

# SUPREME COURT OF YUKON

Citation: *R. v. Crompton*, 2009 YKSC 16

Date: 20090303  
Docket S.C. No.: 08-00169A  
08-00633A  
08-01507  
Registry: Whitehorse

BETWEEN:

**HER MAJESTY THE QUEEN**

AND:

**JASON RICHARD CROMPTON**

Before: Mr. Justice R.S. Veale

Appearances:  
Eric Marcoux  
Emily Hill

Appearing for the Crown  
Appearing on the Defence

## **REASONS FOR SENTENCING DELIVERED FROM THE BENCH**

[1] VEALE J. (Oral): Mr. Crompton has pled guilty to three offences. On October 29, 2008, he pled guilty to possession of crack cocaine for the purpose of trafficking on June 10, 2008, contrary to s. 5(2) of the *Controlled Drugs and Substances Act*. On March 3, 2009, he pled guilty to trafficking in cocaine on December 12, 2008. On March 3, 2009, he pled guilty to possession of a controlled drug, cocaine, on December 12, 2008, contrary to a condition of his recognizance, pursuant to s. 145(3) of the *Criminal Code*.

**The Facts**

[2] On June 10, 2008, Mr. Crompton was observed in a hand-to-hand transaction in an alley near his residence in downtown Whitehorse. A search of his residence revealed 2.4 grams of crack cocaine, the equivalent of 24 rocks, with a street value of \$480. He was also in possession of a digital scale with crack cocaine residue and baggies with the corners cut for packaging purposes. He also had a quantity of gastrolite and alcohol, which are agents used to cut cocaine. He had \$450 cash on his person in the alley, and \$240 was found in his room, as well as a cell phone.

[3] Mr. Crompton had a job at Coasters Bar and no criminal record. He was released from custody on June 16, 2008 on conditions, which included the following:

5. Abstain absolutely from the possession or consumption of alcohol and controlled drugs [and] substances except in accordance with a prescription given to you by a qualified medical practitioner.

and

6. Not to attend any bar, tavern, off-sales or other commercial premises whose primary purpose is the sale of liquor or alcohol except as is necessary and directly related to employment purposes only.

[4] On December 6, 2008, he was approached by an undercover agent at Coasters Bar, where he worked, but no transaction took place. This employment was an exception to the condition previously mentioned, that he not attend at any bar or tavern. The undercover agent approached him again on December 12, 2008, and discussed prices for spitballs of cocaine. Mr. Crompton arranged the sale of two small spitballs of cocaine, or 0.9 grams, at a value of \$160.

**Decision**

[5] Mr. Crompton is a single man of 26 years of age, without children. He had a very unstable childhood, and he has not spoken to his mother for six or seven years. He had an abusive step-father, and as a result he left home at an early age. He has a somewhat distant relationship with his brother and sister, but he does contact them from time to time.

[6] He is presently in a two-year relationship with a girlfriend, and he is fairly serious about this relationship. He has a good work record as a bartender, certainly in the past, and has been in his present position for more than a year. He does not have a criminal record, and has always been polite and cooperative with the probation officer and the police. He does not have a personal problem with alcohol or drugs.

[7] There are some aggravating factors. His drug offences are profit-driven. They involve crack cocaine and cocaine, with the former being particularly addictive. It is highly aggravating that he pled guilty on October 29, 2008, and while on a recognizance continued to be involved in the drug trafficking business. It was also aggravating that he used his place of employment at a bar as the locale for his trafficking transaction.

[8] The Crown suggests a global sentence in the range of 18 to 24 months as appropriate for the three offences, but seeks a sentence of 18 months, considering the fact that he had no criminal record.

[9] It is agreed by both Crown and defence that he will receive a credit of 1.5 for the 90 days of pre-trial custody, totalling four and a half months.

[10] Mr. Crompton's counsel submits a sentence of 14 months is appropriate, based on his good behaviour but for the December 2008 offence.

[11] There is no doubt that drug offences of this nature must be denounced and deterred. Drug trafficking is an insidious business that ruins lives and destroys communities. In Mr. Crompton's case, it is especially aggravating that he appears to have learned nothing from his first mistake and has continued with his business as usual while he has been released pending trial and sentencing.

[12] But for Mr. Crompton's guilty pleas, it would be my view that 24 months would be an appropriate sentence. However, he has pled guilty and cooperated to some extent with the authorities. Nevertheless, it is the small trafficker that keeps the drug trade going for their own personal profit, to the detriment of many individuals and the community.

[13] In my view, a fit and proper sentence is incarceration for 18 months, representing eight months for the possession for the purpose of trafficking offence, ten months consecutive for the trafficking offence and one month concurrent for his breach of recognizance. He will, as I mentioned, receive a credit of four and a half months for his pre-trial custody.

[14] There will be a ten-year firearms prohibition under s. 109 of the *Criminal Code*. Pursuant to s. 16 of the *Controlled Drugs and Substances Act*, there will be a forfeiture of \$450 and the \$240, as well as the drug paraphernalia and the actual drugs themselves that were seized.

[15] Anything further, counsel?

[16] MR. MARCOUX: There is also the seizure of the \$490 that was seized on him on December 12th.

[17] THE COURT: Thank you. I was concerned about that. There will be forfeiture of the \$490 as well.

[18] MR. MARCOUX: Thank you.

[19] THE CLERK: The outstanding charges?

[20] MR. MARCOUX: Yes. I would ask the clerk to enter stays of proceedings.

[21] MS. HILL: Just for the record to be clear, I understand that the Court's decision is 18 months from which four and a half months should be deducted.

[22] THE COURT: That is correct.

[23] MS. HILL: Thank you.

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VEALE J.