

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

JUSTIN TAGGART

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Transcript of the Reasons for Sentence by The Honourable  
Justice L. A. Charbonneau, at Yellowknife in the Northwest  
Territories, on December 3rd A.D., 2012.

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APPEARANCES:

Mr. A. Godfrey: Counsel for the Crown

Mr. A. Gill: Counsel for the Accused

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

1 THE COURT: Earlier this week,  
2 Mr. Taggart entered guilty pleas to two counts  
3 of trafficking in cocaine and today it is my  
4 responsibility to impose a sentence on him for  
5 those offences.

6 A joint submission has been presented by  
7 counsel when we did the sentencing hearing and  
8 for those who were here, obviously counsel and  
9 Mr. Taggart, but also members of his family  
10 who were there and are here today, they will  
11 have heard that I expressed some concern about  
12 that joint submission. But I do want to say  
13 at the outset that after having given this  
14 much much thought and consideration, I have  
15 decided to follow the joint submission. In  
16 other words, I have decided to agree with what  
17 has been suggested by counsel. But now I am  
18 going to give some additional reasons and I  
19 hope that even though I have chosen not to  
20 leave Mr. Taggart hanging for a few extra  
21 minutes wondering what I would do with this  
22 case, I do hope that he will listen carefully  
23 to what I am about to say.

24 The circumstances of these offences are  
25 quite straightforward.

26 In November 2010, the RCMP engaged in an  
27 operation whereby they were investigating

1 street-level drug trafficking in the city of  
2 Yellowknife. As part of this operation, they  
3 decided to use undercover police officers.

4 Mr. Taggart was one of the targets who had  
5 been identified prior to the undercover part  
6 of the operation.

7 On November 9th, police learned from an  
8 informant that Mr. Taggart was involved in  
9 what is commonly referred to as a dial-a-dope  
10 operation, meaning that he was selling cocaine  
11 using a cell phone.

12 On two separate occasions, November 18th  
13 and November 20th, the undercover police  
14 officers were able to purchase cocaine from  
15 him. Each transaction was set up by a very  
16 simple exchange of text messages. The first  
17 transaction was for two grams (the individual  
18 baggies sold did not actually weigh a full  
19 gram, but that is not unusual) and the officer  
20 paid \$200 for it. The second time the officer  
21 asked for three grams and was able to purchase  
22 those for \$300.

23 Mr. Taggart was arrested some time later,  
24 in March 2011, for these offences. I heard  
25 that when the police dealt with him,  
26 Mr. Taggart was polite and cooperative. He  
27 was released on an undertaking with a number

1 of conditions, which included a curfew from 11  
2 p.m. to 7 a.m., which applied unless he was  
3 working nights, as well as a condition that he  
4 not have a cell phone or any other device that  
5 allows text messaging. I am told that he has  
6 complied with those conditions between then  
7 and now, a period of over a year and a half.

8 Crown counsel has gone further and has  
9 advised that he has been able to confirm with  
10 police that as far as they are aware through  
11 their various channels, Mr. Taggart has  
12 removed himself completely from this type of  
13 activity.

14 Mr. Taggart does not have a criminal  
15 record.

16 He was born in September 1991 which means  
17 that he is 21 years old now and was 19 at the  
18 time that he committed these offences.

19 He has grown up in a supportive and loving  
20 environment and is very fortunate to still  
21 have the full support of his family  
22 notwithstanding what he has done. This  
23 support is evidenced in letters that were  
24 filed with the Court earlier this week.

25 The first is from his parents. They  
26 obviously care about their son and support  
27 him. Their letter says that he has always

1 lived with them up until June 2011, that he  
2 did well in school, has worked full-time  
3 consistently since he graduated from high  
4 school, and that he has also been making  
5 efforts to further his education through  
6 distance learning. The letter also says that  
7 they were shocked to hear about these charges.  
8 They believe that Mr. Taggart's behaviour at  
9 the time was completely out of character and  
10 they also believe that he now understands the  
11 seriousness of his actions and that he will  
12 not do anything like this again.

