

R. v. Stiopu, 2018 NWTSC 7

S-1-CR-2017-000102

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs -

KATRINA STIOPU

Transcript of the Reasons for Sentence by The
Honourable Justice S. H. Smallwood, at Yellowknife, in the
Northwest Territories, on January 3rd, 2018.

APPEARANCES:

Mr. D. Praught: Counsel for the Crown

Mr. J. Bran: Counsel for the Accused

(Charges under s. 465(1)(c) of the Criminal Code)

Official Court Reporters

1 THE COURT: Katrina Stiopu has pleaded
2 guilty to one count of conspiring with eight
3 others to traffic and possess, for the purpose
4 of trafficking, cocaine, fentanyl and
5 marijuana, between February 24th and April
6 4th, 2016 here in Yellowknife, as well as
7 other places in the Northwest Territories and
8 in British Columbia and Alberta.

9 Ms. Stiopu entered her guilty plea on
10 November 6th, 2017, and the matter was
11 adjourned for sentencing to December 18th,
12 2017 with the preparation of a pre-sentence
13 report. Counsel made their submissions on
14 sentence on December 18th and 19th, 2017.

15 The Crown is seeking a sentence of five
16 years incarceration less credit for remand
17 time. Defence sought a sentence of 30 months
18 custody less credit for remand time. Ms.
19 Stiopu has been in custody since April 4th,
20 2016 so she has been in custody for 21 months.

21 The matter was adjourned to today and it
22 is now my task to sentence Ms. Stiopu for this
23 offence.

24 The charges arise from a major
25 investigation conducted by the RCMP into drug
26 trafficking activities in Yellowknife and in
27 the Northwest Territories. The objective of

1 Project Green Manalishi was to disrupt and
2 dismantle networks responsible for high level
3 drug trafficking in the Northwest Territories.

4 As part of the investigation, the RCMP
5 were granted a judicial authorization to
6 monitor the private communications of multiple
7 individuals, including Todd Dube. A number of
8 telephone calls and text messages were
9 intercepted between Mr. Dube and Ms. Stiopu as
10 well as other individuals associated with this
11 drug trafficking network.

12 An Agreed Statement of Facts was filed on
13 the sentencing as well as the audio and
14 transcripts of the intercepted calls and text
15 messages between Ms. Stiopu and Mr. Dube.

16 Between February 24th and April 4th, 2016,
17 Ms. Stiopu conspired with Todd Dube, Brittany
18 Dube, Eddy Radeka, Sam Ovayuak, Byron Bibby,
19 Luqman Hussein, Yohannes Seyoume, and Ajanthan
20 Mahalingam to traffic and possess, for the
21 purpose of trafficking, cocaine, fentanyl, and
22 marijuana in Yellowknife and other places.

23 Ms. Stiopu worked with and under Todd
24 Dube, who was the head of the drug trafficking
25 network. She arranged and coordinated the
26 storage of cocaine, fentanyl, and marijuana on
27 her property in N'dilo and other properties

1 which belonged to her relatives in Dettah and
2 N'dilo. Ms. Stiopu accessed the stored drugs
3 when asked to do so, or arranged and
4 coordinated for others to access the drugs.
5 Ms. Stiopu also helped Todd Dube arrange and
6 coordinate the receipt and transport of drugs,
7 including cocaine and marijuana, into the
8 Northwest Territories. She also, on occasion,
9 worked for Jerrie's Delivery, which was a
10 delivery service used as a front by Mr. Dube
11 to transport and deliver drugs around the city
12 of Yellowknife.

13 In the days leading up to March 18th,
14 2016, Ms. Stiopu, working with Todd Dube,
15 arranged to have her mother and grandmother
16 meet Eddy Radeka near the Alberta/NWT border
17 and exchange money for drugs.

18 On that date, March 18th, 2016, her
19 grandmother and mother met with Mr. Radeka and
20 in exchange for cash, received 5.8 kilos of
21 marijuana, 1.7 kilos of cocaine, 5.5 litres of
22 a syrup containing Benzodiazepine, and 84.5
23 grams of MDMA. Following the exchange, the
24 two women were arrested with the drugs on
25 their way back to Yellowknife.

