

CANADA / JUDGMENT

R. v. Gill

2025 BCSC 288

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Supreme Court of British Columbia

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2025 BCSC 288 R. v. Gill

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Gill,

2025 BCSC 288

Date: 20250127

Docket: 86082-1-T

Registry: New Westminster

Rex

v.

Manjot Singh Gill and

Hardeep Singh Khaira and Le Shay Brie Babcock

Before: The Honourable Madam Justice Dion

Oral Reasons for Sentence

(Re: Manjot Singh Gill)

Counsel for the Crown:

D. Cui

Counsel for the Defence:

R. Walia

(as Agent for D.A. Ibrahim)

Place and Date of Trial/Hearing:

New Westminster, B.C.

January 23, 2025

Place and Date of Judgment:

New Westminster, B.C.

January 27, 2025

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Introduction

- [1] THE COURT: If a transcript is requested, I reserve the right to edit it for citations, grammar and the like but that will not change the substance of my decision.
- [2] Manjot Singh Gill is before the court for sentencing after pleading guilty to four counts of a 13-count Information against him for drug trafficking and related offences in Edmonton, Alberta. He waived those matters to British Columbia for disposition.
- [3] The Crown and defence jointly submit in all of the circumstances that a fit and appropriate global sentence be eight years incarceration. Mr. Gill has no presentence detention credit. Admissions of fact were entered into these sentencing proceedings as Exhibit 1. These are my oral reasons on sentence.
- [4] I will start with a summary of the facts, then set out Mr. Gill's criminal record and his personal circumstances, address the case law relied on, review the principles and purposes of sentencing in this province for similar offending, the aggravating and mitigating factors, the sentencing ranges, then impose sentence on Mr. Gill.
- [5] The Crown seeks ancillary orders which Mr. Gill does not oppose. Mr. Gill did not wish to address the court at the sentence submission hearing on January 23, 2025.

Summary of the Facts

- [6] An undercover police investigation took place in Edmonton, Calgary and Grande Prairie, Alberta, between July 2020 and February 2021. It was a large investigation involving over 259 police officers and civilians. The Information was laid on September 11, 2021 against Mr. Gill and others.
- [7] Mr. Gill and a co-accused were leaders of a drug ring which operated in Edmonton, Alberta, with drugs being provided out of Calgary, with some also from British Columbia. As part of that operation, he was responsible for over 300 grams of fentanyl, either sold or possessed, that is, 210 grams of fentanyl found in the residence, which I will refer to later, and that was sold to an undercover police officer, and the possession of 1.6 kilograms of methamphetamine for the purpose of trafficking.
- [8] The operation was selling fentanyl at wholesale and commercial levels, as well as cocaine and methamphetamine. Mr. Gill and his associates trafficked in a sophisticated fashion. They used pseudo names, changes cellphones, car rentals and stash pads on a regular basis. Some of the operatives worked a three-week-on/three-week-off schedule.

