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### SENTENCING DRUG OFFENDERS

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National in scope, this looseleaf provides analysis of the relevant jurisprudence on sentencing drug offenders. This resource offers detailed chapters on 20 different drugs with particular emphasis on the most commonly used substances — heroin, cocaine and cannabis. It also includes an explanation of the offences, schedules and penalties under the *Controlled Drugs and Substances Act (CDSA)*; discussion of the purpose, objectives and principles of sentencing under the *CDSA* and *Criminal Code*; a review of the aggravating and mitigating factors in sentencing offenders convicted of drug offences as well as sentencing tables.

This release features updates to the case law summaries for cocaine offences.

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### **What's New in this Update:**

**Cocaine—Case Summaries—Trafficking—Mid-Level Trafficking—28 Grams to 1 Kilogram—Measured Amounts—53.94 grams' cocaine—5 years in prison—Circumstances of the Offence:** The offender was arrested at a gas station in connection with an ongoing investigation. A search of his person and, later, his residence turned up 21.37 grams of fentanyl, 53.94 grams of cocaine, 5.7 grams of benzimidazole, 2.3 grams of alprazolam (Xanax), 4.72 grams of oxycodone, 2.09 grams of MDMA, 3.47 grams of psilocybin, \$615 in cash on his person, and \$26,200 in cash in his bedroom. After trial, he was convicted of possession of fentanyl, cocaine, MDMA, benzimidazole, alprazolam, oxycodone, and psilocybin for the purpose of trafficking, along with possession of property obtained by crime over \$5,000 and under \$5,000—**Circumstances of the Offender:** 23 years old at the time of the offences; healthy and supportive home life; prior criminal record; prior employment experience; prior substance abuse, though has since sought rehabilitation; extensive community service—**Aggravating Factors:** Presence of fentanyl in significant quantities; role as a mid-level trafficker; criminal record (though limited and unrelated); committing the offences while on parole—**Mitigating Factors:** Youthful; engaged in rehabilitative efforts; trauma when he was shot in the stomach during a robbery; collateral considerations (he is a significant financial contributor to his family)—**Sentence:** The court imposed a global sentence of 5 years in prison: 5 years for fentanyl; 5 years concurrent for cocaine; 1 year concurrent each for MDMA, benzimidazole, alprazolam, oxycodone, psilocybin, possession of property obtained by crime over \$5,000, and possession of property obtained by crime under \$5,000. The court also imposed a s. 109 order for life, a DNA order, and a forfeiture order: *R. v. Rusha*, 2025 ONSC 717.

**Cocaine—Case Summaries—Trafficking—Mid-Level Trafficking—28 Grams to 1 Kilogram—Measured Amounts—47 grams' cocaine (street value \$4,563)—8 years in prison (no breakdown by substance)—Circumstances of the Offence:** The offender and a co-accused led a large and sophisticated drug ring operating at the wholesale and commercial level. Following a lengthy investigation, police executed search warrants at multiple locations and found the offender with 2.29 grams of cocaine, 170 grams of fentanyl, 1,621 grams of methamphetamine, and other materials indicative of trafficking. At a separate location, an associate was found with 41.13 grams of fentanyl, 1.09 grams of cocaine, 43.34 grams of crack cocaine, 4.09 grams of methamphetamine, \$45,895 in cash, 9 cell phones, and drug trafficking paraphernalia. He pleaded guilty to unlawful possession of the proceeds of crime over \$5,000, possession

of fentanyl, cocaine, and methamphetamine for the purpose of trafficking, and failure to comply with a probation order—Circumstances of the Offender: 23 years old at the time of the offences; born in India and moved to Canada at a young age; prior and related criminal record; addiction to Percocet—Aggravating Factors: Related convictions; mid-level role in the hierarchy; part of a large enterprise investigation; sophistication of the enterprise, including practices to insulate himself from liability; dial-a-dope operation; nature, quantity, and value of the drugs; offending for profit—Mitigating Factors: Guilty pleas, though not early; somewhat youthful (23)—Sentence: The Crown and defence jointly submitted a sentence of 8 years in prison, which the court accepted: 8 years for the possession-for-the-purpose-of-trafficking offences (no breakdown by substance), 2 years for possession of the proceeds of crime over \$5,000, and 1 year concurrent for failure to comply with a probation order, yielding a global sentence of 8 years. The court also imposed a DNA order, a s. 109 order for life, and a victim fine surcharge: *R. v. Gill*, 2025 BCSC 288.

**Cocaine—Case Summaries—Trafficking—Mid-Level Trafficking—28 Grams to 1 Kilogram—Measured Amounts—30.68 grams’ cocaine (part of 50.53 grams of cocaine and a cocaine/methamphetamine mixture)—3 years concurrent for the cocaine offence—Circumstances of the Offence:** Following a search warrant executed at a residence and a warrant to intercept two suspicious packages, police found 700 tablets and 1.8 grams of fentanyl, 600 tablets and 3.44 grams of para-fluorofentanyl, 4,521.81 grams and 79 tablets of methamphetamine, 30.68 grams of cocaine, 386 hydromorphone pills, 19.85 grams of a cocaine/methamphetamine mixture, and 4.25 grams of benzimidazole. The offenders were found guilty of possession of benzimidazole, methamphetamine, cocaine, fentanyl and para-fluorofentanyl, and hydromorphone for the purpose of trafficking—Circumstances of the Offenders: Mr. Jacob: 49 years old; difficult childhood, including abuse by his father; three children; chronic pain; long-term drug addiction dating from his 20s; prior criminal record. Ms. Moore: Indigenous, though it had no material impact on her offending; difficult upbringing, including physical and sexual abuse and abandonment by her mother; three children; drug addiction; prior criminal record—Aggravating Factors: Nature and quantity of the drugs involved; sophistication of the operation; the offenders’ apparent role as operating minds; their child was living in the residence with dangerous access to the drugs—Mitigating Factors: Remorse; difficult upbringings; struggles with addiction—Sentence: The court initially imposed 12 years for possession of fentanyl and para-fluorofentanyl for the purpose of trafficking, 8 years concurrent for benzimidazole, 8 years concurrent for methamphetamine, 3 years concurrent for cocaine, and 4 years concurrent for hydromorphone. This was reduced by 5 months for a *Feeney Charter* breach and by a further 1,250 days of *Summers* credit, yielding a global sentence of 8 years, 1 month, and 29 days. The court also imposed a s. 109 order

for 10 years, a DNA order, and a forfeiture order: *R. v. Jacob & Moore*,  
2025 NBKB 83.