

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

NORMAN HACHE

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Transcript of the Oral Reasons for Sentence delivered by  
The Honourable Justice L. A. Charbonneau, sitting in  
Yellowknife, in the Northwest Territories, on the 28th day  
of August, 2017.

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APPEARANCES:

Ms. A. Piché: Counsel for the Crown

Ms. C. Wawzonek: Counsel for the Accused

(Charges under s. 465(1) and 464(a) of the Criminal Code)

Official Court Reporters

1 THE COURT: Today it is my responsibility  
2 to sentence Norman Hache. He has pleaded guilty  
3 to having conspired with a number of other people  
4 to traffic cocaine and possess cocaine for the  
5 purpose of trafficking in the Northwest  
6 Territories between February 24th and April 13th,  
7 2016. He has also pleaded guilty to having  
8 counselled another individual to commit an  
9 assault. This event happened on February 26,  
10 2016, but it did not result in the actual  
11 commission of an assault.

12 These charges arise from a major  
13 investigation that was conducted by the police  
14 into drug trafficking activities in Yellowknife  
15 and other communities in this jurisdiction. As  
16 part of that investigation, the RCMP obtained a  
17 judicial authorization to intercept the private  
18 communications of Mr. Hache and of other people.  
19 Hundreds of phone calls and text message  
20 exchanges were intercepted under the scope of  
21 this judicial authorization.

22 The investigation showed that Mr. Hache was  
23 the head of a drug trafficking network in the  
24 NWT. He coordinated the shipment of cocaine from  
25 Alberta to the NWT and its distribution through  
26 various communities in the NWT.

27 I am not going to re-read the entire Agreed



1 Statement of Facts now. It was read into the  
2 record on August 17th. That Agreed Statement of  
3 Facts is an exhibit on the sentencing. It is  
4 part of the Court record and all the details of  
5 what was alleged and admitted are included in it.  
6 But I do want to read excerpts from it because it  
7 is important for the record to be clear as to the  
8 scope of the activities that we are talking about  
9 here. These facts were gleaned throughout the  
10 investigation and, in particular, through the  
11 various conversations that were intercepted as  
12 well as other investigative means.

13 As I mentioned, the accused was the head of  
14 this drug trafficking network and he coordinated  
15 the movement of drugs between Alberta and the  
16 NWT. He was working with an Alberta resident who  
17 was his southern "business partner". Mr. Hache  
18 prepared cocaine shipments for delivery to some  
19 of the other co-conspirators for other  
20 individuals, three in Yellowknife and a fourth  
21 that was in Fort Resolution. Those people in  
22 turn organized for the sale of the drugs on the  
23 street. The accused also sometimes sold cocaine  
24 at the street level when the need arose.

25 Another co-conspirator facilitated the  
26 transport of drugs and cash throughout the NWT,  
27 as well as to and from Alberta, through his



1 employment with an airline company.

2 The three Yellowknife distributors and the  
3 Fort Resolution one worked under the accused and  
4 followed his directions. These people stored  
5 cocaine in quantities sufficient to supply  
6 street-level traffickers who worked for them.  
7 They also sold directly to users.

8 The co-conspirator who was in Fort  
9 Resolution supplied street-level sellers there as  
10 well as in Hay River and in Fort Smith.

11 The three that operated in Yellowknife were  
12 the primary operators of what is commonly  
13 referred to a "dial-a-dope" system in  
14 Yellowknife. The system is very simple. A  
15 dial-a-dope phone is a phone that can receive  
16 calls from drug users to purchase drugs, making  
17 it actually very easy to buy drugs. The call is  
18 made and a meeting is arranged for the  
19 transaction to take place. These phones operated  
20 24 hours a day every day. Several ounces of  
21 cocaine a day were being sold through this phone  
22 operation.

23 From April 4th, 2016 to April 13th, 2016,  
24 following the arrest of a rival group of drug  
25 traffickers on April 4th, eight to nine ounces of  
26 cocaine a day were being sold through the  
27 dial-a-dope phones. Those phones were all under





1 the Mr. Hache's control.

2 The investigation also revealed details of  
3 specific shipments. For example, on the 3rd of  
4 March, 2016, the accused shipped four ounces of  
5 crack cocaine and eight ounces of powder cocaine  
6 to the Fort Resolution contact. This was for  
7 distribution through the southern communities of  
8 the territory. A few days later, on March 8th,  
9 \$13,200 worth of proceeds from cocaine  
10 trafficking was sent to Mr. Hache by this person,  
11 through another person who flew to Yellowknife  
12 and hand delivered the cash to the accused.