26 Ms. Stiopu was arrested on April 4th,
27 2016, when the RCMP executed multiple search

1 warrants, including at her residence and other
2 relatives' residences, as well as other
3 residences in Yellowknife. The searches
4 resulted in the seizure of drugs, cash,
5 weapons, and other drug trafficking
6 paraphernalia.

7 A primary objective in the sentencing for
8 trafficking in cocaine, fentanyl, and other
9 drugs is deterrence and denunciation.
10 Denunciation, meaning to denounce unlawful
11 conduct and the harm done to victims or to the
12 community that is caused by the offender's
13 conduct. And deterrence is to deter the
14 specific offender and other persons from
15 committing similar offences. In trafficking
16 cases, the focus is on imposing sentences that
17 will send a message and deter other persons
18 who might be tempted to traffic in illicit
19 substances.

20 The fundamental principle of sentencing is
21 that the sentence must be proportionate to the
22 gravity of the offence and the degree of
23 responsibility of the offender.

24 There have been many cases in this
25 jurisdiction where individuals have been
26 sentenced for trafficking in cocaine. More
27 recently there have been sentences imposed for

1 trafficking in fentanyl. These decisions and
2 appellate decisions from our Court of Appeal,
3 as well as the Alberta Court of Appeal, have
4 established sentencing ranges for these types
5 of sentences. They have established
6 starting-points.

7 A starting-point is not a minimum sentence
8 or a set sentence but it is a guideline where
9 the Court starts with a sentence and adjusts
10 the sentence to reflect the mitigating and
11 aggravating factors of each case, taking into
12 account the circumstances of the offence and
13 of the offender.

14 A starting-point reflects the seriousness
15 of the crime and its prevalence in this
16 jurisdiction and the need to impose deterrent
17 sanctions. It also reflects the moral
18 blameworthiness of those who traffic in
19 illegal drugs on a significant scale.

20 The starting-point sentences for
21 trafficking in cocaine and fentanyl have been
22 reviewed recently in several cases that have
23 arose from Project Green Manalishi, cases like
24 *R. v. Dube*, 2017 NWTSC77, *R. v. Hache*, 2017
25 NWTSC62, and *R. v. Castro*, 2016 NWTSC 8.

26 The starting-point for commercial cocaine
27 trafficking is three years whereas wholesale

1 cocaine trafficking has been established as a
2 four and a half year starting-point. These
3 sentences reflect the seriousness with which
4 courts consider trafficking in cocaine.

5 The devastating effects of cocaine on the
6 people in Yellowknife and in the Northwest
7 Territories are well known and it continues to
8 be a major problem in this community. Those
9 that traffic in cocaine contribute directly to
10 this. They prey on the most vulnerable
11 members of the community for profit. The
12 moral blameworthiness of those who traffic in
13 cocaine is high.

14 The appropriate starting-point for those
15 who traffic in fentanyl at a low level has
16 been determined to be five years. This was
17 considered in R. v. Moore 2015 NWTSC 57,
18 R. v. Dube 2017 NWTSC 77, R. v. Hein 2017
19 NWTSC 21, and in the case of Brittany Dube and
20 Eddy Radeka, unreported April 25th, 2017.

21 The starting-point reflects the
22 dangerousness of fentanyl. In Castro, Moore,
23 Hein, Dube, Dube and Radeka, the Court has
24 talked about the dangerousness of fentanyl.
25 The Agreed Statement of Facts in this case
26 also refers to the dangers associated with
27 fentanyl.

1 Fentanyl is extremely potent. It is 80 to
2 100 times that of morphine and 25 to 50 times
3 that of pharmaceutical-grade heroin. It has
4 recently become popular as an illegal drug and
5 with that has come a high risk of overdose.

6 Statistics from Alberta and British
7 Columbia show the drastic increase in
8 fentanyl-related deaths over the past six
9 years in those jurisdictions. In the
10 Northwest Territories, between 2012 and 2016
11 there was one drug overdose death involving
12 fentanyl per year in this jurisdiction. And
13 there has been, in November 2016, a public
14 health advisory was issued regarding the
15 dangers associated with the illicit use of
16 opioids after a number of near fatal fentanyl
17 overdoses here in Yellowknife.

18 Fentanyl is dangerous and its use creates
19 a high risk of overdose. Those that traffic
20 in fentanyl, with its well publicized risks,
21 bear significant moral blameworthiness.

