

CANADA / JUDGMENT

R. v. King

2025 BCSC 1138

COURT

Supreme Court of British Columbia

DECIDED

29 April 2025

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IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. King,

2025 BCSC 1138

Date: 20250429

Docket: 90005-2

Registry: Nanaimo

Rex

v.

Christopher Michael King and Pamela Anne Meek

Before: The Honourable Justice A. Ross

Oral Reasons for Sentence

(Re: Accused Christopher Michael King)

Counsel for the Crown:

H.J. Shook

Counsel for the Accused Christopher King:

M. Ritzker

Place and Date of Trial/Hearing:

Nanaimo, B.C.

April 15, 2025

Place and Date of Judgment:

Nanaimo, B.C.

April 29, 2025

- [1] THE COURT: Christopher Michael King is before the court for sentencing for the offence under s. 101(1) of the Criminal Code, R.S.C. 1985, c. C-46, transferring a restricted firearm without lawful authority. This sentencing follows a guilty plea at trial.
- [2] The specific question I am asked to address relates to the question of parity. Mr. King was charged together with a woman who was, at the time, his girlfriend, Ms. Meek. She pled guilty to the same charge in the Provincial Court. She received a 22-month conditional sentence (CSO), plus probation and other ancillary orders.
- [3] The defence submits that I should apply the principle of specific parity and impose a similar sentence on Mr. King.
- [4] The Crown concedes that a CSO is technically available on this offence; however, the Crown submits that Ms. Meek's circumstances were exceptional, leading to a significantly lighter sentence. The Crown submits that I should apply the principles of proportionality and parity in relation to sentences imposed on other offenders convicted of like crimes. That leads the Crown to seek a sentence of two years' incarceration.

Circumstances of the Offence

- [5] Mr. King and Ms. Meek were dating in 2021. Ms. Meek's life circumstances are relevant, and I discuss them below. However, her circumstances are relevant at this point to note that she was addicted to fentanyl. She had been living on the street and working in the sex trade prior to dating Mr. King.
- [6] In November 2020, Ms. Meek obtained a possession and acquisition licence ("PAL"), enabling her to purchase firearms. In the period between January 2021 and April 2021, Ms. Meek arranged for the purchase of nine handguns. The arrangements were made at a local Cabela's store. Mr. King was seen in the store or in the parking lot while Ms. Meek was making arrangements for at least two of those purchases.
- [7] During the period from April to May 2021, Mr. Meek was involved in a text exchange with a third party who wanted to acquire guns. The third party asked Mr. King to purchase two handguns, a Beretta and a Glock. In the text exchange, Mr. King agreed to procure those firearms, and he provided updates with the timing of their arrival.
- [8] It is conceded that the consideration for the procuring of the guns for this third party was, at least in part, the provision of fentanyl. It is further conceded that Ms. Meek was not involved in any of the text exchanges.

- [9] The Beretta was to be delivered to a post office in Nanaimo. Unbeknownst to the accused, the RCMP had intercepted the Beretta at Canada Post. When Ms. Meek and Mr. King arrived at the post office to pick up the Beretta, they were arrested.

Circumstances of Mr. King

- [10] Mr. King is a 44-year-old man, born and raised in the Nanaimo area. His upbringing was unremarkable. He has a Grade 12 education. He has his Red Seal qualifications as a roofer. At one point, he ran his own roofing company.
- [11] He married in his mid-20s. That relationship lasted approximately 12 years and ended approximately seven years ago. He has three children from that relationship, two biological. The defence notes that the end of that relationship led to a significant decline in Mr. King's life.
- [12] Mr. King has a criminal record, but the Crown concedes that it is distant and motor vehicle related. I find that it is not relevant to the issues before me today. Both a psychiatric assessment and a presentence report were prepared. The psychiatric assessment indicated that Mr. King has no specific diagnosis. It also considers him to be a low risk to reoffend.
- [13] Mr. King's father testified at the sentencing hearing. I accept his testimony that the offender is a good son and a valuable member of his father's household. Further, I accept that part of Mr. King's motivation was an attempt to take Ms. Meek off the street.

