

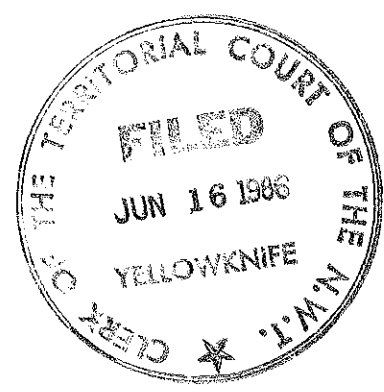
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

D.R. (A Young Offender)



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Transcript of the Oral Sentencing Delivered by His Honour Judge R. M. Bourassa, sitting at Yellowknife in the Northwest Territories, on Monday, May 13th, A.D., 1986.

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APPEARANCES:

MS. S. AITKEN: Counsel for the Crown

MS. L. TARRAS: Counsel for the Defence

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1 THE COURT: D.R. is convicted of the offence of break,  
2 enter and theft, identical to Mr. C. who the court dealt  
3 with earlier. In addition to that, he is convicted of  
4 possession of a restricted drug, L.S.D. Mr. R. is 17 years  
5 old. He has a criminal record for an offence of assault  
6 in January of 1985.

7 The predisposition report with respect to this youth  
8 is favourable. It indicates that in the author's view  
9 that he felt he would be responsive to probation. I take  
10 that as meaning that he would be responsive to efforts to keep  
11 him under control and to change some of his antisocial ways.

12 The one aspect of this that troubles me is that D.R.  
13 is living in the same household as the previous young offender,  
14 who I have sent to jail as a result of this offence. D.R.  
15 was not an employee of the victim, and the offence can  
16 be distinguished. Their roles in a sense can be distinguished  
17 in that way, although on the other hand, he actually did  
18 the theft. He went into the building after being given  
19 the opportunity by the other.

20 Once again this is another youth who has apparently  
21 had a lot of support from the C's. He is uneducated, is  
22 going no where. That is troubling and that is disturbing. I  
23 think that the difference between the two youths in terms  
24 of their previous experiences with breaking the law, their  
25 previous experiences and responsiveness to the courts  
26 warrants slightly different dispositions.

27 I recognize the courts are criticized on a regular

1 basis for disparity in sentencing. However, very few people  
2 trouble themselves to look into why there are disparate  
3 sentences for the same offence.

4 As I have already indicated, Mr. C. had five previous  
5 convictions, and every indication was that he was not going  
6 to respond to probation. Mr. R. has one previous conviction  
7 and apparently will respond, or there is a potential for  
8 positive response. I am prepared to give some weight to  
9 that portion of the predisposition report.

10 I would not be performing my duty if I didn't comment on the  
11 drug charge. I want to make it very clear to Mr. R. and  
12 to others of his age group that it is one thing to fool  
13 around with marihuana. It is another thing to fool around  
14 with L.S.D. The courts response up to now with respect  
15 to marihuana and hashish and other so-called soft drugs  
16 have been fines in cases of possession. There is no magic to  
17 that. L.S.D. is something different. It has been documented  
18 that it causes chromozonal damage, that it has adverse affects  
19 psychologically and physiologically. These facts are known. To my  
20 knowledge this is the first case where possession of L.S.D.  
21 has come before the courts in the Northwest Territories.  
22 I am not prepared to deal with that by way of a passing  
23 fine much in the nature of a parking ticket. Whatever  
24 problems we may or may not have as a result of the inflow  
25 of marihuana and hashish, they are kindergarten problems  
26 compared to what can happen with respect to the abuse of  
27 L.S.D.

1                   The whole purpose of deterrent sentencing  
2 with respect to trafficking in drugs goes back to Mr.  
3 Justice Morrow who observed that we have enough trouble  
4 in this jurisdiction with alcohol and solvent abuse;  
5 We don't need trouble with drugs. I can only repeat  
6 that emphatically when it comes to L.S.D. The court  
7 has an obligation to impose a deterrent sentence with  
8 respect to this offence. A little child, twelve,  
9 thirteen, fourteen years old, getting stoned on grass  
10 can be rehabilitated, but when children of that  
11 age group start using L.S.D., or when this kind  
12 of drug is made available to them, they cannot  
13 be rehabilitated. The damage is permanent. This court  
14 will make it very clear that those that want to possess  
15 L.S.D., and indirectly those that want to traffic in L.S.D.  
16 that they had better be able and prepared to pay a very  
17 stiff price indeed.

18               Now, I am cognizant of the principles of the Young  
19 Offenders Act. I don't want to turn D.R. into a sacrificial  
20 lamb because of this particular offence. On the other  
21 hand, it must be understood at least in my thinking, and  
22 if my thinking is wrong then I trust counsel to bring this  
23 matter to a higher court to correct me, but in my thinking,  
24 L.S.D. is so absolutely qualitatively different and such an  
25 immense step from the so-called soft drugs that a different  
26 response is called for. I am cautioning myself against  
27 a knee jerk response. I recognize that there was only

1 a small amount found on the blotter paper in this youth's  
2 pocket. The youth is an admitted drug user. It is not con-  
3 firmed in the predisposition report or otherwise that he  
4 has used L.S.D. in the past. He is an admitted alcohol  
5 abuser. The price society has to pay for those two problems  
6 is grave enough indeed without having to worry about paying  
7 futher costs associated with the abuse of L.S.D.

8 Stand up, please, Mr. R. With respect to the break,  
9 enter and theft, for the reasons I have already given and  
10 upon hearing what has been said on your behalf and reading  
11 the predisposition report, I am going to place you on  
12 probation for a period of six months. You are to keep  
13 the peace and be of good behavior, which simply means,  
14 Mr. R., obey the law. In addition to that, you are to  
15 report to the youth court worker forthwith, and thereafter  
16 once every two weeks or more often if required by them.  
17 Within the next three months you are to perform 100 hours  
18 of community service work under the direction of the youth  
19 court worker and to the youth court worker's complete  
20 satisfaction. If some of that work can be arranged on  
21 the consent of the victim of the break, enter and theft,  
22 if it can be arranged at his premises, so much the better,  
23 but I leave that to the youth court worker to see what  
24 arrangements, if any, can be made for the discharge of  
25 the community service order.

26 With respect to the drug possession, taking into account  
27 your age, Mr. R., the amount involved, and for the reasons



1 that I have given, I am going to sentence you to five days  
2 secure custody. I am going to tell you, Mr. R. you stay  
3 away from L.S.D. You tell your friends what is going to  
4 happen if they want to fool around with L.S.D. The courts  
5 are not going to accept it. It is going to kill you,  
6 literally. That's all.  
7

8 (AT WHICH TIME THESE PROCEEDINGS WERE CONCLUDED.)  
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12 Certified a correct transcript,  
13

14 *Laurie Ann Young*  
15 Laurie Ann Young

16 Court Reporter  
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