

CANADA / JUDGMENT

## R. v. Draves

2025 BCSC 1672

### COURT

Supreme Court of British Columbia

### DECIDED

5 August 2025

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2025 BCSC 1672 R. v. Draves

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Draves,

2025 BCSC 1672

Date: 20250805

Docket: 186629-1

Registry: Victoria

Rex

v.

Jesse Cameron Draves

Before: The Honourable Justice K. Wolfe

Oral Reasons for Sentence

Counsel for the Crown:

M.J.E. Wheeler

A.L. Russell

Counsel for the Accused:

R.D. Adair

Place and Date of Hearing:

Victoria, B.C.

August 5, 2025

Place and Date of Judgment:

Victoria, B.C.

August 5, 2025

Table of Contents

INTRODUCTION.. 3

CIRCUMSTANCES OF THE OFFENCES. 5

CIRCUMSTANCES OF THE OFFENDER.. 6

ANALYSIS. 9

SENTENCING.. 13

[1] These reasons have been edited for transcription and publication.

[2] THE COURT: These are my oral reasons for judgment on the joint sentencing submission which I heard today. Should either party order a transcript, which I understand is likely given the length of the sentence, I reserve the right to edit for grammar, style, clarity, and case citations and references, but the substance of my decision will not change.

## INTRODUCTION

[3] On April 7, 2025, Mr. Draves pleaded guilty to all eight counts on indictment 186629 in this matter. Those counts are as follows:

- Count 1: Possession of a loaded restricted firearm, namely a Magnum Research Desert Eagle, 50AE, semi-automatic pistol, contrary to s. 95(1) of the Criminal Code, R.S.C. 1985, c. C-46 [Code];
- Count 2: Possession of a prohibited firearm, namely a Colt M4 Variant, 5.56mm NATO, automatic rifle, together with readily accessible ammunition capable of being discharged from that firearm, without holding an authorization, licence, or registration certificate for that firearm, contrary to s. 95(1) of the Code;
- Count 3: Possession of a controlled substance, namely fentanyl, for the purposes of trafficking, contrary to s. 5(2) of the Controlled Drugs and Substances Act, S.C. 1996, c. 19 [CDSA];
- Count 4: Possession of a controlled substance, namely cocaine, for the purposes of trafficking, contrary to s. 5(2) of the CDSA;
- Count 5: Possession of a controlled substance, namely methamphetamine, for the purposes of trafficking, contrary to s. 5(2) of the CDSA;
- Count 6: Possession of a controlled substance, namely GHB, for the purposes of trafficking, contrary to s. 5(2) of the CDSA;

- Count 7: Possession of a controlled substance, namely MDMA, for the purposes of trafficking, contrary to s. 5(2) of the CDSA; and
- Count 8: Possession of a prohibited device, namely an M4/M16 style high capacity detachable box cartridge magazine with a 5.56mm NATO capacity of 30 cartridges, without holding a licence permitting possession of that device, contrary to s. 91(2) of the Code.

- [4] The question before me is, in light of the applicable principles of sentencing, what sentence is to be imposed, given the specifics of these offences and Mr. Draves' circumstances and background, including his guilty pleas.
- [5] The Crown and defence have put forward a joint submission on sentence which proposes the following:
- a) A global jail sentence of 10 years after an adjustment for totality, less time served credited at 1.5 days for each day served.
  - b) Factoring in the time served to date since Mr. Draves began accruing credit on May 10, 2023, and accounting for deductions applied in the context of another matter that is not before me, Crown and defence are agreed that Mr. Draves is entitled to 867 days' credit, or a total of two years and four months' credit, which would leave Mr. Draves seven years and eight months of custody left to serve on a global 10-year sentence.
- [6] The Crown also seeks the following ancillary orders which are not opposed:
- a) A mandatory lifetime firearms prohibition order pursuant to s. 109(3) of the Code, given that this is Mr. Draves' second conviction for a drug-related offence;
  - b) On the basis that it is in best interests of the administration of justice, an order under s. 487.051(3) of the Code that Mr. Draves provide a sample of his DNA, as he has been charged with offences which are "secondary designated offences" under s. 487.04 of the Code; and
  - c) An order for forfeiture of Offence Related Property pursuant to s. 16 of the CDSA in respect of an extensive list of property, including but not limited to drugs, firearms and ammunition, currency, and drug-trafficking related paraphernalia, seized from three different locations that were searched in relation to these offences.
- [7] The Crown and defence have provided a draft of the detailed forfeiture order which has been signed and which I have reviewed. Defence also seeks a waiver of the victim fine surcharge in this case.

