

CANADA / JUDGMENT

R. v. Zanatta

2025 BCSC 1685

COURT

Supreme Court of British Columbia

DECIDED

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2025 BCSC 1685 R. v. Zanatta IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Zanatta, 2025 BCSC 1685 Date: 20250801 Docket: X083988 Registry: New Westminster Rex v. Mateo Aldo Zanatta, also known as Matea Aldo Zanatta, also known as Mateo Zanatta Before: The Honourable Justice Loo Oral Reasons for Sentence Counsel for the Crown: K. Khosa Counsel for the Accused: W. Jessop Place and Date of Hearing: New Westminster, B.C. August 1, 2025 Place and Date of Judgment: New Westminster, B.C. August 1, 2025

- [1] THE COURT: On June 16, 2025, Mateo Zanatta pled guilty to three counts of possession of a controlled drug or substance for the purpose of trafficking, contrary to s. 5(2) of the Controlled Drugs and Substances Act, S.C. 1996, c. 19.
- [2] In this proceeding, the court will impose sentence on Mr. Zanatta in respect of that offence. Circumstances of the offence
- [3] On November 27, 2022, at approximately 13:55 hours, Detective Rossetti observed a red 1997 Toyota Camry registered to Mr. Zanatta driving westbound on Columbia Street in New Westminster. Detective Rossetti conducted a traffic stop and detained Mr. Zanatta in respect of a previous flight from police investigation.
- [4] During this detention, Detective Rossetti inspected the contents of the trunk of the Camry and found what he believed to be drugs in garbage bags. He arrested Mr. Zanatta for trafficking in a controlled substance. Subsequently, he conducted an inventory search of the trunk and found the following: 4,007 grams of MDMA, 46.1 grams of MDMA, 1,087 pills analyzed to be fentanyl, \$260 in Canadian currency, a copper pipe, and empty cannabis containers.
- [5] The Crown contends and the evidence is that the amounts are consistent with trafficking. Detective Mengesha, who provided an expert report to the court, opines that the level of trafficking in this case is believed to be at the wholesaler level, with Mr. Zanatta being a transport person. Circumstances of the offender

- [6] Mr. Zanatta is presently 25 years of age. He was 22 years of age at the time of the offence. I am advised by defence counsel that Mr. Zanatta's father was someone entrenched in criminal activity, and someone who was shot and rendered a quadriplegic when Mr. Zanatta was very young. As a result, Mr. Zanatta had no meaningful guidance or support from his father. As well, his mother passed away from cancer at age 11. As a result of all of this and the fact that he had no brothers and sisters, he had very little family support.
- [7] During his childhood, from time to time he lived with a friend of his mother, and then with his grandparents, although his grandfather, defence counsel advises, was a violent alcoholic. Mr. Zanatta was also in youth detention centres for periods of time. I am advised that he was mentored by older individuals on the street who enticed him into criminal endeavours. Mr. Zanatta also resorted to drugs at a young age.
- [8] Counsel for the defence advises that if Mr. Zanatta is remanded to a federal penitentiary, he is looking forward to the structure and the resources available to him in the federal system. He intends to make use of the structured environment and the programs, both vocational and in respect of substance abuse, that would be available to him at the penitentiary.
- [9] Mr. Zanatta has no adult criminal record. Crown and defence positions
- [10] The Crown and defence have provided a joint submission as to sentence. The joint submission is for six years, that being six years on Count 1, three years concurrent on Count 2, and one year concurrent on Count 3. Legal framework principles
- [11] The statutory framework for the purpose of sentencing is found in s. 718 of the Criminal Code, R.S.C. 1985, c. C-46. The purposes of sentencing described in s. 718 include denouncing unlawful conduct, deterring the offender and other persons from committing offences, separating offenders from society where necessary, assisting in rehabilitation of offenders, providing reparation for harm done to the victims or community, and promoting a sense of responsibility in offenders and acknowledging the harm done to the victims and the community. Analysis and disposition
- [12] In my view, the primary purposes of sentencing in this case ought to be denunciation, deterrence, and rehabilitation. In the decision of this Court in *R. v. Dinh*, 2024 BCSC 109, Justice G.C. Weatherill cited the decision of the Manitoba Court of Appeal in *R. v. McLean*, 2022 MBCA 60, for the proposition that the appropriate range of sentence for someone minimally involved in mid-level trafficking, such as a courier or custodian without decision-making authority, is six to eight years' imprisonment.
- [13] In my view, that range is appropriate, given the facts and circumstances as I understand them in this case. An offender's sentence should be increased or reduced within that range to account for aggravating or mitigating circumstances relating to the offence or the offender.

