

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

PAUL EVERETT LAWRENCE

Transcript of the Reasons for Sentence by The Honourable
Justice V.A. Schuler, at Yellowknife in the Northwest
Territories, on December 21st A.D., 2010.

APPEARANCES:

Mr. A. Godfrey: Counsel for the Crown
Ms. C. Wawzonek,
agent for Mr. M. Hansen: Counsel for the Accused

Charge under s. 5(2) Controlled Drugs and Substances Act

1 THE COURT: Paul Everett Lawrence has
2 entered a guilty plea and is now convicted of
3 possessing cocaine for the purpose of
4 trafficking.

5 The admitted facts are that on August 10,
6 2010, the RCMP received information that
7 Mr. Lawrence, who is known to be associated with
8 a gang called Family First, was bringing drugs
9 by bus from Alberta to Hay River, Northwest
10 Territories, and then on to Yellowknife. The
11 police arrested Mr. Lawrence at the Hay River
12 bus station. When he was searched in cells, he
13 was wearing boxer shorts with each leg taped
14 closed with tape around his upper thigh. When
15 questioned he said that the tape was "for
16 support". He was asked to remove his boxer
17 shorts, turn around and bend over and when he
18 did so, a plastic bag fell from between his
19 buttocks. It contained what was later
20 determined to be crack cocaine.

21 Inside the bag were four separate plastic
22 bags, each of which contained ten pieces of
23 crack cocaine, each weighing between .03 and .05
24 grams, for a total of 16.7 grams. The
25 street-level resale value of the individual
26 packages was approximately 100 to \$120 per piece
27 for a total approximate value of \$4800. Various

1 other items connected with the drug trade were
2 also found on Mr. Lawrence as well as over \$400
3 in Canadian and US cash.

4 Mr. Lawrence is 23 years old and has a
5 Grade 10 education. He is an aboriginal man
6 from Alberta. He is single and the father of a
7 seven-month-old daughter. He has worked in the
8 past as a maintenance worker and a teacher of
9 arts and crafts.

10 He has family members who went through the
11 residential school experience and it was said by
12 his counsel that this has affected his
13 upbringing and his outlook on life but that he
14 realizes now that he has a child that he has to
15 change that outlook. I do note, however, that
16 the child would have been born before he
17 committed the offence for which I am now going
18 to sentence him so it has taken him some time to
19 realize that he needs to change his outlook.

20 Mr. Lawrence has a very lengthy record,
21 commencing in 2002 as a youth. There are a
22 number of property offences and offences of
23 breaching court orders but of more concern are
24 the offences connected to weapons and violence
25 especially because of Mr. Lawrence's gang
26 connections, although there is no information
27 before me as to whether those offences were in

1 fact connected to his being a gang member. He
2 has recent such convictions as an adult in May
3 of 2010.

4 As far as offences relating to the one
5 before the Court now, he has three convictions
6 in 2008 for drug possession. He received a fine
7 on each of those.

8 The only mitigating factor is the guilty
9 plea. Although Mr. Lawrence had a preliminary
10 hearing, the guilty plea has come at a very
11 early opportunity considering that it is only a
12 little more than four months after the date of
13 the offence. So the guilty plea will be given
14 considerable credit.

15 I also take into account the four months
16 that Mr. Lawrence has been on remand.

17 The aggravating factors are that
18 Mr. Lawrence was bringing the drugs into the
19 Northwest Territories and he was bringing a
20 fairly significant amount of drugs. These drugs
21 were destined for the streets of Hay River and
22 Yellowknife.

23 I have recently read out in court, in
24 another case, the words said by my colleague
25 Justice Richard in the case of R. v. Turner,
26 2006 NWTSC 64, and I will read them again,
27 because Mr. Lawrence should understand and know

1 what cocaine is doing to the communities and the
2 people in this territory. And this is what he
3 said:

4 The illegal trade in cocaine and
5 crack cocaine in Yellowknife has
6 had a devastating effect on the
7 people and on the social life of
8 our community. We know this
9 because of the many cases that come
10 before the courts where we see the
11 snowball effect on the commission
12 of crimes in this community. We
13 see thefts, break and enters,
14 assaults, domestic violence, and we
15 have seen homicides - all related
16 to cocaine addiction. We have seen
17 broken families and we have seen
18 destroyed lives. It has been said
19 many times in this courtroom that
20 the illegal crack cocaine trade is
21 like a plague which has infested
22 the social fabric of our community.
23 Those who are involved in the
24 supply and sale and trafficking of
25 cocaine are like vultures or
26 predators who are preying upon
27 those weak members of the community

1 who are addicted to this drug. The
2 traffickers are doing this
3 presumably for profit, or money.
4 They apparently have no scruples
5 about preying upon vulnerable
6 people. For this reason alone,
7 they ought to be punished. They
8 are doing so even though there is a
9 risk that they will end up in jail
10 for a substantial period of time.