## CIRCUMSTANCES OF THE OFFENCES

- [8] The circumstances of the offences were set out in detail in an agreed statement of facts that has been marked as Exhibit 1 on this sentencing hearing and read into the record by the Crown. I will not repeat those facts in these reasons. I am satisfied that the Crown's recitation reflects the facts as agreed between the Crown and defence.

- [9] In summary, Mr. Draves was the subject of an investigation by the Westshore RCMP between February and May 2023. Over that time period, police conducted 11 days of surveillance of Mr. Draves, during which he was observed engaging in meetings or exchanges consistent with trafficking activity and three different locations were linked to those activities:
- a) A storage locker at Sentinel Storage on Quadra Street in Victoria for which Mr. Draves was the sole registered renter;
  - b) A second storage locker at Millstream Self-Storage on Millstream Road in Langford for which Mr. Draves was the sole registered renter; and
  - c) Mr. Draves' personal residence at a civic address on the Trans Canada Highway in Malahat, British Columbia.
- [10] Police executed search warrants at all three locations on May 5, 2023 and, on the same day, arrested Mr. Draves at his residence. Paragraphs 4 to 13 of the agreed statement of facts detail the searches and the items seized from each location.
- [11] In total, police seized the following controlled substances: 470 grams of fentanyl; 2.16 kilograms of methamphetamine; 253 grams of cocaine; 15.4 litres of GHB; and 1.5 kilograms of MDMA. It is agreed that Mr. Draves possessed all of these substances for purposes of trafficking. The police also seized items and materials consistent with a trafficking operation, such as digital scales, dime bags, score sheets, packaging materials, and mixing equipment.
- [12] In addition, the police also seized \$7,014.50 in Canadian currency, various firearms and replica firearms, and significant quantities of ammunition, including the two firearms and the prohibited cartridge magazine which are the subjects of Counts 1, 2, and 8 respectively on the Indictment.

## CIRCUMSTANCES OF THE OFFENDER

- [13] With respect to Mr. Draves' circumstances, the information that I am about to relate comes from the presentence report prepared by a member of Community Corrections for purposes of sentencing, and from the submissions of defence counsel, including with respect to programming Mr. Draves has taken while in custody and updates after the presentence report was completed. I have also benefited from hearing from Mr. Draves himself, who made some brief but, in my view, very genuine comments when invited to do so at the conclusion of his sentencing hearing. He has acknowledged the seriousness of his crimes, is accepting responsibility, and has emphasized that he is motivated to move forward.
- [14] Mr. Draves is currently 28 years old. He does not identify as Indigenous.

- [15] Mr. Draves had a difficult childhood, followed by a difficult early adulthood. He lived with his mother and older siblings until he was 10. His father left the family when Mr. Draves was two years old and passed away when Mr. Draves was only eight. His mother found a new partner, who Mr. Draves viewed as a stepfather. Unfortunately, that person also passed away within the last couple of years.
- [16] While Mr. Draves confirmed he had the necessities of life as a child, he acknowledges that his mother struggled to support the family as the sole income earner. Mr. Draves also recognized in the presentence report that, even as a child, he struggled with anger issues. He now attributes that anger to the loss of his father so early in life and feelings of isolation and rejection. Mr. Draves was diagnosed with attention deficit and hyperactivity disorder at age seven and with depression and anxiety at age 13. The presentence report indicates he continues to take medication for the latter, which is of some assistance.
- [17] At age 10, Mr. Draves was surrendered to the Ministry of Children and Family Development as his mother was unable to cope with his angry outbursts at home and school. Between the ages of 10 and 19, Mr. Draves moved through a series of 15 foster homes before aging out of the foster system. He experienced abuse while in care, and believes the lack of stability exacerbated his anger and associated behaviours.
- [18] After leaving care at 19, he moved in briefly with a foster sibling, but then experienced a period of homelessness for two years, during which he formed connections with individuals involved in the drug trade and his own drug use increased.
- [19] He met his late partner in 2019. During the sentencing hearing, defence counsel clarified that his late partner had a five-year-old child and was pregnant with her second child at the time they met. Mr. Draves and his late partner had a child together in 2020. Mr. Draves acts as a form of stepfather to the two older children, and the middle child does not know Mr. Draves is not her biological father. Both parents were using illicit substances during their relationship resulting in frequent conflict. One instance of police intervention resulted in the three children being taken into care and then placed with family friends with whom they still reside.
- [20] Mr. Draves was arrested in May 2023 and has been in custody since a few days after his arrest. He has made efforts to stay in contact with the children through birthday and holiday cards, occasional video visits, and weekly phone calls which the family friends facilitate.
- [21] Unfortunately, Mr. Draves' late partner passed away suddenly in February 2024 from a drug overdose. This strengthened Mr. Draves' resolve to be a positive figure in the children's lives on release.