- [9] Mr. Gill told one of the undercover officers that the quality of the fentanyl and methamphetamine was high. Some of Mr. Gill's sales of fentanyl were high, as much as \$2,600 for an ounce. Mr. Gill told the undercover officer that the more he purchased the better the price would become. At times, Mr. Gill sold small amounts of drugs to undercover officers. One of Mr. Gill's associates sold three ounces of fentanyl to an undercover officer for \$7,600.
- [10] Mr. Gill and an associate were observed leaving one stash pad to another, carrying suitcases. The two locations were Suite 211, 10403 98th Avenue; and the other unit, 610, 10160 114th Street, in Edmonton, Alberta.
- [11] On January 12, 2021, police executed a search warrant at three locations including two addresses noted above and one vehicle. Mr. Gill was alone in the kitchen at the Suite 610, 10160 114th Street; and police found in the suite the following: 2.29 grams of cocaine, 170 grams of fentanyl, 1,621 grams of methamphetamine, and 54.14 grams of phenacetin, and multiple boxes of sandwich bags and other paraphernalia. In addition to the drugs, as noted the police found other indicia of trafficking. In addition to the sandwich bags, they found two scales, broken up cardboard pieces with what was believed to be purple fentanyl residue, a Magic Bullet mixer with cups with purple colouring in one cup and residue in another, and one kilogram of caffeine.
- [12] At the other suite police found one of Mr. Gill's associates standing in one of the bedrooms. A search warrant of the suite located 41.13 grams of fentanyl, 1.09 grams of cocaine, 43.34 grams of crack cocaine, and 4.09 grams of methamphetamine. They located also located \$45,895 in cash, as well as nine cellphones, boxes of sandwich bags, one digital scale and a money counter. The money seized was put through the CRATS scanning device and police determined that a total of \$860 was confirmed to be that from recent drug purchases made in the police investigation.
- [13] The total value of drugs seized from the stash locations were as follows: With respect to cocaine, \$3,650.60, with a street value of \$4,563; based on a heavy daily dose of three grams per day this represents a 15-day supply. With respect to methamphetamine, \$20,265 wholesale with a street value of \$97,260; based on a heavy daily dose of one gram per day this represents about a 4.4-year supply. With respect to fentanyl, \$15,000 wholesale with a street value \$105,600; based on a .1 gram dose per day this represents 2,112 doses.
- [14] On January 27, 2021, one of the undercover officers received a text message stating that Mr. Gill and his associate found in the second stash pad were back in business. They explained they would be back in town in two days. That undercover police officer received a text message on January 31, 2021, advising that Mr. Gill and his associate were back in town and had fentanyl and methamphetamine for sale.

[15] Mr. Gill had a driver, Ms. Babcock, for some of his work. She told one of the undercover police officers that she and an unidentified male with her who came to sell drugs to him had to change vehicles because they had to switch things up.

[16] On November 20, 2024, Mr. Gill pleaded guilty to the following charges summarized as follows:

- Count 2: That on or about January 17, 2021, in Edmonton, Alberta, he unlawfully possessed Canadian currency of a value exceeding \$5,000, knowing that all or part were property or proceeds of the property being obtained by the commission of an offence punishable by indictment, contrary to s. 355(a) of the Criminal Code, R.S.C., 1985, c. C-46 [Criminal Code];
- Count 5: That on or about January 17, 2021, in Edmonton, Alberta, he unlawfully possessed a controlled substance, fentanyl, cocaine and methamphetamine, for the purposes of trafficking, contrary to s. 5(2) of the Controlled Drugs and Substances Act, S.C. 1996, c. 19 [CDSA];
- Count 8: As amended, that between September 23, 2020, and February 9, 2021, inclusive, in Edmonton, Alberta, he unlawfully trafficking a controlled substance, fentanyl and methamphetamine, contrary to s. 5(1) of the CDSA; and
- Count 11: That between September 23 and November 8, 2020, inclusive, in Edmonton, he failed to comply with a probation order that he not possess any drugs or other intoxicating substance except in accordance with a medical prescription, contrary to s. 733.1(1) of the Criminal Code.

[17] The pleas were entered pursuant to s. 606 of the Criminal Code.

Mr. Gill's Criminal Record

[18] Mr. Gill's JUSTIN conviction list was entered as Exhibit 2 on this hearing.

[19] On July 13, 2018, Mr. Gill was convicted of five charges in British Columbia Provincial Court in Surrey, B.C., including three counts of possession for the purpose of trafficking, one count of dangerous operation of a motor vehicle, and one count of failure to stop at the scene of an accident. Mr. Gill was with Juvraj Jabal, his associate in the Edmonton drug trafficking operation, that person being found in Suite 211, 10403 98th Avenue, while committing those offences. He was sentenced to 18 months in jail followed by 18 months probation expiring on November 8, 2020, and a section 109 firearms order.

