16 in this illegal trade here in Yellowknife to support  
17 his own alcohol and drug addictions.

18 Mr. King's early plea of guilty is clearly a  
19 mitigating factor.

20 The aggravating features are the level at which  
21 Mr. King was involved in this illegal activity in  
22 our city, the fact of repeated similar transactions,  
23 and the fact that some of his illegal transactions  
24 were conducted out of his own home where his  
25 children were present.

26 I commend counsel for the obvious effort that  
27 has been expended towards resolving these charges on

1 a timely basis and in arriving at a joint  
2 recommendation to the Court on an appropriate  
3 sentence. In all of the circumstances, I find no  
4 compelling reason not to accept this joint  
5 recommendation. Counsel's joint recommendation is  
6 essentially a two year sentence less credit for  
7 pre-trial custody.

8 Mr. King, would you stand now, please.

9 Mr. King, I do hope that you have learned from  
10 this and that you are sincere in your remarks to the  
11 Court today about this being your last mistake.

12 You do strike me as a healthy young Dene person  
13 who is probably able to contribute to the upbringing  
14 of your own kids, to contribute to your home  
15 community here.

16 You ought to be thankful that you have been  
17 well represented by Mr. Mahar in bringing your case  
18 to this point today. And that with his help, you  
19 have arrived at this stage where these matters are  
20 today being disposed of and that you will now do  
21 your time and then get on with your life, hopefully  
22 in a law-abiding fashion. And I do hope so,  
23 Mr. King, because your kids are going to need you  
24 when you are released and they don't need a father  
25 who keeps going back to jail.

26 For the crimes that you have committed, Count 1  
27 in the Indictment, trafficking in cocaine contrary

1 to Section 5(1) of the *Controlled Drugs and*  
2 *Substances Act*, the sentence of the Court is nine  
3 months imprisonment.

4 On Count 2, again unlawful trafficking in  
5 cocaine contrary to Section 5(1) of the *Controlled*  
6 *Drugs and Substances Act*, nine months imprisonment  
7 consecutive.

8 In addition, there will be the usual order  
9 under Section 109 of the *Criminal Code* prohibiting  
10 the possession of firearms. Any such item in your  
11 possession will be surrendered to a police officer  
12 forthwith.

13 In addition, I make an order under Section 113  
14 of the *Criminal Code* that a licensing authority may  
15 issue you a firearms license for sustenance  
16 purposes.

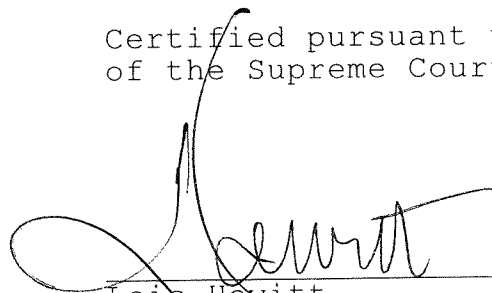
17 In the circumstances, there will be no Victim  
18 Fine surcharge.

19 You may sit down.

20 THE ACCUSED: Thank you.

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

22 Certified pursuant to Rule 723  
23 of the Supreme Court Rules.

24  
25  
26   
27 Lois Hewitt,  
Court Reporter