- [22] In terms of his future prospects, Mr. Draves left school after completing Grade 9, but had been working towards his general equivalency diploma (GED) since coming into custody. In fact, I was advised today that he completed the GED after the presentence report was finished. Given his earlier struggles with education in particular, this is a significant accomplishment of which he deserves to be proud.
- [23] Mr. Draves does not have much formal employment experience. He briefly worked as a dishwasher and admits he has primarily supported himself through illicit means and monthly disability benefits. The presentence report indicates Mr. Draves has, however, earned considerable sums through online poker games, given his propensity to understand algorithms. He hopes to use his currently accumulated savings to support his children and start a business, perhaps working with vehicles.
- [24] In the presentence report, Mr. Draves acknowledges his ongoing issues with anger and the negative impacts those issues have had in his life. He has taken a number of programs since being in pretrial custody, including completing "Living without Violence" in December 2024, as well as a parenting course. Defence counsel advised during today's submissions that Mr. Draves has also attended Alcoholics Anonymous and Narcotics Anonymous meetings as the institutional schedule has permitted, and has also benefited from a program called Wellbriety, for which he has become an advocate with other inmates.
- [25] Mr. Draves has used substances of various kinds since his teen years. He began using methamphetamine at age 19 when homeless, and became addicted. He found it very difficult to stop and was still using when he was arrested. Crown and defence both agree Mr. Draves' previous convictions included an element of personal substance use.
- [26] In what defence aptly called a kind of silver lining, Mr. Draves' period in pretrial custody is the lengthiest period of sobriety in his adult life.
- [27] Mr. Draves has a prior criminal record with three convictions, the offences for which predate these offences, but for which he was sentenced after. He was on bail at the time of these offences. Although his Community Corrections records reflect inconsistent reporting patterns, the institutional records indicate general compliance and good relationships with peers.
- [28] Mr. Draves admits that he became caught up in the illicit drug trade because of the stability and income it afforded him. He maintains he possessed the firearms because of his interest in guns, but appreciates the dangers that they posed, particularly in the drug context, and has expressed regret for his actions.

## ANALYSIS

- [29] Sentencing is necessarily an individualized process, but it is always informed by the principles and purposes of sentencing set out in ss. 718 to 718.2 of the Code. The sentencing objectives in the Code are paralleled in s. 10 of the CDSA. The fundamental principle is that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender: Code, s. 718.1.
- [30] The Code specifies that a sentence should be adjusted to reflect any aggravating or mitigating factors (s. 718.2(a)) and should reflect the principle of parity; in other words, that a sentence should be similar to those imposed on similar offenders for similar offences committed in similar circumstances (s. 718.2(b)).
- [31] As well, where consecutive sentences are imposed, the totality principle provides that the overall sentence should not be unduly long or harsh: Code, s. 718.2(c). Crown and defence have indicated they have taken into account these fundamental principles of sentencing in arriving at the joint sentencing proposal today.
- [32] In the present case, as indicated, the Crown and defence propose a joint sentence of 10 years' jail after adjusting for totality, less time served. In Crown's written submissions, the Crown provided a table of how the global sentence of 10 years breaks down over the various counts, including whether jail terms for specific counts are concurrent versus consecutive to the other counts. I accept that the proposed sentence reflects a sentence for each of the eight counts adjusted for the principle of totality.
- [33] The defence indicates this is a true joint sentencing submission following productive discussions between counsel, with concessions on both sides. Defence also confirms that Mr. Draves has been interested in engaging in resolution for longer than might be apparent from the court record.
- [34] The law is clear that 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: *R. v. Anthony-Cook*, 2016 SCC 43 at paras. 5, 32-33.
- [35] I have carefully considered the proposed joint submission in light of the circumstances of the offence, Mr. Draves' circumstances, and the purposes and principles of sentencing, including the principles of denunciation and deterrence that are paramount in relation to these types of offences.
- [36] The case authorities, including cases like the Supreme Court of Canada's decision in *R. v. Parranto*, 2021 SCC 46, are clear that for individuals who traffic in fentanyl and other Schedule I substances at the mid-level, for-profit, and who possess firearms in that context, appropriate sentences start in the high single digits and will often be in the double digits. The Supreme Court of Canada commented that the national range was between eight and 15 years. In *Parranto*, Justice Moldaver described trafficking in fentanyl as a "source of

unspeakable harm", warranting sentences that accord with the severity of the harm caused: Parranto at para. 101.

