

CANADA / JUDGMENT

R. v. Szucs

2021 BCSC 1441

COURT

Supreme Court of British Columbia

DECIDED

8 June 2021

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

2021 BCSC 1441 R. v. Szucs IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Szucs, 2021 BCSC 1441 Date: 20210608 Docket: 27798-1 Registry: Vancouver Regina v. Kyle Latimer, Craig Latimer, Jacob Pereira Anduele Pikientio, and Csongor Szucs Before: The Honourable Associate Chief Justice H. Holmes Oral Reasons for Sentence Re Accused Csongor Szucs Counsel for the Crown: M. Loda Counsel for the Accused Csongor Szucs: D. Jevning, QC V.M. Williams No other appearances Place and Date of Hearing: Vancouver, B.C. June 8, 2021 Place and Date of Judgment: Vancouver, B.C. June 8, 2021

- [1] THE COURT: Mr. Szucs, you have pleaded guilty to four offences on the indictment: · count 2, committing a serious offence, namely drug trafficking, for the benefit of or in association with a criminal organization, contrary to s. 467.12(1) of the Criminal Code; the period of that offence was February through August 2018 · count 3, conspiracy to traffic in drugs (fentanyl, cocaine, methamphetamine, and/or heroin) over the same period of time, contrary to s. 465(1)(c) of the Criminal Code · count 13, being in unlawful possession of a prohibited firearm (a Colt automatic rifle) with readily accessible ammunition, on July 19, 2018, contrary to s. 95(1) of the Criminal Code, and · count 16, being in unlawful possession of prohibited devices, namely eight silencers and two oversized magazines, also on July 19, 2018, contrary to s. 92(2) of the Criminal Code.
- [2] The charges arose from a Vancouver Police Department joint forces investigation called Project Territory. It began as an investigation into a criminal organization group described as the Kang group, and it came to include the investigation of another criminal organization described as the Latimer group, of which you were a part.
- [3] There are members of those groups who, like you, have pleaded guilty before this Court, some of them before me, and the activities of those two groups are described in more detail in the reasons given in those sentencing proceedings. I will not repeat the details now, except to say very briefly that the Latimer group that you were a part of was a sophisticated drug-trafficking group that operated at the mid-level, and dealt with a very large amount of drugs and involved a very large number of weapons, mainly firearms, many of them prohibited. A massive amount of drugs was seized from the various stash sites, including 10.8 kilograms of substances containing fentanyl, 11.9 kilograms of methamphetamine, and

9.3 kilograms of cocaine; some of the fentanyl found was of an extremely potent concentration -- Health Canada said one of the most potent they have ever analyzed. The weapons were seized from various places, but notably from a hidden room at the back of an autobody repair shop owned by Kyle Latimer's father, Craig Latimer, which yielded about 69 firearms, all but one of them operational, 20 silencers, eight of those attached to firearms, and an RCMP uniform.

- [4] Crown counsel and defence counsel make a joint submission about what your sentence should be. As you know, I am not obliged to accept that submission.
- [5] However, I do accept the submission. It is clearly based on a great deal of discussion and consideration of the very complicated facts of the case, meaning not only your case but also the larger case, as well as on a consideration of your own circumstances, which I will turn to in a minute. The joint submission also appropriately reflects the mitigating circumstances and the aggravating circumstances -- and I will turn to those shortly, as well -- as well as the applicable sentencing principles that courts have to respect in imposing sentence.
- [6] Counsel are proposing that the aggregate sentence for the four offences to which you have pleaded guilty be a total of 10 years' imprisonment, less credit for time you have spent in custody awaiting today.
- [7] That is the sentence I will impose at the end of these reasons. I will follow the approach counsel have suggested about how you be sentenced on each of the four counts.
- [8] Before I get to that, I will talk about the mitigating circumstances and then the aggravating circumstances in your case.
- [9] There are two main mitigating circumstances.
- [10] The first one has multiple parts. You have pleaded guilty to four different offences. By pleading guilty, you have not just acknowledged your guilt, but you have also taken responsibility for very serious offences. You have done that even though there are still a number of legal issues outstanding that could have been litigated. At this point, we do not know what the outcome would have been if those were to be litigated, but you have entered your pleas and taken responsibility nonetheless. Those legal issues include that some disclosure was still to be given, and that there were still some Charter applications to be heard -- in fact, there was a proven breach of your s. 8 rights, and there had not yet been a determination of what remedy, if any, would be given in respect of that breach. Finally, there was potentially what we call a Jordan issue relating to delay in this matter getting to trial. I am not saying that those issues necessarily would have resolved in your favour -- we simply do not know, and you took responsibility nonetheless.
- [11] The second main mitigating factor is that, in your role with the Latimer group, which was a significant role, you were essentially subject to the control of Kyle Latimer, the head of the Latimer group. On the evidence, he used threats of violence or actual violence at times. I am not saying that there is evidence that he used violence against you, but rather that violence