13 There is another letter from a person  
14 named Barb Watson who writes that she has  
15 known Mr. Taggart for three years and knows  
16 him as a very active person who enjoys the  
17 outdoors, does not party or hang around in  
18 bars. She has always known him to be a quiet,  
19 hard working young man.

20 There is also a letter from the supervisor  
21 of Facility Services at Stanton Yellowknife  
22 Hospital that indicates that Mr. Taggart is  
23 employed full-time at that facility. A copy  
24 of an offer of employment that relates to his  
25 current job has also been filed. The position  
26 is described as a full-time casual position  
27 which, according to the document, expires in

1 February 2013, but I know that those jobs are  
2 often renewed from term to term.

3 I was also advised that Mr. Taggart has a  
4 girlfriend and has been in that relationship  
5 for two years.

6 The picture that this information paints  
7 of Mr. Taggart is very positive and, by all  
8 accounts, the picture of a stable, healthy,  
9 hard working and functional young man - not  
10 just since he was charged but going back  
11 years. It is very difficult to understand  
12 what brought him to the point where he would  
13 even consider selling cocaine. It is very  
14 disturbing to think that at the time he was  
15 engaged in this type of activity, he was  
16 living with supportive parents who knew him to  
17 be hard working and was also, at that time,  
18 considered by Ms. Watson to be a quiet and  
19 responsible person.

20 What we know now is that in November 2010,  
21 Mr. Taggart was living somewhat of a double  
22 life. He presented himself as the person that  
23 his parents had always known; yet, somehow, he  
24 had become involved in an underworld that is  
25 not only illegal but terribly destructive. He  
26 became the target of a drug investigation and  
27 when he was contacted by the undercover

1 officers, he responded to their text messages  
2 and was able to bring them a few grams of  
3 cocaine, both times, in fairly short order.

4 There is no explanation before me for this  
5 conduct. Mr. Taggart was not selling to  
6 support an addiction. I have not heard  
7 anything about any particular financial  
8 problems or particular stresses in his life at  
9 the time. As I have already said, he lived at  
10 home and for all intents and purposes  
11 everything seemed to be fine.

12 Why then? To make quick money? Because  
13 of bad influences and wanting to fit in? To  
14 impress new so-called "friends"? To rebel?  
15 To prove something? I don't know. There are  
16 more constructive ways to rebel and more  
17 convincing ways to prove oneself and I hope  
18 that he understands that now.

19 But whatever the reason was, this conduct  
20 has taken Mr. Taggart quite literally to the  
21 doorsteps of a jail. And I sure hope that my  
22 acceptance of the joint submission that was  
23 presented to me in this case will not leave  
24 him or anyone else with the wrong impression  
25 or minimize the seriousness of his conduct.  
26 Because this conduct is very serious. It is  
27 punishable by a maximum of life imprisonment,

1           which is saying something.  If it were not for  
2           the joint submission and for the combination  
3           of circumstances that counsel have put before  
4           me and have convinced me, somewhat reluctantly  
5           I must say, to accept it, Mr. Taggart would  
6           not be leaving this building through the same  
7           door he walked in.  He would be leaving  
8           through the back door in custody and under  
9           escort and he would be heading to the North  
10          Slave Correctional Centre which would become  
11          his home for the next couple of years.  He  
12          would not be the first young man without a  
13          criminal record to leave the courthouse that  
14          way for having trafficked in hard drugs.

15                 Counsel have jointly submitted that a fit  
16          sentence for Mr. Taggart is a jail term  
17          between 18 months and two years less a day,  
18          served in the community under the auspices of  
19          a conditional sentence order, and followed by  
20          probation for one year.

21                 As a sentencing Judge, I am bound by the  
22          law that is stated by our Court of Appeal.

23                 One of the principles in sentencing law is  
24          that a joint submission has to be given  
25          serious considerations by the sentencing Court  
26          and should be followed unless the sentencing  
27          Judge finds that it is clearly unreasonable or



1           unfit. This was decided by our Court of  
2           Appeal in R. v. Wong 2007 NWTCA 5 which  
3           essentially incorporated the principles set  
4           out in R. v. G.W.C. 2000 ABCA 333.

