

Citation: *R. v. Asp*, 2009 YKTC 2

Date: 20081219
Docket: 07-00787
08-00349
08-00349B
08-00373
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Faulkner

REGINA

v.

REBECCA DEANNA ASP

Appearances:
Noel Sinclair
Malcolm Campbell

Counsel for Crown
Counsel for Defence

REASONS FOR SENTENCING

[1] FAULKNER T.C.J. (Oral): Rebecca Deanna Asp is before the Court to be sentenced on a number of offences. There are two charges of possession of cocaine from January and August of this year, and two breach of undertaking charges in the period of late-August/early-September.

[2] The breach charges involve failing to report, with respect to the one offence, and in the other, having contact with Chris Oulette, when she was not supposed to have contact with Mr. Oulette.

[3] The more serious offences, of course, are the possession of cocaine charges, and with respect to those I will speak of the second one first.

[4] In early August, Ms. Asp was in possession of cocaine, together with Mr. Oulette. The cocaine amounted to approximately two grams. There was also some cash seized. Mr. Oulette received a custodial sentence of three months for his part in that affair.

[5] The more serious of the possession charges, in my view, is the earlier one, which occurred in January of 2008, when Michael O'Brien went to visit Ms. Asp, who was then an inmate at the Whitehorse Correctional Centre, and passed her an eight-ball of cocaine containing approximately three and a half grams of cocaine.

[6] Given the offences involved, and given the prior record of the accused, which is substantial and includes related convictions, it is clear and it is not disputed that a custodial sentence is warranted. The only issues are how long that sentence should be and what account should be taken of Ms. Asp's pre-trial custody. She has now been in custody for some 107 days.

[7] I propose to deal with the matters as follows. With respect to the first charge of possession of cocaine, I have already indicated that that is the more serious matter because it involved the bringing of drugs into the Whitehorse Correctional Centre with all of the attendant difficulties that that can give rise to. On that charge, Ms. Asp, you are sentenced to, effectively, a period of five months imprisonment, but I give you credit for five months pre-trial custody with respect to that matter, so you have one day plus the five months already served.

[8] On the second charge of possession of cocaine, I see no good reason to treat you any differently than your partner in crime, and on that charge, three months consecutive.

[9] Having regard to the fact that you have the equivalent of at least five and half months pre-trial custody, and having regard to the global effect of the numerous sentences that are being imposed, on each of the breach charges, thirty days.

[10] MR. SINCLAIR: Concurrent?

[11] THE COURT: Concurrent. The surcharges are \$100 on the drug offences and \$50 on the breach offences.

[12] MR. CAMPBELL: Given Ms. Asp's lengthy period of subsisting on social assistance, and given that she will be in custody for some period of time to come, I'd ask those surcharges be waived.

[13] THE COURT: I will direct that they be paid forthwith, and she can serve the time in default.

[14] MR. SINCLAIR: Crown directs a stay of proceedings on Information 08-00349B, Count 1.

[15] THE COURT: Thank you.

FAULKNER T.C.J.