13 On March 15th, 2016, the Alberta accomplice  
14 sent 15 ounces of crack cocaine and 15 ounces of  
15 powder cocaine to Mr. Hache, again using the  
16 person who worked for the airline. The  
17 understanding was that eight ounces of the crack  
18 cocaine and ten ounces of the powder cocaine  
19 would go to Fort Resolution for distribution  
20 through the southern communities of the  
21 territory, and the remainder would stay for  
22 distribution by Mr. Hache in the City of  
23 Yellowknife.

24 On March 16th, the cocaine was delivered to  
25 Fort Resolution. The RCMP moved in and made some  
26 arrests at that point. A large quantity of  
27 cocaine, cash, and various other items were



1 seized as a result of that intervention.

2 The Agreed Statement of Facts includes  
3 details of many more searches and seizures and  
4 arrests that took place as a result of this  
5 investigation. I am not going to refer to all  
6 those details here. I do not think it is  
7 necessary. I think what I have said so far gives  
8 a flavour of the scale of operation that  
9 Mr. Hache was running.

10 The bottom line, as I have already  
11 mentioned, was that he was at the top of this  
12 organization. He controlled shipments, he  
13 supplied others, he used drug debt enforcers when  
14 he needed to, and, through this network, a large  
15 amount of drugs were sold in Yellowknife and  
16 other communities in this jurisdiction.

17 The allegations with respect to the  
18 counselling offence arise from calls that were  
19 intercepted between Mr. Hache and his accomplice  
20 from Alberta. It appears that another individual  
21 had double-crossed Mr. Hache and Mr. Hache wanted  
22 his Alberta partner to go beat him up and  
23 threaten him. In the two calls where this is  
24 being discussed, which were played at the  
25 sentencing hearing, Mr. Hache pleads with his  
26 accomplice to beat this person up, and he is  
27 using words like "smash the fuck out of him,"



1 "stomp him," and he encourages his accomplice to  
2 threaten the person with more of the same.

3 The calls were played at the sentencing  
4 hearing and transcripts of the calls are attached  
5 to the Agreed Statement of Facts. The person on  
6 the other end of the phone appears reluctant to  
7 do what Mr. Hache is asking him to do. But  
8 Mr. Hache insists and pleads with him repeatedly  
9 to do so. It is clear that one of Mr. Hache's  
10 concerns at that point was that they would look  
11 like amateurs if they did not respond sternly to  
12 whatever it was that this other person had done.

13 As far as Mr. Hache's personal  
14 circumstances, I have the benefit of the thorough  
15 submissions of his counsel but also of a number  
16 of letters that were filed at the sentencing  
17 hearing. One is from him, and others are from  
18 people who have known him for a long time. They  
19 include a good friend of his who is a recovering  
20 addict, Mr. Hache's mother, and Mr. Hache's  
21 sister. Those letters provide a lot of  
22 information about his personal circumstances. It  
23 is clear that he has had his fair share of  
24 struggles in life and those perhaps explain some  
25 of the choices he ultimately made.

26 Mr. Hache has a criminal record. The first  
27 convictions were entered in the Youth Court back



1 in 1996. The first few convictions were for  
2 property crime, but then, as an adult, he was  
3 sentenced for trafficking in narcotics in July  
4 1999. Those were not minor matters. He received  
5 two months in jail for one of the trafficking  
6 charges and then one year on each of two other  
7 trafficking charges that were to be served  
8 consecutively to one another. And he was  
9 convicted of an uttering threats charge on the  
10 same date. In April 2000, he received a further  
11 eight months' jail term, consecutive, for a  
12 charge of possession for the purpose of  
13 trafficking. Then in 2001 and 2005, he was  
14 sentenced on drinking and driving charges. And  
15 then nothing, until the matters that now bring  
16 him before the Court.

17 Only Mr. Hache knows what he was up to  
18 during this gap between 2005 and now. Whether he  
19 was actually keeping out of trouble or simply not  
20 getting caught is something that only he knows.  
21 But the fact is, and this is reflected in the  
22 letter from his sister, that for a period of time  
23 his life seemed to be back on track. She noticed  
24 after he moved back to Yellowknife that things  
25 seemed to not be going well again.

