

**IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES**

**IN THE MATTER OF:**

**HIS MAJESTY THE KING**

**-v-**

**DALE MOSES**

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**Transcript of the Reasons for Sentence of the Honourable Justice  
L.A. Charbonneau, sitting in Yellowknife, in the Northwest  
Territories, on the 20th day of February, 2026.**

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**APPEARANCES:**

**A. Bernard:**

**Counsel for the Crown**

**R. Gregory:**

**Counsel for the Defence**

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**Charges under s. 5(1) of the *Controlled Drugs and Substances Act* and s.354(1)**

of the *Criminal Code*.

1  
2 THE COURT: Today I must impose sentence on Mr.  
3 Moses for the charges he has pleaded guilty to. I  
4 delivered my sentence immediately after submissions  
5 were concluded. As I said at the time of the hearing,  
6 this decision is an edited version of the transcript  
7 prepared from the recording. I have added the facts  
8 of the offences to put the decision in context, and have  
9 made other edits.

10  
11  
12 The circumstances of the offenses are  
13 set out in the Agreed Statement of Facts that was filed  
14 at the Sentencing Hearing. On December 9,  
15 2023, the staff at the North Slave Correction Complex  
16 in Yellowknife alerted Yellowknife RCMP that an inmate  
17 was recorded making calls to other individuals using  
18 the phone lines at the correctional complex, and that  
19 those calls appeared to be related to drug trafficking  
20 activities in the Northwest Territories. Without getting  
21 into all the details, the information provided included  
22 names or people who were being contacted, phone  
23 numbers, and details about some of the calls.

24  
25 The RCMP began an investigation and  
26 as part of that investigation, obtained judicial  
27 authorizations to intercept private communications

1 targeting certain phone numbers and individuals. The  
2 calls intercepted revealed that a group of men,  
3 including Mr. Moses, were carrying out drug trafficking  
4 activities in Fort Simpson. In carrying out this activity  
5 they were following directions from a man in Alberta.

6 The instructions pertained, for example,  
7 to depositing proceeds from the sales of crack cocaine  
8 into a bank account in Fort Simpson; discussions about  
9 specific sales of cocaine; instructions about weighing  
10 the drugs and preparing them for sale; and discussions  
11 about a trip to Edmonton to bring down some proceeds  
12 and bring drugs back up to the Northwest Territories.

13  
14 On December 20th at approximately  
15 9:30 p.m., Constable Young stopped Mr. Moses in a  
16 truck, approximately 10 kilometres out of the Village of  
17 Fort Simpson, heading south towards the ice crossing.  
18 Police conducted a search of his vehicle and Mr.  
19 Moses was subsequently released.

20 Mr. Moses continued heading south,  
21 away from Fort Simpson. At approximately 11:21 p.m.,  
22 he called the man he was heading down to meet in  
23 Edmonton and told him about being stopped by the  
24 police. In that conversation he described having been  
25 searched and the officers not finding anything, and said  
26 police were looking for proceeds of crime "over five  
27 grand."



1 Territories is \$100 per 0.5 gram piece of crack cocaine.  
2 Two ounces of powder soft cocaine purchased in  
3 Edmonton cost \$2,000, and it's sold at  
4 0.5 gram pieces, would result in 112 sales totalling  
5 \$11,200. If sold in 1 gram pieces for \$100 this would  
6 result in \$5,600, and 8,000 at 0.7 gram pieces.

7 Based on the evidence gathered in this  
8 investigation, the total amount of cocaine supplied to  
9 the group in Fort Simpson was between 4 and 6  
10 ounces.

11  
12 Defence counsel also noted, and this is  
13 not disputed by the Crown, that when Mr. Moses met  
14 his associate in Edmonton, he was asked to carry  
15 narcotics back to the Northwest Territories and  
16 refused. It is also acknowledged by the Crown that all  
17 in all, for his involvement in this drug trafficking  
18 activities, Mr. Moses received 3 grams of crack. He  
19 did not receive any money.

