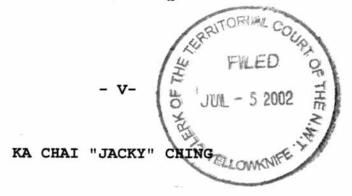
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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN



Transcript of the Oral Reasons for Sentence of The Honourable Judge R.M. Bourassa, sitting in Yellowknife, in the Northwest Territories, on the 30th day of May, A.D. 2002.

APPEARANCES:

Mr. P. Falvo:

Counsel for the Crown

Mr. C. Rehn:

Counsel for the Defence

THE COURT: The accused has pleaded guilty to two charges of breach of undertaking wherein the Crown has proceeded by indictment and a charge of trafficking in cocaine.

The sentencing of any offender involves a balancing of various principles, of course, within a range that is determined by reference to the law and to what other courts in this jurisdiction and other jurisdictions have done.

I'm sure I don't have to spend a long time going over the effect that the trafficking of cocaine has in the community, that's been said by every judge from Vancouver to Halifax. I can only add that in this community, as small as it is and with the significant alcohol problems, that many offenders have to deal with, the presence of cocaine can only makes things worse. It's exploiting the weaknesses of the people and, of course, the motive is pure profit, there is so much money to be made.

In any event, the Court of Appeal, the Supreme Court have stated time and time again that these offences will not be tolerated and deterrent sentences will be imposed, and the Territorial Court certainly applies the same principles.

The accused, at the time of the trafficking, admitted he was part of a group. Do we dare say "gang"? I don't know. But anyway, part of a group,

organized and protected. He effected his sale as a passenger in the car with a dedicated driver, and a third person present for support, if I can call it that.

The accused was available and obviously known to the police because he was identified by the police and arrangements were made to buy the cocaine from him.

Highly aggravating, in my respectful view, of course is that we're talking about trafficking in cocaine. But equally highly aggravating is the fact that, at the time of this trafficking, he was awaiting trial on another charge of trafficking, possession for the purposes of trafficking. And regardless of how that charge was ultimately disposed of, it boggles the mind that -- well, it clearly shows how important the trafficking is to the accused. Awaiting trial on a charge of trafficking and he's involved in trafficking yet again. The deterrent effect of law appears to be nonexistent with respect to this individual. And his undertaking equally.

It's unfortunate that the accused has squandered his opportunity for a new life in this country with all the benefits and opportunities that are available for the sake of quick and fast money through trafficking of cocaine.

I take into account the guilty plea, however, one has to recognize that the accused was essentially caught red-handed.

I take into account the remand time, however, I have to take into account the circumstances why he's in custody, and I don't think I have all the facts before me but clearly, the fact that he's in custody is related to his breach of undertaking and it may or may not be related to the fact that he left the country for two years, or a year and a half. In any event, part of the reason why he's in custody is his own responsibility. While certainly I can take the remand time into account, and I do, it has to reflect the reason why he's in custody.

It's just astounding that someone facing a charge of trafficking would just go out and keep trafficking and that, in my view, has to be recognized in sentencing and I propose to do that by consecutive sentences.

I'm talking into account totality, the fact that the accused has no prior criminal record in trying to balance the circumstances that I have before me as well as the needs of the offender and the circumstances of the crime generally. Stand up, Mr. Ching. Is there anything you wish to say?

THE ACCUSED:

No.

	1	THE	COURT: On the charge of trafficking there
0	2		will be a term of imprisonment of one year. On the
	3		charge of breach of your undertaking, six months
	4		consecutive. Is that everything for this morning,
	5		Mr. Falvo?
	6	MR.	FALVO: Yes, Sir.
	7	THE	COURT: Thank you, Mr. Rehn.
	8		
	9		Certified correct to the best of my skill
	10		and ability (Subject to Editing by Presiding Judge).
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	12		Sandra
	13		Sandra Burns R.P.R., C.R.R.
	14		Court Reporter
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