

R. v. Mercredi Williamson, 2010 NWTSC 54

S-1-CR-2010-000023

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

ORA MERCREDI WILIAMSON

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Transcript of the Sentencing by The Honourable Justice  
D. M. Cooper, at Yellowknife in the Northwest Territories,  
on 7th day of June A.D., 2010.

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APPEARANCES:

Ms. A. Racine: Counsel for the Crown

D. L. Rideout, Esq.: Counsel for the Accused

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Charge under s. 4(1) Controlled Drugs and  
Substances Act

1 THE COURT: Thank you. Ora Williamson  
2 Mercredi has pleaded guilty to possession of a  
3 controlled substance, namely cocaine, pursuant to  
4 Section 4(1) of the Criminal Code where the  
5 potential penalty is seven years in gaol. The  
6 offence occurred on the 11th of March 2009 in  
7 Yellowknife. The Crown has cited the cases of  
8 Regina v. Martel and Regina v. Grandjambe in  
9 support of the submission for a short period of  
10 incarceration to be coupled with a year's  
11 probation. The Defence submits that a suspended  
12 sentence with a period of probation is  
13 appropriate given the personal circumstances of  
14 the offender and the circumstances surrounding  
15 the commission of this offence.

16 The facts, as I understand them, are that  
17 the offender was 18 years of age at the time,  
18 that she was walking down the street in  
19 Yellowknife when she ran into some individuals  
20 who I take it were also charged and therefore  
21 co-accused, who asked that she join them in a  
22 motel room. To enable her to remain in the room  
23 after the hotel's curfew she registered as a  
24 guest.

25 The R.C.M.P. as it happened had the room  
26 under surveillance and on March 10th noticed many  
27 people coming and going from the room and other

1 evidence pointed to the inevitable conclusion  
2 that those in the room were selling drugs,  
3 specifically cocaine. Police obtained a search  
4 warrant and exercised that forcibly in the early  
5 morning hours of March 11th. While gaining entry  
6 the Co-Accused McNeilly threw a quantity of drugs  
7 and money at Ms. Wiliamson Mercredi and told her  
8 to hide it saying that they wouldn't search her.  
9 The quantity of drugs involved is 9.7 grams of  
10 cocaine and \$4000. Ms. Wiliamson Mercredi had  
11 known what was going on in the room but had  
12 previously taken no part in the activity herself.  
13 She was consuming alcohol. The drugs and money  
14 she secreted on her person were subsequently  
15 found by the police in her undergarments.

16 Her Presentence Report is highly favourable.  
17 She has a job as an administrative assistant with  
18 the A'Kaitcho Treaty 8 Impact Benefits Agreement  
19 office and is well regarded for her work and  
20 reliability. She's been going to school to  
21 complete her Grade 10 education, hopes to  
22 matriculate in the near future. Her teacher  
23 speaks highly of her intelligence, commitment and  
24 potential. She's attending a youth leadership  
25 program in N'dilo part of which involves a  
26 healing journey. She's contrite, remorseful and  
27 she's pleaded guilty. She has no criminal

1 record. She's described by the probation officer  
2 who's in court and who has been of great value to  
3 the court - thank you - as "mature", "polite". I  
4 have had the benefit of hearing the Accused  
5 address the court, and I'm satisfied that Ms.  
6 Williamson Mercredi is on her way, well on her way  
7 to becoming a solid law-abiding citizen and that  
8 this experience has been a shrill wake-up call  
9 for her.

10 I consider the risk of her re-offending to  
11 be minimal. Her mother and a stepmother are in  
12 court today to offer their support. Her life to  
13 date has been characterized by deep sadness of  
14 not having had a stable home and unable to be  
15 with her mother to whom she is deeply attached.  
16 She's lived in a number of different foster homes  
17 and has had to absorb many grievous emotional  
18 blows in succession from a young age. I can  
19 understand why she may have turned to drinking in  
20 her despondency and lost her way; but that is  
21 done, and it is now for me to impose a fit and  
22 proper sentence on Ms. Williamson.

23 Generally this kind of offence will call for  
24 a jail sentence. Our courts take an exceedingly  
25 dim view, and I say that as an understatement, of  
26 offences involving drugs and particularly those  
27 involving the sale or possession for sale of hard

1 drugs like cocaine, but this offender was a,  
2 largely the dupe, and but for the fact that she  
3 exercised bad judgment in trying to hide the  
4 drugs on her person, she may not have been here  
5 today as her intention to have possessed the  
6 drugs would have been in question. Or had the  
7 quantity of drugs been smaller and had she been  
8 totally oblivious to the trafficking in cocaine  
9 that was going on around her a discharge might  
10 even have been appropriate.

