

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

BONITA BOHNET

Transcript of the Reasons for Judgment delivered by The Honourable Justice K.M. Shaner, sitting in Yellowknife, in the Northwest Territories, on the 6th day of April, 2018.

APPEARANCES:

Mr. D. Praught: Counsel for the Crown
Mr. P. Harte: Counsel for the Accused

(Charges under s. 465(1)(c) of the *Criminal Code* and S. 5(2) of the *Controlled Drugs and Substances Act*)

1 THE COURT: Last week Ms. Bohnet pled
2 guilty to two offences; namely, conspiracy to
3 traffic and possess for the purpose of
4 trafficking in cocaine, and the possession of
5 fentanyl for the purpose of trafficking.

6 The circumstance of both of these offences
7 were set out in an agreed statement of facts,
8 which was entered as Exhibit S-1. I am not going
9 to repeat those verbatim as they are on the
10 record and they are available as part of the
11 court record if anyone needs to consult them.
12 The evidence also included intercepted audio and
13 text communications, which were played during the
14 sentencing hearing and which were contained
15 collectively in Exhibit S-2.

16 Basically, Ms. Bohnet was involved in a drug
17 trafficking organization. And from the audio and
18 text interceptions, it is clear that she was not
19 a street-level dealer who lived hand to mouth and
20 sold drugs primarily to support an addiction.
21 She was a middle to higher-tier actor in the
22 organization and she was one of the primary
23 operators of several dial-a-dope phones here in
24 Yellowknife.

25 She herself controlled a number of phones
26 which were used to arrange the sale of
27 significant amounts of cocaine, eight to nine

1 ounces a day. The dial-a-dope operation ran
2 24 hours a day, every day and Ms. Bohnet supplied
3 drugs to street-level dealers for sale.
4 Sometimes she operated the phone herself.

5 When Ms. Bohnet was arrested, she was
6 sitting in a truck with another individual
7 outside the home of Norman Hache. Mr. Hache was
8 the head of the organization. The search of the
9 truck in which Ms. Bohnet was seated, among other
10 things, yielded approximately 24 grams of hard
11 and soft cocaine, divided up into 36 baggies. A
12 subsequent search of Ms. Bohnet's own residence
13 yielded 12.9 grams of cocaine, 27.7 grams of
14 psilocybin, 36 fentanyl pills, .3 grams of
15 marijuana, cash and four cellphones.

16 Information about Ms. Bohnet's background
17 was provided through her counsel and a
18 presentence report, as well as in a statement
19 that she gave herself.

20 Ms. Bohnet is 39 years old. She is Métis.
21 When interviewed for the presentence report, she
22 recounted a sad upbringing in which she felt
23 unloved and unsupported by her parents. She said
24 her parents always treated her brothers
25 differently and better than they treated her.

26 She attributes this, at least in part, to
27 her father being in residential school. She

1 believes that he may have been hurt by the nuns
2 at the school and so harbours resentment towards
3 females. I am not sure what to make of that, but
4 it is clear that the relationship Ms. Bohnet has
5 with her father is a distant and strained one and
6 that is something that has been confirmed by
7 others who were interviewed for the presentence
8 report.

9 Ms. Bohnet also told the author of the
10 presentence report that she first tried alcohol
11 when she was 8. She used cannabis for the first
12 time when she was 15 and by the time she was 18,
13 she had experienced an array of drugs including
14 cocaine and fentanyl. Prior to her arrest, she
15 was highly addicted to cocaine and she used
16 fentanyl on a daily basis.

17 To her credit, Ms. Bohnet has used the time
18 since her arrest very wisely. This was
19 detailed in the statement that she made on her
20 own behalf during the sentencing hearing. She
21 sought help through a physician and she has been
22 diagnosed with ADHD, cocaine use disorder and
23 anxiety disorder.

24 She was referred to and attended a
25 residential treatment program in Alberta. Among
26 other things, this has helped her to gain insight
27 into the root causes of her addiction, which

1 include ADHD and her anxiety. She appears to
2 have gained some coping skills to help her manage
3 these things without using illegal drugs. And
4 since finishing the treatment program, Ms. Bohnet
5 has continued to practice yoga as a coping
6 mechanism and she has continued with counselling
7 through The Tree of Peace Friendship Centre here
8 in Yellowknife. She also attends Alcoholics
9 Anonymous meetings.

10 Although she is not close to her parents,
11 Ms. Bohnet has established a network of support
12 and friendship, which includes one of her
13 brothers, several friends, her physician and her
14 yoga instructor. They provided letters to the
15 Court which detailed, among other things, the
16 progress they have seen Ms. Bohnet make since her
17 arrest.

