

CANADA / JUDGMENT

R. v. Reinders

2025 BCSC 1480

COURT

Supreme Court of British Columbia

DECIDED

17 July 2025

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

IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Reinders, 2025 BCSC 1480 Date: 20250717 Docket: 46572-2 Registry: Penticton Rex v. Daryk Reinders Before: The Honourable Madam Justice Murray Oral Reasons for Sentence Counsel for the Crown: F. Lépine Counsel for the Accused: N. Wiberg, K.C. Place and Date of Hearing: Kelowna, B.C. July 17, 2025 Place and Date of Judgment: Kelowna, B.C. July 17, 2025

- [1] THE COURT: On May 1, 2023, Mr. Reinders pled guilty to possessing for the purpose of trafficking heroin, cocaine, methamphetamine, and fentanyl on September 25, 2019, and to the same charge on December 18, 2019. In addition, he pled guilty to possessing restricted firearms, a 9mm Glock handgun, a Mossberg 12-gauge shotgun, and an SKS rifle, all on December 18, 2019. Two of those firearms were loaded. This is his sentencing.
- [2] Crown seeks a sentence of eight years; defence a suspended sentence.
- [3] Mr. Reinders came to the attention of police in the course of their surveillance of another suspected trafficker. On September 25, 2019, police observed their target meet the driver of a Chevrolet Uplander twice for short periods of time at a restaurant across from a shelter. The police believed the driver of this vehicle to be a customer of their target. They arrested the driver for simple possession. That driver was Mr. Reinders. Police discovered that Mr. Reinders a prohibited driver. He was arrested for driving while prohibited. Mr. Reinders and a backpack between the two front seats of the vehicle were searched incidental to arrest. On Mr. Reinders, police found almost \$1500. In the backpack, they found just over \$2200, plus just over 50 grams of methamphetamine, 15 grams of cocaine, and 25 grams of heroin/fentanyl. They also found packaging materials, a scale, and two cellphones.
- [4] The police officer took three drug calls on one of the two seized cellphones. A search of the two cellphones that were seized from Mr. Reinders revealed several text conversations consistent with drug trafficking.
- [5] Mr. Reinders was arrested and released. The investigation continued. More observations and inquiries were made that tied Mr. Reinders to an apartment. On December 18, 2019, a search warrant was obtained. Shortly before the search warrant was executed, Mr. Reinders exited the apartment that was the subject of the search warrant, locked it, and then he drove to a

grocery store where he was promptly arrested for possession for the purpose of trafficking and again for prohibited driving. On him was found \$1500 and a key for the apartment that was about to be searched. The search of the apartment yielded almost 483 grams of methamphetamine 267 grams of cocaine, and 226 grams of fentanyl.

- [6] In addition to the drugs, a number of firearms were located in the suite. A loaded Mossberg 12-gauge shotgun with a pistol grip was found between the mattress and the boxspring. A loaded 9mm Glock handgun with an oversize cartridge that had room for 17 rounds was located in a hidden compartment behind the headboard of the bed, and an unloaded SKS rifle was found between the boxspring and the mattress. Also found in the suite was just over \$12,000, some loose ammunition and documentation in Mr. Reinders's name, including a residential tenancy agreement for the suite.
- [7] After his arrest on December 18, 2019, Mr. Reinders was in custody until June 26, 2020, when he was ordered released from jail on surety bail. He was then detained again on October 16, 2020, for breaching his bail by leaving a residential treatment centre. He was released again about two years later on October 21, 2022. He has been out of custody since.
- [8] Counsel agreed that he has spent just less than 31 weeks in custody on these charges. Given the usual credit for time and a half, counsel agree that dead time is 46 months. Principles of Sentencing
- [9] The principles of sentencing are set out in s. 718 of the Criminal Code, R.S.C. 1985, c. C-46, which reads in part as follows: 718 The fundamental purpose of sentencing is to protect society and to contribute to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:
- (a) to denounce unlawful conduct and the harm done to victims or to the community that is caused by unlawful conduct;
 - (b) to deter the offender and other persons from committing offences;
 - (c) to separate offenders from society, where necessary;
 - (d) to assist in rehabilitating offenders;
 - (e) to provide reparations for harm done to victims or to the community; and
 - (f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims or to the community.
- [10] Section 10 of the Controlled Drugs and Substances Act, S.C. 1996, c. 19 [CDSA] provides that the fundamental purpose of any sentence under the CDSA is to contribute to the respect for the law and the maintenance of a just, peaceful, and safe society. At the same time, sentencing judges are encouraged to consider rehabilitation and treatment in appropriate circumstances, and acknowledge the harm done to victims and to the community.