Circumstance of Ms. Meek

- [14] I now turn to the circumstances of Ms. Meek. As noted, Mr. King relies on the sentence imposed on Ms. Meek.
- [15] She pled guilty early in the prosecution. For her sentencing, the Crown and defence made a joint submission for a conditional sentence order. Based on that joint submission, she received a 22-month CSO, including eight months of house arrest and eight months of curfew. There was also a referral to a residential treatment program and a three-year probation order.
- [16] I am informed that the sentencing decision noted the following aggravating factors:
- a) The PAL was used for the purchase of eight firearms.
 - b) Ms. Meek had a significant criminal record, including 16 convictions, mainly for minor property offences between 2004 and 2007, and a number of shoplifting offences between 2013 and 2017.
- [17] The Crown's submission in Mr. King's case focused largely on the mitigating factors of Ms. Meek's sentence. They are as follows:
- a) first, the guilty plea was made early in the proceeding;

- b) second, she agreed to testify against Mr. King, although not in exchange for a lesser sentence; and
 - c) third, significant Gladue factors.
- [18] The Crown's main focus is on the Gladue factors. I understand that two of Ms. Meek's grandparents were in residential schools. There was significant alcohol abuse in her home while she was growing up. She was subject to sexual abuse by family members as a child. Her 16-year-old brother died when she was 12, which was obviously traumatic.
- [19] Ms. Meek left home at the age of 12 and became a sex worker. At 15, she began using heroin. She also had her first child at 15. That child was adopted out to family members, as was a second child.
- [20] By the time Ms. Meek reached her 30s, she had long bouts of homelessness and addiction. She had been involved, on and off, in the sex trade. She had a series of physically and psychologically abusive relationships. She was also the victim of a home invasion where she was violently struck in the head, causing injury.
- [21] In the sentencing decision, Judge Churchill referred to Ms. Meek as an extraordinary case. On that basis, he diverted from the standard sentencing range and ordered the CSO plus probation.

Aggravating and Mitigating Factors

- [22] I now turn to the aggravating and mitigating circumstances of this case.
- [23] The aggravating circumstances to be considered by the court include the couple used Ms. Meek's PAL to acquire eight firearms.
- [24] The mitigating circumstances are as follows:
- a) A guilty plea to the offence was made at trial. It was not an early guilty plea, but it was nevertheless a plea.
 - b) Mr. King has the support of his father.
 - c) Mr. King has a lack of a relevant criminal history.
 - d) The Crown also notes that Mr. King has been compliant with his bail conditions.

The Positions of the Parties

- [25] I will address the offender's position first.
- [26] Mr. King relies on the Ontario decision of *R. v. Sahota*, 2015 ONCA 336. He submits that the present case involves an inverse proposition to the result reached in *Sahota*.

- [27] Mr. Sahota was involved in a prison riot. He was convicted, along with a number of inmates. He submitted that his sentence should mirror the other offenders'. There should be parity. The Court of Appeal noted that his actions were more severe than the other offenders. The court wrote at paras 6-8:
- [6] Section 718.2(b) of the Criminal Code requires a sentencing judge to take into account the principle that a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances. This principle is one of parity, not of equivalence. It does not require equivalent sentences. Nor does it forbid disparate sanctions for persons involved in the same offence. Were that so, it would run afoul with the fundamental principle of sentencing in s. 718.1, that of proportionality.
- [7] The principle of parity means that any disparity between sentences for different offenders in a common venture requires justification. The appellant's participation in this offence was, as mentioned, of significantly greater gravity than [the other offender]. His participation did not end, as did the others, with the first attack. He returned minutes later, with a weapon, a pool cue, spat on the victim, who was clearly unconscious, and then proceeded to strike him repeatedly with the pool cue.
- [8] The sentencing judge imposed sentences on the other participants who pleaded guilty. Each of those sentencings proceeded on the basis of a joint submission. The sentencing judge was of the view that the joint submissions did not bring the administration of justice into disrepute. His concurrence with those submissions did not compel him to impose an equivalent or near equivalent sentence on the appellant for an offence that reflected a significantly greater degree of moral blameworthiness.
- [28] On the basis of Sahota, Mr. King argues that, in this case, his actions were equivalent to those of Ms. Meek. Hence, on the basis of the reasoning in Sahota, he should receive the same sentence.
- [29] I disagree.
- [30] In my opinion, Ms. Meek's sentence was fit for her circumstances. Those circumstances were, according to Judge Churchill, extraordinary. Her sentence was based upon a joint submission and involved consideration of her traumatic life circumstances and Gladue factors. In my opinion, the mitigating factors in Ms. Meek's case rendered her situation extraordinary.
- [31] Mr. King's circumstances do not rise to the same level. In my view, there is significant justification to treat Mr. King and Ms. Meek differently. Their backgrounds are completely different. It follows that I do not accept the defence submission on specific parity between Ms. Meek and Mr. King.

