

CANADA / JUDGMENT

R. v. Bazuta

2023 BCSC 2598

COURT

Supreme Court of British Columbia

DECIDED

6 September 2023

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2023 BCSC 2598 R. v. Bazuta

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Bazuta,

2023 BCSC 2598

Date: 20230906

Docket: X084130

Registry: New Westminster

Rex

v.

Matthew Kerry Bazuta

Before: The Honourable Justice Girn

Oral Reasons for Sentence

Counsel for the Crown:

A.P. Hathorn

K. Kuefler

Counsel for the Accused:

E. Wilson

Place and Date of Hearing:

New Westminster, B.C.

September 6, 2023

Place and Date of Judgment:

New Westminster, B.C.

September 6, 2023

- [1] THE COURT: I am going to give you my oral reasons for judgment now and, if a transcript is ordered, I reserve the right to make changes to grammar, citations, and any errors, but the substance will remain the same.
- [2] Mr. Bazuta entered a guilty plea to Count 1 on the Indictment to unlawfully possessing cannabis for the purpose of selling it contrary to s. 10(2) of the Cannabis Act, S.B.C. 2018, c. 29 [Act]. The offence date goes back to July 11, 2019. I have been presented with an agreed statement of facts and I will just briefly summarize the facts.
- [3] On July 11, 2019, the Langley RCMP attended a residence at 20416 80th Avenue in Langley, B.C., having received reports of shots being fired at this residence. When the police attended, they found Mr. Bazuta outside the residence walking down the driveway with a flare gun in his hand before going back inside. Mr. Bazuta and his 14-year-old daughter exited the residence after being called out by the police. The police observed bullet holes and a dent from another bullet in front of the residence door. The police also observed that there were security cameras installed throughout the property.
- [4] Mr. Bazuta was taken into custody and detained for careless use of a firearm. But before being released, a search warrant was executed at this residence. The police located a number of items consistent with cannabis being packaged as well as being converted to cannabis products. In total, the police seized 22.5 kilograms of cannabis-related products which included 10.75 kilograms of cannabis, 2.2 kilograms of cannabis shake, 8.137 grams of cannabis butter, 950.5 grams of cannabis shatter, and 7.85 kilograms of cannabis edibles. These items were located throughout the residence as well as inside a shed in the back yard of the residence. The police also located a number of items consistent with product being converted from cannabis bud to products, including butter and edibles. The police also located a baton as well as a machete.
- [5] The Crown proceeded by Indictment. This offence has a maximum sentence of 14 years. Section 10(5) of the Act sets out the punishment provisions for this offence which states that a person who is guilty of an indictable offence is liable, in the case of an individual who is 18 years of age or older, to imprisonment of not more than 14 years.

- [6] Counsel have proposed a joint submission of a conditional sentence. Before I deal with this joint submission I must also consider the statutory preconditions for a conditional sentence order that are set out in s. 742.1 of the Criminal Code. The Crown says that the statutory preconditions are met in that the sentence that they are seeking is less than two years; Mr. Bazuta does not endanger the safety of the community; and that the principles set out in s. 718 are consistent with a conditional sentence order.
- [7] In terms of the Cannabis Act, the Crown points out the relevant provisions are as follows. Section 7 of the Act states:

The purpose of this Act is to protect public health and public safety and, in particular, to

- (a) protect the health of young persons by restricting their access to cannabis;
- (b) [to] protect young persons and others from inducements to use cannabis;
- (c) provide for the [illicit] [sic, licit] production of cannabis to reduce illicit activities in relation to cannabis;
- (d) deter illicit activities in relation to cannabis through appropriate sanctions and enforcement measures;
- (e) reduce the burden on the criminal justice system in relation to cannabis;
- (f) provide access to a quality-controlled supply of cannabis; and
- (g) enhance public awareness of the health risks associated with cannabis use.

- [8] Section 15 of the Act sets out the relevant principles for sentencing under the Act:

15(1) Without restricting the generality of the Criminal Code, the fundamental purpose of any sentence for an offence under this Division is to contribute to the respect for the law and the maintenance of a just, peaceful and safe society while encouraging rehabilitation, and treatment in appropriate circumstances, of offenders and acknowledging the harm done to victims and to the community.