[20] While under probation, Mr. Gill was bound by several conditions including: Condition 1, keep the peace and be of good behaviour; Condition 2, have no contact or communication, directly or indirectly, with Juvraj Singh Jabal; Condition 9, not to possess or consume alcohol or drugs or any other intoxicating substance except in accordance with a medical prescription; and Condition 15, not to occupy the driver's seat of any motor vehicle. During the course of the investigation until November 8, 2020, Mr. Gill was violating conditions 1, 2, 9 and 15.

Mr. Gill's Personal Circumstances

- [21] Mr. Gill is now 28 years old. He was born in India and came to Canada at the age of one years old. He and his family have lived in Surrey, British Columbia, since. His father passed away when he was 12 years old. Mr. Gill returned to live with his mother and siblings on the upper floor of the family home after he was charged. His aunt, uncle and cousins live in a below suite.
- [22] Mr. Gill's family are supportive of him and have been present during his sentencing proceedings. Mr. Gill was also supported by his fiancée who has been with Mr. Gill for three years. Mr. Walia says Mr. Gill's fiancée has been a strong support and a good influence on him. They plan to marry after Mr. Gill completes his custodial sentence.
- [23] Mr. Gill completed high school. He was last employed seven to eight months ago as a landscaper. Mr. Gill wishes to put his criminal lifestyle behind him.
- [24] Over the course of the police investigation, police identified other participants, including Mr. Kalkat and Mr. Jabal. Mr. Kalkat and Mr. Gill met in high school. Mr. Jabal and Mr. Gill were childhood friends. Mr. Kalkat was a boss of the drug operation. He was murdered before charges against him were laid. Mr. Jabal was criminally charged. He was murdered two years ago. Mr. Walia says that Mr. Gill now appreciates that his criminal lifestyle must be put behind him. If he does not do so, there is a real possibility he will either meet the same fate as Mr. Kalkat and Mr. Jabal, or find himself back within the prison system.
- [25] Mr. Gill does not suffer from any mental health issues but at the time of his offending he was a substance abuser of Percocet.
- [26] Since his charges four-and-a-half years ago, Mr. Gill has not attracted any new criminal charges.

Case Law

- [27] These drugs are Schedule I substances under the CDSA. They carry with them maximum sentences of life imprisonment. These maximum sentences demonstrate the seriousness with which Parliament views these offences and the high degree of their gravity. The courts in British Columbia and Alberta have discussed the dangers of fentanyl since at least 2016. All levels of court have consistently recognized the significant societal harm and life-threatening nature of these drugs.
- [28] The Crown relies on *R. v. Coty*, 2024 BCSC 1485, which involved a 55-year old accused with no prior criminal record and no substance abuse issues who received a global sentence of 12 years' incarceration for trafficking drugs. Mr. Coty was found to have occupied the mid to upper level position, similar to Mr. Gill, in the drug hierarchy and was the top level of the group he worked with in Kamloops. He supplied traffickers. Mr. Coty pled guilty to offences that took place in 2019 as follows: Count 1, unlawfully trafficking in one kilogram of cocaine by way of an undercover police officer purchase, he received three years' incarceration

concurrent; Count 5, unlawfully conspiring with another person to traffic fentanyl, carfentanil and/or fentanyl analogues, he received 12 years' incarceration; Count 8, unlawfully possessing 174 grams or six ounces of fentanyl for the purpose of trafficking, he received seven years' incarceration concurrent; and Count 10, unlawfully possessing 867 grams of methamphetamine for the purpose of trafficking, he received five years' incarceration concurrent.

- [29] This was a profitable enterprise involving Mr. Coty and there was the presence of \$335,000 cash located in his gardening store. Mr. Coty was found to have been provided drugs from others. The Court found that the sentencing range developed in the case law for about one kilogram of methamphetamine ranged from two to five years. The Court in Coty commented that in *R. v. Parranto*, 2021 SCC 46, the Supreme Court held for large-scale trafficking in fentanyl the range of sentence is from eight to 15 years' incarceration (para. 67).
- [30] The Crown also relies on *R. v. Kim*, 2022 BCSC 518, affirmed at 2023 BCCA 313, which will be discussed more fully below.

