

CANADA / JUDGMENT

R. v. Bos

2025 BCSC 1126

COURT

Supreme Court of British Columbia

DECIDED

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2025 BCSC 1126 R. v. Bos

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Bos,

2025 BCSC 1126

Date: 20250606

Docket: 85675-2

Registry: New Westminster

Rex

v.

Justin Michael Bos

- and -

Docket: 84806-1

Registry: New Westminster

Rex

v.

Justin Michael Bos

- and -

Docket: 85829-2

Registry: New Westminster

Rex

v.

Justin Michael Bos and Matthew McKenzie Whitty

Before: The Honourable Madam Justice Forth

Oral Reasons for Sentence Re: Justin Michael Bos

Counsel for the Crown:

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Place and Date of Hearing:

New Westminster, B.C.

May 30, 2025

Place and Date of Judgment:

New Westminster, B.C.

June 6, 2025

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Introduction

- [1] On November 15, 2024, after an almost three-week trial, a jury found Justin Michael Bos guilty of manslaughter with a firearm of Troy Regnier on August 27, 2022 contrary to s. 236(a) of the Criminal Code, R.S.C. 1985, c. C-46 [Code].
- [2] On December 20, 2024, Mr. Bos entered guilty pleas to:
- Manslaughter with a firearm of Cody Mostat on March 25, 2022, contrary to s. 236(a) of the Code.
 - Manufacturing or transferring restricted firearms, knowing that he was not authorized to do so under the Firearms Act or any other Act of Parliament or any regulation made under any Act of Parliament, contrary s. 99(1)(a) of the Code.
- [3] These are the sentencing reasons for these three matters.
- [4] The Crown and defence jointly submit that the just and appropriate global sentence for all counts in the circumstances is 19 years in jail.
- [5] The jointly proposed sentencing breakdown is as follows, with each sentence to be served consecutively:
- 13 years for the manslaughter of Mr. Mostat;
 - Six years for the manslaughter of Mr. Regnier; and
 - Six years for manufacturing of firearms.
- [6] Pursuant to the totality principle, counsel jointly submit that the global sentence of 25 years should be reduced to 19 years.

- [7] The Crown also seeks the following ancillary orders: a DNA order pursuant to s. 487.051(1), a non-communication order pursuant to s. 743.21, a s. 109 firearms/weapons prohibition, a victim surcharge pursuant to s. 737, and a weapons forfeiture pursuant to s. 491(b) of the Code. The defence agrees with all of the ancillary orders sought, except for the victim surcharge.
- [8] Mr. Bos was in custody from April 1 to 3, 2022 and arrested on September 21, 2022 and has remained in custody ever since. As of today's date, Mr. Bos has spent 993 days in custody. In my view, it is appropriate that he receive one-and-a-half days' credit for each of these days, so with the enhanced credit, he has served 1,490 days.
- [9] In respect to the jury's finding of guilt for the manslaughter of Mr. Regnier, I will treat the joint submission as a common sentencing position, which is not the same as a "joint submission" that merits the same judicial deference as prescribed by *R. v. Anthony-Cook*, 2016 SCC 43. The Court of Appeal has made it clear that in these circumstances, "the judicial restraint accorded a joint submission is not engaged": *R v. Dunkers*, 2018 BCCA 363 at para. 44. In respect to the manslaughter of Mr. Mostat and the firearms offences, I will treat the submissions made as a joint submission.
- [10] Crown provided me with the decision in *R. v. Wesley*, 2025 ONCA 51, in which the majority decision of the Ontario Court of Appeal noted a joint recommendation following a contested trial, does not have the same benefits as the benefits of a joint submission in exchange for a guilty plea: at para. 81. As such, the Court of Appeal concluded that the joint recommendation on sentence made following the trial was not an *Anthony-Cook* submission and that the trial judge was not bound by the stringent *Anthony-Cook* test in determining whether he should accept the joint recommendation: at para. 87.
- [11] I do appreciate that this was a carefully considered negotiation between the Crown and defence to come up with a joint recommendation on sentencing for the three offences.
- [12] As the Court of Appeal recently commented on in *R. v. Murtagh*, 2024 BCCA 390, a sentencing judge should not depart from a joint submission unless the proposed sentence would bring the administration of justice into disrepute or would otherwise be contrary to the public interest: para. 31; *Anthony-Cook* at paras. 33-34. The rationale being that joint submissions are vitally important to the proper functioning of the criminal justice system and the justice system at large. When properly conducted, they benefit the accused, victims, witnesses, counsel and the administration of justice generally: *Murtagh* at para. 30.
- [13] It falls to me to find the facts and impose a fit sentence that is proportionate to the circumstances of the offences, including the gravity, and the circumstances of the offender, including Mr. Bos' degree of personal responsibility, in the context of the joint submission/recommendation on sentencing that was made.

