

CANADA / JUDGMENT

R. v. Kovacs

2025 BCSC 2190

COURT

Supreme Court of British Columbia

DECIDED

17 October 2025

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2025 BCSC 2190 R. v. Kovacs

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Kovacs,

2025 BCSC 2190

Date: 20251017

Docket: 94017-6

Registry: Kelowna

Rex

v.

Kirsten Arlene Amundred,

Desiree Kaylee Tamantha Kovacs

Jordy Kyle

- and -

Docket: 94028-2

Registry: Kelowna

Rex

v.

Desiree Kaylee Tamantha Kovacs

Before: The Honourable Justice Hewson

Oral Reasons for Sentence

(re: Accused Desiree Kovacs)

Counsel for the Crown:

J.M. Le Dressay

Counsel for the Accused, D.K.T. Kovacs:

P. McMurray

Place and Date of Trial/Hearing:

Kelowna, B.C.

October 17, 2025

Place and Date of Judgment:

Kelowna, B.C.

October 17, 2025

- [1] THE COURT: These are my reasons for sentence on the matters of R. v. Kovacs on Indictment 94017-6 and 94028-2.
- [2] On Indictment 94017-6, Ms. Kovacs was found guilty of the following offences: four counts of possession of controlled substances for the purpose of trafficking; one count of possession of a prohibited firearm with readily accessible ammunition; and one count of possession of a prohibited firearm, being a modified flare gun. The controlled substances were fentanyl, carfentanil, methamphetamine and cocaine.
- [3] On Indictment 94028-2, Ms. Kovacs entered a plea of not guilty to one count of possession of a firearm contrary to a court order. She was found guilty based on admissions of fact establishing the essential elements of the offence.
- [4] The Crown seeks a global sentence of six years' imprisonment, adjusted for totality. The defence seeks a global sentence of four years' imprisonment. The maximum sentence for possession of a controlled substance for the purpose of trafficking where the substances are included in the Schedules I or II of the Controlled Drugs and Substances Act is imprisonment for life.
- [5] Ms. Kovacs is 35 years old. She was raised in Kelowna and endured a very difficult childhood. Her parents were unable to care for her. Both used drugs and exposed her to drug use at an early age. At the age of six, she was taken into care by the Ministry of Children and Family Development. While in foster care she was exposed to both physical and sexual abuse. Ms. Kovacs did not attend school after grade six. By age 15, she already had a youth record and since then she has accumulated multiple adult convictions including four for possession for the purpose of trafficking, or trafficking, three for weapons offences and two

for possession of a weapon contrary to a court order.

- [6] Her employment history is limited. She has a significant addiction to methamphetamine but has demonstrated some ability to achieve sobriety in the past.
- [7] Around 2019, while living in Abbotsford, she volunteered with an organization called Hope for the Homeless. Mr. Michael Godson, a representative of that organization, spoke on her behalf at the sentencing hearing. He described her contributions in highly positive terms. He said that she was helpful to others, drove clients to Narcotics Anonymous and Alcoholics Anonymous meetings and acted as a mentor to people struggling with addiction. She also provided food and shelter to those in need, sometimes out of her own pocket, and participated in community meetings at Abbotsford City Hall with the Homeless Housing Commission, alongside city counsellors, police officers and doctors.
- [8] Mr. Godson said Ms. Kovacs had been an inspiration to others and described her as a prime example of how people could change their lives. He remembered her buying pizza with her own money for those living on the streets and summarized his impression by saying, "She has the capacity to do the work of angels on earth". He advised that a paid position would be available to her at Hope for the Homeless upon her release.
- [9] Following a trial at the Kelowna Law Courts, Ms. Kovacs was convicted of the offences set out above. The evidence at trial established that in late May 2021 Kelowna RCMP commenced a drug trafficking investigation focussed on a residence at 623 Tomby Court. This was a split-level home with three bedrooms on the upper floor. Several people were seen entering and leaving the house, which was later determined to be a drug house. Ms. Kovacs, though, was not among them.
- [10] A search warrant was executed at 10:00 a.m. on June 18, 2021. Upon entering, the police found Ms. Kovacs emerging from an upstairs bedroom with another person. In that bedroom, police located significant quantities of fentanyl, carfentanil, methamphetamine and cocaine. They also found a pink sawed-off shotgun and a flare gun modified to fire a shotgun shell and fitted with optical sights.
- [11] In total, police seized 12 grams of red fentanyl, 11 grams of blue fentanyl, and 11 grams of pink fentanyl, for a total of 34 grams of fentanyl; along with 25 grams of methamphetamine and 43 grams of crack cocaine.
- [12] Sergeant Woodcox, who qualified as an expert witness, estimated the street value of the fentanyl at \$7,600; the methamphetamine at \$2,000; and the cocaine at \$4,300. He concluded that the quantities seized were consistent with street-level or mid-level trafficking. Sergeant Woodcox also examined a notebook bearing Ms. Kovacs' name. He interpreted several pages as records of controlled substances, quantities and prices consistent with the Kelowna drug market. The drugs listed matched those found in the bedroom. After her arrest, Ms. Kovacs was briefly allowed back into the house to retrieve some pet food and a bubble, a small glass pipe used to consume methamphetamine.