20  
21 Mr. Moses has a criminal record. It was  
22 made an exhibit at the sentencing hearing and is part of  
23 the record. In my view it should carry little to no weight  
24 in this sentencing because it is not extensive, it is very  
25 dated and it is unrelated to what Mr. Moses is being  
26 sentenced for today.

27

1 Crown and Defence presented a joint  
2 submission at the sentencing hearing. They suggested  
3 that a conditional sentence of two years less a day be  
4 imposed, followed by Probation for 18 months. The  
5 joint submission included a very detailed list of  
6 proposed conditions for both orders.

7  
8 The Supreme Court of Canada has said  
9 that a joint submission must be given significant weight.  
10 A trial judge's discretion to depart from it is extremely  
11 limited. *R v Anthony-Cook*, 2016 SCC 204.

12  
13 The offenses I have to sentence Mr.  
14 Moses for today are very serious. It has to be said as a  
15 starting point that normally, for this kind of offence, a  
16 significant jail term and actual incarceration are  
17 imposed, even on a guilty plea.

18 The reason for that, and Mr. Moses is a  
19 good example of it, is that the trafficking of these drugs  
20 in our communities leads to terrible outcomes. We do  
21 not just hear about this in the criminal courts. We hear  
22 about it in family court. We hear about it in child  
23 welfare court. Sometimes we even hear about it in civil  
24 chambers, in foreclosure proceedings, because people  
25 end up losing their homes as a result of money spent  
26 feeding their addiction. Others lose their businesses.  
27 There are several examples of this, in Yellowknife and

1 in other communities I am sure, of long-established  
2 businesses going under because one of their owners  
3 developed an addiction to crack cocaine.

4 We hear stories of empty fridges, children  
5 being neglected. We hear stories of drug traffickers  
6 taking over homes because the people who are in  
7 those homes are so addicted and so desperate for  
8 drugs that in exchange for drugs they allow the  
9 traffickers to set up shop in their homes, sometimes  
10 with young children in the homes. The devastation that  
11 stems from this has been referred to often in by this  
12 Court over the last few decades, and continues to be.  
13 See for example *R v Turner*, 2006 NWTSC 64; *R v*  
14 *Mohammed*, 2015 NWTSC 38; *R v Ali*, 2025 NWTSC  
15 92; *R v Gova*, 2025 NWTSC 92.

16 Courts do not have the ability to solve the  
17 personal problems and social problems that are at the  
18 root of addictions. These problems are complex. But  
19 we do know that there are people, many of them who  
20 never set foot in this jurisdiction, who are making an  
21 enormous amount of money at the expense of our most  
22 vulnerable citizens. And we know those people  
23 depend on recruiting individuals in the Northwest  
24 Territories to carry out their business. This is why  
25 denunciation and deterrence are the paramount  
26 sentencing principles in these cases, even for those  
27 who are not making the real profits from it.



1 conditional sentence, the Court has to be satisfied that  
2 a sentence under two years is appropriate, but  
3 importantly, it also has to be satisfied that such a  
4 sentence is consistent with the fundamental principles  
5 and purpose of sentencing. In my view, when dealing  
6 with someone who participated, to whatever degree, to  
7 commercial trafficking in hard drugs, it is exceedingly  
8 rare that a conditional sentence will be consistent with  
9 the fundamental purpose and principles of sentencing.

10

11 All that being said, I have concluded that  
12 the joint recommendation of counsel should be  
13 followed. Applying the principles set out in *Anthony-*  
14 *Cook*, I am unable to conclude that the joint  
15 submission, while extremely lenient, is one that I can, in  
16 law, decline to follow.

