

Citation: *R. v. Klassen*, 2008 YKTC 64

Date: 20080804  
Docket: 05-00501  
05-00501A  
05-00501C  
Registry: Whitehorse

**IN THE TERRITORIAL COURT OF YUKON**

Before: His Honour Judge Faulkner

**REGINA**

v.

**ANDREA CHRISTINE KLASSEN**

Appearances:  
Noel Sinclair  
Andrea Klassen

Counsel for Crown  
Appearing on her own behalf

**REASONS FOR SENTENCING**

[1] FAULKNER T.C.J. (Oral): Andrea Christine Klassen was convicted after trial for the charge of trafficking in crack cocaine and two counts of failing to appear in court.

[2] She is presently 42 years of age. She has a prior criminal record, but none of it is related to the present circumstances. It is also to be noted that her last conviction was in 1993. So the prior record has little impact on what the appropriate disposition should be in this case.

[3] The trafficking involved her attempting to pass a marihuana joint and approximately .4 grams of crack cocaine to an inmate at the Whitehorse Correctional Centre whom she was visiting. This attempt was observed by the guards and Ms. Klassen was arrested. Following her release from custody on the trafficking charges, she failed to appear in court on two separate occasions.

[4] In this case, of course, the most serious offence is the charge of trafficking in crack cocaine. Parliament has indicated the seriousness of the offence by providing a maximum sentence of life imprisonment. Obviously, given the amount involved and the antecedents of this accused, the sentence I am considering is, of course, a matter of months not years, but I am, nevertheless, convinced that there must be a custodial sentence. Smuggling drugs into a correctional institution is a serious matter, as has been noted in other cases. Bringing drugs into correctional institutions has a number of particularly pernicious aspects to it, not the least of which are the potential hazards to inmates and staff, as well as fostering the growth of a dangerous underground economy within institutions. So clearly deterrence and denunciation must be the primary focus of the Court's disposition.

[5] Now, given the length of sentence under consideration, I must, of course, consider whether a conditional sentence would be appropriate. The Supreme Court of Canada in *R. v. Proulx*, [2000] 1 S.C.R. 61, made it clear that a conditional sentence can have a deterrent effect and that a conditional sentence is not foreclosed in any particular class of cases, including cases of drug trafficking. However, *Proulx* makes clear, and I remain of the view, that there are situations where the requirement of deterrence is so pressing and

that only an actual custodial sentence will suffice and meet the overall objectives of sentencing. It seems to me that this is one of those cases.

[6] I should also add that there are some clear concerns as to this offender's suitability for a conditional sentence, given her failures to appear, and the clear indication in the pre-sentence report that her personality may make it difficult for her to accept the authority of a conditional sentence supervisor. There is, in short, a high likelihood that she would be unable to comply with a conditional sentence order.

[7] With respect to the charge of trafficking in cocaine, Ms. Klassen, you are sentenced to a period of imprisonment of four months, and on each of the charges of failing to appear, 15 days consecutive in each case.

[8] I will waive the surcharges.

[9] There will also be an order whereby you will provide samples of bodily substances for the purpose of DNA analysis and banking. You are prohibited from having in your possession any firearm, ammunition or explosive substance for a period of 10 years, and any restricted or prohibited items of such a nature for the remainder of your life.

---

FAULKNER T.C.J.