Circumstances of the Offences

A. Agreed/Proven Facts

[14] I will deal with each of the offences separately.

Manslaughter of Mr. Regnier

[15] Given that this was a jury trial, I must begin by determining the material facts required for sentencing following the rules set out in *R. v. Ferguson*, 2008 SCC 6 at paras. 16-18, 22; *R. v. Ward*, 2009 BCCA 409 at paras. 11-14.

[16] First, s. 724(2)(a) of the Code directs that I must "accept as proven, all facts, express or implied, that are essential to the jury's verdict". This means that I must identify any relevant factual determinations the jury has made by examining what facts were essential to the jury's verdict, and then apply those facts when sentencing the offender.

[17] Second, s. 724(2)(b) of the Code directs that I may "find any other relevant fact that was disclosed by evidence at the trial to be proven". This involves engaging in my own independent fact-finding exercise. As the Supreme Court of Canada noted in *Ferguson*, where "the factual implications of the jury's verdict are ambiguous, the sentencing judge should not attempt to follow the logical process of the jury, but should come to his or her own independent determination of the relevant facts": at para. 15.

[18] Facts that were formally admitted at trial should be accepted by the judge as "conclusive of the admitted facts": *R. v. Baksh*, [2005] O.J. No. 2971 at para. 84, 2005 CanLII 24918 (S.C.J.), *aff'd* 2008 ONCA 116.

[19] Pursuant to s. 724(3)(e) of the Code, insofar as I may find aggravating facts that are not expressed or implicit in the jury's reasoning, I must be satisfied that they have been proven beyond a reasonable doubt. Pursuant to s. 724(3)(d) of the Code, I need only be satisfied of mitigating facts on a balance of probabilities. If the evidence at trial was not sufficient to establish a fact to the requisite standard, evidence must be adduced or the finding cannot be made.

[20] The relevant facts, set out in the Agreed Statement of Facts which was marked as an exhibit at the jury trial, and from the additional facts counsel jointly submit were proven at trial, are as follows:

- a. Mr. Bos shot Mr. Regnier once on August 27, 2022.
- b. Mr. Regnier's death was caused by a gunshot wound to the left side of his chest, which passed through his heart.
- c. Mr. Bos was wearing black latex gloves and a bulletproof vest at the time of the shooting.
- d. During the confrontation, Mr. Regnier was holding a stick embedded with protruding nails, and deployed pepper spray towards Mr. Bos.

- e. Mr. Bos shot the handgun four times: once at the ground prior to shooting Mr. Regnier, two other times in close succession in the direction of Mr. Regnier, and a fourth shot that struck and killed Mr. Regnier.
 - f. Mr. Bos intentionally committed the unlawful act of firing a gun which caused Mr. Regnier's death. He aimed the gun at Mr. Regnier and pulled the trigger, being reckless as to whether he would be injured or killed.
 - g. The shooting took place in front of Rebecca Banman.
 - h. After the shooting Mr. Bos left the residence, making no efforts to procure any assistance for Mr. Regnier.
 - i. Mr. Bos was subject to a lifetime firearms prohibition at the time of the shooting.
- [21] I note that the details around the shooting of Mr. Regnier were in little dispute at the jury trial since there was clear CCTV footage of the event.