- [11] Put simply, the task of a sentencing judge is to fashion a fair and just sentence, taking into account all of the circumstances and the law. As Crown counsel has accurately set out, it is a very specific, fact-driven exercise. The primary considerations in this sentencing are deterrence, both general and specific, and denunciation.

Analysis

- [12] There are several aggravating circumstances. First and foremost, the offences. It is an understatement to say that these are serious offences. The drugs that were being trafficking are all highly addictive, destructive substances. Drug traffickers are responsible for ultimately putting drugs in the hands of drug users. That, in my view, makes them responsible for shattering lives and the community at large. Violence and drug trafficking go hand in hand. The firearms that were seized are serious weapons. Two of them were loaded, which indicates to me that Mr. Reinders was ready and willing to use them. As we all know, drugs and the violence associated with drug dealing are the biggest problems facing our society. Every day we read in the papers about lives lost.
- [13] The second aggravating factor is that Mr. Reinders has a lengthy criminal record. The offence dates of the convictions run from 2002 to 2021. There are several cognate convictions, four convictions for trafficking, the most recent was in 2017.
- [14] On the flip side, there are many mitigating factors. Mr. Reinders has pled guilty. He accepts full responsibility for the offences and he is committed to making amends.
- [15] A presentence report was completed over two years ago for the purpose of sentencing. It outlines the obstacles that Mr. Reinders has faced in his life. For example, he was physically abused by his father from the age of five to the age of eight. His parents separated when he was seven or eight, because his father physically abused his mother. One of his brothers was put into foster care. Mr. Reinders was addicted to drugs. Early on his life, he was addicted to crack cocaine and heroin, and later he became addicted to painkillers and fentanyl after he suffered a workplace accident.
- [16] What makes this sentencing different than most is that since his release in 2022, Mr. Reinders has turned his life around. I have a book filled with letters from people that are aware of this sentencing and of the crimes that Mr. Reinders has committed. They are supportive and probably the most positive letters that I have ever read in my career, and I have had a long career in the criminal courts. In addition to these letters, three people have travelled from Merritt to support Mr. Reinders and they have addressed the court.
- [17] Mr. Reinders has completed drug and alcohol counselling. He lived in a recovery house. He has been sober since he successfully completed the recovery program. I will just read a little bit from the letters here.

