

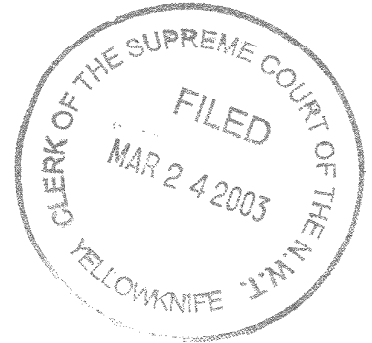
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

CINDY GRANDJAMBE



Transcript of the Reasons for Sentence delivered by The Honourable Justice J.E. Richard, in Yellowknife, in the Northwest Territories, on the 21st day of March, A.D. 2003.

APPEARANCES:

Mr. S. Niblock:

Counsel for the Crown

Mr. G. Watt:

Counsel for the Defence

Charge under s. 4(1) CDSA



1 THE COURT: Ms. Grandjambe has pleaded guilty
2 to possession of cocaine contrary to section 4(1) of
3 the CDSA. Her counsel, Mr. Watt, in relating her
4 personal circumstances to the court for purposes of
5 this sentencing hearing, asserts that she is addicted
6 to cocaine. He bases this on medical and hospital
7 records that he has examined. The Crown has not
8 contested on this sentencing hearing the fact of
9 Ms. Grandjambe's cocaine addiction.

10 The offence before the court consists of two
11 separate instances where this woman was observed in
12 possession of cocaine.

13 Back in March of 2002, the police, as part of a
14 larger investigation into the illegal drug trade in
15 this city, apparently targeted Ms. Grandjambe as a
16 person that they believed to be a frequent associate
17 of cocaine traffickers. On March 30th, two undercover
18 agents contacted her and sought her assistance in
19 obtaining some cocaine. After two hours of
20 importuning, they were successful inasmuch as Ms.
21 Grandjambe took them to a place here in Yellowknife
22 where she met with one Norman Hache. The undercover
23 police agents gave her \$950 and then observed as she
24 purchased ten grams of cocaine from Mr. Hache, and
25 then she immediately turned the cocaine over to these
26 agents. She received \$50 for her efforts. She was
27 thus in possession of the cocaine on March 30th for a

1 very brief period of time.

2 A few days later on April 3rd, the undercover
3 police agents approached a cocaine trafficker named
4 Long Huynh. In the course of those negotiations Mr.
5 Huynh took these agents to Ms. Grandjambe's residence.
6 While there, Mr. Huynh produced a spit ball of cocaine
7 which was then cut up into two lines of cocaine. In
8 the presence of the undercover agents, Ms. Grandjambe
9 was seen to snort one of the lines of cocaine.

10 Those are the circumstances of the two incidents
11 which comprise her crime of possession of cocaine.
12 The maximum penalty for this crime is seven years'
13 imprisonment.

14 Ms. Grandjambe is 31 years old and has a grade 12
15 equivalent education. She is an aboriginal person
16 originally from Fort Good Hope but has lived in
17 Yellowknife these past ten years. She is a single
18 woman who has two children; however, the children, I
19 am told, are cared for not by her but by their
20 grandmother, that is, Ms. Grandjambe's mother.

21 Ms. Grandjambe has not maintained any employment
22 in recent years. She has no fixed address of her own.
23 She lives a very destructive lifestyle, in the words
24 of her lawyer, and she associates with and resides
25 with known drug traffickers. She does live from time
26 to time, I am told, at her parents' residence here in
27 Yellowknife and apparently she is welcome to return

1 there.

2 According to Mr. Watt's examination of the
3 records at Stanton Hospital, on three separate
4 occasions in the past year Ms. Grandjambe has attended
5 at the emergency ward suffering from cocaine
6 withdrawal and asking for help.

7 Ms. Grandjambe does not have any significant
8 criminal record. She has one conviction, a drinking
9 and driving offence, eight years ago in her home
10 community of Fort Good Hope.

11 I will just mention for the record that in recent
12 years there has been a flourishing illegal trade in
13 cocaine in our city. From the cases that come before
14 this court, one gleans the impression that the police
15 are working very diligently in their investigations
16 but they can hardly keep up with this rampant illegal
17 activity. The cocaine trade has brought many social
18 problems to our community and the personal
19 circumstances of Cindy Grandjambe is but small
20 evidence of that. The courts have attempted to do
21 their part and have almost without exception imposed
22 substantial jail terms for cocaine traffickers.
23 Ms. Grandjambe is not a trafficker; she is a user.
24 But without users there would be no traffickers, no
25 illegal trade.

26 Crown counsel submits that the principles of
27 specific and general deterrence require a term of

1 imprisonment in this case. The Crown submits that an
2 appropriate sentence would be a jail term in the range
3 of six months.