Manslaughter of Mr. Mostat

- [22] Based on the admissions of facts agreed to by counsel pursuant to s. 724 of the Code, the manslaughter offence arose out of the killing of Mr. Mostat on March 25, 2022 at the Langley Highway Hotel (the "Hotel"). Mr. Bos was at a room in the Hotel with Kaylee Macelhinney, who resided in room 205. Mr. Mostat showed up at the Hotel and entered room 205. Mr. Bos shot Mr. Mostat five times with an improvised semi-automatic .22 calibre pistol ("Improvised Pistol"), inside room 205 of the Hotel. Ms. Macelhinney was in the bathroom of room 205 at the time of the shooting.
- [23] Mr. Mostat was unarmed and there is no evidence that he threatened or provoked Mr. Bos prior to being shot and killed. Mr. Bos left the Hotel, making no efforts to procure any assistance for Mr. Mostat.
- [24] Mr. Bos intentionally committed the unlawful act of firing a gun, which caused Mr. Mostat's death. The Improvised Pistol was seized in April 2022 and is a restricted firearm as defined in s. 84(1) of the Code.
- [25] Mr. Bos aimed the Improvised Pistol at Mr. Mostat and pulled the trigger, being reckless as to whether he would be injured or killed.
- [26] Mr. Mostat was killed on March 25, 2022 from the bullets shot by Mr. Bos. The autopsy on Mr. Mostat determined the cause of death to be multiple gunshot wounds, with injuries to Mr. Mostat's heart, right lung, and diaphragm. Four intact bullet tips were recovered from Mr. Mostat's body.
- [27] The autopsy examination revealed five gunshot entrance wounds, three exit wounds and one re-entry wound, for a total of five gunshot tracks.

[28] Mr. Bos was subject to a lifetime firearm prohibition order pursuant to s. 109 of the Code since October 2015.

Firearm Offence

[29] Based on admissions of facts agreed to by counsel pursuant to s. 724 of the Code, on October 12, 2021, Canada Border Services Agency ("CBSA") seized a shipment of ten firearm suppressor kits imported from China, addressed to Mr. Bos at a UPS store mailbox in Surrey.

[30] On October 13, 2021, CBSA seized two suppressors imported from China, addressed to Mr. Bos at 3015 Clearbrook Road, Abbotsford, British Columbia. The suppressor kits seized were prohibited devices under s. 103 of the Code. Mr. Bos imported the suppressor kits contained in the two packages seized.

[31] In February 2022, Mr. Bos stored some of his possessions at 5698 152nd Street, Surrey, British Columbia ("5698"), and on February 18, 2022 the police seized numerous items related to the manufacturing of firearms including: a loaded converted airsoft pistol, cartridge magazines, rounds of .22 calibre and rifle ammunition, firearm suppressors, .22 calibre conversion kits, and receiver parts kit.

[32] Mr. Bos was in joint possession of the items seized from 5698 on February 18, 2022.

[33] The attachment of a GSG 1911 .22 LR calibre firearm conversion kit to a airsoft lower receiver creates a fully functioning firearm.

[34] The loaded converted airsoft pistol consisted of a modified airsoft frame and a GSG 1911 .22 LR calibre slide, barrel, and magazine. This device is a restricted firearm.

[35] Between October 1, 2021 and April 2, 2022, Mr. Bos possessed restricted firearms and prohibited devices for the purpose of selling them.

[36] Mr. Bos has been subjected to a lifetime firearm prohibition order pursuant to s. 109 of the Code since October, 2015.

B. Victim Impact

[37] I adopt the comments made by Associate Chief Justice Holmes in *R. v. Fabas*, 2017 BCSC 1693 at para. 14:

A death caused by crime has deep and long-standing effects on the family and friends of the victim and the community. The grief and loss that the family and friends experience are heightened by the knowledge that the death should not have happened, that it was caused by human action that violates our social norms.

[38] In this case, Mr. Mostat's father and mother read victim impact statements to the Court that explained some of the devastating effects of his death. The Crown read victim impact statements prepared by Mr. Mostat's sister, brother, and aunt. Their statements were all heart-wrenching and deeply emotional. They spoke of their profound loss, heartbreak, hurt,

despairing sadness, anger, and bitterness. They spoke of a loss of someone they loved and deeply cared for. They captured the pain and anguish they suffer every day as a result of the death of Mr. Mostat.

- [39] There was also a victim impact statement read out by Mr. Regnier's sister in which the overwhelming pain she suffers was poignantly portrayed. I cannot imagine how difficult it was for her to watch the CCTV footage of her brother's final moments as he died, without anyone providing him with assistance. As she put it, she has lost one of her best friends who she will never be able to replace.
- [40] I have read and re-read each of the victim impact statements. I acknowledge the terrible loss to both of these families as a result of Mr. Mostat's and Mr. Regnier's tragic and senseless deaths. I understand that the jail time that the offender will be serving provides little solace since they can never speak to or hug their loved ones. They will never hear their laughter or develop future memories together. They are only left with their past memories. There is no sentence imposed that can overcome the damage done to all of them, that will relieve them from the enormity of their suffering that they will continue to experience due to their tragic losses.