was used in the environment in which you supported Mr. Latimer. Crown counsel Ms. Loda made a submission to the effect that, because of the relationship you had to the Latimer group when you committed your offences, if you can remove yourself from Mr. Latimer's control, there is a very good prospect that you will rehabilitate yourself and become a productive member of society. She acknowledges as a mitigating factor your potential to contribute to society instead of harming it very significantly as drug trafficking does.

- [12] There are aggravating factors, which I will run through very quickly -- Ms. Loda went through them in more detail in her submissions not long ago: · you were a trusted and loyal member of the Latimer group; however, as your counsel, Mr. Jevning, points out, this was not for the full period of all the offences, because it was not until there was a seizure from the stash house on Kwantlen that Mr. Pereira evidently became less valued by Kyle Latimer, and you moved into a more senior responsible position -- that was in about May of 2018 · the group was a sophisticated trafficking group at the mid-level, with multiple stash sites and a very large amount and variety of drugs · the main commodity of the drug trafficking group was fentanyl -- I do not have to tell you how incredibly harmful fentanyl has been to our community and continues to be; even at the time of your offences, overdoses were causing countless deaths, and they continue to do so to this day · your participation in the group was for a number of months · you were in possession of weapons even though you were subject to a court-ordered prohibition against possessing weapons, including firearms · you also have a criminal record -- Ms. Loda and Mr. Jevning each discussed your record at some length, and I will not do so now except to say that there is a breaking and entering offence in 2008 that led to the firearms prohibition for 10 years, and then a big gap in offending through to August 2014, with a relatively minor offence, and, in January 2017 a serious offence relating to firearms committed in January 2017 for which you pleaded guilty in November 2018 and received a sentence of 33 months; you have been serving that sentence in some of the time you have also been in custody in relation to these charges, and · as Ms. Loda submitted, greed was a motivating factor for your offences, and you benefitted financially from them, although Ms. Loda was also careful to point out that the Crown alleges that the main proceeds of the drug-trafficking organization went to Mr. Latimer and not to you except through Mr. Latimer's choice; nonetheless you had the financial means to purchase some very valuable items found in the search of your residence, and obviously did obtain significant financial benefit from your offences.
- [13] The main sentencing principles in offences like these are denunciation of the conduct which, as I have said, is extremely harmful to society, and deterrence of other people from committing these kinds of offences as well as deterrence of you from committing them again.
- [14] Courts also take account of the prospects for rehabilitation and to encourage that result. As I said earlier, there is a real prospect for you rehabilitation. That is shown in a number of ways.

- [15] Good prospects for your rehabilitation are shown in the personal strengths you obviously have through your skills and abilities. You have shown those in productive ways in the work history that Mr. Jevning outlined, which is impressive. As a younger man, you were supporting your mother. You were contributing. You were performing a variety of work, some of it obviously quite skilled, until you were incarcerated. You have been dedicated to your mother and she is supportive of you. That too is a good sign.
- [16] Through your lawyer, you tell the Court that you are determined to use your time in custody productively to take available programs, to equip yourself for a useful occupation when you are released. I hope you will do that, and that you will succeed in turning your skills to something that will benefit all of us rather than causing society to have to investigate these types of organizations that simply work to undermine the type of society we all want to live in. So I encourage the path you say you want to be on, and I hope that you will pursue it. I wish you the best with it.
- [17] Courts also take account of other cases in which other offenders have been sentenced. Counsel have directed me to a case called R. v. Leach, 2019 BCCA 451. The offender there was a more serious offender than you are. They have also referred me to sentences imposed on other people charged as a result of Project Territory for which the sentences of imprisonment range, in the aggregate or total, from seven years, at the low end, to 17 years, at the high end.
- [18] I agree with counsel that your moral culpability, in the circumstances of your offence, puts you at the 10-year mark in that range. That will be your total or aggregate sentence.
- [19] If you were in the courtroom, I would at this point ask you to stand because I am going to impose sentence. But please remain seated so that you are in the right position for the camera. You can see me, I can see you, and counsel can see you.
- [20] The sentences will be as follows, exactly as counsel propose.
- [21] First I will explain what the sentences are before credit for pre-sentencing custody. I will go through them all without credit, and then I will go back and explain what the credit will be.
- [22] On count 2, the sentence will be 1½ years' imprisonment.
- [23] On count 3, the sentence will be 8½ years' imprisonment consecutive to the sentence on count 2.
- [24] On count 13, the sentence will be eight years' imprisonment, to be served concurrently to the sentence on count 3.
- [25] On count 16, the sentence will be six years' imprisonment, also to be served concurrently to the sentence on count 3.
- [26] With the consecutive periods of the sentences on counts 2 and 3, the aggregate or total length of imprisonment will be 10 years.

