

R. v. Greenland, 2003 NWTSC 27

S-1-CR2002000120

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN



- vs. -

PAT GREENLAND

Transcript of the Oral Reasons for Sentence by The Honourable Justice J.E. Richard, at Inuvik in the Northwest Territories, on May 13th A.D., 2003.

APPEARANCES:

Ms. S. Smallwood: Counsel for the Crown
Mr. J. MacFarlane: Counsel for the Accused

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

1 THE COURT: Patrick John Greenland is a
2 20-year-old resident of Inuvik who also got himself
3 involved in the illegal cocaine trade here and who,
4 today, must face the music and pay the price for
5 certain choices that he made a year ago.

6 This young man is also of Gwich'in ancestry, was
7 born and raised here, has a Grade 10 education, and
8 has supportive family members and relatives.

9 When the RCMP were engaged in Project Getaway in
10 the spring of 2002, they obviously had gathered some
11 intelligence during their investigation to the effect
12 that Mr. Greenland was involved in the illegal drug
13 trade. The police operatives made a point of
14 contacting him at one or more of the bars here at
15 Inuvik. They observed him in the course of dividing up
16 some marijuana, and he was quite open about the number
17 of joints that he had for sale.

18 On April 10th, he sold a gram of cocaine to the
19 police agent for \$150. The next day, April 11th, he
20 sold the agent another gram of cocaine for \$150.

21 It is noteworthy in the context of determination
22 of an appropriate sentence that Mr. Greenland's
23 offence consists not merely of one isolated
24 transaction but two separate cocaine transactions and
25 that he was quite willing to sell more cocaine to this
26 customer and that he obviously had a regular steady
27 supply of cocaine and marijuana. Mr. Greenland was

1 engaged in a commercial enterprise and by his own
2 admission, dealt directly with the main supplier in
3 the town of Inuvik.

4 It is pointed out to me that Mr. Greenland was
5 only 19 years of age when he committed this offence in
6 April of 2002. Indeed, it appears that he was young,
7 immature, and foolish when he decided to get involved
8 in this commercial enterprise.

9 Mr. Greenland is not a stranger in Court. In
10 December 1998, he was convicted in Youth Court for
11 three break and enter offences and sentenced to nine
12 months open custody. Because of that, he had to have
13 known that there are consequences for breaking the law
14 and for doing harm to the community.

15 I will not repeat here what I have just said in
16 sentencing Mr. Blake about the prevalence of this
17 crime of trafficking in cocaine in this jurisdiction
18 and the havoc that it is causing to the social fabric
19 of our northern communities, added to already
20 overwhelming social problems, but I adopt those
21 remarks for Mr. Greenland's sentencing without again
22 repeating them.

23 I will repeat that the usual sentence for this
24 offence in this jurisdiction, in recent months and
25 years, is a significant jail term. There have
26 regrettably been a number of 19 and 20 year olds, like
27 Pat Greenland, who have been before the Court in

1 exactly the same predicament as Pat Greenland. In that
2 sense, there is nothing unusual about his situation or
3 his circumstances.

4 I am asked to consider imposing a conditional
5 sentence under Section 742.1 of the *Criminal Code*
6 instead of actual incarceration. In making this
7 request, counsel submits that under the current
8 sentencing landscape in the criminal law of Canada, a
9 conditional sentence is available for the offence of
10 trafficking in cocaine and cites in support of this
11 assertion, in particular, the decisions of the Alberta
12 Court of Appeal in Beaudry and Rahime.

13 I acknowledge that a conditional sentence is
14 available for the offence which Mr. Greenland has
15 committed, however, the statutory prerequisites in
16 Section 742.1 must be present before a conditional
17 sentence can be considered.

18 Upon consideration of the circumstances of the
19 offence here and of this offender, I am not satisfied
20 that allowing Mr. Greenland to serve his sentence in
21 the community would be consistent with the fundamental
22 purpose of sentencing and the principles of
23 sentencing. I reiterate that Pat Greenland was engaged
24 in an ongoing enterprise, a pattern of illegal
25 activity which was harmful to the community and not
26 one isolated transaction to a friend or a social
27 transaction. In these circumstances, allowing

1 Mr. Greenland to serve his sentence in the community
2 would hardly promote an acknowledgment of the harm
3 done to the community, nor would it serve to
4 adequately denounce this pattern of unlawful behaviour
5 which comprises the offence and its surrounding
6 circumstances. Allowing Mr. Greenland's sentence to be
7 served in the community would also offend the
8 principle of parity in sentencing as there are simply
9 no reasons or special circumstances to deviate from
10 sentences imposed on similar offenders for similar
11 offences.

12 I decline to impose a conditional sentence as I
13 find that the statutory prerequisites are not present.

14 Please stand, Mr. Greenland.

15 Pat Greenland, for the crime that you have
16 committed, trafficking cocaine contrary to
17 Section 5(1) of the *Controlled Drugs and Substances*
18 *Act*, it is the sentence of this Court that you be
19 imprisoned for a period of ten months. In addition,
20 there will be the mandatory firearms prohibition order
21 under Section 109 of the *Criminal Code* and a Victim
22 Fine Surcharge of \$35.

23 You may be seated.

24 Now, counsel, is there anything further on either
25 of these matters?

26 MS. SMALLWOOD: Nothing, sir.

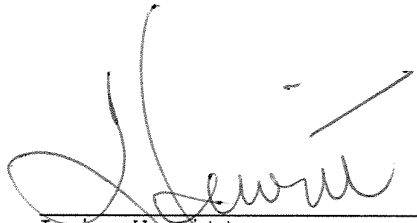
27 MR. MACFARLANE: No, sir.

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THE COURT: Thank you, we will close court.

(AT WHICH TIME THE ORAL REASONS FOR SENTENCE CONCLUDED)

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



Lois Hewitt,
Court Reporter