18 Ms. Bohnet was working two jobs at the time
19 of her arrest. She was dismissed from one of
20 those jobs as a result of these charges, but she
21 obtained other employment, which she has held
22 since the arrest. Two of her employers wrote
23 letters to the Court in which they indicated that
24 Ms. Bohnet is a reliable worker and a very hard
25 worker.

26 Ms. Bohnet has a criminal record, which
27 dates back to 1996 when she sustained convictions

1 as a youth for uttering a forged document, theft
2 over \$5,000 and taking a motor vehicle without
3 consent. In 1998 she was convicted of possession
4 of property obtained by crime. There is then a
5 significant gap in the record until 2007, which
6 is when she was convicted of possession of a
7 Schedule 1 substance under Section 5 of the CDSA.
8 She received a \$600 fine for that offence.

9 Subsequently in 2010, Ms. Bohnet was
10 convicted of trafficking a Schedule 1 substance
11 and she received a 9-month conditional sentence
12 followed by 12 months of probation. Finally in
13 2012, Ms. Bohnet was convicted of possession of a
14 Schedule 1 substance. She received a \$1,500 fine
15 and 19 days in jail. She was also convicted of
16 failing to comply with the probation order.

17 In her own submissions, Ms. Bohnet
18 apologized for her conduct. She stated she was
19 deep in addiction, and she had an inability to
20 recognize the consequences of what she had done.

21 It was troubling at first to read in the
22 presentence report that she told the author she
23 only got involved to help a friend and that she
24 was not as bad as the police made her out to be.
25 That suggested that she either did not understand
26 the gravity of her actions or that she did not
27 take responsibility for them or both.

1 But, when she appeared in Court here last
2 week for this hearing, she stated, among other
3 things, that she knows she has to make amends for
4 the harm she has caused through her conduct and
5 she also knows she is facing a significant
6 penalty. I conclude from that that she has
7 gained further insight into her actions since she
8 was interviewed for the presentence report and I
9 am also satisfied that she has taken
10 responsibility for her actions.

11 The primary sentencing objectives for
12 trafficking in cocaine and fentanyl, as well as
13 conspiracy to traffic, are deterrence and
14 denunciation. The deterrence is both specific
15 and general; that is, the sentence must be
16 designed to deter the offender from repeating the
17 behavior and it must deter others who might be
18 tempted to traffic in drugs. This does not, of
19 course, mean that other objectives, such as
20 rehabilitation, are unimportant. They are simply
21 not at the forefront.

22 Much has been said by this Court about the
23 scourge of drugs in our community and frankly,
24 there is very little more that I can add to it.
25 Drugs like cocaine and fentanyl ruin lives. They
26 affect not only those who are addicted to them
27 and use them, but also their children, their

1 siblings, their parents, their partners and their
2 friends, all of whom are left to pick up the
3 pieces. Fentanyl frequently kills people.

4 Those who profit for selling these
5 substances simply must be called out for what
6 they are. They are opportunistic predators who
7 feed off the desperation and misery of others
8 without any regard for the destruction they leave
9 in their wake. They are there to make money off
10 of people's vulnerability and they bear a very
11 high degree of moral responsibility.

12 The gravity of these offences and the
13 seriousness with which the Court treats them are
14 reflected in the starting points that have been
15 articulated by the Alberta Court of Appeal, and
16 which have been accepted by this Court for
17 trafficking in cocaine and fentanyl. The
18 starting point for trafficking fentanyl is
19 five years. For conspiracy, the starting point
20 is three years. Those starting points are, of
21 course, not minimum sentences. They are starting
22 points, which can be adjusted up or down in
23 accordance with the aggravating and mitigating
24 circumstances of the offence and circumstances of
25 the offender.

26 In this case, the Crown and Defence came to
27 the Court not too far apart in their opinions on

1 what an appropriate sentence would be for each of
2 these offences. The Crown proposed that it is
3 appropriate for Ms. Bohnet to be sentenced to the
4 starting points on each; that is, three years for
5 the conspiracy and five years for the fentanyl
6 trafficking, to be served concurrently. Defence
7 counsel proposed that Ms. Bohnet be sentenced to
8 four years for each, served concurrently.

9 There are both mitigating and aggravating
10 circumstances in this case. It is aggravating
11 that Ms. Bohnet was trafficking highly addictive
12 drugs. That she was doing so as part of a
13 criminal organization is, under the *Criminal*
14 *Code*, aggravating. She has a criminal record,
15 which contains relatively recent convictions for
16 drug offences, and that is aggravating.