Aggravating and Mitigating Factors

- [31] The Crown submits that there are several aggravating factors in relation to the offences committed that require significant sentences. They submit that the principles of denunciation, deterrence and protection of the public are paramount considerations. I agree with those submissions.

Related Convictions

- [32] Mr. Gill has three related criminal convictions from June 2018 for possession for the purpose of trafficking albeit these were very small gram level quantities of cocaine, methamphetamine and fentanyl, under two grams. In conjunction with motor vehicle offences, he received a 18-month global sentence and 18 months' probation. The offence is somewhat dated, February 11, 2016.
- [33] The fact that Mr. Gill's criminal record includes prior convictions for possession of drugs, notably the same types of substances here, for the purposes of trafficking is a statutory aggravating factor pursuant to s. 10(2)(b) of the CDSA. Mr. Gill was also convicted in June 2018 of a breach of an undertaking while on bail for those offences and received a 30-day jail sentence. Mr. Gill was on probation, which is Count 11 in these proceedings here, while he committed these offences.

Mr. Gill's Role

[34] Mr. Gill was one of the bosses of the group in Edmonton in connection with Mr. Kalkat's group in Calgary. Mr. Gill was a "mid-level", though higher mid-level participant in the drug operation. He supplied and instructed street level drug dealers within the Edmonton group, directing others like driver Ms. Babcock. He sought to supply other dealers while also conducting his own street sales.

Continued and Far-reaching Enterprise Conducted Over Months

[35] There were a total of 259 officers and civilian members who participated in the seven-month long investigation. Branches of the drug enterprise investigation extended to Calgary and Grande Prairie, Alberta, as well as the street level purchase made in British Columbia.

Insulation from Liability

[36] This enterprise had elements of sophistication in that Mr. Gill admitted to an undercover officer that he uses members of the group, specifically Ms. Babcock, to insulate himself from liability. Mr. Gill changed phones every three months, and as I indicated earlier stash pads were changed and rental vehicles were also changed regularly. He also supplied drugs to one of the undercover officers and offered employment to another of the undercover officers as a runner, paying \$140 per day plus cigarettes and rental vehicles. Mr. Gill also asked an undercover officer to rent vehicles for him in exchange for \$500 a week. He also told another undercover officer that he should get a girl to ride with him so that she can take one for the team, while pointing to Ms. Babcock, a driver in the drug operation.

Dial-a-dope Operation

[37] It is also aggravating that this was a dial-a-dope operation.

Nature and Quantity of Drugs

[38] These are highly toxic addictive debilitating and often deadly substance distributed and trafficked during the opioid crises, a matter of pressing local, provincial and national concern. The profound impact that drugs such as fentanyl have had and continue to have on communities in British Columbia is plain and obvious.

[39] In Kim, Justice Devlin made a number of observations about the societal harms caused by drug trafficking, in particular fentanyl and carfentanil. At paras. 27 to 31, citing Parranto, the comments of Justice Devlin are worth repeating here:

- [27] Trafficking in such substances causes both direct and indirect harm to society. Distribution results directly in addiction and debilitating health effects. Increasingly, it also leads to death by overdose. Trafficking also leads indirectly to increased crime, both from those seeking to finance their addiction and those seeking to maintain control over the lucrative drug trade. Trafficking in drugs also impacts the families of those with drug addictions, and it has serious societal costs in terms of health care and law enforcement.
- [28] While the harms caused by trafficking in heroin, cocaine, and methamphetamine pose a grave threat to the community, "that threat pales in comparison to the one posed by fentanyl and its analogues" (Parranto at para. 93). As Justice Moldaver (concurring) observed, "fentanyl has altered the landscape of the substance abuse crisis in Canada, revealing itself as public enemy number one" (at para. 93). As noted by the majority at para. 70 of Parranto, "the offender's willingness to exploit at-risk populations and communities" is a factor that may inform the court's assessment of the gravity of the offence in sentencing; "choices which demonstrate a reckless disregard for human life increase not only the gravity of the offence but the moral culpability of the offender" (Parranto at para. 70).
- [29] The observations in Parranto reiterate those made in various decisions in British Columbia in recent years. In *R. v. Smith*, 2017 BCCA 112 [Smith], Madam Justice Newbury, dissenting (not on this point), recognized that British Columbia has "one of the worst, if not the worst, problems of Fentanyl abuse in Canada" (para. 44). This is demonstrated by the fact that since April 14, 2016, B.C. has been in a public state of emergency because of the opioid pandemic and the resulting surge in overdose-related deaths: see *R. v. Niederhumer*, 2022 BCCA 88 [Niederhumer] at para. 36; *R. v. Toth*, 2017 BCSC 501 [Toth] at para. 37. As noted by our Court of Appeal, the staggering numbers of overdose deaths in this province are "largely attributable to fentanyl": *Niederhumer* at para. 36.
- [30] Despite the ongoing public awareness campaign, the fentanyl scourge - as it was described in *Smith* - continues to destroy lives and wreak social havoc. According to the B.C. Coroners Service report filed as Exhibit 2 on this hearing, *Illicit Drug Toxicity Deaths in BC: January 1, 2011 - December 31, 2021* (British Columbia: Ministry of Public Safety & Solicitor General, 2022), over 80% of the drug toxicity deaths in 2017 were due to fentanyl. In 2017, the year Mr. Kim was arrested for these offences, there were a total of 1,495 illicit drug toxicity deaths, 63% of which occurred in the Fraser and Vancouver Coastal health regions.
- [31] As noted by the majority in Parranto, "[l]ocal conditions may enter into the assessment of the gravity of the offence" (at para. 59). Accordingly, a fit and proper sentence should be reflective of and responsive to the local conditions in this province. In particular, it must respond to B.C.'s severe and ongoing opioid epidemic.

Types and Value of the Drugs for Profit

- [40] In these proceedings, the Alberta Health Services produced statistics regarding opioid and other drug-related deaths from 2016 onwards in an online document titled, "Alberta Substance Use Surveillance System", updated September 24, 2024, which was entered as Exhibit 3 on this hearing. During the period of 2020 in Alberta as a whole the drug-related deaths were 24.2 per 100,000 persons, which is double for those in 2019. In 2020, 1,067 souls were lost specifically due to nonpharmaceutical opioid use, which includes fentanyl, its analogues, heroin and designer opioids. When specifically looking at Edmonton, 377 deaths are attributable to the 1,067 number of deaths.
- [41] In the context of the opioid crisis, Mr. Gill is responsible for over 300 grams of fentanyl, either sold or possessed, and in possession of 1.6 kilograms of methamphetamine.
- [42] The Crown rightly points out all of these drugs are Schedule I substances under the CDSA. This means that all of the offences carry with them maximum sentences of life imprisonment. These maximum sentences demonstrate the seriousness with which Parliament views these offences and the high degree of gravity and subjectively Mr. Gill's role in trafficking of those drugs.
- [43] It is aggravating, as well, that Mr. Gill was involved in multiple Schedule I substances. Our Court of Appeal has regularly held that possession of a number of different Schedule I substances is aggravating.
- [44] The Crown submits, and I also find, that Mr. Gill was engaged in mid-level or wholesale trafficking as referred to in Parranto. The amount and value of the drugs Mr. Gill possessed or trafficked is aggravating. Over \$100,000 is the street value for over 2,000 doses of just fentanyl alone. It is clear that Mr. Gill was profiting off the death of members of our society. He directly contributed to the statistics in the death rate of addicted persons whom he trafficked to. As well, Mr. Gill's participation in the drug trafficking scheme was for profit. He was not addicted to any of these substances. His participation was for greed.
- [45] Mr. Gill engaged in these serious offences during the height of the initial wave of the COVID-19 pandemic, at a time when healthcare resources were already greatly strained.