Circumstances of the Offender

- [41] Although I ordered a pre-sentence report, one was not prepared since Mr. Bos was not prepared to be interviewed for it. Mr. Bos is currently 39 years old. He was 36 and 37 years old at the time of the offences. He grew up in Langley and is the eldest of four children. His father worked as a steel fabricator and his mother a nurse. He did well in school and was academically skilled but he did not like school and left at age 16.
- [42] He began working with his father and at the time of the offences was in his fourth year of structural steel fabrication. At some point he became involved in the drug scene which he says led to his criminal activities.
- [43] Mr. Bos has a past criminal record consisting of at least three prior convictions related to weapons offences. His most recent weapons related conviction was in 2020 for possession of a prohibited weapon knowing its possession is unauthorized, contrary to s. 92(2) of the Code. In 2013, he was also convicted of unauthorized possession of a weapon contrary to s. 91(2) and carrying a concealed weapon contrary to s. 90(1) of the Code. In 2015, in Edmonton, Alberta, he was convicted of a number of offences, including possession of a weapon, failure to comply with a probation order, robbery, and use of an imitation firearm during the commission of an indictable offence. He received a 69-month sentence.

The Applicable Principles

General Principles

- [44] The fundamental purpose of sentencing is to protect society and to contribute to respect for the law and the maintenance of a just, peaceful, and safe society. There are six main objectives in sentencing: (1) denouncing the offending conduct; (2) deterring the offender and other people from criminal conduct; (3) separating the offender from society when necessary; (4) rehabilitating the offender; (5) making reparation to victims or the community; and (6) fostering the offender's acknowledgement of responsibility and of the harm done to victims and the community.
- [45] Sentencing involves the exercise of a broad discretion in balancing all of the relevant factors to meet the applicable objectives. The relative emphasis given to the various objectives will vary according to the particular offence and the particular offender.
- [46] Section 718.1 of the Code provides that the "sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender". An offender should not be punished more than is necessary in the circumstances: *R. v. Nasogaluak*, 2010 SCC 6 at paras. 40, 42. Further, s. 718.2(d) of the Code provides that: "an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances".
- [47] As is discussed further below, the sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances: s. 718.2(b) of the Code.
- [48] Other sentencing principles help a sentencing judge tailor the sentence to the offence and the offender. In particular, the sentencing judge will take into account the aggravating and mitigating circumstances relating to the offence and the offender, when considering where, within the applicable range of sentence, the particular sentence should fall.
- [49] The relevant factors that are engaged in the assessment of an offender's moral blameworthiness were discussed by the Court of Appeal in *R. v. C.K.*, 2023 BCCA 468. At para. 71, Justice DeWitt-Van Oosten held that the assessment of an offender's personal responsibility must involve consideration of their state of mind at the time of the offence. A non-exhaustive list of relevant factors is provided:
- the level of planning and/or intentionality brought to the crime;
 - the degree, nature and extent of the offender's personal participation in the offence;
 - the means or method by which the crime was committed;
 - the motive or reasons for the offender's participation;
 - the offender's awareness of the legal and moral wrongfulness of their conduct;
 - their awareness of the actual or reasonably foreseeable harms flowing from their conduct (immediate and long-term); and

· their persistence in perpetrating the offence despite that awareness.

[50] In *R. v. Penner*, 2023 BCCA 191, Justice Horseman emphasized that the careless use of a firearm poses a grave risk to the public: at paras. 90-91. Consequently, when a firearm is used to commit manslaughter, the gravity of the offence is heightened: *R. v. McPake*, 2019 BCSC 1361 at para. 40.