17 At the same time, there are mitigating
18 circumstances. It is significant that Ms. Bohnet
19 pled guilty. Like any other person in our
20 society, she had the right to a trial and she
21 gave that up. Doing that means that she did not
22 put the state to an expense of a lengthy trial.
23 She did not put people to the inconvenience of
24 travelling to Yellowknife to give evidence. Her
25 guilty plea also signifies that she has accepted
26 responsibility for her actions.

27 Both the Crown and Defence suggested that

1 Ms. Bohnet's efforts at rehabilitation are
2 mitigating and I wholeheartedly agree.
3 Ms. Bohnet has taken concrete steps towards
4 getting a handle on her addiction and
5 understanding what fuels it. She has adopted
6 some healthy lifestyle practices and in Defence
7 counsel's words, "Ms. Bohnet now gets it." In my
8 view, her actions demonstrate a commitment to
9 change, and that is worth something.

10 I have considered Ms. Bohnet's indigenous
11 heritage and if anything, it is a neutral factor.
12 Although her father attended residential school,
13 I am unable to draw a link between Ms. Bohnet's
14 involvement with the justice system and the
15 legacy of residential schools and other
16 colonialist constructs. She has, since her
17 arrest, been diagnosed with ADHD and anxiety.
18 She is recovering from addiction and has had a
19 strained and unpleasant relationship with her
20 father.

21 That said, there is nothing that could
22 reasonably support the conclusion that she was
23 "driven" by desperation to become a drug dealer
24 because of systemic factors in her background.
25 She was not motivated by addiction necessarily.
26 Indeed, she stated to the author of the
27 presentence report that she got involved

1 initially to help out a friend and by the
2 evidence, it is clear that she continued to
3 traffic drugs for money.

4 In my view, Ms. Bohnet's indigenous
5 background was not a factor that made her more
6 prone to involvement in the justice system. It
7 was not something that interfered with her
8 ability to make better life choices.
9 Unfortunately she chose to traffic cocaine and
10 fentanyl and those are serious offences.

11 Taking both the mitigating and aggravating
12 factors into account, it is my conclusion that
13 the starting point for both offences need not be
14 adjusted up or down and accordingly, these are
15 what will be imposed.

16 Ms. Bohnet, can you please stand up.
17 Ms. Bohnet, for the crime of conspiracy to
18 traffic cocaine, I sentence you to three years
19 incarceration. For the crime of trafficking
20 fentanyl, I sentence you to five years
21 incarceration. These are to be served
22 concurrently. Do you understand?

23 THE ACCUSED: Yes.

24 THE COURT: Okay. You can sit down. From
25 the five years to which I have sentenced
26 Ms. Bohnet, she will be credited with 13 days
27 representing the time spent in remand prior to

1 sentence at the rate of 1.5 days credit for each
2 day spent in remand.

3 There will also be a number of ancillary
4 orders. There will be a Section 109 firearms
5 prohibition, which will be in effect for ten
6 years. Since this is a secondary designated
7 offence, there will be an order requiring
8 Ms. Bohnet to submit to having bodily fluids
9 taken for the purpose of DNA analysis.

10 And, finally, Ms. Bohnet, I have been
11 speaking about you in the third person. That is
12 something that we do when we are giving reasons.
13 It is just a practice, but I do not want to imply
14 that I was not thinking about you as a person
15 while I was coming to my decision. I recognize
16 that you have had a difficult life. You have had
17 cancer, you have been in an abusive relationship,
18 and your relationship with your parents has been
19 difficult. You have felt unloved and
20 unsupported. You also got mixed up in a serious
21 criminal organization.

22 Yet you have taken steps to change your life
23 and to change your habits. You have gained
24 insight, and you seem to be making peace with who
25 you are and with your past. You have accepted
26 responsibility for your actions. And although
27 you are not someone we would classify as a

1 youthful offender, you are still very young. So
2 I hope that you will be able to use what you have
3 learned and what you now know to look forward and
4 move ahead positively and to live a life that is
5 free of addiction and crime.

6 I admire the steps you have taken to date.
7 It is very brave, and it is very difficult. And
8 I do wish you the best on your journey.

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10

11 **CERTIFICATE OF TRANSCRIPT**

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13 I, the undersigned, hereby certify that the
14 foregoing pages are a complete and accurate
15 transcript of the proceedings taken down by me in
16 shorthand and transcribed from my shorthand notes
17 to the best of my skill and ability.

18 Dated at the City of Edmonton, Province of
19 Alberta, this 20th day of April, 2018.

20

21 *Certified Pursuant to Rule 723*
22 *of the Rules of Court*

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25



26 Kaylene Davidsen, CSR(A)

27

Court Reporter