26 I heard at the sentencing hearing that  
27 Mr. Hache and his girlfriend found out she was





1 pregnant not long before his arrest. So now he  
2 is a father, and it has been argued that is one  
3 of the things, among others, that now provide him  
4 a powerful motivation to not go back to the drug  
5 trafficking world and lifestyle. Another  
6 important change I have heard about is that there  
7 has been a reconciliation between him and his  
8 father, and this, too, is a positive element for  
9 him.

10 His friend, his mother, and his sister, all  
11 say that they have seen and observed some  
12 important changes and shifts in him since he has  
13 been in custody. Initially, he was angry and  
14 blaming others, but over time, according to them,  
15 he has acquired some insight into his behaviour.  
16 That is also reflected in the letter he wrote to  
17 the Court. I am not going to read the whole  
18 letter. It, too, is a matter of the record. But  
19 in it he apologize to his family, he expresses  
20 his shame and remorse, his deep concern for the  
21 damage he may be causing his son by not being  
22 able to be there for him. He also refers to the  
23 damage done to the community. He writes that he  
24 realizes the harm that drugs cause, that he knows  
25 he contributed to those problems through his  
26 trafficking activities. He writes that he knows  
27 he preyed on people's addiction and destroyed



1 lives. He writes, referring to drugs:

2 ... this is a huge problem in the  
3 north and I have contributed to the  
4 loss in resources and I have help  
5 [sic] to destroy everything this  
6 community is trying to fix.  
Especially being from the north I  
know more than anyone [else] the  
problems we have here. I am truly  
sorry.

7 Having read all of that, it is clear that  
8 what Mr. Hache presents and projects to his loved  
9 ones at this point, what he is telling them, what  
10 he is telling the Court, is that he has insight,  
11 he realizes what he has done and he never wants  
12 to go there again. If he holds to that, we shall  
13 never see him in the courts again and he will not  
14 be a threat to the community when he finishes  
15 serving his sentence. On the contrary, he could  
16 very well help others overcome their struggles  
17 based on his personal experiences. I really hope  
18 this is what will happen.

19 There are a lot of people who support  
20 Mr. Hache and believe in his potential, people  
21 who care for him and want him to move forward.  
22 For their sake and for his sake, I really hope he  
23 follows through with his plans and that the door  
24 to this lifestyle is firmly shut and will never  
25 be reopened by him again.

26 The maximum penalty on the conspiracy charge  
27 is life imprisonment. The maximum penalty on the



1 other offence is two and a half years'  
2 imprisonment.

3 Crown and defence have presented a joint  
4 submission that a global jail term of five years'  
5 imprisonment should be imposed. They are jointly  
6 suggesting that the sentences imposed on the two  
7 counts be concurrent because the context of  
8 Mr. Hache's counselling the commission of an  
9 offence is very much intertwined with his drug  
10 trafficking activities.

11 It has long been the law that a joint  
12 submission on sentencing must be given serious  
13 consideration by the Court. This has been  
14 expressed in different ways by different courts  
15 and there were some slight differences or nuances  
16 as far as what was required for a Court to depart  
17 from a joint submission. But in the case of R.  
18 v. Anthony-Cook, 2016 SCC 43, the Supreme Court  
19 of Canada has adopted a very restrictive approach  
20 in this regard and has made it clear that the  
21 threshold to depart from the joint submission is  
22 very, very high. Unless what is proposed is  
23 clearly contrary to the public interest, a joint  
24 submission must be followed.

25 The Crown and defence agree with respect to  
26 the conspiracy charge that Mr. Hache's activities  
27 constituted wholesale trafficking, which engages



1 a four-and-a-half-year starting point under the  
2 law established by the Alberta Court of Appeal in  
3 R. v. Lau, 2004 ABCA 408. That starting point  
4 has been followed by this Court several times.  
5 It has essentially been adopted in this  
6 jurisdiction.

7 The starting point reflects the seriousness  
8 of this crime and the level of blameworthiness of  
9 those who choose to engage in this type of  
10 activity.

11 As it is said time and time again when  
12 dealing with drug trafficking offences, these are  
13 not victimless crimes. The sale of hard drugs  
14 ruins life. Over the last decade we have seen  
15 many examples of this in this jurisdiction and in  
16 this city. People who had worked hard building a  
17 business, or worked hard continuing to operate a  
18 business started by their parents, crashing down  
19 completely and losing everything to their  
20 addiction to crack cocaine. People being robbed  
21 in broad daylight by addicts who are so desperate  
22 for more drugs that they will do anything to get  
23 money. People tied up and terrorized in their  
24 own homes, forced to give up their bank cards and  
25 their PINs by equally desperate people in search  
26 of money. Children neglected, going hungry,  
27 empty fridges, and intervention of Social





1 Services because the parents are so overcome by  
2 their addiction that not even their own children  
3 matter. It is a very ugly world. A few years  
4 ago, a man's half-burned body was found at the  
5 Yellowknife River and that person was killed  
6 because of a drug debt.