- [32] I note that the defence did not make submissions in specific response to the Crown's main argument regarding the appropriate range. As noted, the Crown argues for a period of two years in custody.
- [33] It is not disputed that under s. 718 of the Criminal Code, the fundamental purpose of sentencing is to contribute to the respect for the law and the maintenance of a just, peaceful, and safe society by imposing a just sanction. Any such sanction must, looking at the case as a whole, be the result of a fair and balanced consideration of the need to:
- a) denounce the unlawful conduct;
 - b) deter the offender and others from committing such an offence;
 - c) separate the offender from society where necessary;
 - d) assist in the rehabilitation of the offender;
 - e) provide reparation for harm done to the victims or the community; and
 - f) provide a sense of responsibility in the offender while acknowledging the harm done to the victims and the community.
- [34] Section 718.1 of the Code requires the sentence to be proportionate to the offence and the degree of the offender's responsibility.
- [35] The Crown submitted a number of cases that demonstrate the range of sentences that have been imposed for a conviction of like offences, such as s. 99 of the Criminal Code. The Crown submits that the range for that offence is 3.5 years. Of course, Mr. King pled guilty to the lesser included offence under s. 101(1).
- [36] The Crown relies on the general principles cited in *R. v. Parranto*, 2021 SCC 46 at paras. 10-11:
- [10] The goal in every case is a fair, fit and principled sanction. Proportionality is the organizing principle in reaching this goal. Unlike other principles of sentencing set out in the Criminal Code, proportionality stands alone following the heading "Fundamental principle" (s. 718.1). Accordingly, "[a]ll sentencing starts with the principle that sentences must be proportionate to the gravity of the offence and the degree of responsibility of the offender" (*R. v. Friesen*, 2020 SCC 9, at para. 30). The principles of parity and individualization, while important, are secondary principles.
- [11] Despite what would appear to be an inherent tension among these sentencing principles, this Court explained in *Friesen* that parity and proportionality are not at odds with each other. To impose the same sentence on unlike cases furthers neither principle, while consistent application of proportionality will result in parity (para. 32). This is because parity, as an expression of proportionality, will assist courts in fixing on a proportionate sentence (para. 32). Courts cannot arrive at a proportionate sentence based solely on first principles, but rather must "calibrate the demands of proportionality by reference to the

sentences imposed in other cases" (para. 33).

[37] The court in Parranto goes on to note at para. 12 that "Individualization is central to the proportionality assessment. Whereas the gravity of a particular offence may be relatively constant, each offence is 'committed in unique circumstances by an offender with a unique profile'".

[38] As to the range of sentences for this offence, the Crown relies primarily on four cases:

- R. v. Boesel, 2017 BCSC 970;
- R. v. Sarrasin, 2021 ABCA 253;
- R. v. Gill, 2018 BCSC 2410; and
- R. v. Villella, [2006] O.J. No. 4690, 2006 CanLII 39324 (S.C.).

