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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

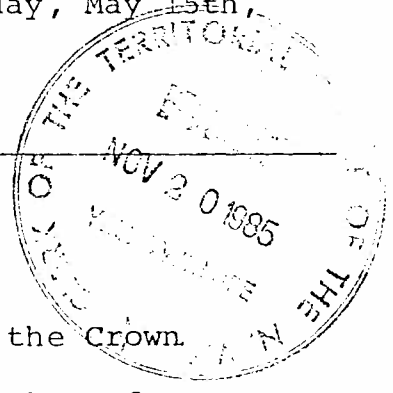
RANDOLPH D. WATCHORN

Transcript of the oral sentencing delivered by His Honour Judge R.M. Bourassa, sitting at Frobisher Bay, in the Northwest Territories, Wednesday, May 15th, A.D. 1985.

APPEARANCES:

MR. N. SHARKEY Counsel for the Crown

MR. J. BOVARD Counsel for the Defence



1 THE COURT: This could be called the "with-friends-like-
2 that-you-don't-need enemies" case.

3 Apparently, as a result of an involvement with
4 a long time friend and a desire to maintain that friendship,
5 the accused was involved in the possession of approximately
6 two pounds of hashish for the purposes of trafficking. I believe
7 it would be fairly accurate to observe that normally, notwith-
8 standing the accused's antecedents, the lack of a previous
9 criminal record of any note and his fairly positive antecedents,
10 a jail sentence of anywhere from a year and a half to two
11 years would be involved for this kind of possession.

12 The accused is described by the Crown as a dupe
13 of the so-called friend. Both Crown and Defence agree in this
14 matter: that the so-called friend arrived at Mr. Watchorn's
15 doorstep carrying the drugs unknown to Watchorn. Mr. Watchorn
16 extended his hospitality to his friend and his drugs. The
17 drugs ended up being secreted in a stereo speaker in Watchorn's
18 residence over a period of six days. The accused knew the
19 drugs were present. I have no indication before me that this
20 accused was involved in any of the other activities related to
21 trafficking such as selling or dividing, and cutting the drug.
22 His involvement as described to me appears only to have involved
23 providing a place for the drugs to lie.

24 I have already commented earlier today when
25 dealing with a young offender, a seventeen year old who was
26 caught up in the prospect of quick and easy cash with respect to
27 drugs, the problem that Frobisher Bay has with drugs, and I am sure

1 I could say the same thing again to Mr. Watchorn, and I am
2 sure I will have the occasion to say it again in the future.
3 But it is a very real problem here, and it's something that the
4 Courts have to address. It is a situation, I think, that
5 the Court can reflect in its sentence.

6 The accused is working, and from the references
7 filed as Exhibit 1 he certainly isn't a total scoundrel by
8 any means. It appears that he made a very significant error
9 in judgment, and as a result of that error has severely
10 compromised himself, not to mention the apparent hurt and
11 embarrassment he has caused his family.

12 The issue is, I suppose, whether or not in
13 response to that involvement as described to me the Court
14 should impose a sentence that would be normally imposed
15 for trafficking in that quantity of drugs, being a very
16 significant quantity. Mr. Watchorn and others are going to
17 have to clearly understand that when it comes to drugs it
18 must be 'hands off'. People must understand that there is a
19 hidden price to pay for fooling around with those substances,
20 and that may very well take the glitter off the apparent
21 gold that a lot of people think is available from selling and
22 possessing drugs.

23 I accept in substantial mitigation the fact that
24 he has pleaded guilty at the first opportunity. That he has
25 cooperated with the Police I think to a small degree substan-
26 tiates the position of Defence and Crown that he was the
27 unwilling dupe in this matter. On the other hand, I have to

1 be concerned about general deterrence, and, as I have already
2 said, drugs are such a problem in Frobisher Bay. I think
3 the Court would be failing in its duty if anyone was left
4 with the impression that they can be involved directly or
5 indirectly with drugs and not be exposed to severe consequences.
6 The thrust of all Court decisions with drugs has been to this effect.
7 The fact that he has no previous criminal record doesn't assist
8 him that much. I believe it's been said in other Courts that
9 the very fact that people don't have a criminal record is an
10 inducement for their involvement in the drug trade, because
11 they are the last people one would think of as being
12 involved in the drug trade.

13 Stand up, please, Mr. Watchorn. Taking into account
14 what has been said on your behalf, the factors that I have
15 already mentioned, I am going to sentence you to ninety
16 days imprisonment. I am going to direct that you be
17 imprisoned from this time until Monday morning at seven a.m.,
18 and that is the 20th of May, and thereafter each Friday at
19 seven p.m. until each Monday at seven a.m. until you have
20 served eighty-four days in total. The final day of your
21 sentence is to be served on the 21st of December, 1985 at
22 seven a.m. until seven p.m. the following day.

23 During the period while you are released, you are
24 going to be subject to a probation order: to keep the peace
25 and be of good behaviour. You are not to consume or
26 possess any kind of non-prescription drugs or medication.
27 You are to report to probation services when and if required.

1 I hope you will exercise better judgment in choosing your
2 friends, Mr. Watchorn.

3 MR. SHARKEY: Sir, I should point out, and this has been brought
4 to my attention before, that in your disposition when you say
5 shall serve eighty-four days, and you have given the times,
6 that he will serve those days--the correctional authorities
7 will normally remove one-third automatically for--I know
8 you're aware of that, but despite your direction, it may be
9 that he won't serve actually eighty-four days.

10 THE COURT: Oh, well, I understand that. What I am trying to
11 do, Mr. Sharkey and Mr. Bovard, so you both understand is this: I
12 can't place him on probation after an intermittent sentence.
13 I want him on probation for a period of time, and by having
14 him serve his last day of imprisonment on the 21st of December,
15 1985, I am, in effect, putting him on probation for six months.

16 MR. SHARKEY: Sir, that's an innovative and good idea. I under-
17 stand that. I was just curious about the earlier part.

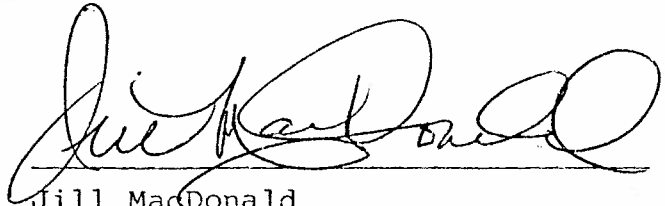
18 THE COURT: Well, then, I will direct that his first period of
19 days be served until Monday. Perhaps, just repeating myself,
20 thereafter he is to serve his time in custody on each weekend
21 until there is one day remaining. That one day is to be
22 served on the 21st of December, 1985. Do you understand that,
23 Mr. Bovard?

24 MR. BOVARD: Yes, I understand, Your Honour.

25 THE COURT: Then, of course, he is subject to the probation
26 order in the interim.

27 MR. BOVARD: Yes, Your Honour. Thank you.

Certified a correct transcript,

A handwritten signature in cursive script, appearing to read "Jill MacDonald", written over a horizontal line.

Jill MacDonald
Court Reporter

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