[51] The proliferation of guns and their lethal consequences was commented on by the Court of Appeal in *R. v. Kachuol*, 2017 BCCA 292 at para. 25:

In recent years, Canadian courts have become increasingly concerned by the proliferation of handguns, gun violence and the dire consequences for our society. Guns are inherently, often lethally, dangerous, all the more so when they are possessed for an illicit purpose

[52] In the decision *R. v. Robertson*, 2020 BCCA 65 at para. 77, the Court of Appeal recommended a three-step approach when dealing with sentencing on multiple counts:

- (1) Without regard to totality, determine the appropriate sentence of each count according to ordinary sentencing principles;
- (2) Without regard to totality, determine whether any of the individual sentences should be made consecutive or concurrent; and
- (3) Review the aggregate sentence having regard to the totality principle to ensure it is not excessive and, if necessary, adjust the individual sentences to arrive at an appropriate global sentence.

Available Range of Sentences

[53] Pursuant to s. 236(a) of the Code, committing manslaughter by a firearm is an indictable offence punishable by a minimum sentence of four years imprisonment and a maximum sentence of imprisonment for life.

[54] Case authorities indicate that generally for manslaughter the sentence ranges fall between four years and 15 years of imprisonment, except in unusual or special circumstances: *R. v. Engebretsen*, 2016 BCCA 182 at para. 13; *Fabas* at para. 37. Where a sentence falls within the range depends on the specific circumstances of each case. As Justice Devlin explained in *R. v. Hothi*, 2023 BCSC 1564:

[44] The wide range of sentences for manslaughter reflects the numerous ways in which the offence can be committed. As expressed by our Court of Appeal in *Badhesa* [*R. v. Badhesa*, 2019 BCCA 70]:

[24] The offence of manslaughter encompasses conduct which has caused the death of another person and falls short of intentional killing. It covers a wide range of cases extending from "near accident" to "near murder" and different degrees of moral culpability attach along a continuum within that spectrum. A sentencing judge assesses moral culpability for

manslaughter by considering the offender's mental state in the context of the unlawful act itself and the offender's personal characteristics, blending and balancing all in combination. Factors that weigh in the balance include intentional risk-taking, the harm caused, the normative character of the offender's conduct, the degree of deliberation involved, the existence of provocation and the element of chance involved in the resulting death.

[Citations omitted.]

[45] Faced with this wide range, the Court in *Badhesa* provided the following guidance to sentencing judges on how to determine an appropriate sentence in a given case (at para. 26):

the judge must carefully determine the degree of an individual offender's moral culpability and craft a sentence that accounts adequately for the unique constellation of relevant factors present in a case. The task is complex and sometimes factors unrelated to where the unlawful act falls on the "near accident" to "near murder" spectrum nonetheless bear on the degree of the offender's moral culpability. Where an offender falls on the spectrum of individual moral culpability is a question of fact.

[Emphasis in original.]

[55] Section 99(2) of the Code provides that:

Every person who commits an offence under subsection (1) when the object in question is a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited device, a firearm part, any ammunition or any prohibited ammunition is guilty of an indictable offence and liable to imprisonment for a term not exceeding 14 years and to a minimum punishment of imprisonment for a term of

- (a) in the case of a first offence, three years; and
- (b) in the case of a second or subsequent offence, five years.

[56] Pursuant to s. 99(2), the maximum punishment for manufacturing or transferring weapons is 14 years imprisonment.

[57] This is Mr. Bos' first conviction under s. 99(1), and as such the three-year minimum sentence applies.

[58] The sentencing range for the sale of suppressors and glock handgun switches was held to be six to seven years: *R. v. Friesen*, 2016 BCSC 1679 at para. 114. A "switch" being a mechanical device designed to convert a semi-automatic firearm to a fully automatic operation: at paras. 8, 11. The same range was applied to the manufacturing of suppressors: at para. 116, with a "suppressor" being defined as a device that is fitted to the end of a barrel of the firearm and is intended to muffle or reduce the sound: para. 8.

[59] In *R. v. Ivanic*, 2011 BCCA 158, the Court of Appeal upheld a sentence of five years for the trafficking of firearms, stating at para. 21:

In my opinion, the sentencing judge committed no error in terms of determining the length of the sentence. If anything she imposed a sentence at the low end of the appropriate range. Offences involving firearms and the sale of firearms are serious matters and sentences need to reflect society's condemnation against those who participate in such activities. Indeed the facts of this case amply demonstrate the significant dangers not only to those involved in the dangerous game of drug trafficking, but to innocent people. There were a number of people coming and going when the shoot-out occurred. It is a matter of good luck that no innocent person was caught in the cross-fire.