17

18 Some aspects of this case, sad as they  
19 are, are not exceptional. Mr. Moses is indigenous, and  
20 the Pre-Sentence Report outlines some of the struggles  
21 he has faced. I will not refer to those difficult  
22 circumstances in detail. I do not see a point in repeating  
23 here in this decision the list of sad things and difficult  
24 things that have happened in Mr. Moses life. He is  
25 aware of them. I am aware of them. The report is an  
26 exhibit and is part of the record. It is clear that he has  
27 very significant background factors affecting his life, in

1 addition to the intergenerational trauma, the  
2 consequences of colonialism, of residential schools and  
3 various other things that have affected the lives of  
4 indigenous people in this country. Those have to be  
5 taken into consideration because they reduce his  
6 blameworthiness. However, in the context of this  
7 jurisdiction, such circumstances, sadly, are not  
8 exceptional, Unfortunately, many of the offenders that  
9 come before this court are indigenous and have those  
10 kinds of things in their background. I am sorry to say  
11 that many have backgrounds and circumstances that  
12 are even worse. It is mindboggling that some of them  
13 have actually survived those circumstances. While  
14 those aspects of Mr. Moses' background must be taken  
15 into account, they do not make his case exceptional.

16  
17 However, one of the things that makes  
18 Mr. Moses' circumstances different from many other  
19 cases we see is what he has done to meaningfully  
20 change the course of his life since he was charged. His  
21 counsel described those in details in his submissions. I  
22 will not repeat everything that he said but I will say this  
23 much: we often hear, at sentencing hearings, that an  
24 offender wants to change their life, has intentions, plans  
25 to do things. This is a case where Mr. Moses has not  
26 only identified what he needs to do but he has also  
27 taken several concrete steps to actually do it.

1 In addition, while there are sad and  
2 difficult things described of the Pre-Sentence Report, it  
3 also includes a lot of really positive things. There is  
4 reason for hope and optimism in Mr. Moses' case,  
5 because of the support he has, including the support  
6 from his spouse and her family.

7  
8 This is an individual who, now in his late  
9 40s, has almost no criminal history. As I said already  
10 the criminal record is very dated and is unrelated.

11  
12 Mr. Moses has been able to maintain  
13 employment regularly. He has true insight into his  
14 behaviour. He has very strong support from his spouse  
15 and her family. He has left Fort Simpson to remove  
16 himself from the negative influences and the toxic  
17 environment that contributed to his getting into trouble  
18 with the law. He is building a house in another  
19 community in order to eventually move the rest of his  
20 family there with him.

21 I am not hearing him blaming anyone  
22 else, or his past difficulties, for his problems. He is  
23 taking responsibility for what he has done, recognizes  
24 what he needs to do and has taken concrete steps to  
25 get back on the right path.

26 Mr. Moses has a deep connection with  
27 his traditional roots and cultural practices. He has a

1 supportive family. All of those things give me hope  
2 that this will truly have been a turning point for him.

3  
4 In light of the starting point set out in  
5 *Paradis*, and the range of sentences ordinarily imposed  
6 in this jurisdiction for involvement in commercial  
7 trafficking of cocaine, the joint submission is, as I  
8 already noted, exceptionally lenient, but I am satisfied  
9 that it would not be contrary to the public interest to  
10 follow it, given that the overall circumstances are also  
11 exceptional.

12  
13 This may not be the sentence I would  
14 have imposed had there not been a joint submission. If  
15 the Crown had sought actual incarceration and the  
16 defence had argued for a conditional sentence, I would  
17 have had to decide what a fit sentence would be and I  
18 would have found it very hard to make that decision.  
19 Because as I said, there is nothing pleasant about  
20 sending someone who has good rehabilitative  
21 prospects to jail. But the seriousness of these  
22 offenses, the magnitude of the drug problem in this  
23 jurisdiction, and the severe harm it causes are such  
24 that more often than not it is unavoidable.

25  
26 In this case, I do not have to ask myself  
27 the same questions. The issue for me is not whether what is



1 are many other cases from this jurisdiction that say  
2 otherwise and explain why.

3

4 The last thing I will note is how helpful  
5 and thorough the Pre-Sentence Report was in this  
6 case. It is not called a “Gladue Report” but it includes  
7 all the information that is required to assist the Court in  
8 understanding Mr. Moses’ background and  
9 implementing the directions of the Supreme Court of  
10 Canada in sentencing indigenous offenders. Even his  
11 counsel referred to it as a “Gladue Report”. This just  
12 goes to show that there is no magic to how a report is  
13 named. The important thing is that it contain all the  
14 information that the sentencing court needs to carry out  
15 its responsibilities.