- [18] The first one is from Nicole Hayman who is present and also addressed me in person. She is the coordinator of Adult Addiction Supportive Housing has been in that position since 2019. She describes the recovery program as follows: [It] is a six-month early recovery program. The program includes more than housing as the participants are expected to attend programming including the day treatment program, Daily Addiction Recovery Program, facilitated by Interior Health. Participants are also expected to attend regular 12 step programs and group recreational activities. Participants adhere to a curfew and attend group meals and individual counselling.
- [19] She said this about Mr. Reinders: Daryk successfully completed the program. He attended all activities and went above and beyond to expand his understanding of recovery. Daryk used his time in the program to build a life for himself that supports ongoing wellness. Daryk discovered a passion for helping others while in [the program] and developed a plan to be able to do that in a structured and healthy way. In meetings with Daryk, he emotionally expressed an understanding that his previous life choices have caused harm to others, and he expressed that he is seeking to amend those choices through service to others.
- [20] I pause to say that Mr. Reinders, when he addressed the court, spoke of his understanding of the destructive nature of his criminal behaviour and of his commitment to making amends.
- [21] There is another letter from the same recovery house. The life skills worker, Stephanie Hunt [Hunt], writes: From the beginning, [Daryk] stood out as someone genuinely committed to change. He didn't just show up-he thrived. Daryk engaged fully in every aspect of the program, consistently bringing a positive attitude and encouraging others to participate even when they were hesitant. His natural leadership, charisma, and sense of humour helped to foster a supportive environment for everyone in the program After completing our program in July 2024, Daryk remained in Merritt and has only continued to move forward. He is currently a full-time student pursuing a Bachelor's degree in Social Work, with the goal of helping those struggling with addiction and those impacted by poverty and marginalization. He has done exceptionally well in school, earning top grades and making the Dean's List. His dedication and initiative have also earned him a leadership role as Peer Community Coordinator and Event Co-Planner. In this role, Daryk has organized a series of four large-scale community events He handles everything: promotion, coordinating with businesses, securing donations, organizing food and supplies, and recruiting community members-many from vulnerable populations-for paid work on event days.
- [22] Ms. Hunt continues: In my time at [the recovery centre], Daryk is by far the most successful participant we have ever had.
- [23] Mr. Reinders attends NA meetings regularly. There is a letter here from someone at NA that says that he actively works every day to become a better version of himself.
- [24] There are also a number of letters from the institute of technology that Mr. Reinders attends. He is working toward a Bachelor's Degree of Social Work, which is a four-year program. He successfully completed his first year, earning a human services certificate. Mr.

Reinders not only completed the first year, he excelled. There is a letter here congratulating him on earning a place on the Dean's list for excellent academic performance. Dean's list letters are awarded to students who earn a cumulative grade point average of 3.67 or higher. That is not an easy thing to do.

- [25] There is a letter in this book of materials from the president and CEO of institute of technology, Dr. Chenoweth. He writes: When I think about Daryk Reinders as an individual, I see him as a leader within the program he is enrolled. He is a dedicated individual. He is a strong advocate for a healthy classroom, free of any form of bullying or distraction. As a leader, Daryk approached me about a fellow student in the program who was not acting appropriately to other students. I asked him what he thought should happen and he indicated that he wanted to speak to the faculty member and share his concerns. I agreed with his sentiment, and he did so Daryk indicated that he did not believe he could do so well in a school setting. He proved himself wrong by receiving a Dean's List letter indicative of his strong academic performance. Daryk is typical of the student who enrolls at [this institution]; he is older with a varied lived experience, does not have experience in attending post-secondary school, and lacks a bit of confidence in himself. He is also a typical student in the transformational power of education; he is a confident and successful learner, he has pride in himself for what he has accomplished, and he has hopes and aspirations for the future.
- [26] Dr. Chenoweth calls Mr. Reinders a unique and exceptional man.
- [27] All of the letters are like this. They talk about his hard work, his character, his dedication to making amends and going on to make a difference. One of the instructors, the department chair and an instructor, writes that: [Mr. Reinders'] decision to pursue a diploma in Human Services was rooted in his desire to support vulnerable communities-especially young people who, like him, may have grown up with limited resources and faced difficult life circumstances.
- [28] Another faculty member writes: Daryk has been very transparent about his involvement in the criminal justice system including his incarceration. Daryk disclosed early on that he had a criminal record, and that there were ongoing legal proceedings that may impact his academic trajectory. In our discussions and in his reflective assignments, Daryk has not attempted to minimize his actions, rather, he has acknowledged the harm he caused to others and to himself, and he has been able to share some of his insights into the motivations of his younger self. Daryk has expressed regret about his past, which fuels a desire to live his life in service to his community moving forward. Daryk has spoken about feeling "a calling" to work with people who have similar lived experiences as himself.
- [29] To say these letters are outstanding is an understatement.
- [30] Another letter says this about Mr. Reinders: What sets Daryk apart, in my eyes, is not just his own recovery, but the way he is choosing to lift others up alongside him.

