

**IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES**

**IN THE MATTER OF:**

**HER MAJESTY THE QUEEN**

**- v -**

**TRACEY BEATRICE WOODS**

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Transcript of the Sentencing Hearing held before The Honourable Justice A.M. Mahar, sitting in Yellowknife, in the Northwest Territories, on the 25th day of March, 2019.

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**APPEARANCES:**

Mr. D. Praught: Counsel for the Crown  
Mr. T. Bock: Counsel for the Accused

(Charges under s. 5(1) of the *Controlled Drugs and Substances Act*)

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1 THE COURT: I have -- I have reviewed the  
2 presentence report and the materials that are  
3 filed on your behalf, Ms. Woods. I would ask  
4 that the Crown perhaps read in the agreed facts  
5 again just so that we can have a transcript that  
6 more accurately reflects today's proceedings, the  
7 entirety. Thank you.

8 MR. PRAUGHT: Your Honour, the following  
9 facts are agreed as proven without the necessity  
10 of calling further evidence.

11 Tracey Beatrice Woods, the accused, was born  
12 November 18th, 1972. Between March 9th and 17,  
13 2017, the Royal Canadian Mounted Police  
14 K Division Federal Investigation Unit conducted a  
15 drug trafficking investigation in Yellowknife,  
16 Northwest Territories called Project Glacier.  
17 Project Glacier focussed primarily on suspected  
18 dial-a-dope phone numbers. A dial-a-dope phone  
19 is simply a phone that receives calls from drug  
20 users to purchase drugs. When a call comes in,  
21 the operator arranges a meeting place with the  
22 caller, meets them at the chosen location, and  
23 sells them drugs.

24 On March 13th, 2017, at 4:54 p.m., an  
25 undercover officer, UC, called one of the  
26 suspected dial-a-dope numbers, 445-2612, to  
27 purchase cocaine. The call went to voicemail.

1 At 5:41 p.m., the accused called the UC back from  
2 445-2612. That conversation led to the UCs  
3 picking the accused up at her home at  
4 56 Rycon Drive in Yellowknife and the accused  
5 directing the UCs to the Independent Grocery  
6 Store located at 49 Street in Yellowknife to  
7 obtain cocaine.

8 At 8:10 p.m., the UCs arrived at the  
9 Independent Grocery Store with the accused in  
10 their vehicle and proceeded to park. The accused  
11 then asked for money, and a UC gave her \$100. At  
12 the same time, the UC asked that the accused  
13 leave her cell phone with them before leaving the  
14 vehicle. The accused then exited the vehicle and  
15 entered the front passenger side of a white  
16 four-door Toyota Echo with Northwest Territories  
17 Licence Plate Number 326054 parked nearby.

18 The accused was in the Toyota Echo only a  
19 short time and was back in the UC vehicle within  
20 a minute. Once back in the UC vehicle, the  
21 accused handed a UC a plastic bag containing a  
22 0.3-gram piece of crack cocaine. The UCs then  
23 drove the accused to her home at 56 Rycon Drive  
24 in Yellowknife, arriving at 8:16 p.m.

25 On March 14th, 2017, at 4:37 p.m., a UC  
26 called 445-2612 to purchase cocaine. The accused  
27 answered. The UC indicated she wanted the same

1 thing as yesterday, and the accused said that she  
2 would call the UC back. At 4:48 p.m., the  
3 accused called the UC back, and that conversation  
4 led to the UCs picking the accused up at her home  
5 at 56 Rycon Drive in Yellowknife and the accused  
6 directing the UCs to 97 Niven Drive in  
7 Yellowknife to obtain cocaine.

8 At 7:13 p.m., UCs arrived at 97 Niven Drive  
9 with the accused in their vehicle, and the  
10 accused directed the UCs to park at the far end  
11 of the building by the side door. The accused  
12 then made a phone call. A UC then gave the  
13 accused \$100, and the accused exited the vehicle,  
14 leaving her cell phone with the UCs before doing  
15 so. The accused then went to the side door of  
16 97 Niven Drive and was let into the building by  
17 Lisa Schaeffer.

18 The accused remained inside the building for  
19 approximately five seconds and then returned to  
20 the UC vehicle. Once back in the UC vehicle, the  
21 accused handed a UC a plastic bag containing  
22 0.3 gram -- a 0.3-gram piece of crack cocaine.  
23 The UCs then drove the accused to her home at  
24 56 Rycon Drive in Yellowknife, arriving at  
25 5:21 p.m.

26 On March 15th, 2017, a UC contacted the  
27 accused multiple times and was unable to reach

1 her. At 4:48 p.m., the accused texted the UC  
2 saying, "Just called. No go with -- let you  
3 know." At 4:51 p.m., the UC responded by text  
4 saying, "What? Just call me." The accused then  
5 responded by text saying, "Yes." At 7:14 p.m., a  
6 UC called the accused, and they had a  
7 conversation about obtaining more cocaine. The  
8 conversation ended with the accused indicating  
9 she would call when she gets some.

10 On March 16, 2017, at 3:25 p.m., a UC called  
11 445-2612 to purchase cocaine. The accused  
12 answered and said she would call the UC back. At  
13 3:48 p.m., the accused called the UC back, and  
14 that conversation led to the UCs picking the  
15 accused up at her home at 56 Rycon Drive in  
16 Yellowknife and the accused directing the UCs to  
17 McNiven Apartments located at 700 Gitzel Street  
18 in Yellowknife to obtain cocaine.

19 At 4:13 p.m., the UCs arrived at  
20 McNiven Apartments with the accused in their  
21 vehicle, and the accused directed -- directed the  
22 UCs to a -- to park at the rear of the building.  
23 The accused then exited the vehicle and walked  
24 towards the rear door of the building but didn't  
25 go inside. She then returned to the UC vehicle  
26 and directed the UCs to exit to the left. The  
27 accused then told the UC to stop the vehicle in

1 the middle of the street, and they did so. The  
2 accused then exited the vehicle and walked  
3 towards a woman on the stairs at the back of  
4 1452 Gitzel Street.

5 The accused met with the woman briefly and  
6 then returned to the UC vehicle. Once back in  
7 the UC vehicle, the accused handed a UC a plastic  
8 bag containing a 0.4-gram piece of crack cocaine.  
9 The UCs then drove the accused to her home at  
10 56 Rycon Drive in Yellowknife, arriving at  
11 4:26 p.m.

12 THE COURT: Thank you, Mr. Praught. The  
13 facts have already been admitted, and I have  
14 already made a finding of guilt. What is your  
15 position on sentence?

16 MR. PRAUGHT: Your Honour, I note that a  
17 presentence report has been filed. I'd ask that  
18 that be made the next exhibit on the sentencing  
19 hearing.

20 THE COURT: Exhibit 1. I am providing  
21 that to the clerk now. The original is in  
22 this -- thank you. I have got the copies with me  
23 to -- have that back just yet.

24 **EXHIBIT 1: PRESENTENCE REPORT**

25 MR. PRAUGHT: And, Your Honour, I note that  
26 my friend has filed, I believe, two documents  
27 with the Court.

1 THE COURT: Yes, that is this.

2 MR. PRAUGHT: And the Crown has no objection  
3 to those being made exhibits on the sentencing  
4 hearing.

5 THE COURT: Very good.

6 MR. PRAUGHT: I -- I do note a couple of  
7 things that raise some questions for the Crown.  
8 The first was that there appear to be, perhaps,  
9 some duplications of some of the certificates  
10 that are in the first book. And maybe that my  
11 friend can speak to some subtleties that the  
12 Crown didn't appreciate, but there appear that,  
13 maybe, there are some duplicates.