Application of the Legal Principles

Moral Blameworthiness

- [60] I find that Mr. Bos has a high degree of moral responsibility for the offences he has plead guilty to. In the manslaughter of Mr. Mostat he was carrying a loaded pistol and shot Mr. Mostat five times at close range. There is no evidence that Mr. Mostat was armed, or did or said anything to provoke or threaten Mr. Bos. In the defence submissions, Mr. Bos provided some additional history of what he says was information provided by Ms. Macelhinney to him about issues she had with Mr. Mostat. I put little weight on those submissions since whatever happened between Mr. Mostat and Ms. Macelhinney in the days leading up to his death, provides no justification for Mr. Bos to shoot Mr. Mostat five times on March 25, 2022.
- [61] Mr. Bos left the scene of the killing without making any attempt to assist Mr. Mostat who laid mortally wounded. He should have been aware of the legal and moral wrongfulness of his acts and the reasonably foreseeable loss to Mr. Mostat's family and friends.
- [62] The situation that Mr. Bos faced with the shooting of Mr. Regnier was different. Mr. Regnier came to the residence where Mr. Bos resided. Mr. Regnier approached the residence armed with a stick with protruding nails and pepper spray. Mr. Bos exited the residence with a bulletproof vest, holding a loaded handgun. He approached Mr. Regnier with the gun pointed at Mr. Regnier. He did fire a warning shot into the ground. It was then when Mr. Regnier chose to advance on Mr. Bos deploying the pepper spray.
- [63] I agree with the Crown that Mr. Bos had other choices that evening. He chose to leave the security of the residence, arming himself, not calling the police or giving Ms. Banman the time to speak to Mr. Regnier to try and de-escalate the situation. He chose to approach Mr. Regnier and fire his gun. These steps were part of the events that lead to the tragic death of Mr. Regnier.
- [64] The jury must have rejected Mr. Bos' claim of self-defence as the jury found Mr. Bos guilty of the lesser offence of manslaughter. The jury either accepted that Mr. Bos was provoked or lacked the requisite intent for murder. I accept that the acts of Mr. Bos do indicate a degree of deliberation and resorting to self-help violence, that increases his moral culpability.

[65] Mr. Bos was involved in the importation of firearm suppressors from China. This would have taken a level of planning. It is clear that he was personally involved in the manufacturing of restricted firearms. He should have known the risk of being involved in the manufacturing of restricted firearms and their possession. Mr. Bos had previously been convicted of possession of unauthorized firearms and was under a lifetime ban but that did not deter him from continuing his criminal activities.

Aggravating and Mitigating Factors

[66] Section 718.2 of the Code stipulates that, when imposing a sentence, the Court shall take into consideration any relevant aggravating or mitigating circumstances related to the offence and increase or decrease the sentence accordingly.

[67] I find the following aggravating circumstances of the offence of manslaughter of Mr. Mostat:

- a. Mr. Bos fired five shots at Mr. Mostat at close range which resulted in his death.
- b. After the shooting, Mr. Bos left the scene, making no effort to procure any assistance for Mr. Mostat. He took the firearm with him.
- c. Ms. Macelhinney was in the bathroom of the hotel room when Mr. Bos shot inside the room. The proximity of Ms. Macelhinney within the room increased the inherent danger associated with discharging the firearm.
- d. The crime has had a profound effect on Mr. Mostat's family.

[68] I find the following aggravating circumstances of the offence of manslaughter of Mr. Regnier:

- a. Mr. Bos returned to the residence, put on gloves and a bulletproof vest, and picked up a loaded firearm, which indicates a degree of deliberation and planning involved in the unlawful act.
- b. Mr. Bos fired three shots at Mr. Regnier, plus an intimidation shot, all at relatively close range. The final shot resulted in Mr. Regnier's death.
- c. Mr. Bos resorted to self-help violence instead of taking other steps.
- d. The shooting occurred in the presence of Ms. Banman who was standing in close proximity to Mr. Regnier. The shooting occurred on a quiet residential street surrounded by residential homes. Ms. Banman, and the lives of the residents of the neighbouring homes, were put at risk when Mr. Bos discharged the firearm.
- e. After the shooting, Mr. Bos immediately fled the scene making no effort to procure any assistance for Mr. Regnier.
- f. The crime has had a profound impact on Mr. Regnier's family.
- g. The shooting of Mr. Regnier occurred five months after the shooting of Mr. Mostat.