- (2) If an individual is convicted of a designated offence, the court imposing sentence on the individual must consider any relevant aggravating factors, including that the individual
 - (a) in relation to the commission of the offence,
 - (i) carried, used or threatened to use a weapon,
 - (ii) used or threatened to use violence, or
 - (iii) sold or distributed cannabis or possessed it for the purpose of sale or distribution, in or near a school, on or near school grounds or in or near any other public place usually

frequented by young persons; and

- (b) was previously convicted of a designated offence, as defined in subsection 2(1) of this Act, or a designated substance offence, as defined in subsection 2(1) of the Controlled Drugs and Substances Act.
- (3) If, in the case of an individual who is convicted of a designated offence, the court is satisfied of the existence of one or more of the aggravating factors enumerated in paragraphs (2)(a) and (b), but decides not to sentence the individual to imprisonment, the court must give reasons for that decision.
- (4) A court sentencing an individual who is convicted of an offence under this Division may delay sentencing to enable the individual
 - (a) to participate in a drug treatment court program approved by the Attorney General; or
 - (b) to attend a treatment program under subsection 720(2) of the Criminal Code.
- [9] The Crown says the principles of sentencing that are relevant in the case at bar are denunciation, deterrence, rehabilitation, and proportionality.
- [10] Mr. Bazuta is 38 years old. He has no criminal record. I am told that he had a difficult childhood. He grew up with a mother and two older sisters and had no relationship with his father growing up. It was a difficult childhood. He said he came from a low-income family. Often when he was growing up, they ran out of food. He says that the friends that he associated with growing up were a negative influence on him and at home, he was abused verbally and physically by an older sister. At the age of 16, he went into care. He tells me that his mother has health concerns and he helps her around the home.
- [11] Mr. Bazuta has one child, Christina, who is now 18 years old. At the time of the offence, she was 14 years old. As a result of the offences Mr. Bazuta was charged with, the Ministry of Child and Family Services Development became involved, and his daughter went to go live with her mother. He has had a strained relationship with her since the offence date. Prior to the offence, they had a very good relationship.
- [12] In terms of Mr. Bazuta's employment background is as follows, he is trained as a carpenter, and he has worked in the film industry for seven years. He makes approximately \$36 an hour. By 2022, he was working full-time, but that it took a lot of time for him to get to where he was in 2022. During COVID, rather than just sitting and doing nothing, he went and upgraded his skills which allowed him to be more employable in the film industry. He has continued his schooling online. Most recently -- because of the film industry strike in Hollywood, he has had to look for other jobs and he has received an offer to work for Central Windows. He also supplements his income by renting out his vehicle through the Turo app which is a vehicle rental company.

- [13] In terms of Mr. Bazuta's health, he is a healthy person, except that he does have a hiatus hernia for which he received surgery in May of 2023. One of the things he needs to do to enable him to continue to stay healthy after his surgery is to keep his weight down and, therefore, he has to go to the gym regularly. The medical records were provided to support his reasons for going to the gym on a daily basis.
- [14] Mr. Bazuta uses cannabis regularly. He says he uses it for pain, sleep, and anxiety. Mr. Bazuta is addicted to alcohol. He says he is a high-functioning alcoholic. He began drinking at the age of 12. Although he has had some brief periods of sobriety, it is something that he struggles with and, generally, drinks at home as opposed to drinking outside. He says these events were very traumatic for him and for his daughter, in particular.
- [15] The aggravating factors that the Crown says that are present are as follows:
- The quantity of the cannabis, 22.5 kilograms. Over half of it was set to be transitioned into cannabis products;
 - It was a sophisticated operation. There was variety and types of products available. In fact, the large sums of butter clearly indicates that Mr. Bazuta was distributing not only large amount of edibles that were in his possession, but also butter;
 - There was a potential for Mr. Bazuta to make significant profits from this operation. His operation was profit motivated.
- [16] As well, it is very concerning to the court that a minor was present, and violence was involved. Someone came to his home with weapons to rip off his product with a minor present. This is also a serious aggravating factor as well as the fact that the operation was located in a residential area.
- [17] There were security cameras. Mr. Bazuta clearly anticipated that somebody could possibly rip him off in the future and cameras installed throughout the residence.
- [18] Another serious aggravating factor is that weapons were involved. Not only did he have a flare gun in his possession in response to what happened when these individuals were trying to rip off his product, there was also a machete and a baton present in the residence.
- [19] The mitigating factors are as follows. Mr. Bazuta does not have a criminal record. He is remorseful and has accepted responsibility and he is no longer involved in the illicit cannabis trade. There have also been no further offences committed by Mr. Bazuta and this offence happened four years ago. Most importantly, Mr. Bazuta, by accepting responsibility, has entered a guilty plea, albeit four years later. This has saved substantial court time and resources.
- [20] The Crown has referred me to a number of cases as did the defence. Given that the Cannabis Act is still relatively new legislation, there are not a lot of cases. The Crown has provided R. v. Letellier, 2022 BCPC 110. In that case, Judge Challenger noted in sentencing an individual who pled guilty to one count of unlawfully possessing cannabis and one count of unlawfully

