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James Ralph Shirley is convicted of an offence contrary to Section 3(1) of the Narcotic Control Act; possession of hashish. That is an offence that is normally responded to by the courts with a very modest fine, and I do not see any reason to depart from the norm in this case.

I only want to add the one caution, not so much for this particular defendant but for others: Because of the small fine, no one should be fooled or deluded into thinking that the use of cannabis products is something that the Court does not view seriously. It is a serious matter, and there is a gigantic leap between the penalties for personal use and the penalties involved in trafficking or possession for trafficking, and trafficking has been defined in a number of cases as to include something as simply giving a joint to a friend.

The cases on trafficking indicate a minimum of three to five months imprisonment by way of penalty. See, for example, Mr. Justice Ducros' decision in R v. Dawn Simmms, SCNWT, unreported. There are other penalties that a person may suffer as a result of the conviction which go beyond a fine, and certainly for someone such as Mr. Shirley, who is mobile between countries, may cause problems for him in attempting to get back to the United States or crossing the border between the United States and Canada.

I am aware, and I am sure his counsel is aware, of the pardon provisions.

Taking into account everything that has been said on behalf of Mr. Shirley, I am going to impose a fine of \$250. In



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default, 25 days in jail. Do you require time to pay the fine,
Mr. Shirley?

THE ACCUSED: No.

THE COURT: Thank you, Ms. Lang.

Certified correct:

Cindy Kamitomo

Cindy Kamitomo
Court Reporter