- [69] I find the aggravating circumstances of the offences of trafficking and manufacturing firearms are:
- a. The quantity of firearms, firearm parts, ammunition, and items related to the manufacturing of firearms involved.
 - b. The importation of prohibited devices, being the suppressors.
 - c. The duration of the offending behaviour, this not being an impulsive singular mistake. Mr. Bos possessed restricted firearms and prohibited devices for the purposes of selling them from October 1, 2021 to April 2, 2022.
- [70] I find that Mr. Bos' criminal record is an aggravating feature of all of the offences. When Mr. Bos committed the offences, he was subject to a lifetime firearms prohibition arising from his 2015 s. 91(2) conviction.
- [71] I find a mitigating factor is that Mr. Bos plead guilty to the manslaughter of Mr. Mostat and the firearms manufacturing offence. These guilty pleas, particularly to the manslaughter of Mr. Mostat, spared the Mostat family of the stress, grief, and anxiety of a lengthy trial. The guilty pleas also saved weeks of valuable judicial time and court resources.
- [72] The Crown submits that with respect to the shooting of Mr. Regnier, a mitigating fact is that although Mr. Bos' conduct falls below the threshold of conduct necessary to preserve life, he believed that Mr. Regnier posed a threat of physical harm to Paul Shaw, who resided in the residence where the shooting took place. In light of the texted threats made by Mr. Regnier, that belief was reasonably held.
- [73] Mr. Bos did not express any remorse for what he did. The lack of remorse is not an aggravating factor: *R. v. Pouce Coupe*, 2014 BCCA 255 at para. 24; *R. v. Muhammad*, 2004 BCCA 396 at paras. 8-10. This factor, however, remains to be considered in the context of rehabilitation.

Rehabilitation

- [74] As the reasoning in *R. v. Scott*, 2019 BCSC 1007 [Scott 2019] makes clear, although denunciation and deterrence are the primary sentencing principles applicable here, rehabilitation also remains a relevant factor.
- [75] However, the prospects of rehabilitation must be real and not illusory or simply hopeful. Mr. Bos continued on a path of crime after he was released from prison in 2020. In 2022, he shot two different individuals resulting in their deaths. He shot Mr. Mostat in a hotel in which he placed other members of the public at risk and Mr. Regnier in the close proximity to Ms. Banman, while in a residential neighbourhood.

- [76] Mr. Bos has been previously incarcerated for a number of offences and yet after his release from prison, he continued with his criminal activities. In the defence submissions, it was explained that Mr. Bos struggles with drug addiction, with crack cocaine being his drug of choice, but there was nothing said of any attempts by Mr. Bos to seek treatment for his addiction issues.
- [77] At this stage, I have little hope that Mr. Bos will be rehabilitated and will ever become a law-abiding citizen.

Parity

- [78] In support of the joint sentence, counsel directed me to a number of cases involving manslaughter. In all of them death arose from the use of a firearm. I will not detail the facts of each case, but I have read and considered each of them. The cited cases are:
- Fabas (six years imprisonment);
 - R. v. Gilpin, 2022 BCSC 658 (six and-a-half years);
 - R. v. Dhanda, 2005 BCCA 533 (eight years);
 - R. v. Scott, 2024 BCSC 716 (eight years);
 - R. v. Gunning, 2007 BCSC 505, aff'd 2008 BCCA 22 (eight years);
 - R. v. Holden, 2012 BCCA 317 (10 years);
 - McPake (10 years);
 - R. v. Wall, 2010 BCSC 972 (14 years);
 - R. v. Warner, 2019 ONCA 1014 (15 years); and
 - R. v. Drynock, 2019 BCSC 1363 (14 years).

Determining a Fit Sentence for Mr. Bos

- [79] For cases involving manslaughter with a firearm and the firearm offences, the paramount objectives of sentencing are denunciation and general and specific deterrence. In Scott 2019, Justice Ker said the societal concern about the use of firearms and the resulting need for deterrence and denunciation in sentencing are particularly strong in cases of second-degree murder. In my view, this sentiment equally applies to manslaughter when a firearm is used. As she stated: "The use of firearms in the commission of an offence (in particular, in the killing of another human being) must be denounced in the strongest possible terms." at para. 51.
- [80] This sentiment was acknowledged by the Supreme Court of Canada in R. v. Nur, 2015 SCC 15, where it is stated that "[g]un-related crime poses grave dangers to Canadians" and "[f]irearm-related offences are serious crimes": at paras. 1 and 6.