- [13] These offences occurred following a relapse into addiction after her period of sobriety and positive community engagement in Abbotsford.
- [14] There are no presentence or psychiatric reports before the Court.
- [15] In *R. v. Smith*, 2017 BCCA 112, the Court of Appeal observed, at para. 45, that for fentanyl trafficking a typical sentencing range begins at 18 months' imprisonment with the upper range potentially exceeding 36 months, particularly for offenders who have substantial prior records or those demonstrating an indifference to human life.
- [16] In *R. v. Parranto*, 2021 SCC 46, at paragraph 95, Mr. Justice Moldaver said:
- [95] Analogues or derivatives of fentanyl further exacerbate the risks, as these substances can be far more potent than even fentanyl itself, with some estimated to be as much as 100 times more potent than fentanyl. One such analogue, carfentanil, is so toxic that it "has no safe or beneficial human use, even within the medical community in highly controlled environments" (*A. Sabbadini and A. Boni, Sentencing Drug Offenders (loose-leaf)*, at s. 2:1600.10).
- [17] In *R. v. Lypowich*, 2022 BCSC 718, Mr. Justice Wilson summarized sentencing precedents for similar offences. It appeared from a review of his decision that sentences between three and five years are not uncommon, particularly where the offender has prior convictions.
- [18] Section 718 of the Criminal Code provides that the fundamental purpose of sentencing is to contribute to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that achieve one or more of the statutory objectives.
- [19] The principles most relevant in *Ms. Kovacs*' case are denunciation of conduct that threatens community safety, the general deterrence of others who might be tempted to traffic in drugs, and the rehabilitation of *Ms. Kovacs*, which can provide long-term protection for society and a better life for her.
- [20] Other applicable principles include proportionality, restraint, totality and the gap principle. The sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender, must not deprive *Ms. Kovacs* of liberty unnecessarily, and must not result in a combined sentence that is unduly harsh.
- [21] The aggravating factors in this case are serious. The offences involved trafficking in multiple highly dangerous substances including fentanyl and carfentanil. There were weapons found, including prohibited firearms, and they were in close proximity to the drugs. *Ms. Kovacs* has a lengthy record involving similar offences. The offences contribute to the ongoing and devastating impact of fentanyl on community.
- [22] The decision to plead not guilty and proceed to trial is not an aggravating factor.

- [23] Against those aggravating factors, though, there are significant mitigating factors. Ms. Kovacs expressed what I interpreted to be genuine remorse at the sentence hearing and stated her wish to undergo treatment. Her prior work with Hope for the Homeless demonstrated her ability to live prosocially and contribute meaningfully to her community. It is rare for an offender convicted after trial of such serious offences to present such a strong positive character reference.
- [24] So, what I have before me is an offender, Ms. Kovacs, who was engaged in at least street-level trafficking and was in possession of two prohibited firearms with ammunition readily accessible. She trafficked in a variety of dangerous substances. Her criminal record includes four prior drug trafficking convictions and three weapons convictions.
- [25] She is also a person who endured a profoundly difficult childhood, was failed by those responsible for her care, and has long struggled with addiction. Despite those hardships, she has shown that she can live responsibly and help others when sober. Her desire for treatment provides some hope for rehabilitation.
- [26] Sentencing is always a difficult exercise, particularly when balancing denunciation and deterrence with the prospect of rehabilitation. In this case, I conclude that the four drug trafficking counts sentences should be served concurrently as they arise from the same transaction. The three weapons related offences, however, are distinct in nature and should be served consecutively.
- [27] I have considered the principle of totality. Despite the importance of rehabilitation in this case, I am satisfied that the global sentence resulting from the consecutive terms is proportionate to the gravity of the offences and the offender's degree of responsibility.
- [28] Ms. Kovacs, would you please stand.
- [29] This sentence will be expressed in months but may be recorded by our clerk in days. Had this matter come before me before consideration of presentence custody, I would have imposed a sentence in the following way.
- [30] On Indictment 94017-6:
- Count 1, the offence of possession of fentanyl and methamphetamine for the purpose of trafficking, the sentence would have been 36 months, which may be recorded as 1,080 days.
 - On Count 2, the offence of possession of methamphetamine for the purpose of trafficking, the sentence would have been 30 months, which can be recorded as 900 days, concurrent to the sentence on Count 1.
 - On Count 3, the offence of possession of cocaine for the purpose of trafficking, the sentence would have been 30 months, which can be recorded as 900 days, concurrent to the previous sentences.