11 I concur with those remarks.

12 And I have to say that it strikes me as
13 ironic, and also sad, Mr. Lawrence, that your
14 lawyer referred to members of your family having
15 gone through the residential school experience
16 and how that has affected your life. Yet, by
17 bringing drugs here, had they hit the street,
18 you would have added more misery to the lives of
19 people, some and perhaps even many of whom,
20 would have also suffered as a result of the
21 residential school experience, either their own
22 experience or that of their parents, and the
23 cocaine would have just added to their problems
24 and it would not just have added to their
25 problems but would have created problems for
26 their children who may end up neglected or worse
27 because of their parents' drug habit. So you

1 would have been contributing to what is already
2 a very difficult and unhappy life for many many
3 members of our community, members of the
4 Northwest Territories' larger community.

5 The gang connection is also an aggravating
6 factor.

7 For the offence of possession of narcotics
8 for the purpose of trafficking, the Controlled
9 Drugs and Substances Act provides that the
10 maximum sentence is life imprisonment. Because
11 of the havoc that cocaine has wreaked, this
12 Court has generally imposed sentences of
13 imprisonment to address the principles of
14 denunciation and deterrence and proportionality.

15 In this case, Crown and defence made a
16 joint submission for a sentence of two and a
17 half years in jail less the remand time. Under
18 the new legislation, the remand time would
19 attract a one to one credit and so the sentence
20 they propose, I impose today, is 26 months.

21 Considering the circumstances and
22 Mr. Lawrence's lengthy record, even though it is
23 primarily not for drug offences, the joint
24 submission is, in my view, at the lower end of
25 the usual range. However, I am prepared to
26 accept it as it is within the range.

27 Stand please, Mr. Lawrence.

1 I sentence you today, therefore, to 26
2 months in jail.

3 There will be a firearm prohibition order
4 in the usual terms to begin today and end ten
5 years after Mr. Lawrence's release from
6 imprisonment.

7 The drugs seized, the address book, the dog
8 spray, the cell phone, and the Canadian and US
9 cash will all be forfeited.

10 In the circumstances the victim surcharge
11 is waived.

12 Now, counsel for Mr. Lawrence indicated
13 yesterday that Mr. Lawrence wants to serve his
14 time here in the Northwest Territories because
15 in Alberta there are more likely to be inmates
16 connected with gangs in the jails. And that may
17 well be the case but I am going to leave that
18 decision as to where he serves his time to the
19 correctional authorities. They may feel that it
20 is preferable not to have inmates with gang
21 connections in the prison population here.
22 Although Mr. Hansen did not specifically ask for
23 a recommendation from the Court, I wanted to
24 address that since he did raise it here in his
25 submissions.

26 And, Mr. Lawrence, I just want to emphasize
27 that your lawyer did make the submission about

1 your own background and the residential school
2 experience amongst your family members. So I
3 want you to realize, and I want you to think
4 about the fact that we have a lot of people in
5 this territory who suffered greatly from the
6 residential school experience. And I don't know
7 if you have made the connection but, as I said,
8 you would have simply been making their lives
9 even more miserable than what some of them are
10 already suffering through, so please think about
11 that. And if you are serious about turning your
12 life around, and I hope that you are, give some
13 thought to the fact that you are part of a
14 community that has probably suffered more than
15 its share, and don't be a contributor to that.

16 THE ACCUSED: Yes.

17 THE COURT: You may sit down.

18 Is there anything further, counsel?

19 MR. GODFREY: I don't believe so.

20 MS. WAWZONEK: No, Your Honour thank you.

21 THE COURT: Thank you, both, very much
22 for appearing today.

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accurate transcript pursuant
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Supreme Court Rules,

Lois Hewitt, CSR(A), RPR, CRR
Court Reporter