14 And the second is that on a -- at tab 14 of  
15 the first book, there are -- no, I apologize.  
16 Oh, it's tab 2 of the first book, Your Honour.  
17 There are two sheets of paper that indicate times  
18 where counselling sessions took place.

19 THE COURT: Yes.

20 MR. PRAUGHT: And I may be reading this  
21 wrong, but it appears that they go from  
22 February 2016 to August 2017. I just note in the  
23 table of contents, my friend has December 5th. I  
24 may be reading that wrong, but are those the only  
25 two things that the Crown noted that were perhaps  
26 in error.

27 THE COURT: Thank you, Mr. Praught.



1 MR. PRAUGHT: But as I say, no objection to  
2 these going -- being made exhibits, Your Honour.

3 THE COURT: They have already been filed  
4 as exhibits. We can deal with that. There is  
5 a -- Defendant Sentencing Exhibits, 25 tabs, and  
6 a further 7-tab sentencing -- Sentencing  
7 Exhibits, part 2. And those are before me, and I  
8 have reviewed them.

9 MR. PRAUGHT: Your Honour, I can advise the  
10 Court that Ms. Woods does not have a  
11 criminal record. With respect to the presentence  
12 report, it outlines that Ms. Woods is currently  
13 46 years old. She was 45 at the time of the  
14 events. She is a Chipewyan woman. She was born  
15 and raised in Yellowknife, although for a period  
16 of time, she was with relatives in  
17 British Columbia, I believe, between the ages of  
18 8 and 11.

19 She did not know her biological father and  
20 grew up with her mother and stepfather. She  
21 suffered abuse at the hands of her stepfather, it  
22 would appear, physically, emotionally, mentally.  
23 And also in her young years, around the age of 8,  
24 there is a suggestion in the presentence report  
25 that she was sexually abused. It wasn't clear by  
26 who to -- to me, but it appeared that it was on  
27 more than one occasion that something in that

1 area happened. So a very traumatic upbringing,  
2 no doubt, for Ms. Woods, a difficult childhood  
3 with her mother and her mother's partner and then  
4 away from her mother.

5 And it appears that that strain took a toll  
6 on her relationship with her mother. And it was  
7 severed for some time, that relationship, though  
8 currently it appears that they've mended their  
9 fences, and they now have a good relationship.  
10 And there's, I think, a reference at one point in  
11 the presentence report to her mother being one of  
12 her best friends at this point in time.

13 THE COURT: Yes.

14 MR. PRAUGHT: She's had a difficult  
15 childhood and apparently a difficult adult life  
16 as well. She has struggled with addiction issues  
17 through her 20s and now into middle age, it would  
18 appear. She did attempt to address these issues  
19 in the past on occasion. The last time, it would  
20 appear, was about 17 years -- 16 years -- 17  
21 years ago when she attended Edgewood; almost  
22 completed the program but didn't. It would seem  
23 that she was about 30 years old when that  
24 occurred.

25 However, of -- of note and of importance is  
26 the fact that Ms. Woods describes to the author  
27 of the presentence report that she was clean and

1           sober at the time that these offences took place  
2           and that she committed these crimes for the  
3           money, little as it was, to assist her in  
4           purchasing daily household items, essentially.

5           It appears that Ms. Woods has some support  
6           outside of her mother. She has support from her  
7           connections and friends at the CFNF as well as  
8           some support through the -- the educational  
9           institutions that she's been attending in the  
10          last year and a half or so.

11          Overall, it's -- it's a -- it's a  
12          presentence report that indicates a difficult  
13          life for Ms. Woods, a sincere attempt to really  
14          change the direction of her life and better  
15          herself, but it also, as the Crown has pointed  
16          out, indicates that there's some troubling  
17          aspects to the -- the acute circumstances around  
18          the events herself -- themselves.

19          Your Honour, the Crown is recommending a  
20          custodial sentence in the range of six to eight  
21          months for this offence. Taking in all of the  
22          considerations; the predominantly positive  
23          presentence report for Ms. Woods; all the steps  
24          she has taken to better herself since the charges  
25          were laid; the fact that she's pled guilty --  
26          although the Crown would argue that should not be  
27          considered an early guilty plea. A hearing was

1 set for an entrapment hearing, and it was only on  
2 the day of that hearing that Ms. Woods re-elected  
3 and changed her plea. Nonetheless, she has  
4 spared the State the cost and resources of -- of  
5 conducting that hearing and then the trial, but  
6 it should not be considered an early guilty plea,  
7 the Crown would submit -- and the -- the  
8 circumstances of the offence itself, the Crown  
9 submit six to eight months is a reasonable  
10 position for this offence.

11 Just to address some ancillary orders before  
12 getting into some other mitigating and  
13 aggravating factors, Your Honour, a DNA order:  
14 It's a secondary designated offence. The Crown  
15 would suggest that it's in the best  
16 administration -- best interest of the  
17 administration of justice to make that order in  
18 this case given the nature of the offence,  
19 specifically the origin of the investigation,  
20 which was into dial-a-dope numbers in the city  
21 that ultimately led to Ms. Woods. A firearms  
22 prohibition order is mandatory, and given the  
23 recent jurisprudence, the Crown's not seeking a  
24 victim-of-crime surcharge.

25 The Crown would submit that this  
26 recommendation is on par with other similar  
27 offenders in this jurisdiction, Your Honour, and

1 in support of that proposition, the Crown would  
2 like to just file two cases. I've informed my  
3 friend of the cases that I intend -- I intend to  
4 discuss. The first is *R v Tobac* of the  
5 Northwest Territories Supreme Court case in --

6 THE COURT: Yes.

7 MR. PRAUGHT: And -- and the second is  
8 *R v Grandjambe*.

9 THE COURT: Thank you. I think it is fair  
10 to say, Mr. Praught, that the Court has been  
11 faced with a number of offenders in this type of  
12 situation who have not only very limited or  
13 nonexistent criminal records, but also extremely  
14 sympathetic personal circumstances.

15 MR. PRAUGHT: Yes.

16 THE COURT: And the line of approximately  
17 six month has -- has moved in that direction  
18 largely as a result of the sympathetic  
19 circumstances of the accused. And I want to be  
20 clear that that is not simply a question of the  
21 Court moving in a -- in a lower direction from  
22 the usual -- from the usual tariff for this sort  
23 of offence, which is closer to a year. So I take  
24 the -- the Crown's suggestion with respect to  
25 sentence to heart in that regard. You certainly  
26 have taken into account the -- the recent case  
27 law coming out of the court.

1 MR. PRAUGHT: And -- yes, and I just can  
2 briefly touch on these cases, Your Honour,  
3 because my friend may say they're  
4 distinguishable, and they certainly are in many  
5 respects. Both Ms. -- excuse me. Both Ms. Tobac  
6 and Mr. Grandjambe had lengthy criminal records,  
7 which is certainly distinguishable from  
8 Ms. Woods. However, the Crown would submit that  
9 they ultimately were less morally culpable  
10 because the facts in these two cases were that  
11 they were really severely addicted to crack  
12 cocaine at the time they committed the offences.

13 In Ms. Tobac's case, she was using crack  
14 cocaine on a daily basis right up to the time of  
15 the offence and her arrest when she was, in fact,  
16 pregnant; and Mr. Grandjambe, on the occasions  
17 that he essentially middled the deals for the  
18 undercover officers, was attempting to use the  
19 cocaine immediately upon exiting the residence  
20 where the cocaine was obtained.