5           The approach has been adopted in other  
6           jurisdictions as well, if described slightly  
7           differently. For example, in Ontario it has  
8           been said that a joint submission should be  
9           followed unless it is contrary to the public  
10          interest and, if accepted, would bring the  
11          administration of justice into disrepute.  
12          R. v. Dorsey (1999) 123 O.A.C. 340.

13          Of course the ultimate decision on  
14          sentencing is the sentencing Judge's, not  
15          counsel. But our Court of Appeal's direction  
16          is that when a joint submission is presented,  
17          it should be followed unless completely  
18          unreasonable or outside of the range. The  
19          reasons that joint submissions are to be  
20          afforded a lot of weight by Judges in the  
21          exercise of their discretionary power are  
22          explained in those cases, and I will not go  
23          over those reasons again.

24          There is, of course, a difference between  
25          the Court giving a joint submission serious  
26          consideration and the Court abdicating its  
27          ultimate responsibility to impose a fit

1 sentence. Courts cannot be seen and should  
2 not be seen as rubber stamping a position  
3 simply because it is jointly presented if that  
4 position is unfit. Courts have to satisfy  
5 themselves that the position is not  
6 unreasonable.

7 For any given offence committed by any  
8 offender, there is always a range of sentences  
9 that will be fit. There is rarely just one  
10 fit sentence for a crime.

11 When considering a joint submission, the  
12 exercise that the Judge has to undertake (if  
13 he or she has some concerns about the joint  
14 position) is to decide whether those concerns  
15 come simply from disagreeing with counsel  
16 about where the sentence should be within the  
17 available range, or, whether it comes from the  
18 conclusion that the position is actually  
19 unreasonable. And although it is simple to  
20 say the words, the exercise itself can be  
21 somewhat delicate.

22 As I have alluded to, it would have been  
23 apparent, I expect, from my exchange with both  
24 counsel during submissions, that the joint  
25 submission creates some discomfort for me.  
26 The reason for that is that I do find it  
27 somewhat difficult to reconcile the position

1 with the jurisprudence in this jurisdiction.  
2 It causes me some concern, in part, because of  
3 the principle of parity, when I compare this  
4 case, for example with the Territorial Court's  
5 decision in R. v. Gosselin 2011 NWTTC 15 and  
6 this Court's decisions in R. v. Turner 2006  
7 NWTSC 67 and R. v. Basson 2000 NWTSC 12. The  
8 concern is not just about parity, though,  
9 because I do recognize, and it is important  
10 always to remember, that sentencing is a  
11 highly individualized process and rarely are  
12 two cases exactly alike. The concern comes  
13 also because of what this Court and others  
14 have said about the seriousness of trafficking  
15 in hard drugs; the sentencing objectives that  
16 are of particular concern and importance when  
17 dealing with sentencing of those who engage in  
18 this activity; the moral blameworthiness that  
19 attaches to people who commit these offences;  
20 and importantly, the ravages that this  
21 activity has caused in our communities. I  
22 know that counsel must recognize this because  
23 they have realistically acknowledged that this  
24 position does constitute a departure from  
25 sentences that are ordinarily imposed in these  
26 cases in this jurisdiction.

27 For example, the Territorial Court was

1           dealing with a situation, not identical but  
2           not completely different either from this one,  
3           in R. v. Gosselin. In that case, the defence  
4           asked for a conditional sentence and the Crown  
5           asked for actual incarceration. Judge  
6           Malakoe, in very thorough reasons addressing  
7           the various applicable sentencing principles,  
8           declined the request for a conditional  
9           sentence in that case.

10           Those same principles led this Court to  
11           reject a joint submission for a conditional  
12           sentence in R. v. Desjarlais 2007 NWTSC 23.  
13           The facts were very different. That case  
14           involved the possession for the purpose of  
15           trafficking of 21 one-gram pieces of crack  
16           cocaine and some cash. The accused was in his  
17           60s but he had no criminal record. He had, up  
18           to then, been an upstanding citizen of  
19           previous good character. So the facts were  
20           different.

