

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

JAICOB RANDALL

Transcript of the Reasons for Sentence delivered by
The Honourable Justice S. H. Smallwood, in Yellowknife,
in the Northwest Territories, on May 25, 2015.

APPEARANCES:

Mr. D. Praught: Counsel on behalf of the Crown

Mr. P. Harte: Counsel on behalf of the Accused

Charge under s. 5(1) CDSA

1 THE COURT: Jaicob Randall has entered a
2 guilty plea this morning to one count of
3 trafficking, contrary to the Controlled Drugs and
4 Substances Act.

5 The facts of the offence involve four
6 separate transactions when Mr. Randall sold crack
7 cocaine to an undercover RCMP officer between
8 December 3rd and 5th, 2013. These are outlined
9 in the Agreed Statement of Facts which was filed.

10 The first transaction occurred on December
11 3rd, 2013, and involved the undercover operator
12 contacting a telephone number and arranging to
13 purchase crack cocaine. On that occasion, Mr.
14 Randall sold two pieces of crack cocaine weighing
15 1.2 grams to the undercover operator for \$160.

16 The next transaction occurred on December
17 5th, 2013. An undercover operator contacted the
18 same telephone number and arranged to purchase
19 one piece of crack cocaine weighing 0.6 grams,
20 and that was purchased for \$80.

21 The third transaction involved the accused
22 selling two pieces of crack cocaine weighing 1.2
23 grams to an undercover operator for \$160. That
24 occurred as well on December 5th, 2013, and was
25 facilitated in the same method, in that the
26 undercover operator contacted the telephone
27 number and made arrangements to purchase the

1 crack cocaine and attended Bison Apartments,
2 where all of the transactions were conducted.

3 On that third occasion, the undercover
4 operator spoke to the accused about arranging a
5 purchase of a larger quantity of crack cocaine,
6 to which the accused indicated that that would be
7 possible.

8 The fourth transaction occurred as well on
9 December 5th, 2013. The undercover operator
10 arrived at the Bison Apartments and contacted the
11 number that he had previously contacted and made
12 arrangements to purchase a larger quantity of
13 crack cocaine. For \$2,200, the accused sold 28
14 pieces of crack cocaine weighing 17.3 grams to
15 the undercover operator. Those 28 pieces were
16 individually wrapped.

17 Subsequently, the accused was arrested on
18 December 7th, 2013, here in Yellowknife, and
19 later released on a recognizance on December
20 12th, 2013.

21 Through submissions from counsel, and
22 hearing from the accused this morning and the
23 letters that were filed in support of the
24 accused, it seems that Mr. Randall saw an
25 opportunity to make some easy money by coming to
26 Yellowknife and selling drugs and took that
27 opportunity.

1 The accused is originally from British
2 Columbia. When he was 17 years old he got
3 involved with the "856 Gang", which is based out
4 of Aldergrove, British Columbia.

5 He came to Yellowknife in August 2013 to
6 sell drugs when he was still a youth. When he
7 was arrested for this offence in December 2013,
8 he had just turned 18 in October.

9 He comes before this Court with no criminal
10 record. Mr. Randall is now just 19 years old,
11 and this will be his first criminal conviction.
12 He will be going to jail. For a first offence,
13 trafficking is a significant one to have on his
14 record.

15 Since his arrest, I have heard that Mr.
16 Randall has begun to make positive changes in his
17 life. Members of his family report seeing
18 positive changes. A letter of support has been
19 provided by his employer, which speaks highly of
20 him and his work ethic and his ability to learn
21 and problem-solve, and seeing a bright future for
22 Mr. Randall. It is unfortunate for Mr. Randall
23 that it took getting involved in drug
24 trafficking, and getting arrested, for him to see
25 the light and to get back on the right track.

26 Trafficking in cocaine is an offence
27 punishable by up to life imprisonment. That is a

1 reflection of how serious Parliament considers
2 the offence of trafficking in drugs, and this
3 Court has had many opportunities to reflect on
4 the scourge that crack cocaine is on the
5 community. It has ruined many lives in this
6 jurisdiction and has resulted in the commission
7 of many offences by people who are under the
8 influence of crack cocaine, committing offences,
9 or who commit offences to fund their addiction.
10 People who prey upon these vulnerable addicts, by
11 selling crack cocaine, only worsen the problem.
12 People come to this community for the sole
13 purpose of selling drugs to make a quick buck;
14 they ignore the lasting effects of their actions
15 in the community and its inhabitants.

16 In sentencing individuals, the courts have,
17 unfortunately, had opportunity to comment
18 repeatedly on these consequences and the effect
19 that they have on the community and on
20 individuals in the community. In doing so, the
21 court has consistently imposed significant
22 sentences in the hopes of stopping or deterring
23 these individuals.

24 The courts have consistently said that
25 deterrence and denunciation are the primary
26 sentencing principles when sentencing individuals
27 for trafficking in drugs.