21 So there was clear signs of extreme  
22 addiction for each of these individuals, which  
23 the Crown submit, distinguishes them from  
24 Ms. Woods in that, as I've already said,  
25 Ms. Woods was, in her own words, clean and sober  
26 at the time. She was 45 years old. She received  
27 these calls on the phone and then would hang up;

1 do some work to -- to find out where to obtain  
2 it; think about it; call them back; consciously  
3 making a decision to profit, as little as it may  
4 have been, by -- by performing these activities.  
5 So the moral culpability, the Crown would submit,  
6 is higher for Ms. Woods.

7 Yes, she has no record, and yes, she's taken  
8 many, many steps to -- to move in the right  
9 direction since committing these offences, but  
10 there's a -- there's a balance that -- between  
11 the moral culpability and the personal  
12 circumstances that the Crown says puts these two  
13 cases in -- in the ballpark of Ms. Woods and --  
14 and Ms. Tobac.

15 Ms. Tobac ultimately received six months  
16 custody and Mr. Grandjambe ten months custody,  
17 Your Honour. And I should say, just to complete  
18 the submissions on -- on the recommendation, it's  
19 not the Crown's position that the *Maskell*  
20 three-year starting point is applicable.

21 Although money was exchanged and Ms. Woods did  
22 profit, the Crown would submit that it's clearly  
23 commercial. We -- we're saying that it's not  
24 more than a minimal scale, and therefore, the  
25 three-year starting point --

26 THE COURT: It is a street-level  
27 trafficking as opposed to --

1 MR. PRAUGHT: Yeah.

2 THE COURT: -- a commercial trafficking.

3 MR. PRAUGHT: Very minimal quantities  
4 involved.

5 THE COURT: Yes. What does the Crown  
6 say -- and I was -- if I can pull back for a  
7 moment, I was, of course, aware of the original  
8 application to have an entrapment hearing on  
9 these matters. When I was reading the  
10 presentence report, what caught my attention was  
11 the fact that the phone in question was actually  
12 her ex-boyfriend's phone, who was in jail, I  
13 believe, at the time that the -- these  
14 transactions took place. And I am assuming that  
15 Mr. Bock is going to be telling me that Ms. Woods  
16 simply gave in to the temptation to answer the  
17 phone on the -- on the occasions in question and  
18 make a small profit when she was not actually in  
19 the business of dealing cocaine herself at that  
20 point in time, which would also explain the steps  
21 that she had to take in order to acquire the  
22 cocaine. Do you see that as mitigating under the  
23 circumstances?

24 MR. PRAUGHT: I -- I can offer this. My  
25 friend may take issue with some comments that  
26 I'll make now, but I can offer this: Her  
27 boyfriend, who had used that phone previously,



1 had been in custody for ten months at that point.  
2 He was actually sentenced in February of 2017,  
3 about a month prior to this offence. But in  
4 March of 2017, he had been in custody on remand  
5 and then serving for about ten months.

6 THE COURT: You anticipated my question.

7 MR. PRAUGHT: And secondly, grounds were  
8 obtained. And I believe my friend ultimately,  
9 although it was the day of entrapment hearing,  
10 came to the same -- this conclusion that there  
11 was a reasonable suspicion sufficient to inquire  
12 into that call that were -- grounds that were  
13 obtained post --

14 THE COURT: Okay.

15 MR. PRAUGHT: -- post-Mr. Hein being  
16 incarcerated. So in -- in other words, the  
17 grounds were --

18 THE COURT: I understand.

19 MR. PRAUGHT: -- were -- were formed after  
20 his arrest.

21 THE COURT: Thank you.

22 MR. PRAUGHT: But I take Your Honour's  
23 point. Although it was a dial-a-dope  
24 investigation and contact with Ms. Woods was  
25 initiated through a phone, at the end of the day,  
26 it appeared she had to take some steps to obtain  
27 the cocaine to provide to the UCs. Now, we don't

1 know how much she may have obtained on each of  
2 those interactions; that's speculation. But she  
3 certainly had to go somewhere and -- at least  
4 that's what she led the UCs to believe. And  
5 those are the facts, so --

6 THE COURT: Okay.

7 MR. PRAUGHT: -- it's not -- on -- on its  
8 face, it doesn't have the sophistication that a  
9 typical dial-a-dope would appear to have.

10 THE COURT: Okay. It does appear that  
11 she, sort of, fell into it after her boyfriend  
12 was --

13 MR. PRAUGHT: Yeah.

14 THE COURT: -- taken into custody.

15 MR. PRAUGHT: Perhaps it could be described  
16 as a crime of opportunity in this case, which is  
17 unusual for a dial-a-dope and usually the exact  
18 opposite. But in this case, it would appear that  
19 she saw an opportunity to make some money and --  
20 and took it.

21 THE COURT: And was poor enough to give in  
22 to temptation.

23 MR. PRAUGHT: Yeah.

24 THE COURT: Thank you.

25 MR. PRAUGHT: So I -- I believe in my  
26 submissions, I've addressed most of the  
27 aggravating and mitigating factors already,

1 Your Honour. There was financial motivation.  
2 Obviously the prevalence of this type of crime in  
3 our jurisdiction is always an important  
4 consideration and -- and is aggravating.

5 As far as objectives of concern, the Crown  
6 would submit that deterrence and denunciation  
7 should be the primary sentencing considerations  
8 today. Rehabilitation is always a consideration,  
9 and the sentence imposed, the Crown would  
10 certainly hope, does not impede Ms. Woods'  
11 progress to date. We do know that there are  
12 programs in custodial facilities to assist  
13 offenders that are detained, and we would hope  
14 that she would take -- if she is given a  
15 custodial sentence here today, we hope she would  
16 take advantage of all that those programs have to  
17 offer and continue in the -- the route she's  
18 going in now. So we submit that six to eight  
19 months with probation to assist in rehabilitation  
20 is a reasonable recommendation and should be  
21 followed.

22 Your Honour, in anticipation of my friend's  
23 recommendation, because we have talked about this  
24 a bit, I do have one more case that I -- I would  
25 file, and this is the case of *R v Joe* from the  
26 Northwest Territories Court of Appeal, and I did  
27 inform my friend that I would file this. And

1           this is simply to support the -- the proposition  
2           that a suspended sentence is not an appropriate  
3           or a legal sentence for this offence.

4       THE COURT:                    I am certainly familiar with  
5           the case.

6       MR. PRAUGHT:                 And I would specifically refer  
7           to paragraph 14 in this case -- or 18, I should  
8           say. The case didn't address that issue head on  
9           in the appeal, but that's -- that paragraph  
10          certainly would seem to -- seem to address it.  
11          So that's the -- that's the Crown's position.

12       THE COURT:                    Well, and this case is of  
13          assistance in terms of laying out the landscape  
14          that we work within, right?

15       MR. PRAUGHT:                 That's right.

16       THE COURT:                    Thank you.

17       MR. PRAUGHT:                 Pending any questions  
18          Your Honour may have, those are my submissions.

19       THE COURT:                    Let me just double-check.  
20          What -- what, in fact, was the sentence imposed  
21          in *Joe*?

22       MR. PRAUGHT:                 At the end of the day, one  
23          year, I believe, was the sentence. And the  
24          Court of Appeal declined to stay that sentence  
25          because some time had passed, and Ms. Joe  
26          ultimately served a year, I believe.

27       THE COURT:                    Thank you. Thank you,

1 Mr. Praught. Mr. Bock.

2 Mr. Bock, I will just let you know my  
3 thoughts before you begin. I am certainly not  
4 intending to go beyond the lesser of the two  
5 numbers provided by the Crown of six months, so  
6 your function is going to be to convince me that  
7 six months is not required. But I am not  
8 planning on going above six months at this point.