11 Unfortunatly in the circumstances it is  
12 not, but given her personal circumstances and the  
13 unique facts in this case as I've outlined them,  
14 I consider her rehabilitation to be the principle  
15 requiring emphasis by the court here and not  
16 personal or general deterrence and denunciation.  
17 The Martel and Grandjambe cases involved older  
18 women who were addicts and involved even  
19 peripherally in the drug trade and subculture.  
20 This is not the case with Ms. Wiliamson.

21 In the unique circumstances of this case and  
22 given the excellent rehabilitative prospects of  
23 this young woman I'm going to impose the  
24 following sentence. Will you stand up please,  
25 Ms. Wiliamson. I'm going to suspend the passing  
26 of sentence on you, and I'm going to place you on  
27 probation for a period of six months. The terms

1 of your probation in addition to the what we call  
2 the usual statutory terms will be that you have  
3 no contact whatsoever with Dean McNeilly, Joshua  
4 Moore, Corey Bloomstrand and Dakota Jerome. You  
5 understand that?

6 THE ACCUSED: I understand.

7 THE COURT: I've heard from your  
8 lawyer that you have avoided consorting with  
9 these individuals since this happened and so this  
10 should not be an onerous provision for you to  
11 follow. It would be deeply disappointing if you  
12 did.

13 You're not to be in possession of any drugs  
14 other than nonprescription drugs or simple  
15 over-the-counter drugs that you can purchase in a  
16 pharmacy.

17 During this period of probation you're to  
18 perform 60 hours of community service work which  
19 will be arranged by your probation officer. You  
20 are to report to your probation officer within  
21 48 hours of today and to participate in such  
22 programs or activities as may be recommended to  
23 you and as I have said to perform community  
24 service work that I have ordered you to perform.  
25 You are working?

26 THE ACCUSED: Right.

27 THE COURT: I'm going to impose a

1 victim's impact surcharge here of \$100. You'll  
2 have 30 days to pay that.

3 THE ACCUSED: All right.

4 THE COURT: And that goes to help  
5 victims of crime. The drugs shall be destroyed  
6 at the end of the appeal period and the \$4000  
7 seized from you, Ms. Mercredi, will be forfeit to  
8 the Crown.

9 Is there anything else we need to address  
10 here, counsel?

11 MS. RACINE: The charge pursuant to  
12 section 5(2) of the Controlled Drugs and  
13 Substances Act is withdrawn, Your Honour.

14 THE COURT: I beg your pardon?

15 MS. RACINE: The section 5(2) of the  
16 Controlled Drugs and Substances Act is withdrawn  
17 by the Crown.

18 THE COURT: Thank you. In case I  
19 didn't do it previously, Madam Clerk, I will  
20 record, I'll ask you to record the conviction  
21 under section 4(1).

22 Is there anything else, Mr. Rideout?

23 MR. RIDEOUT: Nothing further, Your  
24 Honour. Thank you.

25 THE COURT: Well, Ms. Mercredi, your  
26 lawyer will tell you that in a period of years if  
27 you behave yourself that you will have an

1 opportunity to apply to have your record here  
2 expunged. In the meantime I suspect you will be  
3 unable to travel abroad, certainly the United  
4 States, and that's an unfortunate perhaps but in  
5 a way, small price to pay. The court has  
6 accepted the submissions made to it by your  
7 counsel, but I think you owe a debt of gratitude  
8 to him, and I hope that the faith that he has and  
9 others who have come here today and I have and  
10 what has been said on your behalf is not  
11 misplaced.

12 THE ACCUSED: Thank you.

13 THE COURT: I hope you will stick to  
14 the straight and narrow path. Good luck to you.

15 THE ACCUSED: Thanks.

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20 PROCEEDINGS CONCLUDED

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1 CERTIFICATE OF TRANSCRIPT

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I, the undersigned, hereby certify that the  
6 foregoing pages are a true and faithful transcript  
7 of the proceedings taken down by me in shorthand and  
8 transcribed from my shorthand notes to the best of my  
9 skill and ability.

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Dated at the City of Edmonton, Province of  
11 Alberta, this 24th day of June, 2010.

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D. Sirman, CSR(A)

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Official Court Reporter/

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Examiner

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