[39] First, in Boesel, the offender received a sentence of three years after pleading guilty to an offence under s. 99. I note that offence carries a three-year minimum and, again, s. 101(1) constitutes a lesser included offence. In Boesel, Justice Hyslop reviewed 23 sentencing cases, noting that in 21 of those cases the offender received a jail sentence. The Crown also notes the similarity of the aggravating factors: Mr. Boesel was selling to a drug dealer with no regard to the end user or the potential victim of that crime. As noted, Mr. King was to receive fentanyl in exchange for the guns. It is a reasonable inference that the guns were going to a drug dealer.

[40] In Sarrasin, the offender received a 3.5-year sentence following a guilty plea to the charge under s. 99. He had conveyed seven guns. He had significant Gladue factors and was a young man capable of rehabilitation.

[41] In Gill, the offender pled guilty to two charges of importing and transferring a prohibited firearm. Mr. Gill argued for a CSO and relied on a number of mitigating factors. Justice Armstrong found that he was a good candidate for rehabilitation, but imposed a two-year sentence. Justice Armstrong wrote at para. 112:

[112] The dominant consideration on Mr. Gill's submission concerning conditional sentence, in my view, was the need to deter and denounce ordinary, law-abiding citizens from taking the risk of supplying guns that might reasonably fall into the hands of criminally active people. While these afore[said] qualities indicate Mr. Gill was a good candidate for rehabilitation, he nonetheless put the other members of the community at high risk by putting the guns into the hands of dangerous individuals. He did so for profit. The overriding consideration is to ensure potential offenders are not used as dupes or act as cunning profiteers in their own right. Potential offenders need to be deterred from engaging in this activity.

- [42] In Villella, the court imposed a two-year sentence less a day, plus two years of probation. Ms. Villella was a relatively minor player in a plot to transfer guns. She was the girlfriend of the ringleader. The judge noted that the importation, distribution and possession of firearms are extremely serious crimes. There is no social utility to crimes of this nature. To the opposite point, they eventually lead to death or grievous bodily harm.
- [43] The Crown's position is that, considering the dangers that these firearms presented to the public and the cases discussed above, this case requires a significant sentence.
- [44] I accept the Crown's position on sentence. In my opinion, the Crown has provided an array of cases that assist me in determining what is proportionate. In my opinion, the circumstances of Mr. King are much like those of Mr. Boesel, Ms. Villella, and Mr. Gill.
- [45] I also accept that Mr. King is a good candidate for rehabilitation and that he is a low risk to reoffend.
- [46] I further accept that Mr. King has shown remorse and he entered a guilty plea. Despite that, I accept the need for general deterrence in cases involving firearms. Mr. King put other members of the community at high risk by putting the guns into the hands of dangerous individuals. He did so for profit.
- [47] Mr. King, would you please stand.
- [48] On the charge to which you pled guilty, transporting firearms under s. 101(1) of the Criminal Code, I sentence you to a period of incarceration of two years.
- [49] In addition, I make the order pursuant to s. 110 of the Criminal Code that, for a period of 10 years, you will be prohibited from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition, or explosive substance, or all such things. This order is, in my view, desirable to ensure the protection and the safety of the public.
- [50] Finally, Mr. King, I have great confidence that once you have done your time, you will be able to re-enter society and be a positive force. I heard your father. I know that you are a good son and a good father. I hope that you build on those items and return to a positive influence in society.
- [51] That ends my reasons. Mr. Ritzker?
- [52] CNSL M. RITZKER: Would you consider waiving the victim fine surcharge, which I believe is in play in this case, on the basis of financial hardship as my client obviously will be without any income.
- [53] THE COURT: Thank you, Mr. Ritzker.
- [54] CNSL H. SHOOK: No position on that.
- [55] THE COURT: I will waive the victim impact surcharge.

[56] CNSL M. RITZKER: Thank you.

[57] CNSL H. SHOOK: Justice, there are two outstanding counts that I am directing stays on.

[58] THE COURT: Directing stays on Counts -- can you --

[59] THE CLERK: I do believe it's 1 and 2.

[60] CNSL H. SHOOK: 1 and 2.

[61] THE COURT: Thank you, Mr. Shook.

"A. Ross J."

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