22 Ms. Stiopu is a Dene person, which
23 requires me to pay particular attention to her
24 circumstances as an Aboriginal person. In
25 that regard, I have the benefit of a
26 pre-sentence report and the submissions of
27 counsel to provide background into Ms.

1 Stiopu's circumstances.

2 She is 27 years old and was raised in the
3 communities of N'dilo and Dettah. Her
4 childhood appears to have been a good one.
5 Her parents did not drink or use drugs. There
6 was no violence within the home and the family
7 engaged in positive activities when they were
8 together.

9 Ms. Stiopu did have personal challenges,
10 suffering abuse, and her parents separated
11 when she was a child. She began to use
12 alcohol and drugs and entered into an
13 inappropriate relationship with a much older
14 man when she was a teenager.

15 Despite the challenges that Ms. Stiopu has
16 faced, she has steadily employed and has been
17 provided for her family. She has a daughter
18 that she has been raising and it is clear from
19 her words to the Court in December that her
20 daughter is an important part of her life.

21 In mitigation, Ms. Stiopu has entered a
22 guilty plea which demonstrates that she has
23 taken responsibility for her actions. And it
24 is apparent that had this matter proceeded to
25 trial, a significant amount of time would have
26 been required so by pleading guilty to this
27 offence, Ms. Stiopu has saved a significant

1 amount of time and resources from being
2 expended.

3 She does not have a prior criminal record
4 so she comes before the Court a 27-year-old
5 without a criminal history. This is her first
6 offence.

7 In terms of aggravation, it is statutorily
8 aggravating pursuant to section 718.2(a)(iv)
9 that the offence was committed for the benefit
10 of, at the direction of, or in association
11 with a criminal organization.

12 A criminal organization is defined as a
13 group however organized that is composed of
14 three or more persons in or outside of Canada
15 and has, as one of its main purpose or
16 activities, the facilitation or commission of
17 one or more serious offences that, if
18 committed, would likely result in the receipt
19 of a material benefit, including a financial
20 benefit, by the group or by any of the persons
21 in the group.

22 In this case, Ms. Stiopu's activities
23 occurred in association with Mr. Dube's
24 criminal organization. Ms. Stiopu was a
25 significant person in the organization,
26 involved in the storage and distribution of
27 drugs for the network. The organization was

1 actively involved, over a several week period
2 of the investigation, in the distribution and
3 sale of cocaine, fentanyl, and other drugs.

4 Ms. Stiopu has accepted responsibility and
5 pled guilty but it is also apparent that she
6 does not appear to understand or minimizes the
7 extent of her involvement in this offence.

8 Her comments in the pre-sentence report and
9 before the Court cause me some concern that
10 she has not fully accepted responsibility for
11 her actions or her role in the organization
12 and that in looking back on her actions, she
13 now believes that she was the victim, that she
14 was preyed upon and manipulated by others.

15 While she no doubt regrets being caught,
16 this view of herself as the victim of this
17 offence is not borne out by a review of the
18 Agreed Statement of Facts or the audio or
19 transcripts of the intercepted communications.
20 They do not give the appearance of a woman who
21 is in over her head or who is reluctant or
22 feels that she has no choice but to
23 participate in this criminal organization.

24 Ms. Stiopu made a choice in becoming involved
25 and staying involved in Mr. Dube's criminal
26 activities and now has to bear the
27 consequences of that choice.

1 The crime of drug trafficking includes a
2 number of people - the head, street-level
3 dealers, mid-level suppliers, couriers, those
4 involved in storage and distribution, and
5 others who are involved in the organization in
6 some way.

7 It has been said before that people
8 involved in drug trafficking are always
9 somewhere in the chain of distribution. The
10 higher up the person is in the chain, the more
11 blameworthy they are and the more the
12 significant the sentence becomes.

13 In determining a fit sentence for
14 Ms. Stiopu, it is also important to consider
15 parity and what sentences were imposed on
16 others involved in the conspiracy and the
17 criminal organization. I have heard about
18 several of the people who have already been
19 sentenced for their involvement.

