

AMENDED ORIGINAL

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

MIKE DUNN

ORIGINAL amended as of June 6, 2018

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Transcript of the Reasons for Sentence delivered by The Honourable Justice S. H. Smallwood, sitting in Yellowknife, in the Northwest Territories, on the 17th day of April, 2018.

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APPEARANCES:

Mr. D. Praught: Counsel for the Crown  
Mr. P. Hoare: Counsel for the Accused

(Charges under s. 465(1)(c) of the *Criminal Code*, and 5(1) and 5(2) of the *Controlled Drugs and Substances Act*)

1 THE COURT: Good afternoon. So we will  
2 start by having a conviction entered on count 1  
3 on the Indictment. And I understand the Crown  
4 intends to enter a stay, as against Mr. Dunn, on  
5 counts 2 and 3?

6 MR. PRAUGHT: That's correct, Your Honour.  
7 I have a written stay of proceedings to --

8 THE COURT: Okay. All right. Thank you.

9 Mike Dunn has pleaded guilty to having  
10 conspired with a number of other people to  
11 traffic in cocaine and to possess cocaine for the  
12 purpose of trafficking, and it is now my task to  
13 sentence Mr. Dunn for this offence.

14 This charge arises from a major  
15 investigation conducted by the RCMP into drug  
16 trafficking activities in Yellowknife and in the  
17 Northwest Territories. The project was called  
18 Green Manalishi, and its objective was to disrupt  
19 and dismantle networks responsible for high-level  
20 drug trafficking in the Northwest Territories.

21 As part of the investigation, the RCMP were  
22 granted a judicial authorization to monitor the  
23 private communications of multiple individuals.  
24 A number of telephone calls and text messages  
25 were intercepted suggesting that Mr. Dunn was  
26 using his position at a local airline to  
27 transport drugs and proceeds of crime in the

1 Northwest Territories and between Alberta and the  
2 Northwest Territories.

3 Norman Hache was the head of the  
4 drug-trafficking network that operated in  
5 Yellowknife and throughout the Northwest  
6 Territories. Mr. Dunn is his brother-in-law.

7 At the time of the offence, Mr. Dunn had  
8 been employed by the airline for over 20 years.  
9 His role, within Mr. Hache's organization, was to  
10 arrange for the transport of drugs and cash,  
11 throughout the Northwest Territories and to and  
12 from Alberta, using his employment with the  
13 airline.

14 On two occasions, the first on March 3rd,  
15 2016, 4 ounces of crack cocaine and 8 ounces of  
16 powdered cocaine were shipped from Alberta to  
17 Mr. Hache in Yellowknife through the accused and  
18 his employment with the airline. The cocaine was  
19 then shipped to another person in Fort Resolution  
20 for distribution to other communities in the  
21 Northwest Territories.

22 On March 15th, the second occasion,  
23 15 ounces of crack cocaine and 15 ounces of  
24 powdered cocaine were sent to Mr. Hache from  
25 Alberta, again, using Mr. Dunn and his employment  
26 with a local airline.

27 I will not go into the details of the

1 drug-trafficking network run by Mr. Hache, but  
2 the sentencing of Mr. Hache, by  
3 Justice Charbonneau, and the sentencing of  
4 Mr. Herback that I did earlier this year, those  
5 decisions outline the scope of the  
6 drug-trafficking activities that Mr. Hache's  
7 organization was involved with and the amounts of  
8 drugs and cash that were involved.

9 Suffice it to say, Mr. Hache's organization  
10 was involved in the wholesale trafficking of  
11 cocaine, and Mr. Dunn played a significant role  
12 in the transportation of the drugs and cash for  
13 the organization.

14 In terms of a sentence, the Crown is seeking  
15 a sentence of three years' imprisonment, and the  
16 defence is also asking for the same sentence.

17 A primary objective in sentencing for  
18 trafficking in cocaine is deterrence and  
19 denunciation. Denunciation meaning to denounce  
20 unlawful conduct and the harm done to victims or  
21 to the community that is caused by the offender's  
22 conduct; and deterrence to deter the specific  
23 offender and other persons, generally, from  
24 committing similar offences. In trafficking  
25 cases, the focus is on imposing sentences that  
26 send a message and deter other persons who might  
27 be tempted to traffic in cocaine.

1           This has been the message that the Courts,  
2           in this jurisdiction, have been sending for years  
3           now; and, with Project Green Manalishi, of which  
4           many of the cases have been resolved with guilty  
5           pleas, this Court has continued to emphasize  
6           those principles. It is clear, from that  
7           project, that drugs, specifically the trafficking  
8           in cocaine, continues to be a significant problem  
9           in this jurisdiction.

10           Mr. Dunn's role, in this organization, was  
11           essentially that of a courier. He helped move  
12           drugs and cash for Mr. Hache. And, while it is  
13           not surprising to hear that the Hache  
14           organization was distributing drugs throughout  
15           the Northwest Territories, it is of concern.