9 MR. BOCK: Your Honour, I would submit  
10 that that is -- the case law, if you look in  
11 Alberta and you look here, there are all kinds of  
12 different examples. I would submit that  
13 certainly six months is probably an appropriate  
14 sentence. That's not what I'm advocating for.

15 I've got to know Tracey Woods over the past  
16 couple of years, and we've talked a number of  
17 times about her personal circumstances and just  
18 how difficult they are. And reading the  
19 presentence report, reviewing it for my  
20 submissions, I guess I was quite stunned, if  
21 that's the word, or, kind of, in -- just in -- in  
22 amazement, actually, with her past, how difficult  
23 her past has been on all fronts.

24 This is -- this is really an exceptional  
25 case, and I'm -- the theme of my presentation is  
26 that this is an exceptional case and her  
27 circumstances are very exceptional. And I have

1 to say that in all of the clients I've ever dealt  
2 with, I've never had anyone take the steps that  
3 she has taken over the past two years.

4 THE COURT: I was amazed by the exhibits  
5 that you filed on this.

6 MR. BOCK: And -- and she -- she provided  
7 those to me. And I've never -- I -- and perhaps  
8 that clouds my judgment in terms of what I would  
9 ask for on sentence, but I think it's only fair  
10 in this case, because as I say, I've never, ever  
11 had anyone that has taken the kind of steps to  
12 use community supports, to take advantage of  
13 people and resources as she has. And I have --  
14 and she didn't have to do it; these were all on  
15 her own initiative.

16 So the theme that runs through my  
17 submissions is -- is that this is an exceptional  
18 case. This is a case where there's a lot of  
19 hope; where the client has made great, great  
20 strides. I want to point out that Lindsay Paul,  
21 the service coordinator at the women's shelter,  
22 is here; she did provide a letter. As well as  
23 Margaret Beauchamp is here, the director of the  
24 Centre of Northern Families. And -- and we  
25 talked before court, and -- and, you know, the --  
26 the theme of that was just that the change in  
27 Ms. Woods is -- is unbelievable, and that's

1 positive; that's good for -- for society; it's  
2 good for Ms. Woods. She needs to continue that,  
3 and she needs to encourage that, and that needs  
4 to be encouraged. So I want Ms. Woods to know  
5 that whatever happens as a result of this --  
6 these submissions and this hearing, she needs to  
7 stay positive and focussed.

8 In the submissions -- in the documents that  
9 I filed that I'm going to go through, there's a  
10 lot of very positive -- positive words, positive  
11 thoughts. She's done a lot in the community.  
12 I've never seen anyone who -- she's had her  
13 picture in the paper. She's -- she's done so  
14 much, and what really is sad is that this is all  
15 over what she -- a small profit of \$100 that  
16 she's -- she was in a relationship with someone  
17 who got her into fentanyl.

18 I would describe her as, sort of, a  
19 low-hanging target for their -- for the RCMP, and  
20 I think that's why, at least in my heart, I was  
21 very sympathetic to the idea of -- of the whole  
22 issue of entrapment, and that's --

23 THE COURT: Well, one of the -- one of the  
24 interesting issues with respect to entrapment is  
25 that nobody denies that the things took place,  
26 right?

27 MR. BOCK: Yes.

1 THE COURT: It is simply a question of the  
2 circumstances in which they engaged in it.

3 MR. BOCK: Exactly. So that was  
4 something that, you know, in -- in looking at  
5 Ms. Woods' circumstances, what she told me, that  
6 that was -- that was, to me, a live issue.

7 So the defence position that I'm going to  
8 put forth is a suspended sentence with 24 months  
9 probation. She currently has a room at the  
10 Centre for Northern Families. My submission  
11 would be that she would remain there at the  
12 Centre for Northern Families except for school  
13 and for -- with permission of her bail  
14 supervisor. I understand her personal support  
15 worker takes her on a daily basis, Monday to  
16 Friday, to get her medication, and then on the  
17 weekends, the medication is picked up for her.  
18 And she takes it in the form of blister packs,  
19 and she's quite good with taking her medication.

20 If Your Honour does not think that that --  
21 and -- and to be honest with the Court, if there  
22 is any case in the Northwest Territories where  
23 that kind of sentence is -- it could be given,  
24 it's just with everything that has been done  
25 here. And I will talk more how this is a very  
26 exceptional case.

27 In the alternative, the defence is



1           suggesting that the sentence should be lower than  
2           the six months, that it should be 89 days so that  
3           she can serve the sentence intermittently so that  
4           she can continue her programming, and that she  
5           should continue to go to school. Ms. Woods has  
6           done so much; I don't want to see that  
7           interrupted. It's in no one's interest that that  
8           be interrupted. I know there is programming in a  
9           custodial setting; however, Ms. Woods has shown  
10          at her own initiative, she can take a number of  
11          steps.

12                 So in terms of background, we have the  
13          presentence report. The Crown has pointed to a  
14          number of significant *Gladue* factors. I also  
15          provided a couple volumes of materials that  
16          dismiss -- that Ms. Woods had provided me over  
17          time. There are a couple duplications and an  
18          error in the date that is my oversight.

19          THE COURT:                     The picture is still clear,  
20          Mr. Bock.

21          MR. BOCK:                     That -- there was so many  
22          materials.

23                 The presentence clearly recounts her  
24          difficult upbringing. It's an amazing story of  
25          survival and resiliency. She had a difficult  
26          childhood in the presentence report, how she was  
27          victimized since she was very little. She was

1 exposed to substance abuse in her home at an  
2 early age; she was exposed to various kinds of  
3 physical and emotional abuse from her mother's  
4 ex-spouse; there's some indication that she was  
5 sexually assaulted. And quite frankly, she's  
6 been on the streets on her own since she --

7 THE COURT: Since she was 14.

8 MR. BOCK: -- was 14. And she stands --  
9 she's -- she's here today with no criminal  
10 record, which is amazing. She has been in  
11 unhealthy, abusive relationships; they've been  
12 plagued with addiction issues. And it's  
13 interesting -- the presentence report, I think,  
14 sums it all up quite nicely -- that -- there's an  
15 indication that Ms. Woods said that throughout  
16 her life, she never felt loved or cared for.

17 On the other hand, today we're looking at  
18 someone who has taken steps to change and to take  
19 advantage of supports. There is comments made by  
20 Margaret Beauchamp in the letter: She's done  
21 counselling; she's going to school; she's finding  
22 housing; she does have a room now; she's dealing  
23 with her addictions. There's some medical  
24 letters in there. It seems that she may be able  
25 to get part-time employment with the shelter.  
26 She's engaged in volunteer activities; in fact,  
27 she's helping others and seems to be a bit of a

1           role model.

2           Importantly, and it's what we all talk about  
3 when we talk about wellness and addictions, that  
4 she's reached the point where there is stability  
5 in her life. She has schooling, housing, and she  
6 has her physical and psychiatric health. And as  
7 I said, the change is unbelievable. She also has  
8 the support of her mother. And I've just  
9 never -- again, I will say it if I have to say it  
10 a hundred times, I've just never seen a client  
11 that has gone through so much and made so much  
12 change on her own behalf.

13           So just to summarize some of her personal  
14 circumstances, Ms. Woods is 46 years old. She  
15 does have a half-sister and half-brother.  
16 Ms. Woods is the eldest. She has a Grade 8  
17 education from Mildred Hall. I understand in  
18 speaking to her that she might have done some  
19 further courses through the Pentecostal Church  
20 School in Chilliwack. She might have also spent  
21 a little bit of time going back to school at  
22 Sir John Franklin. However, due to the  
23 instability in her life, those efforts were not  
24 successful.