possessing cannabis solids for the purpose of selling it contrary to s. 10 of the Cannabis Act. In that situation, Mr. Letellier was selling cannabis products out of vehicles in the Whistler area. While the value of the products that Mr. Letellier was selling was not as high as I have before me, clearly, what Mr. Letellier was doing is probably akin to what is commonly known as a dial-a-dope operation given that he was using vehicles to deliver his products as well as using cellphones to receive the orders for his products. Mr. Letellier also did not have a criminal record.

- [21] I adopt the comments of Judge Challenger in that the principles of sentencing set out in s. 718 to 718.2(1) are relevant in particular, dealing with denunciation, deterrence as being the most important factors. I find the comments of Judge Challenger at paras. 35-38 instructive:
- [35] The nature of the offence before the Court undermines the legislated aims of Parliament to regulate and control the safe production and taxable distribution of cannabis products. Such a scheme also undermines legitimate businesses which must operate as "brick and mortar" retail establishments and amounts to unfair competition for those who invested in obtaining the necessary licenses and permits to operate those retail outlets.
- [36] There is a need to strongly discourage the "black market" for cannabis products through the penalties imposed by the Courts under the Act. The sale of illicit cannabis has historically presented and, regrettably, continues to present an opportunity to reap enormous tax-free profit. Such a profit motive has, in turn, a well established connection to the involvement of criminal organizations and the violence and corruption which follows.
- [37] The decision to regulate cannabis products to allow for legal retail sales and personal possession reflected Canadian society's general acceptance of, and softening attitudes toward, the consumption of cannabis. However, there has not been any softening of attitudes towards those who choose to engage in the violation of laws which regulate drugs such as alcohol, tobacco and now cannabis products.
- [38] It cannot be lost sight of that production of substances which are intended for internal consumption in unregulated, and therefore unknown circumstances, can result in products with unknown ingredients and uncertain potency. As a result, the consumption of illicit cannabis gives rise to serious health and safety risks.
- [22] I agree that denunciation and deterrence must be given significant weight in determining the penalty for offences which undermine regulatory aims and are engaged for profit. Judge Challenger notes at para. 44:

Illicit drug distribution schemes which promise easy money entice non-addicted persons who possess the skills and capacity to be business like and organized. These people are, like the offender before the Court, often of previous good character and are most likely to be deterred by imposing significant penalties.

- [23] At para. 45, Judge Challenger writes:

In order to deter like minded people from choosing to become involved in these kinds of offences, the Courts must make clear that, if they are detected, they will face a significant monetary penalty or incarceration, in addition to the stigma of a criminal conviction for a drug related offence and forfeiture of any property related to the offence.

[24] Crown also referred me to *R. v. Dow*, 2012 BCSC 1627 and defence referred me to *R. v. Ly*, 2015 BCSC 1625 as well as *R. v. Vu*, 2014 BCSC 1592, which all stand for the proposition that a conditional sentence is not inconsistent with the principles of sentencing as it relates to offences involving cannabis.

