

Canada

PROVINCE OF BRITISH COLUMBIA

In the Provincial Court of British Columbia

(BEFORE THE HONOURABLE JUDGE H.J. McGIVERN)

Vancouver, B.C.

March 1, 2000

REGINA

v

JOSEPH ANTHONY SLYKERMAN

EXCERPT FROM PROCEEDINGS

(Remarks at Sentence)

APPEARANCES:

G. STARK	for the Crown
P. DUROVIC	for the Defence
D. TOY	Court Recorder
C. GABA	Transcriber

Sentence (McGivern, H.J., P.C.J.)

1 THE COURT: Some time ago, the accused in this matter pled
2 guilty to the two counts on the Information; the first
3 being production of a controlled substance, and the
4 second being unlawfully in possession for the purposes
5 of trafficking in a controlled substance. The matter
6 involves a marihuana and in particular, I'm told that
7 it specifically involves a strain of marihuana
8 referred to as romula (phonetic), and that Mr.
9 Slykerman was producing this particular strain for the
10 Compassion Club which is a registered society, duly
11 incorporated, apparently, under the provisions of the
12 **Societies Act** in British Columbia.

13 The accused, as well as Miss Hilary Black,
14 testified in the course of the sentence proceedings,
15 and I am told that this operation was undertaken by
16 the accused specifically for the purposes of
17 attempting to supply the Compassion Club with a high
18 grade clean product to be specifically used by the
19 members of the society for the purpose of receiving
20 medical benefits from the marihuana.

21 The material filed - and I'm not sure whether the
22 letters that were presented to me have formerly been
23 filed as an exhibit in connection with the sentencing
24 or not, but if they haven't been, I'll turn them into
25 the clerk now because they should form part of the
26 sentence proceeding and then I'll ask for them back -
27 indicate that members of the society attest to the
28 benefit of marihuana for some of the illnesses that
29 they suffer, which can include such things as
30 glaucoma, epilepsy, HIV, cancer, multiple sclerosis.
31 The letters themselves don't attest to each of those
32 conditions, but certainly the evidence given by Miss
33 Black and the letter that she filed, which is the
34 first of the letters in the exhibit, set out in a
35 brief manner the accused's role with regard to this
36 particular strain of marihuana, which was referred to
37 as romula, and that it would appear to be effective in
38 the relief of specific symptoms such as migraines,
39 depression and debilitating tremors caused by multiple
40 sclerosis.

41 It's also clear to me that on the evidence
42 presented, and the submissions made, and taking into
43 consideration the circumstances as they have been
44 outlined, that the accused, although there was
45 obviously a potential for profit, if the operation was
46 allowed to continue, was done for the purposes of
47 assisting those who were in need of some form of

Sentence (McGivern, H.J., P.C.J.)

1 assistance. And to that extent, the defence is
2 essentially asking the court to extend as much
3 compassion as it can under the circumstances.

4 It's acknowledged by Mr. Slykerman that he knew,
5 of course, that he was breaking the law by undertaking
6 this venture. That, in itself, of course, does not
7 excuse his behaviour, but it explains why it is
8 essentially that he was doing what he was doing.

9 The Compassion Club, in attempting to assist its
10 members, obviously is faced with a difficult problem
11 in obtaining marihuana which is to be used for
12 medicinal purposes, and of course as things presently
13 stand, and certainly as they stood in July of 1998,
14 any obtaining of marihuana would not be able to be
15 done essentially in any lawful fashion if done in
16 Canada.

17 I am satisfied that it is not necessary for me to
18 pass a sentence on Mr. Slykerman today. These are
19 peculiar circumstances. It's a case where I'm
20 satisfied it's appropriate to suspend the passing of
21 sentence, and I'm prepared to do that for a period of
22 15 months during which time on each of these counts,
23 Mr. Slykerman, you will be bound by a probation order
24 to keep the peace and be of good behaviour.

25 Now, you should understand that the keeping of
26 the peace and the being of good behaviour will not
27 allow you to cultivate, to grow, to produce, to deal
28 with or to use marihuana, and if you are found to be
29 so doing, you could well be called upon to return to
30 court. You could find yourself in the position of
31 being sentenced for the commission of this offence.

32 You should clearly understand, sir, that you have
33 not received a suspended sentence, as it's commonly
34 referred to. It's the passing of a sentence that has
35 been suspended or postponed for a period of up to 15
36 months. And if you keep the peace and you be of good
37 behaviour during that period of time, then you will
38 not be sentenced. But if you don't, you could be
39 sentenced.

40 Notwithstanding the good intentions that you have
41 undertaken in the past, it certainly is now very, very
42 much in your interest that you not pursue such
43 activities in the future unless, of course, you can
44 find yourself in a position to be able to do so in a
45 lawful fashion. Understood? Thank you.

46 You'll have to go down, your lawyer can take you
47 downstairs and you can sign the papers when they're

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1 prepared and then you'll be permitted to leave.

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3 (PROCEEDINGS CONCLUDED)
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McGivern, H.J., P.C.J.
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