25           She is of Chipewyan descent. It says in the  
26 presentence report that she didn't meet her  
27 biological father, but I understand they met once

1           when she was 36. She -- pretty much born and  
2           raised in Yellowknife. Her mother went to  
3           residential school. There's indication in the  
4           presentence report that her mother was taken away  
5           from her parents at an early age, that her mother  
6           suffered her own trauma. And Ms. Woods has, sort  
7           of, connected the dots in her mind and believes  
8           that perhaps her -- her mother's own experience  
9           played a role in the dysfunctional, unloving way  
10          that she was parented.

11                 For some of her childhood, she spent time  
12          with her mother and her mother's boyfriend; I'll  
13          refer to him as George (phonetic). They were  
14          both alcoholics. It was a very violent  
15          household; she remembers her mother being beaten.  
16          I understand that Tracey Woods would try to  
17          protect her mother and that she would run away  
18          from home. She remembers being physically and  
19          emotionally abused on a very -- on almost a daily  
20          basis. She remembers her stepfather saying that,  
21          Tracey is not my child; I do not like her. She  
22          said she was treated as an outcast; that she was  
23          called a bastard; and that perhaps due to her  
24          mother's experience at residential school, she  
25          lived under very strict conditions.

26                 This is a case where Social Services was  
27          involved. She went to live with her aunt in

1 British Columbia when she was around 8 to 11  
2 years old. She then stayed with her mother and  
3 then has been on her own since. She told me that  
4 she stayed with friends, that she couch-surfed,  
5 and she also told me quite frankly that she  
6 stayed in stairwells of buildings.

7 (Indiscernible) no, there was no place to go.  
8 She struggled with staying in school.

9 She described that she had very few  
10 relationships, and the ones that she had ended in  
11 domestic abuse or infidelity. Most of the  
12 relationships that she fell into involved drug  
13 abuse. We talked a little bit about her -- her  
14 own children. She has four daughters; I  
15 understand they were -- they reside with three  
16 different fathers.

17 She's currently -- she currently has a -- a  
18 room at the women's shelter. She's picked  
19 herself up, and I'm going to talk about this a  
20 little more. She's taking Office Administrations  
21 and -- Office Administration and a trades program  
22 at the Native Women's Centre. She's working on  
23 schooling. I understand she's completed her  
24 Grade 10, is working on Grade 11, and has a goal  
25 of completing Grade 12 next year. She is doing  
26 counselling; she's seeing a doctor. She's a  
27 volunteer at the shelter; she helps with cooking

1 and cleaning. She's doing counselling at the  
2 Tree of Peace.

3 And she's been struggling with an opioid  
4 addiction for some time, and according to the  
5 letters on file, she is taking Suboxone and that  
6 she seems to have been stabilized. There is also  
7 some indication of psychotic issues that -- but  
8 her situation is --

9 THE COURT: Well, that history would be  
10 surprising if there were not.

11 MR. BOCK: -- due -- but she seems to be  
12 doing quite well at this point in her life.

13 So I provided a number of materials to the  
14 Court, and I'm just going to go through them.  
15 I'm going to start with the N volume first. And  
16 as Your Honour pointed out, it may paint a  
17 picture and current background for Ms. Woods, and  
18 again, I would say it's phenomenal.

19 The tab 1 is a letter from Lindsay Paul, the  
20 service coordinator at the Yellowknife Women's  
21 Shelter. It's positive; it speaks to her keeping  
22 appointments and fulfilling her obligations so  
23 that her rent is paid on time. There are some  
24 positive comments, and I just want to quote:

25 (As Read)

26 I have witnessed Tracey really trying  
27 to make positive changes and  
participate in any opportunity to do  
so, and I would suggest what runs

1 through the past year or so, couple  
2 years, has been that positive change,  
3 different decisions, and taking  
4 advantage of absolutely everything  
5 possible that's available.

6 Tabs 2 and 3 are letters from Dr. Harris.  
7 One was written in November 2018, and the other  
8 one is from the 14th of March. Basically, the  
9 letters talk about her doing Suboxone treatment  
10 or therapy for a history of opioid use disorder,  
11 that there's been a long-standing history of  
12 psychosis; however, that has stabilized. And  
13 that -- the doctor notes that she has achieved  
14 stability in a number of areas, and again, this  
15 is on her own initiative.

16 Tab 4 is from the Native Women's Association  
17 up in Northwest Territories. This -- the  
18 documents here speak to her education and her  
19 goals, and it sums Tracey as someone who is  
20 highly motivated. And the documents outlines  
21 what she is studying, the -- the modules. And  
22 more importantly, at the bottom of the first page  
23 of that tab, that it states her goals. And it's  
24 worth putting on the record that she wants to get  
25 her GED; she wants to get Grade 12, to have a  
26 nice life, to get through these couple of months,  
27 to find a new place, to have a better home, and  
to learn Microsoft Office. So those are all  
building blocks of someone who wants to have a

1 positive future and -- and, quite frankly, to  
2 make a difference.

3 Tab Number 5 is a certificate. The  
4 program -- program is Foundations for Success.  
5 Tab Number 6 is a certificate from October 2018;  
6 it's completing some business entrepreneurial  
7 skills, training. Tab Number 7 is useful because  
8 it is her resumé, and it outlines -- highlights  
9 her skills; it outlines -- it also outlines  
10 her -- her work history, types of jobs that she's  
11 had. I guess in the more distant past, that  
12 she's been a cook, a general helper; she's worked  
13 as a cashier; she's worked as a chambermaid, and  
14 she's worked as a waitress.

15 The next volume -- and these are just  
16 documents that -- I encouraged Ms. Woods to get  
17 some letters, but I also encouraged her to bring  
18 in anything where she was involved. So tab 1  
19 is -- you'll notice that Tracey Woods is in the  
20 picture. It's taken from A Better Day. She's  
21 quoted in the article; it's where she received  
22 her computer, and it's something that she said  
23 that would -- would help her with her studies.

24 Tab 2 -- and I agree with the Crown that  
25 there are some issues with the dates. The  
26 purpose of this -- Ms. Woods had given me her  
27 schedule for counselling. Tab Number 3 is,



1           again, showing that she's -- the programming,  
2           schooling, education she's taking is -- is  
3           helping her with her basic skills, and it's a  
4           completion of a math -- math course, or most  
5           improved in Math 120. Tab Number 5 is the  
6           completion of English 120. Tab Number 6 is a  
7           duplicate of tab 3; I apologize for that.  
8           Tab Number 7 is the completion of the English 120  
9           course. Tab Number 8 is a duplicate.  
10          Tab Number 9 is an attendance certificate.  
11          Tab Number 10 is an award that -- or it's a  
12          certificate for -- for beating an award.

13                 Tab Numbers 11 and 12 are a little more  
14          dated, the letters from Dr. Harris, but they do  
15          speak and provide some more information on her  
16          medical history. I apologize, Tab Number 12 is  
17          actually an application that she filled out for a  
18          disability. Tab Number 14 is another counselling  
19          log. Tab Number -- sorry, Tab Number 14 is a  
20          letter from the Native Women's Association of the  
21          Northwest Territories. It's just confirming  
22          enrollment in adult education programming.

23                 Tab Number 15 is another newspaper article.  
24          Tracey Woods is carrying the Native Women's  
25          Association of the Northwest Territories in  
26          banner -- banner. It shows she is involved in  
27          the community and she's involved with issues that

1 are important to her. The next tab, tab 16, is a  
2 participation in a Personality Dimensions  
3 introductory session. It appears to be something  
4 to help promote self-help and self-awareness.