[25] Because this is a joint submission, the principles enumerated by the Supreme Court of Canada in *R. v. Anthony-Cook*, 2016 SCC 43, guide me in determining whether I will accede to a joint submission. A joint submission is when the Crown and the defence agree to recommend a particular sentence to a judge in exchange for the accused's waiving their right to a trial by entering a plea of guilty to an offence. Both sides carefully weigh the risks of taking the charges to trial as well as a host of other factors and determine that the certainty of resolution of a case is preferred. As Justice Moldaver, writing for the court, noted in *Anthony-Cook*:

Resolution discussions between Crown and defence are not only commonplace in the criminal justice system, they are essential.

[26] Justice Ker provided a succinct discussion in *R. v. McKnight*, 2021 BCSC 2542, at paras. 22 to 25 regarding joint submissions and their importance in our criminal justice system:

[22] It is an accepted and entirely desirable practice for counsel to agree to a joint submission on a sentence in exchange for a guilty plea. Agreements of this nature are vitally important to the wellbeing of our criminal justice system as well as our justice system at large. They bring certainty to the proceedings for both sides. They ensure a conviction for the Crown. They eliminate the uncertainty and risk of proceeding to trial and they minimize the stress and numerous costs associated with taking matters to trial. Joint submissions also play a vital role in contributing to the smooth and efficient administration of justice. Guilty pleas on a joint submission assist in preserving the all too scarce resources of the justice system and thereby permit those resources to be deployed elsewhere to be used for other equally pressing matters: *Anthony-Cook* at paras. 1, 25, and 35-40. Indeed, as Moldaver J. noted in *Anthony-Cook* at para. 40, "our justice system would be brought to its knees, and eventually collapse under its own weight," without joint submissions.

[23] No doubt some wish that I would override the proposed joint submission and impose a harsher sentence in this case. While such wishes are understandable in the wake of these tragic offences and, to a degree, are informative of what a segment of the public perceives as "the right thing to do", they are not what informs how the propriety of joint submissions are assessed. Judges are afforded considerable discretion when it comes to imposing sentences, but such discretion is not unfettered. Exercising that discretion does not mean a judge is free to do whatever she wants regardless of what counsel have placed before the court.

Judicial discretion in imposing a sentence is informed by the consideration of a number of principles outlined both in the Code and the caselaw that interprets the provisions of the Code. The caselaw interpreting the governing sentencing principles provides a framework and guidance on how the principles must be considered when imposing a sentence in a criminal case.

- [24] Sentencing is a highly individualized and delicate balancing process that considers numerous competing principles, objectives, and factors, described by many jurists as one of the most difficult facets of the criminal law: *R. v. Suter*, 2018 SCC 34 at para. 4; *R. v. Lacasse*, 2015 SCC 64 at para. 1. More recently in *R. v. Parranto*, 2021 SCC 46 at para. 9 the majority of the Supreme Court of Canada reiterated that sentencing is "[m]ore of an art than a science, . . . [requiring] judges to consider and balance a multiplicity of factors."
- [25] When imposing a sentence in a criminal case, judges must exercise their discretion judicially. This means they must apply the governing principles set out by the Code and the caselaw, assess all the circumstances, and weigh and balance a host of competing principles and objectives, as well as consider the aggravating and mitigating factors, the range of sentence established in the case authorities, the moral blameworthiness of the offender, and any other relevant circumstances. Informed by those various factors and considerations, the sentencing judge then determines the just and appropriate sentence for the case, bearing in mind the overarching principle that a "sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender": s. 718.1 of the Code; *R. v. Nasogaluak*, 2010 SCC 6 at paras. 43-44. The rule of law requires nothing less than operating within these parameters of principle and applying the caselaw guidelines.
- [27] In *Anthony-Cook*, the Supreme Court of Canada directed that sentencing judges should only depart from joint sentence submissions where the proposed sentence would be viewed by reasonable and informed persons as a breakdown in the proper functioning of the justice system. Justice Moldaver in *Anthony-Cook* wrote for the court:

In my view, these powerful statements capture the essence of the public interest test developed by the Martin Committee. They emphasize that a joint submission should not be rejected lightly, a conclusion with which I agree. Rejection denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down. This is an undeniably high threshold -- and for good reason, as I shall explain.

- [28] I am confident with regard to this proposed sentence that informed members of the public would find it is appropriate and would maintain confidence in the administration of justice.
- [29] Therefore, Mr. Bazuta, would you please stand up?

