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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN



- vs. -

DENIS AUBUT



Transcript of the Reasons for Sentence of The Honourable Judge Dolores M. Hansen, at Iqaluit in the Northwest Territories, on Friday, June 19, A.D., 1998.

APPEARANCES:

B. Allison, Esq.:	Counsel for the Crown
D. Garson, Esq.:	Counsel for the Crown
M. Chandler, Esq.:	Counsel for the Accused

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

1 THE COURT: Thank you, Mr. Allison, and thank
2 you, Mr. Chandler.

3 The horrible consequences for this type of
4 activity, particularly in a small community, goes
5 without saying.

6 I am not going to review in detail how the notions
7 of specific deterrence, general deterrence, and
8 denunciation fit into the global sentence that has been
9 recommended.

10 I am prepared to accept the joint submission, and
11 I do so for the following reasons:

12 One, Mr. Aubut has acknowledged responsibility for
13 the activity, which, in itself, has saved enormous time
14 and cost for the Court and also for other individuals
15 who would have been called to testify on the matter. I
16 suspect, given his complete cooperation with the
17 police, that there will be a rather significant impact
18 on other related prosecutions.

19 Mr. Aubut has a terrible record spanning some
20 twenty years; however, in reviewing the record, and as
21 has been pointed out to the Court, there are two prior
22 related matters, each a simple possession, and they
23 appear on the record to be dealt with by way of a
24 fine.

25 Mr. Aubut has been in pretrial custody for a
26 period of three months and clearly should be given
27 credit for that time.

1 Accordingly, if I am permitted to use the
2 shorthand language that has been used at the time of
3 the representations on sentencing, with respect to the
4 conspiracy, there will be an order of imprisonment for
5 three years.

6 With respect to the trafficking in cannabis, there
7 will be an order of imprisonment for six months,
8 concurrent to the time ordered with respect to the
9 conspiracy.

10 With respect to the trafficking in cocaine, there
11 will be an order of one year imprisonment, concurrent
12 to the three years.

13 So, all matters are concurrent to give effect to a
14 global disposition of three years.

15 I also want to make it clear that I quite agree
16 with the submission with respect to location, and I
17 would certainly support and recommend that Mr. Aubut be
18 given the opportunity to serve his time in a
19 penitentiary as close as possible to Winnipeg so that
20 he will have an opportunity to see his children and
21 other family members.

22 With respect to the time in default, do I have to
23 do anything with that? I do not think so.

24 THE CLERK: No.

25 THE COURT: As a matter of fact, I do not think
26 I even have the authority to deal with it, actually. I
27 think it just simply goes on the record that everyone

1 agrees, right?

2 THE CLERK: Yes.

3 THE COURT: All right. Was there anything
4 further?

5 MR. CHANDLER: Nothing for the defence, Your
6 Honour, thank you.

7 THE COURT: Thank you. Mr. Allison, thank you
8 very much for your representations. Mr. Chandler,
9 thank you for yours; Mr. Garson.


10 (AT WHICH TIME THE PROCEEDINGS CONCLUDED)

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13 Certified pursuant to Practice
14 Direction #20 dated December 28, 1987

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Tracey Hoffman,
Court Reporter

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