20 Todd Dube was the head of the drug
21 trafficking network and oversaw all aspects of
22 the operation. He was in charge and several
23 persons worked under his direction. He pled
24 guilty to three counts: conspiring with
25 Ms. Stiopu and others to traffic and possess
26 cocaine, fentanyl, marijuana, Benzodiazepine,
27 and MDMA for the purpose of trafficking;

1 possession of offence-related property; and
2 conspiring with someone to commit an
3 aggravated assault. Mr. Dube received a nine
4 year sentence for conspiring to traffic and
5 possess for the purpose of trafficking and
6 received two years concurrent for possession
7 of offence-related property, and three years
8 concurrent for conspiring to commit an
9 aggravated assault.

10 Brittany Dube, who was Todd Dube's sister,
11 worked with and under the direction of her
12 brother. She assisted him in running the
13 organization and was familiar with all aspects
14 of the operation. She managed Jerrie's
15 Delivery Service as well. Ms. Dube pleaded
16 guilty and received a five year sentence which
17 was also a joint submission.

18 Eddy Radeka was a courier who transported
19 drugs for Mr. Dube's network and imported
20 drugs from British Columbia and Alberta to the
21 Northwest Territories. He pleaded guilty and
22 received a five year sentence which was also
23 the subject of a joint submission.

24 Ajanthan Mahalingam operated a dial-a-dope
25 phone for the organization with three others
26 and he sold crack cocaine. He pleaded guilty
27 to trafficking in cocaine and received a

1 sentence of 30 months. His involvement did
2 not include trafficking in fentanyl.

3 Sam Ovayuak was involved in the storage of
4 drugs for the organization at his residence.
5 Two safes were located and he apparently did
6 not know the contents of the safes which
7 contained cocaine and fentanyl. He could not
8 access the contents of the safes. He pleaded
9 guilty and received a sentence of 30 months.

10 Listening to the audio and reviewing the
11 transcripts and the Agreed Statement of Facts,
12 it seems clear that Ms. Stiopu was integral to
13 the storage and distribution of the drugs that
14 went through Mr. Dube's operation. She stored
15 the drugs, was the contact for access to those
16 drugs that she stored. She kept his cash when
17 he needed her to. She helped coordinate the
18 transport of a significant amount of drugs
19 into the Northwest Territories. She recruited
20 relatives to assist with this transportation
21 and her role went beyond just providing a
22 place to store the drugs for Mr. Dube.

23 Ms. Stiopu has been in custody since April
24 4th, 2016, which is 21 months to today's date.
25 I have not heard any reason why she should not
26 receive enhanced credit of one and a half days
27 credit for every day spent in pre-sentence

1 custody. At one and a half to one, that
2 equates to 31 and a half months of
3 pre-sentence custody which will be deducted
4 from her sentence.

5 The Crown is seeking some ancillary orders
6 which I will deal with first.

7 First, there will be a firearms
8 prohibition order pursuant to section 109 of
9 the Criminal Code. It is mandatory and
10 Ms. Stiopu will be prohibited from possessing
11 firearms beginning today and ending ten years
12 following her release from imprisonment.

13 Second, the Crown has sought a DNA order.
14 This is a secondary designated offence where
15 it is within the Court's discretion to grant
16 the order. In the circumstances, I am
17 satisfied that it is appropriate even though
18 Ms. Stiopu has no criminal record. The
19 circumstances of the offence are such that
20 forensic evidence, including the collection of
21 DNA, can be important in solving these types
22 of crimes.

23 I have considered what is an appropriate
24 sentence, taking into account the applicable
25 sentencing principles, Ms. Stiopu's personal
26 circumstances, and the circumstances of the
27 offence.

1 Please stand, Ms. Stiopu.

2 For the offence of conspiracy to traffic
3 and possess cocaine, fentanyl and marijuana
4 for the purpose of trafficking, I sentence you
5 to four and a half years imprisonment. You
6 will receive credit of 31 and a half months
7 for your pre-sentence custody, leaving a
8 sentence of 22 and a half months to be served.

9 You may sit down.

10 Counsel, is there anything else that we
11 need to address?

12 MS. LEWIS: A victim of crime surcharge,
13 Your Honour.

14 THE COURT: Yes, there will be the
15 victim of crime surcharge according to the
16 regulations.

17 Mr. Bran, is there anything else?

18 MR. BRAN: No, thank you.

19 THE COURT: All right thank you,
20 counsel, and we will adjourn.

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Court Reporter