21           The reason that I bring that case up is,  
22           because in giving his reasons for rejecting  
23           the conditional sentence that was being  
24           jointly proposed, Justice Richard of this  
25           Court explained why he considered that a  
26           conditional sentence in that case would be  
27           inconsistent with the fundamental purpose and

1 principles of sentencing.

2 One of the things that he noted was that  
3 the sentencing was not just about the offender  
4 before him but that the sentencing was about  
5 the harm that this activity causes in the  
6 community, about the harm that the drugs that  
7 were found in Mr. Desjarlais' possession would  
8 have caused if they had made it to the  
9 streets. And in his comments, Justice Richard  
10 included several examples that are compelling  
11 and are not theoretical. He spoke of real  
12 cases, actual situations that have happened  
13 here in this community.

14 I will suggest, and it may seem unusual  
15 but I will suggest, Mr. Taggart, that you take  
16 the time to read that case. I don't usually  
17 give reading suggestions to people that I  
18 sentence; in fact, I have never done it. But  
19 I do so today simply because in that decision,  
20 as other Judges did in other cases, Justice  
21 Richard talked about examples from this  
22 community, Mr. Taggart's community, and talked  
23 about the impact that the trafficking of hard  
24 drugs have had.

25 It must be understood that this type of  
26 activity causes harm to a lot of people and  
27 places everyone at risk. It is activity that

1           now puts Mr. Taggart and his loved ones at  
2           risk. It could be his house that gets broken  
3           into next. It could be his girlfriend or  
4           family member or a friend who gets assaulted  
5           on the street because someone wants to steal  
6           their phone or laptop or whatever else to get  
7           access to quick money. The community is  
8           harmd by this and the community is not just  
9           other faceless nameless people. The community  
10          is not just others.

11                 All that being said, and having given this  
12          a lot of thought since Monday, I cannot say  
13          that following the joint submission that has  
14          been presented in this case would be contrary  
15          to the public interest or would bring the  
16          administration of justice into disrepute given  
17          the whole of the circumstances that I have  
18          heard, which include Mr. Taggart's age now and  
19          at the time that he committed these offences;  
20          the fact that while there were two separate  
21          incidents they were very closely connected in  
22          time; the guilty pleas; Crown counsel's  
23          explanations about the extensive resources  
24          that would have had to be spent to prosecute  
25          this case given the present location of all of  
26          the witnesses; what defence counsel has said  
27          about there being real triable issues in this

1 case, which is something that the Crown did  
2 not dispute; Mr. Taggart's current situation  
3 and his obviously very good prospects  
4 for rehabilitation; his lack of criminal  
5 record; and his demonstrated ability to comply  
6 with strict release terms while he was on bail  
7 since March of 2011. It is the cumulative  
8 impact of all of these circumstances that has  
9 persuaded me that the joint submission,  
10 despite the concerns that I have talked about,  
11 cannot and should not be characterized as  
12 unreasonable. And so my duty, in law, is to  
13 follow it.

14 But, for the sentence to be consistent  
15 with the fundamental principles and purposes  
16 of sentencing, the conditional sentence must  
17 have a punitive effect. It must create severe  
18 restrictions to Mr. Taggart's freedom.  
19 Conditional sentences are not like probation  
20 and they should not feel like probation, and  
21 the Supreme Court of Canada made this point  
22 very clearly in R. v. Proulx 2000 CSC 5.  
23 Because it is a jail term. The conditions  
24 have to be strict and they have to be punitive  
25 in order to address the sentencing objectives  
26 that they are meant to address and to uphold  
27 the principles of sentencing, particularly,

1 the principle of proportionality.

2 Stand up, please, Mr. Taggart.

3 Mr. Taggart, for these two offences, I  
4 have decided to sentence you to a jail term of  
5 two years less one day on each count but  
6 served together, at the same time. I have  
7 decided to agree with the request that has  
8 been made that you be permitted to serve that  
9 sentence by remaining within the community.  
10 That will be followed by probation for one  
11 year as has been suggested by counsel.

