

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Judge Luther

REGINA

v.

JESSE ALAN RITCHIE

Appearances:
Eric Marcoux
Mark Jette

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCE

[1] LUTHER J. (Oral): The other day, I had occasion to sentence, amongst others, a Mr. Prowal (*R. v. Prowal*, 2016 YKTC 8). In that case, I commented on the significance of joint submissions and what a judge's responsibility is in considering a joint submission. Before exploring that further, the Agreed Statement of Facts as read into Court by Mr. Marcoux is hereby set out:

1. In April, 2013, Whitehorse RCMP were receiving and assessing information from a long time police informant, D.S., with respect to drug trafficking in the Whitehorse, Yukon area.
2. In May, 2013, D.S. indicated he was interested in becoming a Police Agent, and the internal RCMP process was started to assess his ability and suitability to do so. D.S. indicated that he and JESSE RITCHIE (hereinafter referred to as the accused) controlled one group of cocaine traffickers in Whitehorse while other individuals controlled

- another group. D.S. said that Asif ASLAM supplied both groups from a drug supply mostly in the lower mainland of BC.
3. Arrangements for supply and shipping of drugs was mostly done through coded language on cell phone calls and text messaging and in person meetings both in the lower mainland and Whitehorse.
 4. While as a Police informant, D.S. received many text messages from the accused about trafficking both marihuana and cocaine in the Whitehorse area.
 5. On August 7th, 2013, D.S. was directed by the accused through text messages to traffic in marihuana. The accused told D.S. that he had arranged for 40 pounds of marihuana to be delivered to Whitehorse and D.S. was to take delivery of those 40 pounds. The accused asked D.S. if he could sell 40 pounds of marihuana at \$2200.00 per pound for the accused and his supplier. D.S. then asked the accused how long he had to pay him for the supply. D.S. texted the accused that he could pay him in 21 days and told the accused to store the marihuana at D.S.'s place in Whitehorse and he would pay the accused by August 30th, 2013.
 6. On August 29, 2013, D.S. signed a letter of agreement with RCMP and became a Police Agent.
 7. On August 30th, 2013, through a series of communications, the accused directed D.S. to attend [redacted] in Whitehorse, YT, to collect a kilogram of cocaine that was waiting for him. While at the residence, D.S. was directed to the location of the cocaine by K.G. D.S. turned the cocaine over to RCMP and it was weighed at 1kilogram and analyzed by Health Canada to be 60% cocaine.
 8. On September 5th, 2013, the accused instructed D.S. via text message to obtain more marihuana this time from Richie's cabin and to traffic that marihuana as well. That same day D.S. took possession of 7.18 pounds of the forty pound shipment from the accused's cabin and turned the marihuana over to the RCMP.
 9. On September 6th 2013, RCMP obtained a one party consent authorization to intercept communications between D.S. and the accused and others involved in the project. Police were now able to intercept the conversations between the accused in relation to drug trafficking and delivery and payment of the drugs.
 10. On September 15th, 2013, the accused had a text conversation with D.S. in which he talked about the delivery of the next shipment of

- cocaine and marihuana and also discussed outstanding debts and transfer of money for the drugs.
11. On September 18th, 2013, the accused again had a text conversation with D.S. about the coming "load". They agreed that at this time D.S. would pay him \$5000 and he should leave it at the accused's cabin.
 12. On September 19th, 2013, D.S. was advised by text that the drugs had arrived and D.S. picked up 44 pounds of marihuana and 1 kilogram of cocaine at the accused's cabin in the Ibex area. D.S. agreed to leave the accused \$5,000 plus \$30,000 to take the entire load himself as the accused had wanted him to divide the drugs up with other drug traffickers. In the end they agreed that D.S. would pay \$73,000.00 for the cocaine and \$96,800.00 (\$2200.00 per pound) for the marihuana for a total bill of \$169,800.00. D.S. left him \$35,000 in a dog food bag in the accused's cabin and agreed he would now owe him \$139,800.
 13. On September 26, 2013, D.S. met the accused in the Lower mainland and they discussed the money owed to the accused. D.S. told him that \$80,000 was buried and the accused could pick it up when he next came to Whitehorse.
 14. On October 4th, 2013, the accused was observed by police to be in Whitehorse. The accused contacted D.S. for directions to the buried money and the accused was observed and photographed as he retrieved the money from a wooded area off Grey Mountain road in Whitehorse.
 15. On October 9th, 2013, discussions took place between the accused and D.S. about the next shipment of cocaine. The accused told D.S. that another kilogram of cocaine would be delivered to D.S. at the accused's cabin by another individual. Later that night, this individual was observed to give D.S. a black case at the accused's cabin. This case was turned over to the RCMP by D.S. and was found to contain a vacuum sealed kilogram of cocaine.
 16. Between October 31st and November 1st, 2013 through a series of intercepted text messages and conversations, the accused advised D.S. he owed him \$107,800 for the cocaine and marihuana previously provided to him.
 17. On November 3rd, 2013, through a series of intercepted text messages and conversations, the accused instructed D.S. to meet with another individual to pay \$50,000 of the money he owed the accused for the cocaine. This meeting was caught on surveillance and D.S. handed

- money over that was provided to him by the RCMP to pay the accused some of his debts.
18. On November 17th, 2013, the accused was arrested on 2nd avenue, Whitehorse, after departing the SKYY hotel in a rental vehicle.
 19. Search warrants were obtained for his cabin and other known places associated to him that being Room 223, Skyy Hotel and [redacted], residence of M.D.
 20. Located at the cabin of evidentiary value were food saver bags, a vacuum sealer, empty dog food bag, 3 cell phones, a receipt for the purchased of 5 new cell phones, a quantity of marihuana and a bullet proof vest and jacket.
 21. Located at [redacted] was approximately \$18,000 Canadian currency all in 20 dollar bills.
 23. Approximate value of 1 kilogram of cocaine - \$74,000-77,000
wholesale 35 ounces in 1 kilogram - \$2200-\$2500 per ounce
Eight-ball – 3.5 grams - \$200-\$300 street value
1 gram – \$100.00 street value ...