- [14] One aggravating factor in this case relates to the quantity and nature of the drugs that Mr. Zanatta was transporting when arrested. As this Court has said on numerous occasions, the impact of the trafficking of fentanyl and other opioids in our community has been devastating.
- [15] In Dinh, Justice G.C. Weatherill stated at para. 26:
- [26] Fentanyl deaths have skyrocketed in British Columbia since 2012. In April 2016, the Provincial Medical Officer declared a public health emergency in response to the increase in drug overdose deaths in this province, largely attributable to fentanyl: [citations omitted]. In its decision in R. v. Gill, 2022 BCCA 127, our Court of Appeal stated:
- [22] There is no question that the moral culpability of offenders who traffic in fentanyl and its analogue, carfentanil, is very high. This Court has recognized that general deterrence and denunciation must feature prominently in such cases in light of the serious, unabated public health crisis caused by the street sale of drugs containing fentanyl
- [16] In this case, as stated, Detective Mengesha has opined that the level of trafficking Mr. Zanatta was believed to be in is at the wholesaler level, with Mr. Zanatta being used as a transport person.
- [17] A significant aggravating factor in this case is a recent event involving Mr. Zanatta. The Crown advises that it will be staying the charges against Mr. Zanatta with respect to that event, but nonetheless it is an aggravating factor under s. 725(1)(b.1) of the Criminal Code. The event occurred on September 10, 2024, while Mr. Zanatta was released on bail with several conditions, including a curfew condition requiring him to be at his place of residence between 9:00 p.m. and 6:00 a.m. During the early morning hours on December 19, 2024, Mr. Zanatta was arrested for dangerous operation of a conveyance and possession for the purpose of trafficking. The circumstances prior to his arrest were particularly aggravating, in that he attempted to flee from the police while driving at significantly high speeds. With him were two young individuals. He possessed illicit substances, including 33.79 grams of fentanyl.
- [18] On the other hand, the mitigating factors in this case include his young age of 22 years at the time of the offences, his difficult childhood which I have described above, and his willingness to enter into guilty pleas, thereby saving the Crown and the Court considerable resources. Further, as stated, he has no adult criminal record and his struggles with substance misuse from an early age ought to be considered in determining his sentence.
- [19] It is my view that the sentence which is the subject of the joint submission made by the Crown and defence in this proceeding is appropriate in all of the circumstances. The sentence would address the paramount principles of denunciation, deterrence, and rehabilitation, and recognize Mr. Zanatta's reduced moral blameworthiness in respect of all of the factors I have discussed, including his young age, difficult childhood, and the guilty pleas into which he has entered.

- [20] Mr. Zanatta, please stand. In respect of Count 1 of the indictment, I sentence you to six years. In respect of Count 2 of the indictment, I sentence you to three years to be served concurrently with Count 1. In respect of Count 3 of the indictment, I sentence you to one year concurrent, to be served concurrently with the sentences on Count 1 and 2.
- [21] You have so far served 808 days in presentence custody on this matter and so you will be credited with 1,212 days.
- [22] I also make the following ancillary orders: I make an order for a mandatory lifetime weapons prohibition pursuant to s. 109(3) of the Criminal Code; a forfeiture order pursuant to s. 16 of the Criminal Code; and a DNA order pursuant to s. 487.051(3)(b) of the Criminal Code.
- [23] The victim surcharge is waived.
- [24] Thank you very much. You may be seated, Mr. Zanatta. Anything further, counsel?
- [25] CNSL K. KHOSA: Nothing from the Crown's perspective, thank you, Justice.
- [26] THE COURT: Thank you.
- [27] CNSL W. JESSOP: Nothing from my perspective, I just am wondering, forgive me, but do we need to indicate for the record the time remaining on this sentence, so -- or I am not -- I am always -- I defer to the registry and Corrections on that but --
- [28] THE COURT: No, I do not usually. Does the court clerk have any view on that?
- [29] THE CLERK: It would be helpful if we do, Justice. It's up to your discretion
- [30] THE COURT: Okay. Do you want to do some math?
- [31] CNSL W. JESSOP: If it assists, Justice, my friend and I are ad idem that, you know, 365 days in a year, 365 times six is 2,190 days.
- [32] THE COURT: Okay.
- [33] CNSL W. JESSOP: Minus time credited of 1,212 days.
- [34] THE COURT: Okay.
- [35] CNSL W. JESSOP: Leaves a remaining 978 days to serve.
- [36] THE COURT: Okay. So to the extent that that is required by Corrections, I will say on the record and as part of my reasons that there are 978 days to serve as a result of the time served already.
- [37] CNSL W. JESSOP: Thank you, Justice.
- [38] CNSL K. KHOSA: Thank you.
- [39] THE COURT: Thank you.

[40] CNSL W. JESSOP: Thank you.

[41] THE CLERK: Justice, I have one more thing.

[42] THE COURT: Yes?

[43] THE CLERK: Does the accused need to sign the weapons prohibition?

[44] CNSL W. JESSOP: He's heard it in court and if you could dispense with his signature, thank you.

[45] THE COURT: Yes, I will do that.

[46] THE CLERK: Okay, thank you. "Loo J."

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