- On Count 4, the offence of possession of fentanyl and carfentanil for the purpose of trafficking, the sentence would have been 36 months, which can be recorded as 1,080 days, concurrent to the first three sentences.
- On Count 6, the offence of possession of a prohibited firearm with accessible ammunition, the sentence would have been 24 months, recorded as 720 days, consecutive to the sentences on Counts 1 through 4.
- On Count 7, the offence of possession of a firearm without a licence, the sentence would have been 24 months, or 720 days, concurrent to Count 6 but consecutive to Counts 1 through 4.

[31] Turning next to Indictment 94028-2:

- On Count 1, the possession of a firearm contrary to a court order, the sentence would have been a sentence of 24 months, or 720 days, concurrent to Counts 6 and 7 on Indictment 94017-6, but consecutive to all other counts.

[32] The total sentence then before the consideration of presentence custody is a sentence of 1,800 days.

[33] Ms. Kovacs has served 256 days of presentence custody. She is entitled to credit of 384 days, which may be applied against the sentences to be served concurrently on Counts 1 through 4.

[34] The remaining time to serve is 1,416 days.

[35] You may be seated now.

[36] The ancillary orders remain.

[37] Pursuant to s. 109(2) of the Criminal Code, Ms. Kovacs is subject to a lifetime firearms prohibition.

[38] Count 1, on Indictment 94017-6, is a secondary designated offence for the purpose of DNA legislation, and I will make an order that Ms. Kovacs provide a sample of her DNA for registration in the National DNA Databank. That order can be executed while she is in custody.

[39] All offence-related property seized by the police in the course of the investigation is forfeited to His Majesty.

[40] I decline to make recommendations regarding Ms. Kovacs' institutional classification. She has expressed an interest in treatment and I trust that the Correctional Service will make appropriate treatment available.

[41] Although Hope for the Homeless has indicated that there might be employment available for her upon her release, I have no -- far from any certainty of that. I am going to waive the victim fine surcharge on the basis of hardship.

- [42] I direct that a transcript of these reasons for sentence be produced and forwarded to the Correctional Service of Canada.
- [43] I do not believe there are any counts to be stayed, Mr. Le Dressay?
- [44] CNSL J. LE DRESSAY: I thought we had already stayed Count 5. Was that ?
- [45] THE CLERK: Count 5 does not apply to this order.
- [46] THE COURT: She was not charged on that count.
- [47] CNSL J. LE DRESSAY: Oh, yes, right, of course.
- [48] THE COURT: Is there anything further?
- [49] CNSL J. LE DRESSAY: Nothing further, thank you.
- [50] THE COURT: Mr. McMurray?
- [51] CNSL P. MCMURRAY: No, nothing, thank you.
- [52] THE COURT: Thank you both very much. Ms. Kovacs, I am going to invite you to go with our sheriff now. I wish you the best of luck.
- [53] THE ACCUSED: Okay. Can you tell me again what -- so one at a time I have add in my mind? I'm just wondering because days are really hard to understand what years, that's all. So, 1,000 and something, is that four -- four years or that's six years?
- [54] THE COURT: It is going to be about three-and-a-half or so, but that will be explained to you once you get back to the Correctional Centre.
- [55] THE ACCUSED: Okay. Okay.
- [56] THE COURT: Okay?
- [57] THE ACCUSED: Okay, thank you, sir.
- [58] THE COURT: Good luck, ma'am.
- [59] THE ACCUSED: Thank you.
- [60] THE COURT: If there is nothing further then, counsel, we will stand down until 2:00 when we can return to the civil list, Madam Clerk. Thank you.

"Hewson J."

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