- [27] Now to address credit for the pre-sentence time you have served in custody in relation to these charges - and counsel have not included the period in which you were serving the previous sentence I talked about -- the period that you have served in relation to these charges is 359 days in total. That is pretty much a year. If you were to receive the usual amount of credit at 1.5:1, that would be 1½ years' credit. However, counsel agree, and I do too, that you should have enhanced credit amounting to one year and nine months. The reason for enhanced credit is that, during the relevant period, you were subject to a very large number of lockdowns, for a variety of reasons, including emergencies in the institution, COVID-related specific concerns in the institution, and other reasons as well. None of these lockdowns were excessively long, but there were many of them.
- [28] Now going back over the four offences and applying the credit of one year and nine months, the sentences will be these.
- [29] Count 2 will not change. The sentence will be 1½ years.
- [30] Count 3 will be reduced to six years, six months.
- [31] CNSL M. LODA: My Lady, as usual, my math is just --
- [32] THE COURT: I see. It is wrong.
- [33] CNSL M. LODA: -- a tiny bit off, but --
- [34] THE COURT: Can you give me --
- [35] CNSL M. LODA: Yes, I can pass it up, if you would like. I corrected it as we were sitting there.
- [36] THE COURT: Count 3 will be six years, nine months, and that period will be consecutive to the sentence on count 2.
- [37] Count 13 will be six years, three months, and that will be concurrent to the sentence on count 3.
- [38] Count 16 will be four years, three months, and that will be concurrent to the sentences on counts 3 and 13. I am just double-checking.
- [39] THE CLERK: Thank you.
- [40] THE COURT: That seems right. Madam Registrar, do you have what you need? I am going to go on to make some ancillary orders.
- [41] THE CLERK: [Indiscernible].
- [42] THE COURT: I am obliged to make an order that you provide a sample of bodily substance that is suitable for DNA analysis.
- [43] Can you give me the section number, please, Ms. Loda?
- [44] CNSL M. LODA: 487.051, My Lady.

- [45] THE COURT: Thank you --
- [46] THE CLERK: Thank you.
- [47] THE COURT: -- and should there be a firearms order or not?
- [48] CNSL D. JEVNING: Yes, I think there has to be, My Lady.
- [49] THE COURT: All right. So, again, I am making an order -- it is going to apply for the rest of your life -- that you are prohibited from being in possession of any type of firearm or ammunition. Do you understand that?
- [50] THE ACCUSED: Yes, I do, My Lady.
- [51] THE CLERK: Could I have the section number for that?
- [52] CNSL M. LODA: 109(1)(c).
- [53] THE COURT: Thank you.
- [54] THE CLERK: Thank you.
- [55] THE COURT: Now, is there anything else we should deal with?
- [56] CNSL D. JEVNING: In the circumstances, My Lady, I am going to ask that whatever victim fine surcharge is required to be imposed be waived.
- [57] THE COURT: Yes.
- [58] CNSL M. LODA: My Lady, the Crown directs stays of proceedings with respect to all outstanding counts as against Mr. Szucs, and pending my earlier comments with respect to the forfeiture order, that is the Crown's matters with respect to Project Territory that can be resolved before Your Ladyship.
- [59] THE COURT: All right, thank you.
- [60] Nothing further, Madam Registrar?
- [61] THE CLERK: No, thank you, My Lady.
- [62] THE COURT: All right, thank you. "The Honourable Associate Chief Justice H. Holmes"

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/21/14/2021BCSC1441.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-szucs-2021>

Prepared on 29 October 2026 · Esheria