

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

AMBROSE JOBIN

Transcript of the Reasons for Sentence (Oral) delivered
by The Honourable Justice V.A. Schuler, in Yellowknife,
in the Northwest Territories, on the 6th day of September,
2001.

APPEARANCES:

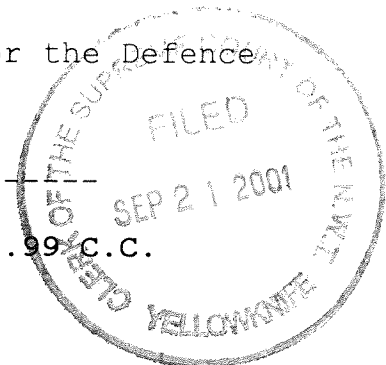
Ms. S. Bond:

Counsel for the Crown

Mr. A. Mahar:

Counsel for the Defence

Charges under s.5(1) CDSA and s.99 C.C.



1 THE COURT: Mr. Jobin comes before the court as
2 a 45-year-old man on these two convictions.

3 I should ask, first of all, Mr. Jobin, whether
4 there is anything you wish to say before I sentence
5 you. If so, you may stand and say it.

6 THE ACCUSED: I'd just like you to consider my
7 children when you're sentencing me. I have two young
8 children that I do quite a bit with raising them.
9 They're my works and I mostly take care of them.
10 That's all.

11 THE COURT: Well, Mr. Jobin, that's something
12 you should have thought of before you broke the law,
13 and especially before selling a handgun, considering
14 that the minimum punishment is one year in jail. I
15 have said this to other people who have come before
16 this court. I have had many other people profess to
17 be concerned about their children, and I have no doubt
18 that you are concerned about your children, but the
19 concern comes a little bit late. You should have, as
20 I say, thought of that before you got involved in this
21 behaviour. If your children suffer, as I have no
22 doubt they may very well do, because of your being in
23 jail or because of any other orders that may be made,
24 the only person you can look to is yourself as being
25 responsible for that.

26 The two charges that I have to sentence Mr. Jobin
27 on are, and I will deal with them chronologically,

1 first of all, a charge of unlawfully trafficking in
2 cocaine, and then a charge arising out of an incident
3 which occurred approximately six weeks later of
4 transferring a firearm, a handgun, without
5 authorization. That charge carries a one year minimum
6 under section 99 of the *Criminal Code*, and in my view
7 that does indicate that parliament does consider it to
8 be a very serious charge. There are not that many
9 offences in the *Criminal Code* that carry minimum
10 punishments, but that is one of them.

11 The other charge, trafficking in cocaine, is also
12 a serious offence. Courts in this jurisdiction have
13 said over and over again that trafficking, especially
14 in cocaine, will be dealt with severely, that it has
15 caused untold sadness, trauma, upset, harm, and other
16 tragic consequences to people in this community.

17 Trafficking in one gram of cocaine obviously is
18 not as serious as trafficking in larger amounts, but I
19 do have to consider Mr. Jobin's record. At the age of
20 45, he comes before the court with a record going back
21 approximately a quarter of a century - 27 years at
22 this point - which consists of many different charges,
23 although I do note there are no weapons offences on
24 the record. The offences that he has been convicted
25 of since 1974 include numerous convictions for
26 possession of a narcotic. There's a conviction in
27 1996 for possession of a narcotic for the purpose of

1 trafficking, and a previous conviction for possession
2 of a narcotic for the purpose of trafficking in 1975.
3 There are many other property-related offences and
4 failures to abide by court orders.

5 I take into account that Mr. Jobin has, as his
6 counsel indicated, a long history of substance abuse.
7 He has been through the system. He knows that what he
8 is doing is against the law. He has had experience
9 over and over again with varying fines, jail terms,
10 probation, all kinds of different dispositions which
11 have been handed down for drug-related behaviour. So
12 it seems to me that it is a situation where, after 25
13 years, he just is not willing to deal with his problem
14 or to refrain from this illegal activity. In those
15 circumstances, and while he may have a hard luck
16 story, I cannot feel a lot of sympathy for him.

17 I take into account what has been said about his
18 background. I take into account that this is a joint
19 submission, that Crown and defence are jointly
20 suggesting that he be incarcerated for a term of two
21 years.

22 Taking into account the one year minimum on the
23 weapons charge, that would mean one year consecutive
24 on the trafficking charge. In all the circumstances,
25 I think that the submission that has been made is
26 reasonable and I am prepared to accept it.

27 I take into account in doing so that this matter

1 has been dealt with by way of a guilty plea and that
2 Mr. Jobin gave up his right to a preliminary hearing.
3 He has dealt with this in the most efficient manner
4 possible, efficient from the point of view of the
5 court and its resources, and also in not
6 inconveniencing witnesses who might otherwise have to
7 testify.

8 Stand up, please, Mr. Jobin.

9 Mr. Jobin, on Count 1 in the Indictment, the
10 charge of transferring a firearm without
11 authorization, I sentence you to the minimum one year
12 in jail.

13 On Count 2 of the Indictment, trafficking in
14 cocaine, I sentence you to one year consecutive.

15 I am required under the *Criminal Code* to impose a
16 firearm prohibition order under section 109, and that
17 order will prohibit you from having any firearm, other
18 than a prohibited firearm or a restricted firearm, and
19 any cross-bow, restricted weapon, ammunition and
20 explosive substance for a period of time that begins
21 today and ends not earlier than ten years after your
22 release from imprisonment. It will also prohibit you
23 from possessing any prohibited firearm, restricted
24 firearm, prohibited weapon, prohibited device and
25 prohibited ammunition for life.

26 I've been asked to make an order under section
27 113 of the *Criminal Code* which would permit the

1 appropriate officer to issue a permit to you for
2 hunting purposes. I have some doubt, first of all, as
3 to whether you come within section 113 of the *Criminal*
4 *Code*. In my view, the fact that you would sell a
5 handgun in these circumstances basically suggests that
6 you should not have weapons and you have disentitled
7 yourself from possession of weapons for any purpose.
8 The prohibition order will be in place, and I decline
9 to make any further order under section 113.

10 You may sit down.

11 Now is there anything further that I need to deal
12 with on this case?

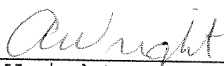
13 MR. MAHAR: No, thank you.

14 MS. BOND: No, Your Honour.

15 THE COURT: Thank you very much.

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18 Certified pursuant to Practice
19 Direction #20 dated December 18,
20 1987.

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22 _____
23 Annette Wright, RPR, CSR(A)
24 Court Reporter
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