[2] In this particular instance, we have two experienced counsel who have approached the Court with a view to having a sentence imposed at five years, seven months, less seven months' credit for time served. The Court feels that this is a fair and appropriate sentence, considering the principles of sentencing as set out both in the area of s. 718 of the *Criminal Code* and also s. 10 of the *Controlled Drugs and Substances Act*, S.C. 1996, c.19. I believe it meets the concerns of deterrence and denunciation, which are foremost in drug trafficking cases, especially at this level. He was one of the higher-ups in this particular drug organization. He was involved with the trafficking of very significant amounts of both cocaine and marijuana, in total over \$400,000. And when you take a look at the previous cases, including the one with which, of course, I am most familiar, the case of *R. v. Lee*, 2007 YKTC 70, the sentence

proposed here certainly is in the proper range and the Court has no difficulty at all with the sentence proposed by both the Crown and the defence.

[3] The Court is very much impressed by not just the quantity but also the quality of the letters of support that have been given to the Court. Mr. Ritchie made the biggest mistake of his life and for a man who has such an outgoing personality, a personality that is inclined to help people, and who has so many abilities, in terms of sports and so on, this is such a mistake that it is really hard to fathom as to why he would get involved in this. I suspect, like for most drug traffickers, it is driven by a sense of personal greed. I am not sure how his legitimate business did from back in 2005, but obviously he felt the need to enrich himself through unlawful gain.

[4] Like I said the other day when I was dealing with *R. v. Prowal* and the others, trafficking in drugs is not a victimless crime. I went over that in some detail the other day as to how families and individuals are often destroyed because of drug trafficking.

[5] What I would note is that with all the letters of support that we have, especially from parents, they would take a far dimmer view of Mr. Ritchie if it were one of their children that was taking drugs that were, in fact, supplied by Mr. Ritchie; but having said that, the tone of the letters is very positive, more positive than I have seen in a long, long time.

[6] It is impressive here that Mr. Ritchie has been on bail for a considerable period of time, he has not violated his bail in any way, and I think it is fair to say that he has already started on the road of rehabilitation. His plan for when he is released from the

federal penitentiary is a realistic one. In particular, the letter from Shawn Trickett shows that he does have a future when he is released.

[7] Mr. Trickett, by the way, has considerable insight into this particular situation. He states:

I do not feel that after this matter is completed, Jesse will commit any further crimes. He has indicated, and believe me, I have asked him several times as I wanted to know where his head was at, that he will not be dealing drugs ever again, and that he will return to work and become a normal taxpaying, law abiding citizen. Upon his release I will offer him whatever assistance that I can to make this happen. He has demonstrated to me that he is worth having on our team, I took a chance helping a friend out when he needed a job if granted bail, and it turned out golden for everyone; Jesse, gave him a means of support, the Courts, his job kept him busy and out of trouble, and Rock Solid Forming, we gained a valuable employee. He has started down the path to changing his life and ways for the better, once he is completed whatever sentence Your Honour imposes on him, we will be here to help him continue to grow and become the man I know he is able to be.

[8] Also from his half-brother, David J. Stewart, last paragraph:

Jesse made some mistakes, and he is incredibly remorseful, and is willing to do whatever it takes to make things right. He knows that to make things right he needs to start by focusing on himself to continue to have the character that I know is in him. I recognize that Jesse broke the law, and he needs to make right by that but I am writing in the hopes that the decision that is made is a fair one.

[9] In terms of the variety of support letters, we have them from New York City; from the former NHL player from Calgary; from the Lower Mainland; and, indeed, here from the Yukon.

[10] Mr. Ritchie's case is a little bit different than some of the cases that I dealt with the other day in the sense that he has already been here since 2005. The arrogance that I described in the sentences the other day for those people from the Lower Mainland does not necessarily apply here because he had been a resident here for some time before he committed those offences. Nonetheless, it was still very opportunistic and selfish of him to engage in this activity without caring for the disastrous results that would be caused.

[11] Nonetheless, I do feel that the sentence proposed by both the Crown and defence is certainly a fair one. It is in the range that I would have considered and I am definitely going to approve of that joint submission.

[12] In addition to the five year, seven months, less seven months credit for time served, there will be a firearms order for 10 years.

[13] There will also be a DNA order.

[14] There will be a victim surcharge of \$200. I am going to make this payable forthwith, in view of the fact that he is doing considerable federal time.

[15] And there will be forfeiture of all items seized.

[16] Mr. Ritchie, it is obvious that you have recognized the worst mistake of your life. You are going to be paying for that. Fortunately for you, in a sense, you are going to be serving the time I would think in a prison in B.C. and probably in the Lower Mainland so all these contacts you have in the community will be able to visit you and you will be able to continue on this road of rehabilitation. The programs in the federal penitentiaries

are quite extensive and you should avail of those — and I am sure you will — and be even better prepared to face the future when you come out. I do believe, for example, your half-brother, Mr. Stewart, when he says that you will not be involved in this again. I do believe him on that.

[17] I want you just to say to the Court now, in the presence of everyone here, I want you to tell me in your own words that you will not be involved in drugs again.

[18] THE ACCUSED: I, for sure, promise this Court, my family, and the victims that I — I personally — that I did, that I will not be doing this again. I understand what I've done and I'm pretty ashamed and embarrassed of what I've done.

[19] THE COURT: Thank you. You may be seated.

LUTHER T.C.J.