- [37] There can be no question that possession for the purposes of trafficking of Schedule I substances like fentanyl and cocaine are very serious offences with very significant impacts on individuals and our society itself. The Crown provided the Court with recent statistics from the coroner's office regarding deaths from unregulated drugs which paint the picture in graphic and stark terms. The local circumstances have been recognized as important for the Court to consider.
- [38] These negative impacts are not ones that Mr. Draves denies. He has personally experienced them with his own substance use challenges and the passing of his late partner from an overdose.
- [39] Similar to the circumstances in *R. v. Kim*, 2022 BCSC 518, in the present case the combination of drugs and guns in relation to a mid-level, for-profit trafficking operation poses a serious threat to public safety and the welfare of the community. In *Kim*, the Court imposed a global sentence of 10 years for possession of similar types and quantities of drugs for trafficking and for firearms offences.
- [40] In other case authorities to which I was referred, including *R. v. Oswald*, 2019 BCSC 1861, and *R. v. Nazarek*, 2023 BCSC 722, the Supreme Court of British Columbia has imposed global sentences of nine to 12 years for offenders playing similar roles in mid-level, for-profit trafficking operations, which also involved firearms offences. The Court has noted, among other things, the high moral culpability attached to fentanyl trafficking, and the need to send a strong message of denunciation and deterrence in relation to firearms offences in the context of the drug trade. It is clear from the authorities that, in the context of the drug trade, firearms offences pose a significant and serious public safety concern calling for sentences that reflect the heightened danger and the need to denounce and deter such behaviour.
- [41] Further, while fentanyl trafficking is often foremost in the public's mind, particularly given the local circumstances in this province, the seriousness of trafficking in other Schedule I substances like cocaine and methamphetamine cannot be discounted.
- [42] In this case, there are a number of aggravating factors that are relevant to the length of the appropriate sentence. They include the nature of the drugs being trafficked (particularly but not limited to fentanyl), the societal harms associated with the sale of those drugs, that Mr. Draves was the directing mind of an ongoing operation that required a form of premeditation, that there was evidence of mixing and diluting of fentanyl which significantly increases the inherent risks to the users, and the possession of firearms in this context.

- [43] Crown and defence are agreed that, given the timing of his previous offences, Mr. Draves is to be treated as a first-time offender before this Court, but both also acknowledged that the fact that he was on bail at the time of these offences is still an aggravating factor.
- [44] Both counsel agree there are also mitigating factors to be considered, in particular Mr. Draves' difficult upbringing and his apparent substance use disorder at the time of the offences, and the guilty plea which was made before trial and before any court time was used for voir dres and Charter challenges. This reflects an effort by Mr. Draves to take accountability for his actions and it results in savings of an estimated 17 days of court time and other savings to the administration of justice. While this was not what some might characterize as an early guilty plea, it did still result in significant savings for the court.
- [45] There is also Mr. Draves' stated desire for rehabilitation and to become a productive member of society. I acknowledge that the defence is perhaps more optimistic than the Crown about the latter, but having heard from Mr. Draves himself, I prefer to share the defence's optimism.
- [46] As noted, I have been referred to cases that confirm the appropriate global range for these types of drugs and guns offences is between eight and 15 years, accounting for the totality principle. However, the Supreme Court of Canada has indicated that particularly for fentanyl trafficking, there may well be cases where a sentence in the mid-level double digits or even higher may be warranted.
- [47] Each case will ultimately turn on its facts as grounded in the relevant legal principles. In this case, I am satisfied the proposed sentence reflects an appropriate balancing of the relevant considerations. Even taking into account the credit that Mr. Draves will receive for time served, I am satisfied the proposed sentence will achieve the denunciation and specific and general deterrence objectives that are paramount in these cases.
- [48] I remain optimistic that the sentence may also address the rehabilitation objectives of sentencing if Mr. Draves is able to continue accessing programs while in custody to further his education, his vocational prospects, and to build his capacity to deal with some of the inner challenges that have previously held him back. I am also in agreement with defence counsel that the time that Mr. Draves will have in custody after sentencing will afford him with greater access to programming in that regard.
- [49] Considering all of this, I am satisfied that the jointly-proposed sentence would not bring the administration of justice into disrepute and would not otherwise be contrary to the public interest. That being so, I accede to the joint submission and will impose the sentence as proposed to me by the parties.