7 I make these comments now because it is  
8 important that these things are remembered and  
9 repeated every time a case like this comes before  
10 the Court.

11 At the same time, I know very well that  
12 Mr. Hache does not need me to tell him these  
13 things. He knows exactly how ugly that world is.  
14 The recordings we heard at the sentencing hearing  
15 open a very small window into that ugliness. In  
16 this courtroom, Mr. Hache is probably the person  
17 who knows the most just how ugly that world is.

18 He also does not need a lecture from me. He  
19 knows exactly what he needs to do and not to do.  
20 He has been through the cycle of getting involved  
21 with trafficking, getting caught, doing time,  
22 getting out, and at some point choosing the path  
23 again. Choosing that path again, he made money  
24 and became one of those people, as he says  
25 himself in his letter, who prey on the weaknesses  
26 of others. Who knows how many other crimes, how  
27 much other devastation, how much other misfortune



1 and tragedy he shares responsibility for because  
2 of that choice, and by that, I mean the choice he  
3 made to contribute to making crack cocaine  
4 available to people in this community.

5 I do accept, based on everything I have read  
6 and heard, that by the time he was caught things  
7 had really spiralled out of control for him. So  
8 goes the story more often than not. Getting  
9 caught may well have saved him and I do not just  
10 mean figuratively. As I have said already, only  
11 time will tell.

12 I hope that the people who support  
13 Mr. Hache, his mother, his sister, his friend,  
14 are right when they say there is a true change, a  
15 true shift in him. I hope that for his sake and  
16 for their sake and for Mr. Hache's child's sake.  
17 It is certainly not too late for Mr. Hache to  
18 turn things around if he sticks with his plan.

19 In terms of the sentence that should be  
20 imposed today, the threshold issue is whether the  
21 joint submission is contrary to the public  
22 interest, because, if it is not, then I am  
23 required in law to follow it.

24 There are certain things that Crown and  
25 defence did not agree on at the sentencing  
26 hearing. For example, the Crown took the  
27 position that the quantities of drugs constitute



1 an aggravating factor whereas the defence argued  
2 that wholesale trafficking, by definition,  
3 involves large quantities of drugs. That is  
4 reflected in the starting point and the quantity  
5 of drugs involved is not a separate aggravating  
6 factor.

7 Another example is the Crown argued that the  
8 nature of the substance, it being crack cocaine,  
9 a substance that is more addictive and more  
10 dangerous than powder cocaine, is also an  
11 aggravating factor whereas defence questioned  
12 whether this distinction really should be made.  
13 I do not need to resolve these issues because, on  
14 the bottom line, counsel do agree on what  
15 sentence should be imposed.

16 The sentence that is being suggested is not  
17 an insignificant sentence. Far from it. I think  
18 it is at the low end of the spectrum considering  
19 the nature of the organization and its activities  
20 and considering that Mr. Hache was at the top of  
21 it. He was, as I have said, at the top of a  
22 distribution system that has, and this is  
23 certain, caused immense harm to a lot people.

24 At the same time, he has pleaded guilty. By  
25 doing so, he has saved the justice system  
26 considerable resources. In these types of case,  
27 there can be endless pre-trial motions, Charter



1 challenges. A considerable amount of court time  
2 would have been required had Mr. Hache decided to  
3 litigate this matter. Avoiding that, having  
4 taken responsibility for his role, and his  
5 remorse, which I believe is genuine at this  
6 point, are all mitigating factors.

7 I also heard at the sentencing hearing that  
8 this is a joint submission in the true sense of  
9 the word because it is the product of lengthy  
10 discussions between counsel. One of the reasons  
11 why joint submissions must be given as much  
12 weight as they do is precisely because counsel  
13 are privy to all sorts of information that the  
14 Court may not be aware of, including how much  
15 work went into arriving at the resolution. I can  
16 imagine the massive amount of disclosure that had  
17 to be reviewed and the complexity of some of the  
18 issues that arose and all had to be ironed out.  
19 So especially in a case like this, given what I  
20 have heard, I feel the Court has to show  
21 deference to the positions taken by counsel, and,  
22 in particular, the decision of the Crown to  
23 jointly propose a sentence which may be  
24 considered at the low end of the scale  
25 considering the seriousness of the crime.