12 There are a lot of conditions I am about  
13 to explain so you may sit down - this is going  
14 to take a while.

15 Now just so you understand, I have mostly  
16 followed the conditions that were suggested by  
17 counsel. You will see I have not followed  
18 exactly the wording that they have suggested  
19 and I have added some things. They are  
20 restrictive conditions. They are punitive.  
21 But that is deliberate because it is that or a  
22 jail cell. And no matter how restrictive I  
23 have made these conditions, it is not going to  
24 be as restrictive as being in jail is. I know  
25 that you understand that.

26 I am going to, for the record, read what  
27 the conditions are and then if there are any



1 questions I will give counsel an opportunity  
2 to address them.

3 First, there are statutory conditions.  
4 They are the ones set out at paragraph (1) of  
5 Section 742.3 of the Criminal Code. This will  
6 be written down and explained to you,  
7 Mr. Taggart, I just have to read them in for  
8 the record.

9 The first is that you have to keep the  
10 peace and be of good behavior. The second is  
11 that you appear before the Court when required  
12 to do so by the Court. The third is that you  
13 report to a supervisor, this means a  
14 conditional sentence supervisor, within two  
15 working days of today's date and thereafter as  
16 that supervisor will require. The next is  
17 that you remain within the jurisdiction of the  
18 Court, so in the Northwest Territories, unless  
19 written permission to go outside that  
20 jurisdiction is obtained from the Court or  
21 from the supervisor. And, finally, that you  
22 notify the Court or your conditional sentence  
23 supervisor in advance of any change of name or  
24 address, and promptly notify the Court or the  
25 supervisor of any change of employment or  
26 occupation.

27 These are mandatory any time a Court gives

1 a conditional sentence to someone. Some of  
2 the other conditions that I am about to read,  
3 especially with respect to address, are  
4 actually more restrictive than that so you  
5 always follow the more restrictive one when  
6 there is an overlap.

7 As far as optional conditions, the first  
8 three are going to be applicable for the whole  
9 duration of the conditional sentence. The  
10 first is that you will complete 240 hours of  
11 community service work. Those are to be  
12 completed within 18 months of today's date.  
13 That's under the law, it is not my  
14 requirement, and that is to be completed under  
15 the supervision and to the satisfaction of  
16 your conditional sentence supervisor. I am  
17 not going to put any other terms as far as X  
18 numbers of hours have to be completed by such  
19 and such date, I think that better to leave  
20 that to be worked out between you and your  
21 conditional sentence supervisor.

22 The second one that will be in force the  
23 whole time is that you participate in any  
24 treatment or counselling program recommended  
25 by your conditional sentence supervisor. It  
26 may be that none is needed, that's just a  
27 fairly standard clause and that is

1 rehabilitative. That is designed to help you  
2 understand what happened here and help you  
3 ensure that it doesn't happen again.

4 The third one is similar to one that you  
5 have been under for some time - that you not  
6 be in possession or use a cell phone,  
7 Blackberry, or other device capable of  
8 electronic text messaging except if required  
9 for employment purposes and if so, with the  
10 prior written permission of your conditional  
11 sentence supervisor.

12 Those conditions will be in force the  
13 whole time.

14 The second clause deals with what has been  
15 referred to as house arrest in the  
16 submissions. I am going to make that  
17 applicable for one year. So until the 6th of  
18 December 2013, you will be on house arrest  
19 which means that you must be inside your  
20 residence at all times, subject to the  
21 exceptions that I will mention later. And  
22 when the Clerk of the Court goes over this  
23 with you, she will ask you what your current  
24 address is, and so we start off with that, and  
25 then other conditions follow if there is ever  
26 a change in that.

