

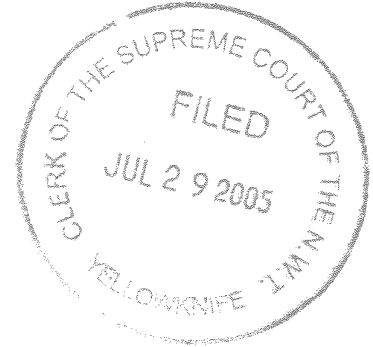
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

JEREMY RYAN HANSEN



Transcript of the Oral Reasons for Sentence by the Honourable Justice J.E. Richard, sitting at Inuvik, in the Northwest Territories, on July 19th, A.D. 2005.

APPEARANCES:

Mr. B. Lepage: Counsel for the Crown
Mr. J. MacFarlane: Counsel for the Accused
(Charge under s. 5(4) CDSA)

1 THE COURT: Jeremy Ryan Hansen now pleads
2 guilty to trafficking in marijuana contrary to
3 section 5(4) of the *Controlled Drugs and*
4 *Substances Act*. His crime consists of
5 participation in the transport of a quantity of
6 marijuana from Edmonton, Alberta to Inuvik for
7 purposes of resale here in Inuvik and in the
8 Delta region in September, 2003.

9 The RCMP in Inuvik acted on a tip and were
10 able to seize the marijuana shortly after its
11 arrival in Inuvik. This offender, Jeremy Hansen,
12 was arrested. He gave a voluntary statement to
13 the police in which he admitted that he agreed to
14 receive the marijuana and to sell it in order to
15 make money. He was hoping to make 1,000 to
16 \$5,000, which he said he intended to put into a
17 special savings account for his young son.

18 In his statement to police he said he
19 expected that the unnamed supplier down south
20 would send him one or two pounds of marijuana and
21 that he was to pay a local drug dealer, Norman
22 Walper, for it. What was shipped to him,
23 however, was close to eight pounds of marijuana,
24 or just under three kilograms. In September,
25 2003 that amount of marijuana would have a value
26 at the dealer's level of approximately \$28,000
27 here in Inuvik.

1 I am satisfied from my review of the voir
2 dire evidence earlier this year that Jeremy
3 Hansen was, indeed, taken in or taken advantage
4 of by Norman Walper and/or others on the issue of
5 the amount of marijuana they were going to
6 transport into Inuvik with Jeremy Hansen's
7 involvement and participation. One of the
8 lessons that I am sure Jeremy Hansen has learned
9 from this experience is that you cannot trust
10 anyone in the drug business.

11 But Jeremy Hansen was no innocent dupe.
12 Just as the other drug dealers took advantage of
13 him, he himself took advantage of his employer,
14 Northwest Transport, and his boss, Robin
15 McConville, by using his employer's business and
16 his employment benefits of free freight
17 privileges to bring what he knew to be illicit
18 marijuana into Inuvik in a company truck with his
19 boss's permission.

20 He admitted to the police that he used to
21 sell joints when he was in high school and he did
22 that then in order to have access to marijuana
23 for his own use, but he said he stopped selling
24 in high school when his mother told him the
25 police were on to him and he got scared. But in
26 September, 2003 he was given the opportunity to
27 get involved in larger transactions which would

1 see him make profits of up to \$5,000, and he
2 thought about it, he said, and he thought about
3 it and he decided to do it, knowing the risks.
4 As he said to the police, "You can't get anywhere
5 without taking chances." So Jeremy Hansen took
6 his chances and now he has had this serious
7 charge hanging over his head for about two years
8 and now today he has to pay the price.

9 This young man has no criminal record. He
10 is of Inuvialuit descent, born and raised here in
11 Inuvik, 20 years old at the time of committing
12 this offence in September, '03. He is a high
13 school graduate and has maintained steady
14 employment since leaving high school. He is
15 married with a young child, owns his own home,
16 makes the mortgage payments.

17 His family and his in-laws, I am told, are
18 supportive of him. His present employer and even
19 his previous employer, Mr. McConville, whom he
20 took advantage of, speak positively of him and of
21 his work ethic. Upon his arrest, he was
22 cooperative with the police and readily accepted
23 responsibility for his role in this crime and
24 stated that he was prepared to accept the
25 consequences, including jail time.

26 He exercised his right to a Preliminary
27 Inquiry and he also exercised his right to

1 challenge the validity of the RCMP seizure of the
2 drugs and to challenge the admissibility of his
3 statement to police. When these rulings went
4 against him, he then indicated his intention to
5 plead guilty.

6 It cannot be said that his guilty plea
7 yesterday is an early guilty plea or a guilty
8 plea at the first opportunity, coming, as it
9 does, some 22 months after he was charged. But I
10 am satisfied that his apology to his family, to
11 Mr. McConville, to the community and to the Court
12 is genuine and that he is sincere in his
13 acknowledgement of his own wrongdoing, of his
14 taking responsibility for making a wrong
15 decision. I have the clear sense that we will
16 not see Mr. Jeremy Hansen in court again in the
17 future.

18 The maximum sentence for this crime is five
19 years' imprisonment.

20 There are two aggravating features or
21 circumstances. Firstly, there is the large
22 amount of marijuana that was transported (and
23 therefore trafficked) with his direct
24 involvement. Secondly, there is the fact that in
25 committing the crime he took advantage of his
26 employer, in particular Mr. McConville, and got
27 his employer involved or implicated in this

1 illegal scheme.