1 Deterrence continues to be important,
2 regardless of whether this courtroom is filled
3 with members of the community or reporters or
4 not. While the deterrent effect may be of
5 limited effectiveness in terms of mandatory
6 minimum sentences, which was observed by the
7 Supreme Court of Canada recently in Nur,
8 deterrence still plays an important role in
9 sending a message to members of the community, in
10 general. That message is that if you are going
11 to traffic in hard drugs in the Northwest
12 Territories, you are going to jail for a
13 significant period of time.

14 Denunciation is also an important concept
15 that involves expressing society's condemnation
16 of this type of offence.

17 As well, the sentencing principle of
18 rehabilitation is something that can also be not
19 lost sight of. It is important in this case
20 because of Mr. Randall's youth and his lack of a
21 previous criminal record, so it is important to
22 keep that concept in mind. Since his arrest, Mr.
23 Randall has taken many positive steps. It is
24 important to ensure that he continues to build on
25 those efforts and does not fall back into the
26 world of drug traffickers.

27 There are a number of aggravating and

1 mitigating factors in this offence.

2 In mitigation, there is no previous criminal
3 record for Mr. Randall. This is his first
4 offence, as I mentioned. As well, he has entered
5 a guilty plea and waived the preliminary inquiry.
6 A guilty plea is often considered an expression
7 of remorse and it is something the court takes
8 into account, as it saves trial resources, and it
9 saves witnesses from having to testify. That is
10 something as well that would count towards Mr.
11 Randall's sentence.

12 There are a number of aggravating factors.
13 While there is one count before the court, it
14 involves four separate transactions involving, in
15 total, a significant amount of drugs – 33 pieces
16 of crack cocaine.

17 As well, this is an offence that occurred
18 for profit. There is no indication that Mr.
19 Randall is someone, who we often see, who was
20 simply trying to fund his own addiction by
21 trafficking in drugs. It seems that Mr. Randall
22 saw an opportunity to make some quick money, some
23 easy money, and he took that opportunity.

24 As well, the operation that Mr. Randall was
25 involved in, along with others, was a dial-a-dope
26 operation that was somewhat sophisticated. It
27 had a dedicated cell phone; individuals worked

1 shifts answering that phone and providing drugs;
2 they had ready access to significant amounts of
3 drugs and were able, on fairly short notice, to
4 provide a larger than previous amount of drugs to
5 the undercover operator. Those are all factors
6 to take into account in imposing sentence.

7 There are also a number of ancillary orders
8 that the Crown has requested, which I will deal
9 with first.

10 There will be an order, pursuant to section
11 109 of the Criminal Code, a firearms prohibition
12 order. That order will begin today and end ten
13 years after Mr. Randall's release from
14 imprisonment.

15 As well, the Crown has made an application
16 for a DNA order. This is a secondary designated
17 offence under section 487.04, so it is something
18 that is in within the discretion of the court to
19 impose a DNA order. Taking into account the
20 circumstances of the offence, I am satisfied that
21 a DNA order is warranted in the circumstances so
22 there will be a DNA order.

23 With respect to the sentence to be imposed,
24 the Crown is seeking a jail sentence of 18 months
25 to two years less a day. Defence counsel has
26 acknowledged in their submissions that a jail
27 sentence is the appropriate sentence, but asks

1 the Court to consider leniency given the
2 accused's personal circumstance.

3 I have also heard about other individuals
4 who were arrested as part of this project and the
5 sentences that were imposed upon them. I have
6 considered those sentences and the principle of
7 parity.

8 Stand up, Mr. Randall, please.

9 Taking into account the circumstances of the
10 offence and Mr. Randall's personal circumstances,
11 as well as the sentences that have been imposed
12 on others who have been convicted in this
13 project, in my view an appropriate sentence is
14 one of 20 months' imprisonment. The sentence
15 imposed on Count 1 is 20 months' imprisonment.

16 The Crown, I understand, will be filing a
17 stay of proceedings on Counts 2 and 3 on the
18 Indictment.

19 You may sit down, Mr. Randall.

20 One thing that counsel did not address in
21 submissions is the victim of crime surcharge.

22 Mr. Praught.

23 MR. PRAUGHT: Yes, Your Honour. I believe
24 that would be \$200, as per the Criminal Code.
25 And I don't believe there's any discretion with
26 respect to ordering that victim of crime
27 surcharge anymore.

1 THE COURT: All right, thank you.

2 Mr. Harte.

3 MR. HARTE: I have no submissions, Your
4 Honour. Thank you.

5 THE COURT: There will be the victims of
6 crime surcharge.

7 Any submissions on time to pay?

8 MR. HARTE: I think the regulations
9 provide that he gets two months to pay,
10 regardless of whether he's incarcerated or not.

11 THE COURT: All right, the victim of crime
12 surcharge will be imposed.

13 Is there anything else on this matter,
14 counsel?

15 MR. HARTE: No, Your Honour.

16 MR. PRAUGHT: No, Your Honour.

17 THE COURT: Thank you, counsel, for your
18 submissions.

19 Good luck, Mr. Randall.

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

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26 _____
Annette Wright
Court Reporter

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