- [30] Based on the joint submissions of your counsel and Crown, I impose the following sentence. You will be sentenced to a conditional sentence order for two years less a day.
- [31] Before I deal with the conditions, I am going to deal with the ancillary orders that were sought by the Crown and not opposed to some extent by your counsel, as well.
- [32] I am going to impose a weapons prohibition under s. 109(2) of the Criminal Code -- actually, that was wrong. It is (c) -- 109 --
- [33] CNSL A. HATHORN: I believe the prohibition is under 109 --
- [34] THE COURT: Sub (2)?
- [35] CNSL A. HATHORN: -- (2) --
- [36] THE COURT: Okay, good.
- [37] CNSL A. HATHORN: -- if my memory serves --
- [38] This means it is a weapons prohibition, Mr. Bazuta. I am sure your counsel has explained to you; it is a 10-year prohibition because it is your first offence under s. 109. So you are prohibited for 10 years from possessing any firearms, other than a prohibited firearm or restricted firearm, and any crossbow or restricted weapon, ammunition, and explosive substances for a period of 10 years from your release; and you are prohibited from possessing any prohibited firearm, restricted firearm, prohibited weapon, prohibited device, and prohibited ammunition for life. Okay? Your lawyer will explain that to you. I am sure she already has explained to you, but that is basically a 10-year prohibition, okay? All right.
- [39] Now, the Crown is also seeking a DNA order pursuant to s. 487.051(3)(b) of the Criminal Code. You are -- I understand that Mr. Bazuta is opposed. In my view, in light of the fact that it is a secondary designated offence, the offence that you have been convicted of is very serious and given the fact that the taking of the sample from you is quite minimally invasive, I am going to make an order under s. 487.051. So, I make an order in Form 5.04 authorizing the taking of samples of bodily substances from you for registration in the DNA national databank.
- [40] Finally, the Crown seeks a forfeiture order pursuant to section -- tell me again what section?
- [41] MS A. HATHORN: It's s. 107(b) of the Cannabis Act.
- [42] THE COURT: Okay. 107(b) of the Cannabis Act?
- [43] MS A. HATHORN: Sub (b), that's right.
- [44] THE COURT: Sub (b) of the Cannabis Act, and I take it, Madam Crown, you are going to provide me with a draft forfeiture order?

- [45] MS A. HATHORN: That's correct, Justice, and I will note that there is also a return order as part of -- this is a combined --
- [46] THE COURT: Okay.
- [47] MS A. HATHORN: -- forfeiture and return order --
- [48] THE COURT: Okay.
- [49] MS A. HATHORN: -- and the return would be under s. 490(9) of the Criminal Code.
- [50] THE COURT: Okay, all right.
- [51] MS A. HATHORN: This is by consent and both parties have reviewed --
- [52] THE COURT: Okay, good.
- [53] MS A. HATHORN: -- and signed the order.
- [54] THE COURT: All right, and so I will sign off on that.
- [55] MS A. HATHORN: I have handed up two copies in hopes that both can be signed --
- [56] THE COURT: Sure.
- [57] MS A. HATHORN: -- and one can be returned to the clerk.
- [58] THE COURT: Madam Clerk, I think you have another copy there for me to sign, as well? Okay.
- [59] So, the forfeiture order is being made under s. 94(2) of the Cannabis Act as well as s. 107(b) of the Cannabis Act and there is going to be items returned, as well, pursuant to s. 490(9) of the Criminal Code. I will sign off on that.
- [60] Here we go, Madam Clerk. Oh, hold on a second, one, as well. All right.
- [61] Then there will be a victim fine surcharge, as well, in the amount of \$200.
- [62] Mr. Bazuta, do you need time to pay that victim fine surcharge?
- [63] THE ACCUSED: Yes.
- [64] THE COURT: Okay, how many months would you like?
- [65] THE ACCUSED: What works best for you?
- [66] THE COURT: Sorry?
- [67] THE ACCUSED: Three?
- [68] THE COURT: Three months? Okay. You will have three months to pay that victim fine surcharge of \$200, okay? All right.