2 There are strong mitigating factors that
3 must act to soften the sentence to be imposed.
4 He is a youthful and a first-time offender. It
5 appears he is otherwise of good character and he
6 has the support of his family and others in the
7 community. He maintains steady employment and
8 provides for his wife and child. He accepts full
9 responsibility for his wrongdoing and has already
10 begun to rehabilitate himself.

11 Taking into consideration all of these
12 circumstances, in my view an appropriate sentence
13 in this case is a sentence of 12 months.

14 Through his defence counsel, the offender
15 seeks a conditional sentence; that is, that he be
16 allowed to serve his sentence in this community
17 rather than in a jail cell in Yellowknife or Hay
18 River.

19 After much deliberation, I have decided that
20 the prerequisites in section 742.1 for the
21 granting of a conditional sentence are present in
22 this case.

23 There is no statutorily prescribed minimum
24 sentence for this crime. The sentence to be
25 imposed is less than two years' imprisonment.
26 Allowing this non-violent, first-time, youthful
27 and remorseful offender to serve his sentence in

1 the community would not endanger the community.

2 Would a conditional sentence be consistent
3 with the fundamental purposes and principles and
4 objectives of sentencing? In my view, it would
5 be consistent with the principle in section 718.2
6 that actual incarceration be imposed as a
7 sanction of last resort only when other sanctions
8 are not available or appropriate. In my view, a
9 conditional sentence in this particular case
10 would not offend the principles of parity or
11 proportionality, because I view this case as
12 rather unique. That is, I am unaware of a case
13 of a similar offence and similar offender with
14 the particular circumstances here and this
15 offender's particular degree of culpability or
16 moral responsibility.

17 The Crown, not unexpectedly, expresses a
18 concern that a conditional sentence would not be
19 consistent with the principle of general
20 deterrence. But the Supreme Court of Canada
21 stated in the *Proulx* decision that a carefully
22 crafted conditional sentence can, indeed, reflect
23 denunciation and deterrence.

24 In my view, there will be a deterrent and
25 denunciatory effect of a conditional sentence
26 with strict conditions, such as a curfew or house
27 arrest in a small community like Inuvik where the

1 offender is well-known and where the sentence can
2 be under the close scrutiny of a supervisor and,
3 if necessary, the police. So although, as I say,
4 it is not without some careful deliberation, that
5 I have decided that in the particular
6 circumstances, perhaps unusual circumstances of
7 this case, and in the observations and
8 conclusions I have drawn about the sincerity of
9 this offender's acknowledgement of wrongdoing
10 that I will exercise my discretion by allowing
11 him to serve his sentence in the community of
12 Inuvik rather than in a correctional centre in
13 Yellowknife or Hay River.

14 Please stand, Mr. Hansen. Jeremy Hansen,
15 for the crime that you have committed, it is the
16 sentence of this Court that you serve a sentence
17 of 12 months' imprisonment. Pursuant to section
18 742.1 the sentence will be served in the
19 community pursuant to the following conditions:
20 You will keep the peace and be of good behaviour.
21 You will appear before this Court when required
22 to do so. You will report to a supervisor within
23 two working days and thereafter as required by
24 the supervisor. You will remain within the
25 Northwest Territories unless written permission
26 to go outside the jurisdiction is obtained from
27 the Court or the supervisor. You will notify the

1 supervisor in advance of any change of name or
2 address and promptly notify the supervisor of any
3 change of employment or occupation.

4 You will perform 200 hours of community
5 service work, 100 hours in each of the first and
6 second six months of your sentence as directed by
7 the supervisor, including participation in talks
8 or counselling sessions for young persons as
9 directed by your supervisor.

10 You will be subject to a curfew at your
11 place of residence. Can I have the residence,
12 street address, please?

13 MR. MacFARLANE: 33 Kingmingya, sir.

14 THE COURT: 33 Kingmingya, from 7 p.m. to
15 7 a.m. every day. The only exceptions will be
16 for medical or other emergencies for yourself or
17 your immediate family and with the express
18 permission of the supervisor. You will not be in
19 possession of illegal drugs at any time and you
20 will attend whatever counselling, therapy or
21 rehabilitation sessions as directed by your
22 supervisor.

23 There will be a victim fine surcharge of
24 \$100 to be paid within seven days.

25 Mr. Hansen, I am going to ask your lawyer,
26 Mr. MacFarlane, to explain to you after court,
27 explain to you carefully the consequences to you

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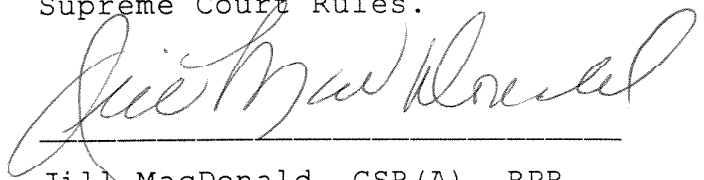
of any breach of any one of these conditions during the 12-month sentence, because there are serious consequences.

I want you to remain here after court until you have received a copy of the order and until the Clerk, with the assistance of Mr. MacFarlane, has explained to you in particular the provisions of section 742.4 and 742.6 of the Criminal Code.

Now, Mr. Hansen, some people will say that I have been too lenient with you for the serious crime that you have committed, but I am satisfied you have already learned from your mistake, and also that a 12-month curfew in this small town will not be easy - so don't let me down, don't let your family down again, and show your community that you have learned from your mistake. Good luck to you.

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



Jill MacDonald, CSR(A), RPR
Court Reporter