- [31] I go back to the principles of sentence. Looking at all of the circumstances, Mr. Reinders has spent an equivalent of almost four years in custody. He has worked hard to turn his life around. He has made tremendous progress. He accepts full responsibility for his actions. He sees the harm that he has caused. He is working in the community to try to make amends. He realizes that he cannot erase his past, but he can make a difference going forward, and he has shown his commitment to doing that. It is unusual to see the amount of support that Mr. Reinders has. And again, both counsel have said they have not seen letters like this.
- [32] So what is the appropriate sentence? Crown counsel wants me to send Mr. Reinders back to jail for four years. I do not see how that is in anybody's best interests- not Mr. Reinders', not the community's. It does not fit with the principles of sentencing, nor does it contribute to any of the principles of sentencing including the maintenance of a just, peaceful, and safe society.
- [33] I fear if I sent Mr. Reinders back to jail, it would undo all of the good work that he has done and he is about to do. He has got years ahead of him to make a difference and help people.
- [34] I do not see how sending him back to jail is consistent with any of the principles of sentencing.
- [35] Crown counsel clearly thinks that because of the gravity of the offence, that the time served, 46 months, is not enough. In my view, in this particular case with these particular circumstances and the exceptional work that Mr. Reinders has done on himself and he is doing in the community, it is enough. To send him back would be contrary to everything that this justice system stands for.

Conclusion

- [36] Stand up, please, Mr. Reinders. Having considered all of the facts, hearing from you, hearing from your counsel, hearing from Crown counsel, hearing from your supporters who travelled here from Merritt, I am satisfied that a suspended sentence is the right sentence. I am going to suspend the passing of sentence. I am going to place you on probation for one year. I land on that number because I do not think you need probation. Your motivation is not going to come from a probationary period, it is coming from within as it has for several years.
- [37] The terms of your probation are as follows: · You are going to report to a probation officer first by, say, Monday at 4:00 in Merritt, B.C., and thereafter as and when directed by your probation officer. You will keep your probation officer apprised of your current residential address and if you move, you are to report the change in address within 48 hours; · You are to take and complete counselling as directed by your probation officer; · You are to maintain employment and/or attend school; · You are not to take or possess any alcohol or illicit substances;
- [38] Is there anything else that I am missing here?

- [39] CNSL N. WIBERG: Not from the defence perspective.
- [40] THE COURT: Okay, anything else, Mr. Lépine?
- [41] CNSL F. LEPINE: I think that covers all the compulsory conditions, was looking for that.
- [42] THE COURT: Mr. Lépine, what would the victim fine surcharge be?
- [43] CNSL F. LEPINE: I believe it's \$150 per count.
- [44] THE COURT: Is that right?
- [45] CNSL N. WIBERG: That's my understanding. Proceeding by indictment, I believe it's \$150 per count.
- [46] THE COURT: Okay. This sentence, by the way, is on all of the charges to be served concurrently.
- [47] Mr. Reinders, I am going to order that you pay a victim fine surcharge. Is that a set number or is the victim fine surcharge up to that amount?
- [48] CNSL F. LEPINE: My understanding, there's one amount for summary convictions, one amount for indictable offences.
- [49] CNSL N. WIBERG: That's correct, it's a set amount.
- [50] CNSL F. LEPINE: But the court has discretion in terms of time to pay, as much as necessary.
- [51] THE COURT: So I have to impose \$150 per count?
- [52] CNSL N. WIBERG: You have the option on each count of determining on each count if you want to impose it or not.
- [53] THE COURT: Okay.
- [54] CNSL N. WIBERG: For Criminal Code matters, as opposed to Provincial. For Criminal Code matters, the court still has the ability to waive on certain counts.
- [55] THE COURT: Okay, I am just going to impose it on one count, and that is Count 1. You are to pay a victim fine surcharge of \$150. Is six months enough time to pay?
- [56] THE ACCUSED: Yes, ma'am.
- [57] THE COURT: You have six months to pay. I waive the victim fine surcharge on all of the other charges.
- [58] In addition, I am ordering, since PPT is a secondary designated offence, I am ordering that a DNA sample be taken from you. When and where?
- [59] CNSL F. LEPINE: Oh, so it would be at the Kelowna detachment. I think what is done typically is the person is given a certain amount of time, say a month or two months, to contact the detachment and make the necessary arrangements.