16           The accused, in his employment with an  
17           airline, was able to facilitate this.  
18           Buffalo Airways flies to many communities in the  
19           North bringing needed supplies to remote  
20           communities, many of which are not accessible by  
21           road. Some communities are accessible by road in  
22           the winter; but, for most communities, groceries  
23           and supplies are flown in. Communities rely on  
24           air cargo. That is the way it is and has been in  
25           the North for many years.

26           That the airline was used by Mr. Hache's  
27           organization, using the accused's position with

1 the airline to distribute cocaine to these remote  
2 communities, is aggravating.

3 While there have long been ways to get  
4 illicit substances like cocaine, marihuana, and  
5 alcohol into remote communities, Mr. Dunn's  
6 position with the airline made the distribution  
7 of the drugs much easier and facilitated the  
8 spread of cocaine.

9 Many of these communities, like Fort Good  
10 Hope, which was referred to in the intercepted  
11 conversations which were played this morning,  
12 have social problems going back many years.  
13 These problems existed before the introduction of  
14 cocaine into the community, but the introduction  
15 of cocaine will not help those problems and can  
16 only make it worse; and it is disheartening to  
17 hear that getting cocaine into the community was  
18 as easy as calling up Mr. Hache and having the  
19 accused send up the drugs using his employment  
20 with Buffalo Airways.

21 The amount of cocaine involved with the  
22 organization was significant. For example, the  
23 amount of cocaine which was seized in  
24 Fort Resolution was 362.5 grams of cocaine. That  
25 is a significant amount of cocaine which was  
26 destined for small communities in the South Slave  
27 area. The amounts that are involved are

1 sufficient to demonstrate that the organization  
2 was engaged in wholesale commercial trafficking.

3 Turning to Mr. Dunn's circumstances, he is  
4 48 years old and has no criminal record. He is a  
5 first-time offender. I have read about his  
6 background in the presentence report and heard  
7 from his counsel. He has been a productive  
8 member of society for many years. He has been  
9 gainfully employed for most of his adult life.  
10 He worked for over 20 years for Buffalo Airways.  
11 He is married. He is active in the community on  
12 the Board of organizations; and, in some ways, it  
13 is quite mystifying as to why he would get caught  
14 up in these activities.

15 In the presentence report, he talks about  
16 trying to help out his brother-in-law, and that  
17 being his motivation for getting involved, to  
18 help out his brother-in-law. He says, in the  
19 presentence report, that he began doing favours  
20 here and there and to ship parcels. In the  
21 presentence report, he spoke of being wilfully  
22 blind to the contents of the packages that he was  
23 shipping.

24 In sentencing submissions, counsel for  
25 Mr. Dunn says that Mr. Dunn, in his conversations  
26 with him, accepts that he was aware of what he  
27 was involved in. And it may be that what

1 Mr. Dunn said, in the presentence report, was an  
2 attempt to rationalize his behaviour after the  
3 fact.

4 While Mr. Dunn may have started out doing  
5 favours for his brother-in-law, it is clear that,  
6 by the time the police were intercepting the  
7 communications with Mr. Hache, he was aware of  
8 the nature of what he was doing.

9 The intercepted conversations demonstrate  
10 that Mr. Dunn knew what was involved and what he  
11 was dealing with and that he was dealing with  
12 more than just Mr. Hache. He spoke, in the  
13 conversations with Mr. Hache, of talking with  
14 people down South; and he was clearly aware of  
15 what he was involved in, and he was concerned  
16 once he hears that the police have begun to  
17 arrest people.

18 Mr. Dunn is fortunate that he has the  
19 support of his spouse and his employer. You were  
20 warned by your spouse not to get involved with  
21 her brother, but you did it anyway; and you are  
22 fortunate that she has stood by you. You were a  
23 trusted, valued, long-term employee, and you  
24 abused the trust of your employer by using your  
25 position to transport drugs and the proceeds of  
26 crime.

27 On the one hand, you are very lucky that



1 they are still willing to employ you. A lot of  
2 employers would not take that risk. On the other  
3 hand, that also speaks to your value to the  
4 company and how out of character this offence  
5 was.

6 A guilty plea was entered in this case. It  
7 is not at the earliest opportunity; but, like  
8 many of the cases involved with this project, it  
9 was a complicated matter with a number of  
10 co-accused and significant disclosure.

11 Mr. Dunn did, ultimately, waive his  
12 preliminary inquiry, and this matter was never  
13 set for trial. If it had proceeded to trial, it  
14 would have taken some time and required  
15 significant resources; so Mr. Dunn will receive  
16 full credit for his guilty plea.

17 The guilty plea is also a demonstration of  
18 an acceptance of responsibility and a  
19 demonstration of remorse; and Mr. Dunn, in the  
20 presentence report and in his words in court  
21 today, clearly accepts responsibility for his  
22 involvement in this offence.