27 As part of that, and for the purpose of

1           facilitating the enforcement of that order,  
2           you will not change your address without the  
3           written permission of your conditional  
4           sentence supervisor. You will have on your  
5           person, at all times you are not in your  
6           residence, a copy of your conditional sentence  
7           order. This is simply so people can check.  
8           You will present yourself at the door of your  
9           residence or come to the phone if you are  
10          asked to do so by a peace officer or your  
11          conditional sentence supervisor duly so to  
12          ensure compliance. You can understand that  
13          they cannot be there all the time. But if  
14          they are checking you have to be. Because if  
15          you don't answer, they will assume that you  
16          are not there. And the fourth one is, because  
17          I understand there is some variation in your  
18          work schedule, you will provide every month a  
19          copy of your work schedule to your conditional  
20          sentence supervisor and advise that person of  
21          any changes to that schedule. That is because  
22          I want to make sure that your supervisor knows  
23          when you are supposed to be not in your house  
24          working.

25                 Now, the requirement that you be in your  
26                 residence will be subject to the following  
27                 exceptions provided that you travel directly

1 from your residence to that location and  
2 directly back. I thought of putting  
3 timeframes but I think that is just asking for  
4 difficulties. If you are going somewhere that  
5 you are entitled to go under these exceptions,  
6 you will go from house to place and from place  
7 back to house. Do you understand?

8 These are the purposes for which you will  
9 be permitted not to be in your residence:

10 For the purpose of going to work or for  
11 health care emergencies involving you or  
12 someone who needs your immediate assistance to  
13 get emergency medical treatment; to attend  
14 religious services, if that's something that  
15 you do; to perform the community service work  
16 that you have been ordered to perform; to  
17 attend an educational institution within the  
18 Northwest Territories with the written  
19 permission of your conditional sentence  
20 supervisor; to attend counselling that has  
21 been recommended by your conditional sentence  
22 supervisor; to vote at a municipal, federal or  
23 territorial election - I don't know that we  
24 will have one but you will have the right to  
25 vote if that comes up; with the written  
26 permission of your written conditional  
27 sentence supervisor to attend other programs

1 and services deemed appropriate by your  
2 conditional sentence supervisor. This is to  
3 give your supervisor some flexibility to a  
4 certain extent. The last one is to attend to  
5 shop for the necessities of life for a total  
6 of no more than three hours each week. I have  
7 made it three and not four because I think  
8 that is workable.

9 Now I will be honest with you, I thought  
10 of putting a clause in there requiring you to  
11 actually plan this in advance with your  
12 conditional sentence supervisor. I have  
13 decided against that because it may be that  
14 too many conditions will be counterproductive.  
15 The reason that I was considering that,  
16 Mr. Taggart, is that for all intents and  
17 purposes this is a jail sentence and I did not  
18 want this three hours to turn into some sort  
19 of license to go whenever you want and then  
20 using that condition as the reason for being  
21 out. So I suggest that you keep track of when  
22 you are going out under that clause and so if  
23 anyone comes asking you, you can explain how  
24 you have used it. So that takes care of the  
25 house arrest.

26 The next condition is not one counsel has  
27 suggested. I know it is a punitive condition

1 but, again, it is not nearly as restrictive as  
2 what you would be subjected to if you were  
3 inside a jail.

4 For that first year, you will abstain from  
5 consuming alcohol. In a jail you couldn't so  
6 there is no reason why you should be inside  
7 your house having a party when you are  
8 supposed to be in serving a jail term.

9 The next part is for the second half. So  
10 that is from December 7th, 2013 until the end  
11 of this order.

12 For that period of time you will no longer  
13 be on house arrest but you will abide by a  
14 curfew and be inside your residence between 11  
15 p.m. and 6 a.m. except for employment  
16 purposes. So, again, for the purposes of  
17 enforcement of that part of the order, again  
18 you will not change addresses without the  
19 written permission of your conditional  
20 sentence supervisor. You will come to the  
21 door of your residence or come to the phone if  
22 you are requested to do so by a peace officer  
23 or your conditional sentence supervisor for  
24 the purpose of ensuring your compliance with  
25 the curfew. My understanding is that they are  
26 not in the habit of phoning every night at 3  
27 a.m. to wake you up to make sure that you are,

1 but it is possible depending on how things are  
2 going that they will want to check compliance  
3 with the curfew and if so, you will have to  
4 cooperative. If you are required to work  
5 during your curfew hours, because you have  
6 permission to do that, you will provide in  
7 advance a copy of your work schedule to your  
8 conditional sentence supervisor.