Mitigation

- [46] In mitigation are Mr. Gill's guilty pleas which demonstrate his acceptance of his responsibility for his criminal activity. His guilty pleas saved not only Crown and court resources, but it also dispenses with the need for the Crown to prove its case beyond a reasonable doubt. While the guilty pleas on the record are not early, Mr. Walia says that Mr. Gill very early instructed his counsel to resolve these matters. As well, it is mitigating that Mr. Gill was 23 years old at the time of these offences. He is now 28 years old. It is mitigating that he was somewhat youthful.

Sentencing Ranges

- [47] The ranges as I have said above from Parranto are determined to be eight to 15 years imprisonment in Mr. Gill's case. The Crown submits, and I agree, that Coty is analogous to Mr. Gill's situation.
- [48] Also, in Kim, Justice Devlin imposed a global 10-year sentence post trial for five counts of possession for the purpose of trafficking in September 2017 as a middle manager. Mr. Kim was 37 years old at the time of sentencing in a dial-a-dope drug operation which resulted in the seizure of 170.06 grams of opioids. This included heroin and even more dangerous analogue carfentanyl, fentanyl, fentanyl analogues and fentanyl derivatives; 216.43 grams of cocaine and 81.49 grams of methamphetamine, along with firearms, ammunition and body armour. Mr. Kim was not the directing mind of the drug operation but a middle manager as I have stated, with significant responsibilities as found by Justice Devlin. Mr. Kim was sentenced to 10 years for fentanyl; 10 years for the analogues and derivatives of fentanyl, carfentanyl; six years for the heroin and methamphetamine; two years for the other drugs; and five to three years on the firearm offences. All sentences were concurrent, resulting in a global sentence, as I have indicated, of 10 years.

Joint Submissions

- [49] Regarding the joint submission, when a sentence is jointly proposed the court must consider whether 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.
- [50] The importance of trial judges not departing from joint submissions was recently addressed by our Court of Appeal in *R. v. Murtagh*, 2024 BCCA 390, where Chief Justice Marchand noted:
- [30] Joint submissions on sentence are vitally important to the proper functioning of the criminal justice system and the justice system at large: *Anthony-Cook* at para. 25. When properly conducted, they benefit the accused, victims, witnesses, counsel and the administration of justice generally: *Anthony-Cook* at paras. 35-40.
- [31] 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: *Anthony-Cook* at paras. 33-34. A sentencing judge's rejection of a joint submission "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": *Anthony-Cook* at para. 34.

Finally, Mr. Justice Marchand notes that:

- [32] This stringent public interest test "ensures that the certainty a joint submission affords an accused person who is considering whether to plead guilty will yield only 'where the harm caused by accepting the joint submission is beyond the value gained by promoting certainty': Huston at para. 10, citing Anthony-Cook at para. 43. Accordingly, departures from joint submissions should occur rarely: Huston at para. 9. It is therefore possible for an otherwise demonstrably unfit sentence to be acceptable in the context of a joint submission: Huston at para. 10.

Principles of Sentencing

- [51] The objectives and principles of sentencing are set out in s. 718 to 718.2 of the Criminal Code. Of paramount importance in cases involving fentanyl and other listed drugs are the principles of deterrence, denunciation and the protection of the public. It is clear, as Madam Justice Devlin noted in *Kim*, that the sentence must serve to communicate society's condemnation of this despicable crime motivated by profit by Mr. Gill. Through his crimes he has shown utter disregard to the abhorrent and devastating harm that he has caused to the community.
- [52] In terms of general deterrence, those like Mr. Gill who engage in this type of predatory behaviour with no regard whatsoever for the impact on those with addictions, their family and the broader community, must understand that this type of conduct will not be tolerated. They must also understand the penalties for such egregious behaviour will be severe.
- [53] The protection of the public requires Mr. Gill to be separated from society. Mr. Gill's criminality shows his disregard for the lives and safety of others. Mr. Gill's moral blameworthiness is high and his conduct represents a serious risk to our community.
- [54] A key sentencing principle is also that of proportionality, which is that Mr. Gill's sentence is to be proportionate to the gravity of the offence and his degree of responsibility; s. 718.1 of the Criminal Code.
- [55] As well, the principle of parity requires that the sentence to be imposed should be similar to sentences imposed for similar offenders for similar offences in similar circumstances; s. 718.2(b) of the Criminal Code.
- [56] Although deterrence and denunciation are of paramount importance, I must also consider the principle of rehabilitation as a secondary applicable sentencing principle. Mr. Gill did not address the court. I have not been provided with a presentence report. Other than his guilty pleas, his counsel relayed to the court that Mr. Gill wishes to move forward and change his life once he is released. There is no evidence of his reoffending since being indicted on these charges. There will be an impact on his family of his incarceration but that is a consequence of his very poor choices.
- [57] It is the court's hope that Mr. Gill will avail himself to programming while incarcerated and that he will be able to re-enter our society and maintain a pro-social life once he is released.