- [60] THE COURT: Could that be in Merritt?
- [61] CNSL N. WIBERG: I was just going to suggest if that could be in Merritt.
- [62] THE COURT: Okay, so.
- [63] CNSL F. LEPINE: That's not a problem, yeah.
- [64] THE COURT: If you could contact your local RCMP detachment and have that sample taken within the next two months.
- [65] I am ordering that the cash and firearms seized from you be forfeited pursuant to s. 16 of the CDSA.
- [66] What is the section number for the DNA order? It is 487 something?
- [67] CNSL F. LEPINE: Point 051, I think.
- [68] THE COURT: Okay, can you look it up, please?
- [69] I am also finally, Mr. Reinders, I am prohibiting you from possessing firearms, ammunition, pursuant for 10 years, pursuant to s. 109.
- [70] CNSL F. LEPINE: I believe it's I have this here as 487.051.
- [71] THE COURT: Okay, so the DNA is 487.051.
- [72] CNSL F. LEPINE: Yes.
- [73] THE COURT: And sorry, what did you just ask me, Madam Registrar?
- [74] THE CLERK: Which counts the prohibition the firearms prohibition, is that on 7, 8, 9?
- [75] THE COURT: I think it is on all of them.
- [76] THE CLERK: Okay.
- [77] CNSL F. LEPINE: Perhaps I'm not sure about the weapons offences, but I would be satisfied with Count 1, because it applies for sure to the PPT.
- [78] THE COURT: Okay, Count 1. Okay. Anything else that I am missing, Mr. Lépine?
- [79] CNSL F. LEPINE: Could I have just one moment, please?
- [80] THE COURT: Sure.
- [81] CNSL F. LEPINE: Yes, I think I omitted something. Because he has a previous conviction for trafficking, the I believe the weapons prohibition under s. 109 for sub (3) would be for life.
- [82] THE COURT: Sorry?
- [83] CNSL F. LEPINE: Because of the previous conviction for trafficking, I believe the order under s. 109 would be for life.

- [84] THE COURT: Oh, you said in your written submissions, ten years. [SUBMISSIONS RE FIREARMS PROHIBITION AT 3:15:26 PM TO 3:18:24 P.M.]
- [85] THE COURT: There is a case here under the annotations that says where the Crown seeks the longer prohibition for a subsequent conviction, it must give notice as required.
- [86] CNSL N. WIBERG: Oh, okay.
- [87] CNSL F. LEPINE: Oh, so ten years then.
- [88] THE COURT: Sorry?
- [89] CNSL N. WIBERG: I thank my friend, ten years.
- [90] CNSL F. LEPINE: Ten years.
- [91] CNSL N. WIBERG: The notice wasn't served before plea.
- [92] THE COURT: I see, okay. So ten years.
- [93] CNSL N. WIBERG: Thank you.
- [94] THE COURT: So that is it, I think, right?
- [95] CNSL N. WIBERG: Yes.
- [96] CNSL F. LEPINE: I am directing a stay of proceedings on all the remaining counts.
- [97] THE COURT: Okay, thank you for that. I want to thank both of you. And Mr. Reinders, again, I applaud you for all your hard work and I wish you all the best.
- [98] THE ACCUSED: I appreciate that. Thank you very much. "The Honourable Madam Justice Murray"

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/25/14/2025BCSC1480.htm>

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

Prepared on 26 October 2026 · Esheria