9 And then, finally, after the expiration of  
10 that you will be on probation for one year and  
11 there will be some conditions. And here, for  
12 the most part, I have followed the suggestion  
13 of counsel with one exception.

14 For the period of probation you will keep  
15 the peace and be of good behavior; appear  
16 before the Court when required to do so by the  
17 Court; you will report to your assigned  
18 probation officer. Your conditional sentence  
19 supervisor will help up with that. I am not  
20 sure if the same people effect the same task.  
21 It may be this is seamless, it may be the same  
22 person, but you have to be under the  
23 supervision of a probation officer for that  
24 part. You will advise your probation officer  
25 if you have any changes in name, address,  
26 residence, or employment. You will remain  
27 within the jurisdiction of the Court unless



1           you get permission to go outside the  
2           jurisdiction from the Court or from your  
3           probation officer. You will reside at such a  
4           place as may be approved in writing by your  
5           probation officer. Again, if there is a move,  
6           you need to clear that with them first. And  
7           there will be a continuation of the condition  
8           that you attend treatment or counselling as  
9           recommended by the probation officer.

10           The last thing that I will add to this,  
11           this is over a fairly long period of time, is  
12           I will put a requirement that you do some  
13           community service work under that term as  
14           well. I am not going to make it 240 hours, I  
15           am going to make it 100 hours. Again, I don't  
16           know whether your conditional sentence  
17           supervisor (and later probation officer) if  
18           something can be worked out that will be truly  
19           useful to the community and might even include  
20           raising the awareness of people your age or  
21           around your age about this problem and the  
22           problems it causes.

23           The Crown has also sought ancillary  
24           orders. There will be a DNA order. This is a  
25           primary designated offence.

26           There will be a firearms prohibition order  
27           that will commence today and expire ten years

1 from now.

2 I will also impose what is called a victim  
3 of crime surcharge that is provided for in the  
4 Criminal Code. It is \$100. This is something  
5 that can be ordered as part of a sentence for  
6 an indictable offence. The money goes to a  
7 fund to assist victims of crime. This is not  
8 a victimless crime so I consider since  
9 Mr. Taggart has been working and will continue  
10 to be working, there is no basis to waive it.

11 There will also be an order for the  
12 destruction of any exhibits that were seized  
13 in this investigation at the expiration of the  
14 appeal period.

15 All of this will be explained to you again  
16 by the clerk. It is very important that you  
17 remember, as your counsel pointed out, that  
18 any breach of any of the conditions of the  
19 conditional sentence order, one of the  
20 possible consequences of that is that the rest  
21 of the sentence gets served inside a jail.  
22 And I can tell you, it would of course depend  
23 on the circumstances and the explanations for  
24 the breach, but people who are bound by a  
25 conditional sentence order are on very very  
26 thin ice if they breach some of the  
27 conditions. Do you understand?

1 THE ACCUSED: (Affirmative nod).  
2 THE COURT: All right. Is there  
3 anything that I have overlooked or that I have  
4 not made clear?  
5 MR. GILL: Not from my perspective,  
6 thank you.  
7 MR. GODFREY: Neither am I, thank you.  
8 THE COURT: Mr. Taggart, I will say  
9 again you are very very fortunate to have  
10 people that support you. I see a lot of  
11 people come to court being sentenced without  
12 any support. And there are also many people  
13 who don't have the chance of having grown up  
14 in a loving, supportive environment. So you  
15 have a lot going for you so don't waste it. I  
16 really really hope I never see you again in a  
17 courtroom. It would very disappointing and I  
18 am sure it would be crushing for those people  
19 who are here today supporting you. But I do  
20 wish you luck. We will close court.

21 -----  
22 Certified to be a true and  
23 accurate transcript pursuant  
24 to Rules 723 and 724 of the  
25 Supreme Court Rules,  
26 \_\_\_\_\_  
27 Lois Hewitt,  
Court Reporter