5 Tab 17 is a report card mid-term showing her  
6 mark in sciences. The next tab appears to be her  
7 report card. There are -- positive comment, and  
8 again, stressing the positivity and drawing  
9 that -- her instructor said: (As Read)

10 She's always willing to try new ideas  
11 and works hard all the time. This is  
12 a formula for success.

13 Tab Number 19 is another letter from her  
14 instructor; again, it is positive.

15 I really like the article at tab 20, and I  
16 guess the headline really summarizes -- although  
17 she didn't say it, she is quoted in the article.  
18 It says, "Never give up and never be afraid to go  
19 forward," and I really think that that summarizes  
20 a lot of what Ms. Woods is all about. You will  
21 notice that her picture's in the -- in the bottom  
22 receiving her award, and she is quoted -- it  
23 talks a little bit about -- she says: (As Read)

24 "I feel thankful that I keep going  
25 and I keep pushing myself," she said,  
26 wiping tears from her eyes.

27 I understand -- she had told me that she'd broken  
her leg and that did interfere a little bit with  
some of her schooling, but she got right back to

1           it; she wrote all her exams and she passed. She  
2           said, It was hard, but I still did it. She said,  
3           I'm proud of myself. So it just speaks, again,  
4           to the -- her resiliency and her being someone  
5           who really, really tries to be a success and --  
6           and move forward.

7           The next tab, tab 21, is -- and that's --  
8           again, we -- we have a perseverance award for  
9           her, and how much more appropriate could -- could  
10          that be given her circumstances? Tab Number 22  
11          is a mathematics award. The next tab, tab 23, is  
12          a completion of science certificate. Tab 24 is a  
13          completion of an English course.

14          Tab 25 is another letter from Dr. Harris  
15          from August 2018. Indicates she is very  
16          compliant with the treatments that she receives.  
17          I like the last -- the last sentence, I think, is  
18          appropriate. The doctor, Dr. Harris, says:

19          (As Read)

20                 I would suggest that Tracey would be  
21                 stabilized outside of these hard-won  
22                 supports which have allowed her to  
               move forward with her health and her  
               future.

23          Tab Number 26 is just an acceptance notice that  
24          she received getting into the office training  
25          program.

26          And finally, the last tab in this booklet is  
27          a letter from Lindsay Paul from the

1 Yellowknife Women's Shelter. It's an extremely  
2 positive letter, and it really does -- it starts  
3 off by saying: (As Read)

4 This letter is to support  
5 Tracey Woods, who has been making  
6 positive strides within the community  
and with her life choices.

7 It talks about her positive attitude, her  
8 positive behaviour. She is paying her rent on  
9 time; she's doing schooling; she wants to go to  
10 Aurora College eventually; she's active in the  
11 community; she encourages others to participate.  
12 It talks about some of what she's interested and  
13 how she enjoys cooking, that she will often  
14 volunteer, helps enjoying others, and there's a  
15 reference to the newspaper article for that  
16 award. So those paint a picture of someone who  
17 is, in my view -- respectful submission,  
18 extraordinary, and I don't think we see someone  
19 like that with these charges -- with this charge  
20 before the Court.

21 So what can be said about Tracey Woods? So  
22 she has made great strides in overcoming her  
23 past. As indicated, she's been living on her own  
24 since she was 14; she's been exposed to the drug  
25 trade and opiates through past relationships.  
26 And Ms. Woods, in many respects, has been a  
27 vulnerable participant in all of this. The

1 documents speak to her own efforts and  
2 motivation, and as I indicated, this motivation  
3 comes from her. It's not because of court orders  
4 or probation. So she's used practically  
5 everything possible to put the pieces of her life  
6 together that are available in the community.

7 So it's extraordinary that she's come this  
8 far and continues showing stability in terms of  
9 getting medical and psychological help. The  
10 updates from her doctor are very encouraging and  
11 positive. She's taken positive steps to deal  
12 with addiction issues; she's pursuing education;  
13 she's gaining life skills; she's motivated; she's  
14 resilient; she shows perseverance; she works  
15 hard; she's involved in the community and to some  
16 extent, acts as a role model.

17 We all -- and I understand that recently,  
18 there has been a drug treatment court for her  
19 attempts to establish that. I don't really know  
20 too -- too much about it, but when we see someone  
21 like Ms. Woods, that is really the outcome that  
22 we would like to see from people who have been  
23 dealing in many ways with their own trauma and  
24 with their own addiction. She's an example of  
25 someone who's making a change in her life, and  
26 she's making positive choices. She's -- she's  
27 gone from someone who has been an addicted

1           offender to someone who is undergoing ongoing  
2           rehabilitation.

3           And I really believe that Ms. Woods can be  
4           characterized -- or in the past could be  
5           characterized as someone who is -- is vulnerable.  
6           We all know the path to self-help is not a  
7           straight one; it's a very curved one, and it's  
8           because of various choices that we make. And  
9           defence submits that because of her relationship  
10          with Mr. Hein, it was very difficult for her to  
11          make those choices, and those -- that  
12          relationship had a lasting effect on her.

13          She's learned from her past mistakes. She  
14          has a letter that she's going to read. Defence  
15          submits that sending her -- while the Court is  
16          absolutely correct that in this jurisdiction,  
17          sentences most likely range from 6 to 12 months  
18          for this type of offence; however, defence  
19          submits that this is someone that sending her  
20          to -- for a period of custody would interrupt  
21          that progress, that for Ms. Woods, it could even  
22          be regressive. I understand that sending her to  
23          custody in something other than an intermittent  
24          sentence would most likely cause her to lose  
25          her -- her room, so there are consequences for  
26          Ms. Woods there.

27          And defence submits that supervised

1           probation is a restriction of her freedom, that  
2           suspended sentences, in the right circumstances,  
3           can be deterrent. Certainly a breach of a  
4           suspended sentence can result in revocation of  
5           the sentence and sentencing on the original  
6           offence, and defence submits that this is  
7           something that's -- in this case, is the -- in  
8           the public interest. It's really in the public  
9           interest when someone who is dealing with drugs  
10          appears to be -- have taken the steps to be  
11          rehabilitated and to take those steps on her own.  
12          And I wonder, Your Honour, what is it in the  
13          public interest that a conventional sentence of  
14          imprisonment would do that she hasn't already  
15          done?

16                 And everything that I have reviewed, that I  
17          know about Ms. Woods -- the documents show that  
18          she is exceptional. In my view, a suspended  
19          sentence is something that is there for the Court  
20          to consider. A conditional sentence order is an  
21          illegal sentence or probation is an illegal  
22          sentence. But certainly, protecting the  
23          public -- protecting the public is served in this  
24          case by allowing Ms. Woods to continue down the  
25          path that she started on her own initiative, and  
26          I really applaud all of the people who have been  
27          supporting her and all of the community helpers

1           that she has had; two of them are here. And I  
2           have to applaud Ms. Woods for -- for taking all  
3           of the steps that -- that she has taken.

4           I do want to make a couple comments on the  
5           cases. I'm not going to say too much, because I  
6           think they're fairly obvious. Certainly in the  
7           case of *Tony Tobac*, it seems to me -- I'm not  
8           sure that she has the insight that Ms. Woods has.  
9           I'm not sure that she had made the positive kinds  
10          of changes that Ms. Woods has, and that Ms. Tobac  
11          also had a criminal record.