- [69] Now, dealing with the conditional sentence order, your conditions. So, it is a two-years-less-a-day conditional sentence order which you will serve in your home.
- [70] So, there are some compulsory conditions and, Madam Clerk, I am going to -- do you want me to give you the Picklist numbers, as well?
- [71] THE CLERK: I do have a copy --
- [72] THE COURT: Oh, excellent.
- [73] THE CLERK: -- as well.
- [74] THE COURT: Okay, so I will not -- all right.
- [75] The compulsory orders, is that you must keep the peace and be of good behaviour, you must appear before court when required to do so by the court, and you must notify the court or your conditional sentence supervisor in advance of any change of name or address and promptly notify the court or supervisor of any change in employment or occupation. You must remain in British Columbia unless you have the prior written permission from the court or your conditional sentence supervisor to leave the province.
- [76] You must also report in person to your conditional sentence supervisor at the Langley Community Corrections at 5755 Glover Road, Suite 101, by 4:00 p.m. tomorrow. So, 4:00 p.m., September 7, 2023, and after that, you must report as directed by your supervisor.
- [77] You are also not to possess directly or indirectly any weapon as defined by the Criminal Code, including: firearms and ammunitions; crossbows, prohibited or restricted weapons or devices, or explosive substances; anything used or designed to be used or intended for use in causing death or injury to any person, or to threaten or intimidate any person; any imitation of all of the above, including any compressed airguns or BB/pellet guns; or any related authorization, licences, registration certificates, and you must not apply for any of these. Okay?
- [78] You must also surrender any firearms that you possess or that you immediately go to your residence and, if you do possess any of these weapons, you must provide them to the RCMP as soon as possible. Okay?
- [79] You must provide your residential address to your conditional sentence supervisor including your phone number. You must not change your address or phone number without prior written permission from your supervisor.
- [80] All right. Now, I am not -- while I have some misgivings about the -- you remaining in your home for one-third of your conditional sentence order, obviously, counsel have had discussions. They know more about this case than I do and so I am going to accede to the one-third of your conditional order.

- [81] So, you must obey house arrest by being inside your residence 24 hours a day, every day for the first one-third of your conditional sentence order. Okay? You must present yourself immediately at the door to your residence or answer the phone when any peace officer or conditional sentence supervisor attends or calls to check on you during the house arrest. You may be away from your residence during house arrest with the written permission of your conditional sentence supervisor. Such permission is only to be given for employment or other compelling reasons. You must carry the permission with you when you are outside your residence.
- [82] All right. You may also be away from your residence during the house arrest hours while at or going directly to or returning directly from a healthcare facility because of a medical emergency or medical appointment. If asked, you must provide your conditional sentence supervisor with proof of your attendance at the facility; and while at or going directly to or returning directly from Unified Training Centre located at 11517 Kingston Street, Maple Ridge, B.C., and if asked, you must provide your conditional sentence supervisor with proof of your attendance; and on Saturdays between 12:00 and 2:30 p.m. to run errands. If asked, again, you must provide your conditional sentence supervisor with proof of running errands, such as receipts.
- [83] Curfew, you will have a curfew from 10:00 p.m. to 6:00 a.m. every day for the second one-third of your conditional sentence order, okay, and again, you must present yourself at the door, and you can be away from your residence during curfew with prior written permission of your conditional sentence supervisor, and the permission is only to be given for employment or other compelling reasons, and you must make sure you carry your conditional sentence order with you at all times when you are outside your residence.
- [84] All right. You must complete 125 hours of community work service under the direction of your conditional sentence supervisor. Your community work service must be completed within one year of this conditional sentence order.
- [85] In regards to cellphones, you must not possess or use any mobile communication device except as follows: you may possess one personal cellphone that has only one phone number and is registered in your name; you may not use a pay-as-you-go service or possess more than one SIM card for the phone that is registered in your name; you may possess one additional cellphone subject to approval by your conditional sentence supervisor.
- [86] Now, you must not possess or consume alcohol or controlled substances as defined in the Controlled Drugs and Substances Act, or any other intoxicating substance, except with a medical prescription.