26 For those reasons, not only do I not think  
27 that following this joint submission would be





1           contrary to the public interest, I am satisfied  
2           that it is an appropriate sentence in all the  
3           circumstances. I also agree that it is  
4           appropriate for the sentences on the two counts  
5           to be concurrent because all of this is very  
6           interconnected.

7           At the sentencing hearing, the Crown  
8           suggested that for the charge of counselling an  
9           assault, a concurrent term of three to six months  
10          could be imposed. I certainly respect that  
11          position, but on that one point, even if it will  
12          not make a difference practically for Mr. Hache  
13          because the sentence will be concurrent, I do  
14          think that it is in the public interest that the  
15          sentence for that count be more than three to six  
16          months. I think the sentence has to reflect  
17          Mr. Hache's persistence in trying to get his  
18          associate to carry out this assault. I do not  
19          think three to six months reflects the  
20          seriousness of that kind of conduct. The maximum  
21          sentence is two and a half years for that  
22          offence, and I think that these particular  
23          circumstances fall in the middle of the range as  
24          far as level of seriousness and the sentence  
25          should reflect that.

26          We do not see these types of offences very  
27          often in our courts and I think there is an



1           immense need to deter them. As I say, in  
2           Mr. Hache's case, it will change nothing to his  
3           global sentence, but I do think the Court's  
4           message, as far as its response to that type of  
5           conduct, needs to be unequivocal.

6           I heard that Mr. Hache has spent, as of  
7           August 17, a total of 491 days on remand, which  
8           that as of today, there is a total of 501 remand  
9           days. Under my calculations, if that is credited  
10          at one-and-a-half-day credit for each day of  
11          remand, which is the maximum credit possible, it  
12          would work out to two years and three weeks. So  
13          I am going to give Mr. Hache credit for two years  
14          for the time he has spent on remand.

15          The Crown has sought a number of ancillary  
16          orders and I will deal with those first. First,  
17          there will be a firearms prohibition commencing  
18          today and expiring ten years from release. This  
19          is mandatory. This is a secondary designated  
20          offence, so a DNA order is not mandatory. The  
21          Crown is seeking one and the defence is not  
22          opposing that request. I am satisfied that given  
23          the nature of the offence and its circumstances,  
24          the related criminal record, it is appropriate  
25          that a DNA warrant issue. The victim of crime  
26          surcharge is mandatory - it is \$200 for each  
27          count - and the default time and the time to pay



1           are statutorily provided.

2           The Crown has indicated that this is not the  
3 point where any forfeiture order is being sought.  
4 Forfeiture application will be dealt with at a  
5 later date.

6           Can you stand up, please, Mr. Hache.

7           Mr. Hache, as I said, I am going to go along  
8 with what has been suggested for the reasons I  
9 have been talking about. If it had not been for  
10 the remand time, the sentence on Count 1 would  
11 have been five years. I am giving you two years'  
12 credit for the remand time, so the further jail  
13 time is three years. And for Count 2, I have  
14 decided that the sentence should be one year  
15 imprisonment, but it will be concurrent, so it  
16 will be served at the same time as the other.  
17 But I do want the record to reflect the  
18 seriousness of that conduct. You can sit down.

19           I sincerely hope this is the last time that  
20 you come to court. Many of the people I sentence  
21 at the time of sentencing are alone. They stand  
22 alone to be sentenced and sometimes they are sent  
23 away for a very long time. That is not you. You  
24 have people who support you, who want to help  
25 you. You have a lot to look forward to. You  
26 have a small child. Everything, really, is up to  
27 you at this point. There is nothing you can do



1 to change the past, but everything about the  
2 future is completely in your hands. So I hope  
3 that you stick with your plan.

4 Have I overlooked anything, Ms. Wawzonek?

5 MS. WAWZONEK: No, Your Honour. Thank you.

6 MS. PICHÉ: No thank you.

7 THE COURT: All right. Thank you.

8 I thank counsel for their work on this  
9 matter, and for their submissions. Ms. Piché,  
10 please extend those to Mr. Praught, who appeared  
11 for the Crown on the last date.

12 .....

13

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15 Certified Pursuant to Rule 723  
16 of the Rules of Court

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19 Jane Romanowich, CSR(A)

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