12          I would suggest -- and the last case  
13          comments I have are *Melinda* -- the *Melinda Joe*  
14          case, and I -- I submit, Your Honour,  
15          respectfully that the circumstances of  
16          Melinda Joe are in no way comparable to those of  
17          Ms. Woods. The issue -- the amounts -- well, her  
18          personal circumstances -- that when we come to  
19          the actual facts of the trafficking and the  
20          drugs, the amount of drugs was -- was much more,  
21          and I would respectfully submit that the  
22          sentencing judge was swept up in her personal  
23          circumstances, and the sentence in itself was  
24          illegal. And at the outset, the defence and  
25          Crown agreed that an appropriate sentence -- in  
26          fact, I don't believe I was asking for a  
27          suspended sentence with probation; I think I was



1 asking for something like six months in -- in  
2 that case.

3 THE COURT: You were Ms. Joe's counsel?

4 MR. BOCK: Pardon?

5 THE COURT: You were Ms. Joe's counsel?

6 MR. BOCK: Yes, I was Ms. Joe's counsel.

7 And the issue, then, for the appeal -- because we  
8 wanted to skirt around the issue of what was an  
9 appropriate sentence. The issue for the appeal  
10 was -- she had been on probation for, I think,  
11 six months at the time of the appeal, and the  
12 real issue was whether or not she would qualify  
13 for a stay of the custody and that she could  
14 serve the remainder of the sentence on probation.

15 Certainly to be fair, the -- Ms. Joe's  
16 behaviour on probation was lukewarm, that -- that  
17 she was not -- she didn't take a lot of steps  
18 to -- to -- to seek counselling and to do all of  
19 the things that you would expect someone would be  
20 taking. So we didn't really -- we -- everyone  
21 knew the sentence was illegal, and in her case,  
22 we knew that the -- the sentence that she  
23 received was not appropriate. My submission was  
24 that the year was appropriate; I believe that  
25 that was Crown's submission as well. And the  
26 issue was simply whether she passed the tests of  
27 the Court and done the correct -- done the

1 appropriate things in order for her to have a  
2 stay of her period in custody.

3 To the best of my knowledge, there is --  
4 there is still no case that -- that says that a  
5 suspended sentence with probation is an illegal  
6 sentence, but -- and I've done my best to  
7 research cases in the Northwest Territories and  
8 other jurisdictions, and all of the -- the cases  
9 really seem to point to, there has to be  
10 something really exceptional about this case in  
11 order to even consider that. Because we all know  
12 that -- we know the effect of trafficking; we  
13 know the effect -- whether it's the Yukon; there  
14 are all kinds of cases that talk about the effect  
15 of trafficking in the Yukon. There are all kinds  
16 of cases in the Northwest Territories that talk  
17 to the devastating effect of trafficking in -- in  
18 crack cocaine, other drugs in the  
19 Northwest Territories, how it disrupts families,  
20 how it disrupts communities.

21 Certainly Melinda Joe (sic) has insight and  
22 knows how drugs can affect someone, and that this  
23 is a case, Your Honour, in defence submission,  
24 where the Court could consider possibly  
25 suspending the passage of sentence with  
26 probation. As I said, the Crown's position --  
27 and six months is reasonable. I suggest that the

1 Court, given all of the circumstances and the  
2 steps that Ms. Joe has -- has taken, consider  
3 something certainly less, and that would allow  
4 Ms. Joe to continue on with her progress. I -- I  
5 don't want to see that progress stopped or -- or  
6 interfered with.

7 I know Ms. Joe has a letter -- a brief  
8 letter that -- that she wrote, but unless there  
9 are any questions, those are my submissions.

10 THE COURT: Thank you, Mr. Bock. Any  
11 comments, Mr. Praught, before we move on to  
12 Ms. Woods?

13 MR. PRAUGHT: Just on the possibility of a  
14 suspended sentence, Your Honour, I think  
15 paragraph 18 in the *Joe* case is quite clear: The  
16 Court does not say that the sentence of three  
17 years probation is illegal because the passing of  
18 that sentence was not suspended; it says it's  
19 illegal since a conditional sentence order was  
20 not available. So I think that -- they provide  
21 the reasons why they find that a probation is not  
22 a legal sentence. It's not because of what's  
23 suspended; it's because the CSO was not  
24 available, and that --

25 THE COURT: But I -- but I take *Joe* to  
26 mean -- meaning that I take from *Joe* in dealing  
27 with, what was on its face, an illegal

1 sentence -- the impact of the decision is more  
2 the primacy of deterrence and denunciation in  
3 these sorts of -- these sorts of cases, right, in  
4 terms of what the -- what the Court decided to do  
5 with Ms. Joe in the end. So that is the -- that  
6 is the point that I take from it. I mean,  
7 clearly a suspended sentence is not an illegal  
8 sentence, but case law would urge me to consider  
9 something other than a suspended sentence. Is  
10 that a fair assessment?

11 MR. PRAUGHT: The Crown would submit that a  
12 suspended sentence, given the language in *Joe*,  
13 would be -- would not be a legal sentence.

14 THE COURT: Would not be a legal sentence?

15 MR. PRAUGHT: A legal sentence. And we  
16 would also --

17 THE COURT: Well, it would not be an  
18 appropriate sentence as defined by *Joe*. It would  
19 be legal; in other words, it is supported by  
20 the -- it is supported by the law. You can get a  
21 suspended sentence for manslaughter, but it would  
22 not be one that would survive appellate scrutiny.

23 MR. PRAUGHT: I'm just going by the language  
24 in paragraph 18, Your Honour, where the Court  
25 says that the probation was not -- was -- is  
26 illegal, and the reason for that finding was that  
27 the CSO was --

1 THE COURT: Yes.

2 MR. PRAUGHT: -- not available. So --

3 THE COURT: But there is nothing in the

4 *Criminal* -- and I do not want to get into an --

5 MR. PRAUGHT: Yeah, no.

6 THE COURT: -- argument with you,

7 Mr. Praught, but there is nothing in the

8 *Criminal Code* that makes a suspended sentence --

9 MR. PRAUGHT: Yeah.

10 THE COURT: -- illegal, but I would take

11 Joe as saying that a suspended sentence is not

12 appropriate in a case like this.

13 MR. PRAUGHT: Yeah, and -- and I appreciate

14 the distinction Your Honour is making, and I

15 just -- I -- I do -- I have the *Geiger* case as

16 well as reference in that same paragraph in the

17 Alberta Court of Appeal, which goes into the

18 rationale for probation, as it were, not being

19 appropriate. The CSO is tantamount with, more or

20 less, the same thing in -- in the circumstances.

21 And I guess the Crown's submission at the end of

22 the day is that whether or not it's suspended

23 doesn't change that fact.

24 THE COURT: Ms. Woods.

25 THE ACCUSED: Your Honour, I am very sorry

26 for my wrong actions. I know that drugs are bad

27 for people. I have gained my lifestyle. I have

1           been going to counselling, and I'm presently  
2           going to the Native Women's School working  
3           towards my GED. I have been spending my weekends  
4           with my family. I know that these changes have  
5           been made -- made a difference, and I am moving  
6           towards -- oh, sorry, now I'm moving forward with  
7           my life. I just want to say I'm sorry.

8           THE COURT:                   Okay. Thank you.

9                         I will order a transcript of today's  
10           proceedings in their entirety. The facts were  
11           read in and the comments that were made by both  
12           the Crown and the defence form an integral part  
13           of the sentencing in this case, and I want the  
14           transcript to accurately reflect that.