- [87] In terms of the no-alcohol-except-at-home, I am not in agreement with your counsel that you be permitted to consume alcohol in your residence. Being on a conditional sentence order is basically being in jail, but you get to serve it at home. That is a benefit to you. If you were in jail, you would not be permitted to use alcohol whether you are an alcoholic or not. So, you will not possess or consume alcohol, and you must not be intoxicated in any public place. There will be no exception.
- [88] Finally, you must attend, participate in, and complete any intake, assessment, counselling, or education program directed by your conditional sentence supervisor. This may include, but is not limited to, counselling or programming for alcohol or drug addiction.
- [89] Sorry, that was not the final one. There is one more. Mr. Bazuta, you must not possess any marihuana, except with a medical prescription, metal halide lights, light bulbs of more than 250 watts, sodium vapour lights, ballasts, capacitors, light timers, or diesel generators, or any equipment or ingredients used in the production or the preparation of any illegal drugs, including, but not limited to, heating mantles, beakers, round-bottom flasks, glass-condensing columns, or reaction flasks of a volume exceeding 500 millilitres. You must not possess red phosphorous, iodine crystals, or tincture of iodine, muriatic acid, ether, acetone, sodium thiosulfate, hypophosphorous acid, lye, lithium, more than two litres of drain cleaner, or more than three grams of either ephedrine or pseudoephedrine.
- [90] I will note, also, that I am going to add that you also not possess thermometers unless required for medical reasons, vacuum sealer, and -- where is the pipes? I thought I saw some pipes or something that the bud was in.
- [91] MS A. HATHORN: Yes, Your Honour, it was black PV or -- Justice, sorry.
- [92] THE COURT: PVC pipes.
- [93] MS A. HATHORN: PVC pipes.
- [94] THE COURT: Or PVC pipes unless required for maintenance of your home. Okay? All right.
- [95] Have I missed anything?
- [96] MS A. HATHORN: I don't believe so.
- [97] CNSL E. WILSON: Justice, I was just going to address, for the DNA order, I believe it is helpful -- I was advised last time by a clerk to have a timeframe upon which for him to --
- [98] THE COURT: Okay.
- [99] CNSL E. WILSON: -- complete that --
- [100] THE COURT: Yes.
- [101] CNSL E. WILSON: -- and I don't know if we need to designate which police station, but I anticipate his conditional sentence supervisor can assist him with --

- [102] THE COURT: Yes.
- [103] CNSL E. WILSON: -- finding where to go.
- [104] THE COURT: Okay. So you must provide the DNA sample, by -- should I give like a month?
- [105] CNSL E. WILSON: Or two weeks to a month, either one.
- [106] THE COURT: Okay, by September 30, 2023, okay, and your conditional supervisor will tell you which detachment to attend. You will probably have to go to the Langley RCMP detachment.
- [107] THE ACCUSED: Okay.
- [108] THE COURT: Okay? All right. Anything else?
- [109] CNSL E. WILSON: Nothing further.
- [110] CNSL A. HATHORN: In terms of the remaining counts, Crown will direct a stay of proceedings --
- [111] THE COURT: Okay.
- [112] CNSL A. HATHORN: -- and the court clerk also advised us that there is a dash-3 indictment in the system which I understand was the 24(2) application.
- [113] MS E. WILSON: Yes, and that's -- that's been abandoned --
- [114] THE COURT: Okay.
- [115] MS E. WILSON: -- Justice. It should have been abandoned at the time of the guilty plea. In any event, it can be withdrawn.
- [116] THE COURT: Okay, good.
- [117] Okay, and finally, one other thing, Madam Clerk tells me that, Mr. Bazuta, you will need to go downstairs to the registry and they will read all of the conditions to you again, make sure you -- and then you will have to sign off on some papers, okay, before you can leave. So do not leave the courthouse until -- I am sure your lawyer will show you where you need to go, okay? All right.
- [118] Mr. Bazuta, I just want to say one final comment. These were very serious offences. You have been given another chance. You have your whole future ahead of you. You have got a promising career in the film industry. You have expanded your skillset. Continue down that path. Do not go that other path because the next time you are not going to get a conditional sentence order, okay?
- [119] THE ACCUSED: Okay.
- [120] THE COURT: I wish you best of luck. All right, thank you.

"Girn J."

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