## SENTENCING

- [50] Mr. Draves, please stand and listen carefully.
- [51] I sentence you to 10 years of incarceration, which is broken down as follows:

- a) On Count 3, possession of fentanyl for the purposes of trafficking contrary to s. 5(2) of the CDSA, I sentence you to a term of eight years' jail to be served concurrent to Counts 4, 5, 6, and 7, but consecutive to Counts 1, 2, and 8.
  - b) On Count 4, possession of cocaine for the purposes of trafficking, Count 5, possession of methamphetamine for the purposes of trafficking, Count 6, possession of GHB for the purposes of trafficking, and Count 7, possession of MDMA for the purposes of trafficking, I sentence you to 4.5 years of jail for each count, concurrent to each other and concurrent to Count 3, but consecutive to Counts 1, 2, and 8.
  - c) On Count 1, possession of a loaded restricted firearm without being the holder of an authorization or licence, contrary to s. 95(1) of the Code, I sentence you to three years' jail concurrent to Count 2 and Count 8, but consecutive to Counts 3 through 7.
  - d) On Count 2, possession of a prohibited firearm without being the holder of an authorization or licence contrary to s. 95(1) of the Code, I sentence you to three years' jail consecutive to Counts 3 through 7, but concurrent to Count 1.
  - e) On Count 8, I sentence you to two years' jail concurrent to Counts 1 and 2 and consecutive to Counts 3 through 7.
- [52] Adjusting for the principle of totality, I sentence you to a global period of 10 years of incarceration.
- [53] From that 10-year sentence will be subtracted the remaining days that you are entitled to be credited for time already spent in custody. I accept Crown and defence's calculations of your remaining real days served in custody which I will credit at the enhanced rate. I find you have a total credit of 867 days' time served. This leaves you with a total of seven years and eight months left to serve in custody.
- [54] I will also make the following ancillary orders.
- [55] First, there will be a mandatory lifetime firearms prohibition pursuant to s. 109(3) of the Code.
- [56] Second, given that some of the offences are secondary designated offences under s. 487.04 of the Code, I am satisfied it is in the best interests of the administration of justice to order Mr. Draves to provide a sample of his DNA pursuant to s. 487.051(3) of the Code.
- [57] I am also granting an order of forfeiture of the offence-related property pursuant to s. 16 of the CDSA in respect of the drugs, currency, drug-related paraphernalia, and other offence-related property as set out in the detailed forfeiture order I was provided. I have reviewed and asked for clarification of that order, and I will sign it in the form provided by counsel today and provide it back to counsel.

- [58] I will also grant an order waiving the victim fine surcharge in this case. I am satisfied that Mr. Draves does not currently have the capacity to access the funds necessary to pay the victim fine surcharge in the time that is usually required for such an order. And given the length of sentence I have imposed, I am satisfied that defence has indicated he will not have the capacity to make that payment in the near future, and on that basis I will waive the victim fine surcharge.
- [59] Counsel, is there anything that I have missed in respect of the orders?
- [60] CNSL M. WHEELER: No, Justice.
- [61] CNSL R. ADAIR: No, Justice.
- [62] THE COURT: Mr. Draves, you have heard everything that was said here today. I thank you for taking responsibility for your actions and I hope that you will commit to taking advantage of the programming and the resources while you are in custody, so that you can help to build your capacity to contribute positively on your eventual release. You have three very important reasons to work diligently toward that goal, Mr. Draves, and I hope that when things get tough, you will focus on those three lights to help you stay the course. I wish you well.
- [63] THE ACCUSED: Thank you.
- "K. Wolfe J."

---

### Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE      <https://www.bccourts.ca/jdb-txt/sc/25/16/2025BCSC1672.htm>

CASE PAGE              <https://chat.esheria.ai/case-law/canada/r-v-draves-2025>

Prepared on 28 October 2026 · Esheria