15                         Mr. Bock, you did an exceptional job for  
16           your client.

17           MR. BOCK:                   Thank you, sir.

18           THE COURT:                   I often struggle with the  
19           distinction between rehabilitation, denunciation,  
20           and deterrence, because we end up dealing with  
21           individuals, people like yourself, Ms. Woods, who  
22           have made extraordinary efforts to try to get  
23           their lives together, and I give you full and  
24           complete credit for that, as well as the people  
25           who have assisted you. It is important work. It  
26           is important work that you are doing for  
27           yourself, and it is important work that has been

1 done to help you.

2 This case is exceptional in terms of the  
3 history that you bring with you and the steps  
4 that you have taken to try to overcome your past  
5 and the handicaps that that past has burdened you  
6 with. You had a horrible childhood; you had a  
7 horrible life as an adult; you lived an  
8 out-of-control, vulnerable life from the time you  
9 were a little child, and the Court cannot help  
10 but be mindful of that.

11 One of the reasons why I have ordered that  
12 the full transcript be prepared as opposed to  
13 simply my reasons is that I do not believe that I  
14 can do justice in short form to all of the work  
15 that Mr. Bock has put into presenting your  
16 situation to the Court. The presentence report  
17 is excellent in its description of your life and  
18 the work that you have done.

19 The Court of Appeal has made it clear that I  
20 must give great weight to denunciation and  
21 deterrence, and that is general deterrence in  
22 this case. I believe that you are personally  
23 deterred. I do not believe you are going to do  
24 this again.

25 THE ACCUSED: No.

26 THE COURT: And it is important that the  
27 Court send a consistent message when dealing with

1 people that are facing the temptation to engage  
2 in the drug trade. And as Mr. Bock and  
3 Mr. Praught have, either today or on other  
4 occasions, clearly stated, it is a plague on our  
5 communities; it is not a simple question of  
6 recreation. Hard drugs -- especially opioids, as  
7 you well know, and crack cocaine -- cut a swath  
8 through communities that does damage that, in  
9 many cases, is almost irreparable. People are  
10 destroyed by it, and the Court has to recognize  
11 that.

12 I am going to do the utmost that I believe I  
13 can for you, bearing in mind the case law that  
14 has to guide my actions. I have dealt with the  
15 case of a young man who was engaged in the  
16 trafficking trade of cocaine who came before me  
17 on a guilty plea having spent a year in in-house  
18 treatment getting himself better. I gave him a  
19 six-month sentence. It was the best I could do  
20 under the circumstances.

21 Your circumstances are even more sympathetic  
22 than his. The life that you have suffered  
23 through that put you in a position of  
24 vulnerability where you gave in to this kind of  
25 temptation is one that I must take into account  
26 to a great extent. We often hear of the *Gladue*  
27 factors, the factors that we have to take into



1 account when dealing with Indigenous people. But  
2 those factors are broadly defined. Your life  
3 is -- is yours, and your particular life has been  
4 particularly difficult, and I take that into full  
5 account.

6 I do not believe that I can impose an  
7 intermittent sentence. I can go below what the  
8 Crown is asking for. I think that the lowest I  
9 can possibly go in this exceptional case is four  
10 months. I am going to make a recommendation on  
11 the Warrant of Committal that Ms. Paul be  
12 contacted by Corrections in order to maintain  
13 whatever education and programming that you are  
14 currently engaged in. I am going to make a  
15 recommendation that you be considered for early  
16 release, both for education and for treatment  
17 reasons.

18 I will make a recommendation that --  
19 Mr. Bock, perhaps you can -- are there any  
20 further suggestions you can make in terms of the  
21 strong recommendations that I can make at this  
22 point in time?

23 MR. BOCK: She was saying about getting  
24 her things together, but perhaps one of her  
25 supports that are here could assist her with  
26 that.

27 THE ACCUSED: Oh, sorry.

1 THE COURT: I indicated at the beginning,  
2 Ms. Woods, I am bound by the decisions of the  
3 Court of Appeal, and I am bound by precedent,  
4 meaning other cases that have come before and by  
5 parity. I do not think this Court has ever gone  
6 below six months before, not that I know of. So  
7 four months is an exceptional sentence, and it  
8 takes into account what I believe are truly  
9 exceptional circumstances in your case, not just  
10 the hard life that you had, but all the hard work  
11 that you have done to get to this point. It is  
12 the lowest I think I can go. I wish that I had  
13 the option of a conditional sentence, because  
14 that is what I would impose in this case. I do  
15 not have that option. It would be an illegal  
16 sentence.

17 Ancillary orders -- and, Mr. Bock, I was  
18 going to ask you, is there anything else you  
19 would like me to recommend in terms of the  
20 Warrant of Committal that may allow for further  
21 transition back?

22 MR. BOCK: Perhaps the presentence report  
23 could be attached to the Warrant of Committal.

24 THE COURT: I would have no problem with  
25 that. Do you have a problem with it,  
26 Mr. Praught?

27 MR. PRAUGHT: No, Your Honour.

1           THE COURT:                   The presentence report will be  
2           attached to the Warrant of Committal. Did you  
3           want any of the exhibits attached as well? What  
4           I will make as a recommendation on the Warrant of  
5           Committal is that the staff at Corrections review  
6           the documents that you filed, Mr. Bock, with a  
7           view to coming up with the most effective options  
8           for Ms. Woods.

9                   What I am worried about, and what I want to  
10          strongly encourage Corrections, is that I want to  
11          make sure that this sentence does not undue the  
12          hard work that you made, Ms. Woods. I want  
13          Corrections to do everything that they can to  
14          make sure that -- especially the treatment that  
15          you have been taking and the education that you  
16          have been working on is maintained. I do not  
17          know what they can do, but I know that there is a  
18          lot of programming available at the institution  
19          here. And again, as I said, the temporary  
20          absence and the early release is something they  
21          should strongly consider.

22                   Probation for two years: You will report  
23          within three days after your release and after  
24          that as directed; to take whatever treatment as  
25          recommended for you by Probation Services. You  
26          are to reside as directed by your probation  
27          officer, which I am hoping is back where you are

1           currently residing. The most that you would  
2           serve is two thirds of that, which is about two  
3           and a half months. I am hopeful that after that  
4           two and a half months -- and I am hoping it is  
5           going to be a little less than that, given my  
6           recommendations here -- you can continue on with  
7           the things that you are doing and get back on  
8           track. That is my sincere hope, and I wish you  
9           the best on that.

10           With respect to the probation order, I do  
11           not think anything beyond treatment and  
12           counselling is appropriate, and all I can do is  
13           wish you the best.

14           I will review that transcript prior to it  
15           being published. Thank you, Madam Clerk. Is  
16           there anything further, counsel?

17           MR. PRAUGHT:           Your Honour, the two -- the  
18           ancillary orders, have we been --

19           THE COURT:           Section 109 firearms order.  
20           Thank you, Mr. Praught. Victims-of-crime  
21           surcharge waived for reasons of hardship, and I  
22           will make a DNA order under the circumstances,  
23           given the nature of the offence and given the  
24           fact that I do not expect your client to be  
25           seriously disadvantaged by it.

26           Thank you again, Mr. Praught, Mr. Bock.

27           MR. PRAUGHT:           Thank you.

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**CERTIFICATE OF TRANSCRIPT**

I, the undersigned, hereby certify that the foregoing transcribed pages are a complete and accurate transcript of the digitally recorded proceedings taken herein to the best of my skill and ability.

Dated at the City of Edmonton, Province of Alberta, this 17th day of May, 2019.

Certified Pursuant to Rule 723  
of the Rules of Court



\_\_\_\_\_  
Jocelyn Horne, CSR(A)  
Court Transcriber