4 Mr. Watt, in his submissions on behalf of
5 Ms. Grandjambe, asks the Court to find that there is a
6 reasonable chance for Ms. Grandjambe's rehabilitation,
7 in particular, a reasonable chance for her to overcome
8 her cocaine addiction. Ms. Grandjambe herself states
9 to the Court that she is willing to take treatment to
10 overcome her addiction.

11 Mr. Watt refers the Court to the *Preston* decision
12 in the B.C. Court of Appeal in 1990 and to the
13 conclusion of that court, that specific and general
14 deterrence do not necessarily trump rehabilitation as
15 a factor in the sentencing of a non-violent, addicted
16 substance abuser such as Ms. Grandjambe. I find much
17 merit in the careful reasoning of the court in
18 *Preston*.

19 In my view, an appropriate custodial sentence for
20 Ms. Grandjambe's crime in this case, given her lack of
21 a criminal record and other circumstances, is four
22 months.

23 However, after careful consideration and trusting
24 Ms. Grandjambe's statement to the Court that she is
25 willing to take treatment for her addiction, I am
26 prepared to take a chance on her so that she can avoid
27 incarceration and instead suspend the passing of

1 sentence for the time being and give her the
2 opportunity to work on her own rehabilitation. If it
3 succeeds, so much the better. Society will benefit
4 from her rehabilitation. If she fails the test, she
5 will be brought back here and sentence will be
6 imposed.

7 Please stand now, Ms. Grandjambe.

8 Pursuant to section 731 of the *Criminal Code*, I
9 suspend the passing of sentence for six months. I
10 direct that you be released on conditions to be
11 included in a probation order. In addition to the
12 statutory conditions, the conditions will be as
13 follows:

14 (1) You are to report to the probation officer here
15 in Yellowknife by 4:00 o'clock next Monday, weekly
16 thereafter, and at such other times as directed by the
17 probation officer.

18 (2) You are to maintain your residence at 110 Jeske
19 Crescent and at no other address.

20 (3) You are to advise the probation officer prior to
21 leaving Yellowknife for any reason.

22 (4) You are to take any treatment program or
23 counselling that is recommended by your probation
24 officer.

25 (5) You shall submit to physical tests for the
26 detection of the presence of drugs whenever requested
27 by the probation officer.

1 (6) You shall have no contact direct or indirect with
2 Long Huynh, Norman Hache, or any other person known by
3 you to be a cocaine user or cocaine trafficker.

4 (7) You are to perform 50 hours of community service
5 work as directed by your probation officer.

6 Now, Ms. Grandjambe, do you understand those
7 conditions?

8 THE ACCUSED: Yes.

9 THE COURT: I want you to remain here after
10 court until the Clerk prepares the probation order.
11 I'm going to ask Mr. Watt and the Clerk to review
12 those conditions with you again to ensure that you
13 understand them, and I'm also going to ask Mr. Watt to
14 review with you the provisions of section 732.2 and
15 section 733.1 of the *Criminal Code*.

16 Now essentially, Ms. Grandjambe, what those
17 provisions say is this. If you do not obey these
18 conditions that I've just set out in the probation
19 order, you can be charged with breach of probation and
20 sentenced for that. But also, and this is more
21 important, you can be brought back here and the court
22 can revoke this order that I am making today, cancel
23 it, and you will be sentenced for the cocaine charge.

24 Do you understand that?

25 THE ACCUSED: Yes, I do.

26 THE COURT: I want to state for the record
27 that if there is a breach, the Court expects that

1 Probation Services and the Crown office will bring the
2 matter back to this court.

3 Now, Ms. Grandjambe, from what I've learned of
4 you and your using of cocaine, I suspect that this is
5 not going to be easy for you, but only you know how
6 hard it is going to be for you. So if you want to
7 stay out of jail and, more importantly, if you want to
8 get on with a normal life, you have just got to hang
9 in there, get through this six months and then
10 hopefully continue that way.

11 This is unusual for us to do this in this court.
12 Mr. Watt has made a good argument for you. Cases come
13 in here about cocaine use or cocaine trafficking and
14 we just send them out the door to the jail. I'm going
15 to take a chance on you.

16 THE ACCUSED: Thank you, Your Honour.

17 THE COURT: I know it's going to be hard for
18 you but I hope that you get through it.

19 Thank you, you can sit down.

20 Anything further, counsel?

21 MR. NIBLOCK: No, sir, thank you.

22 MR. WATT: No, sir.

23 THE COURT: Thank you.

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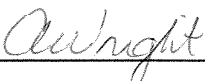
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Certified to be a true and accurate
transcript, pursuant to Rule 723 and
724 of the Supreme Court Rules of Court



Annette Wright, RPR, CSR(A)
Court Reporter