[81] Our Court of Appeal, in the context of a sentence appeal for the possession of firearms, stated in *R. v. Zhu*, 2013 BCCA 416 at para. 21:

Firearms are a scourge in our society. The possession and use of firearms poses unacceptable risks to the public and the police. There is no doubt that both must be protected from the illegal possession and risk of use of unlawful firearms. The importance attached to this imperative was emphasized by Madam Justice D. Smith in *R. v. Guha*, 2012 BCCA 423, particularly at paras. 28-30. She said at para. 30:

In short, firearms, and in particular handguns, are extremely dangerous when possessed for an illicit purpose. That purpose can only be to threaten or inflict serious bodily harm or death. Sentences for these types of offences must reflect society's absolute rejection of such unacceptable conduct.

[82] I have considered the joint submissions that have been made by Crown counsel and by defence counsel, as well as the materials I have been given, and I accept that the appropriate sentence for the manslaughter of Mr. Mostat is 13 years and for the firearm offence is six years.

[83] Given that this is a joint sentence made on behalf of defence and Crown counsel for these offences, I would only depart from that joint submission if I considered the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest. In the circumstances, as a whole, I see no principled basis on which to depart from the joint submission. The proposed sentences do not bring the administration of justice into disrepute or are otherwise contrary to the public interest.

[84] Turning to the manslaughter of Mr. Regnier, I accept the common sentencing position of Crown and defence that a fit sentence is six years. In my mind, the situation that Mr. Bos faced on the night of August 27, 2022 was one started by the acts of Mr. Regnier when he decided to attend the residence that night and arm himself. However, it was Mr. Bos who made the ill-advised decision to leave the residence armed with a loaded pistol and shoot Mr. Regnier.

[85] The totality principle codified in s. 718.2(c) of the Code provides that "where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh". I accept the submission of the Crown and defence that it is appropriate to reduce the combined sentence of 25 years to 19 years.

The Sentence

[86] Mr. Bos, would you stand, please.

[87] Mr. Bos, for the offences of manslaughter using a firearm of Cody Mostat and Troy Regnier, and the firearm offence, I sentence you to 19 years imprisonment.

[88] In accordance with s. 719(3.3) of the Code, I must specify the appropriate sentence for each count:

1. Manslaughter of Mr. Mostat - 13 years.
2. Firearm offence - 6 years to be served concurrently with the manslaughter of Mr. Mostat.
3. Manslaughter of Mr. Regnier - 6 years consecutive.

[89] You are entitled to an enhanced credit for the time served in pre-trial custody of 1,490 days. Your sentence of 19 years is equivalent to 6,940 days. The remaining sentence you must serve is 5,450 days, being 14 years and 335 days.

[90] The time served will be applied equally to the two manslaughter offences.

[91] You may be seated.

[92] The following ancillary orders are made:

1. A mandatory s. 109(3) of the Code firearms prohibition. This is a lifetime prohibition prohibiting the possession of any firearm, crossbow, restricted weapon, ammunition and explosive substance.
2. Manslaughter using a firearm is a primary designated offence within the meaning of s. 487.04 of the Code. As such, pursuant to s. 487.051(1), I make an order authorizing the taking of a sample of bodily substance from you, for the purpose of forensic DNA analysis and inclusion in the national DNA database.
3. Under the authority of s. 743.21 of the Code, while serving this sentence, you are prohibited from communicating, either directly or indirectly, with any member of Mr. Mostat's and Mr. Regnier's immediate or extended family.

[93] The defence sought and the Crown agreed that in light of Mr. Bos' lengthy past and future incarceration, the victim surcharge should be waived due to financial hardship. I agree that is appropriate.

[94] On May 30, 2025, I granted an order that the seized weapons and ammunition be forfeited to His Majesty pursuant to s. 491 of the Code.

[95] I further direct that a copy of these sentencing reasons and other information relevant to administering the sentence be forward to the Correctional Service of Canada pursuant to s. 743.2 of the Code.

[96] This concludes my oral sentencing reasons.

"Forth J."

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