

Citation: *R. v. Aslam*, 2016 YKTC 17

Date: 20160428
Docket: 13-00586A
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Judge Faulkner

REGINA

v.

ASIF MOHAMMED ASLAM

Appearances:
Eric Marcoux
Ian McKay

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCE

[1] FAULKNER J. (Oral): Asif Aslam has entered a plea of guilty to a charge of trafficking cocaine contrary to s. 5(1) of the *Controlled Drugs and Substances Act*.

[2] The facts are as set out in the Agreed Statement of Facts and need not be repeated. Mr. Aslam was involved in a group trafficking drugs, cocaine, specifically, between British Columbia and the Yukon. The specific offence for which he has entered the guilty plea involved the sale of 1.75 kg of cocaine to a purchaser, who, unfortunately for Mr. Aslam and his confederates, turned out to be an agent in the employ of the police.

[3] I have been presented with a joint submission that Mr. Aslam receive a sentence of three and one half years, less credit for time served. I am prepared to accede to the joint submission, in light of the submissions made to me and also in light of the identical sentence having been meted out to his immediate co-accused, Mr. Truesdale.

Accordingly, Mr. Aslam, with respect to this offence, you are sentenced to a period of imprisonment of three and one half years. You, however, are entitled to credit of eight months for time already served, leaving a remanet of two years and ten months to be served in a federal penitentiary.

[4] All items seized are forfeit to the Crown.

[5] There will be a victim surcharge of \$200 payable forthwith.

[6] Additionally, you are prohibited from having in your possession any firearm, ammunition, or other items described in s. 109(2)(a) of the *Criminal Code* for a period of 10 years following your release from imprisonment; and any of the prohibited items more particularly described in s. 109(2)(b) of the *Criminal Code* for the remainder of your life.

[7] As counsel indicated, in all likelihood, Mr. Aslam will end up in a penitentiary in the Lower Mainland area, but I am happy to have the warrant of committal endorsed, as my recommendation, that he serve his sentence as close to his family as possible in light of his strong family connections.

[8] The remaining counts?

[9] MR. MARCOUX: Stay of proceedings.

[10] MR. MCKAY: In terms of the victim surcharge, in terms of deemed days in default, could that be served concurrently?

[11] THE COURT: That will be served concurrently.

[12] MR. MCKAY: Sorry, one other thing, Your Honour, in terms of the recommendation that he be considered for any type of early release?

[13] THE COURT: That's fine.

[14] MR. MCKAY: That's fine? Thank you.

FAULKNER T.C.J.