Disposition

[58] I find that the proposed eight-year global sentence gives adequate weight to the principles of denunciation, deterrence and protection of the public. It addresses Mr. Gill's personal circumstances and that of the offences, and it is within the range of sentencing in this province for similar offences.

[59] I am therefore of the view that the proposed sentence would not bring the administration of justice into disrepute nor would not be contrary to the public interest.

[60] Mr. Gill, will you please stand.

[61] I sentence you as follows:

- Count 5, eight years' incarceration;
- Count 2, two years' incarceration concurrent;
- Count 8, seven years' incarceration concurrent; and
- Count 11, one year incarceration concurrent.

[62] The global sentence imposed on you is eight years' incarceration. Please have a seat.

Ancillary Orders

[63] The Crown seeks various ancillary orders.

[64] With respect to the DNA order sought, Mr. Gill does not oppose that order. It is a discretionary order. In determining whether to impose the discretionary DNA order, I take into account Mr. Gill's previous criminal convictions, the nature being similar drug trafficking convictions as in this case, and the nature and circumstances of the very serious offences involving fentanyl and its large quantity before the court here today that were committed while he was on probation. Mr. Gill has shown his disregard for not only court orders, but more importantly his utter disregard for the safety and well-being of those most vulnerable in our society, those addicted to this type of illicit drug. I appreciate, as well, that there will be an impact of such an order on the privacy and security of Mr. Gill but I am satisfied that the protection of the public outweighs that intrusion should Mr. Gill choose to re-engage in a criminal lifestyle upon his release.

[65] Therefore, the following ancillary orders will be made.

[66] Pursuant to s. 487.051(3)(b) of the Criminal Code, I make an order authorizing the taking of a sample of bodily substances from you for the purpose of forensic DNA analysis and inclusion in the National DNA Databank.

[67] Pursuant to s. 109(3) of the Criminal Code, you are prohibited from possessing any firearms, crossbow, restricted weapon, ammunition or explosive device for life.

- [68] Pursuant to s. 737(1) of the Criminal Code, the victim fine surcharge on each of the counts before the court today.
- [69] Now, I understand counsel have advised that there will be a forfeiture order to be dealt with sometime in the future; is that right?
- [70] CNSL D. CUI: Yes, Justice.
- [71] THE COURT: Yes. Thank you. Anything more from counsel?
- [72] CNSL D. CUI: Yes. With respect to the remaining counts.
- [73] THE COURT: Oh, yes.
- [74] CNSL D. CUI: Yes. Crown will be withdrawing them, and that will be Counts 1, 3, 4, 9, 10, 12, 13, 14 and 15, and that is with respect to Mr. Gill only.
- [75] THE COURT: All right. Anything to add, Mr. Walia?
- [76] CNSL R. WALIA: Nothing further, Justice.
- [77] THE COURT: All right. Thank you. So the Crown will be withdrawing the remaining charges against Mr. Gill, those being Counts 1, 3, 4, 9, 10, 12, 13, 14 and 15.
- [78] Thank you very much, and all the very best to you, Mr. Gill. Thank you.

"Dion J."

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