16

17 For these reasons, I am going to impose  
18 a sentence that is being jointly suggested by counsel.  
19 The list of proposed conditions provided by counsel will  
20 be amended to reflect the issues that I raised during  
21 submissions and the agreements arrived at.

22

23 On the trafficking charge there will be a  
24 jail term of two years less a day that will be served  
25 under the terms of the conditional sentence order. On  
26 the proceeds charge there will be a jail term of 1 year  
27 concurrent, also to be served as a conditional

1 sentence, with the same conditions as on the other  
2 charge.

3 This will be followed by a probation  
4 period for 18 months. The period of probation is  
5 largely to offer continued support to you, Mr. Moses, in  
6 your rehabilitation. It may feel very similar when you  
7 transition from the conditional sentence order to the  
8 probation order. Some of the conditions will be  
9 different, but others will simply continue. It is again  
10 about reporting, benefiting from the support of your  
11 probation officer. You are a grown man, and you do  
12 not need to have your life regimented every second of  
13 every day, but this is intended to help you, and to help  
14 you access services if you feel you are getting  
15 overwhelmed by life, for whatever reason. I know there  
16 are not a ton of resources in the north, but some things  
17 may now be more accessible, by phone or by video. If  
18 you feel you need help then reach out, and you can see  
19 if there is anything out there that could assist you. But  
20 it does sound like most of your strength is actually  
21 coming from within yourself and from the people  
22 around you, and that is a true treasure. I hope that  
23 continues for you.

24  
25 Counsel have persuaded me to waive the  
26 victim of crime surcharge, giving the financial burden  
27 that Mr. Moses is currently carrying, trying to maintain

1           these two households. Understanding that his decision  
2           to relocate to Wrigley is a very wise and healthy one,  
3           but one that puts financial strains on Mr. Moses and his  
4           family, I think it is an appropriate case to waive the  
5           surcharge.

6  
7                               I will issue a firearms prohibition order  
8           under Section 109 of the *Criminal Code* on the  
9           trafficking charge. It will be in force for 10 years. It  
10          commences today. Pursuant to Section 113, I have the  
11          power to grant the exemption that is being sought.  
12          There is no reference at all in the facts of this case  
13          about firearms or weapons being used by Mr. Moses in  
14          the commission of his offences, which makes it easier  
15          for me to grant this kind of exemption, especially given  
16          his engagement in hunting and traditional activities on  
17          the land.

18  
19                              Counsel can submit a draft consent order  
20          reflecting this exemption, which will permit you to use a  
21          firearm when hunting with others for sustenance  
22          purposes, but not personally possess a firearm in any  
23          circumstances other than when you are actually  
24          hunting.

25  
26                              I note as well that while the Crown is not  
27          seeking any forfeiture orders today, Mr. Moses has

1                   formally forfeited any interest that he may have in any  
2                   of the items seized during the investigation.

3

4                                   Before we conclude I want to thank you,  
5                   counsel, for your work on this case.

6

7                                   Best of luck to you, Mr. Moses. I hope  
8                   that this is truly a turning point for you. I hope that you  
9                   understand how exceptional a sentence this is for this  
10                  type of offence. And I hope that you are able to  
11                  persevere in your efforts to stay out of that world --

12           THE ACCUSED:           Oh, yeah.

13           THE COURT:           -- and be an ambassador for a healthy  
14                  lifestyle for others.   Close Court

15

16           **(PROCEEDINGS ADJOURNED)**

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1           **CERTIFICATE OF TRANSCRIPT**

2           Veritext Legal Solutions, Canada, the undersigned, hereby  
3           certify that the foregoing pages are a complete and accurate  
4           transcript of the proceedings transcribed from the audio  
5           recording to the best of our skill and ability.

6           Judicial amendments have been applied to this transcript by  
7           sentencing judge, Justice Charbonneau.

8

9

10          Dated at the City of Toronto, in the Province of Ontario, this  
11          1st day of April 2026.

12

13          *Veritext Legal Solutions, Canada*

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16          Veritext Legal Solutions, Canada

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