23 In determining a fit sentence for Mr. Dunn,  
24 it is also important to consider the principle of  
25 parity and the sentences that were imposed on  
26 others involved in the organization. I have  
27 heard that Mr. Bode-Harrison pled guilty to a

1 charge of having conspired with others to traffic  
2 cocaine and possess cocaine for the purpose of  
3 trafficking. Mr. Bode-Harrison was a supplier  
4 for Mr. Hache's drug-trafficking network, and he  
5 was responsible for coordinating and sending  
6 shipments of cocaine to the  
7 Northwest Territories.

8 He was characterized as being the supplier  
9 of the organization, and Mr. Hache was  
10 responsible for controlling the distribution of  
11 the drugs. They were considered equals in the  
12 organization in the sense that neither directed  
13 the other's activities.

14 Mr. Hache also pled guilty, and both their  
15 sentences were the subject of joint submissions.  
16 Mr. Bode-Harrison was sentenced to four years'  
17 imprisonment and Mr. Hache to five years'  
18 imprisonment. Both of those individuals were  
19 higher up in the organization than Mr. Dunn.  
20 And, as I noted, both of their sentences were  
21 joint submissions, where the Court stated that  
22 the joint submission was at the low end of the  
23 spectrum.

24 Another person involved in Mr. Hache's  
25 network was Devon Herback. He pled guilty to the  
26 trafficking in cocaine. He was involved as a  
27 street-level dealer. He was involved in the

1 supply of drugs to other dealers and in  
2 collecting money owed. Mr. Herback could be  
3 referred to as a go-to guy. He was relied on, by  
4 the organization, to get things done. He was  
5 sentenced to imprisonment for three years.

6 The Crown also presented two other cases;  
7 that of *R v Stiopu*, 2018 NWTSC 7, and *Dube and*  
8 *Radeka*. Those individuals were involved in  
9 another drug network that was operating at the  
10 same time, that of Todd Dube. That organization  
11 also trafficked in cocaine, but also sold  
12 fentanyl. The sentences involved in the  
13 trafficking in fentanyl are treated more  
14 seriously than for trafficking in cocaine.

15 In the *Radeka* case, Eddy Radeka was a  
16 courier, who was 53 years old, who had no  
17 criminal record. He was an addict who was  
18 involved in the organization to fund his  
19 addiction. He pled guilty and was sentenced, on  
20 a joint submission, to five years' imprisonment.

21 Ms. Stiopu was involved in the storage and  
22 distribution of drugs for Mr. Dube. She also had  
23 no criminal record and pled guilty. She received  
24 a sentence of four-and-a-half years.

25 So those sentences provide some indication  
26 of the range of sentence that is appropriate for  
27 sentencing Mr. Dunn for this offence.

1           First, I will deal with the ancillary orders  
2           that have been requested by the Crown, and  
3           defence counsel has not made any submissions in  
4           opposition to them; the first, being a DNA order,  
5           Section 5(1) of the *Controlled Drugs and*  
6           *Substances Act* is a secondary designated offence  
7           pursuant to Section 487.04 of the *Criminal Code*.  
8           And there will be an order pursuant to  
9           Section 487.051 for the taking of Mr. Dunn's DNA  
10          for the DNA Data Bank.

11          Pursuant to Section 109 of the  
12          *Criminal Code*, a firearms prohibition order is  
13          mandatory, and Mr. Dunn will be prohibited from  
14          possessing firearms for a period of ten years  
15          following his release from imprisonment. There  
16          will also be the mandatory victim of crime  
17          surcharge of \$200.

18          Mr. Dunn, please stand up. Mr. Dunn, you  
19          could easily be facing a lengthier sentence of  
20          imprisonment than I am about to impose, but I am  
21          going to go along with the sentencing  
22          recommendation of the Crown and your lawyer.

23          For the offence of trafficking in cocaine --  
24          or conspiracy to traffic in cocaine and possess  
25          cocaine for the purpose of trafficking, I  
26          sentence you to a period of imprisonment of  
27          36 months. You may sit down.

1                   Mr. Hoare, did you want an endorsement on  
2                   the warrant of committal to serve his --

3           MR. HOARE:                    I did. I -- I -- I understand  
4                   that it's not binding on prison authorities;  
5                   however, I'm asking for an endorsement that he be  
6                   allowed to serve his sentence in the  
7                   Northwest Territories close to his family and  
8                   hopefully for eligibility for work release.

9           THE COURT:                    Okay. There will be that  
10                   endorsement on the warrant of committal, then.  
11                   Thank you.

12                   Is there anything else, counsel?

13           MR. PRAUGHT:                   No, Your Honour.

14           THE COURT:                    Mr. Hoare?

15           MR. HOARE:                    That's it, Your Honour.

16                   Thank you.

17           THE COURT:                    All right. Thank you,  
18                   counsel.

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**CERTIFICATE OF TRANSCRIPT**

I, the undersigned, hereby certify that the foregoing pages are a complete and accurate transcript of the proceedings taken down by me in shorthand and transcribed from my shorthand notes to the best of my skill and ability.

Dated at the City of Edmonton, Province of Alberta, this 6th day of June, 2018.

Certified Pursuant to Rule 723  
Of the Rules of Court



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Janet Belma, CSR(A), B.Ed.  
Court Reporter