



Case in Brief: **R. v. Parranto**

Judgment of November 12, 2021 | On appeal from the Court of Appeal of Alberta
Neutral citation: 2021 SCC 46

The Supreme Court upholds sentences for two men convicted of wholesale drug trafficking in Alberta.

Two convicted drug dealers appealed to the Supreme Court of Canada after the Alberta Court of Appeal increased their prison sentences. Patrick Douglas Felix and Cameron O'Lynn Parranto pleaded guilty to several offences, including the trafficking of wholesale fentanyl. Wholesale trafficking means selling drugs in large quantities for others to then resell them. Mr. Felix worked in Fort McMurray and his offences dated from 2015, whereas Mr. Parranto worked in Edmonton and his offences dated from 2016. At trial Mr. Felix was sentenced to seven years in prison and Mr. Parranto was sentenced to 11 years. Unsatisfied with those sentences, the Crown appealed to Alberta's Court of Appeal, which heard the two cases together.

In its ruling, the Court of Appeal set a "starting point" sentence of nine years for wholesale fentanyl trafficking and increased Mr. Felix's sentence to 10 years and Mr. Parranto's to 14 years. A starting point gives the courts a place to start when deciding an appropriate sentence. Both men then appealed their longer sentences to the Supreme Court of Canada.

The Supreme Court has dismissed the appeals. A majority of the judges found the sentences at trial were "demonstrably unfit", meaning the sentences were clearly unreasonable, and that the Court of Appeal's ruling was appropriate.

Appeal courts may set "starting points" to help lower courts decide on appropriate sentences.

The Supreme Court has confirmed that appeal courts may set starting points to help lower courts decide appropriate sentences. The majority explained that sentencing is, "one of the most delicate stages of the criminal justice process". It remains a discretionary exercise that requires judges to consider and balance many factors. The goal in every case is a fair, fit and principled sentence. Proportionality is the most important principle in reaching this goal. Parity and individualization are secondary principles. The majority wrote, "the question is always whether the sentence reflects the gravity of the offence, the offender's degree of responsibility and the unique circumstances of each case." Trial courts are best positioned to craft a fit sentence for the offenders before them.

The majority noted that appellate courts play two roles. They consider the fitness of a sentence and promote stability in the development of the law, while providing guidance to lower courts to ensure trial judges apply the law consistently. Courts of appeal are well positioned to provide such guidance, the judges wrote, because of their appreciation of overall sentencing practices, patterns and problems in their jurisdiction.

Even so, the majority said appeal courts must give a high level of deference to trial court sentencing decisions. Deviating from a sentencing range or starting point alone does not justify the intervention of appeal courts. It is only when a sentence is demonstrably unfit or the sentencing judge made a mistake that an appeal court may vary the sentence.

Breakdown of the decision: *Reasons by:* Justices [Brown](#) and [Martin](#) dismissed the appeals, holding that the sentences at trial were "demonstrably unfit" and that the Court of Appeal's intervention was appropriate (Chief Justice [Wagner](#) and Justice [Kasirer](#) agreed). | Justice [Moldaver](#) dismissed the appeals, agreeing with Justices Brown and Martin that the sentences at trial were "demonstrably unfit", but he said that even longer sentences should have been imposed by the Court of Appeal. As to the role of starting points in sentencing, he agreed with Justice Rowe (Justice [Côté](#) agreed). | Justice [Rowe](#) said the appeals should be dismissed for the same reasons as Justice Moldaver, but noted that starting points are not a permissible form of appellate guidance as they undermine the discretion of sentencing judges. | ***Dissenting:*** Justice [Karakatsanis](#) would have allowed the appeals. While she agreed with Justices Brown and Martin that starting points are a permissible form of appellate sentencing guidance, in this case the sentences were not demonstrably unfit and the Court of Appeal should not have intervened. (Justice [Abella](#) agreed).

More information (case # 39227): [Decision](#) | [Case information](#) | [Webcast of hearing](#)

Lower court rulings: [decision regarding Mr. Felix](#); [decision regarding Mr. Parranto](#) (Court of Queen's Bench of Alberta) | [decision regarding Mr. Felix](#); [decision regarding Mr. Parranto](#) (Court of Appeal of Alberta)
