

# Kelowna woman handed 18-month jail sentence for fentanyl trafficking

## JAIL AFTER 'DOWNWARD SPIRAL'

Nicholas Johansen - Aug 8, 2025 / 4:00 am



Photo: Nicholas Johansen

A Kelowna woman was sentenced for trafficking fentanyl Thursday.

A Kelowna woman who was hoping for house arrest was handed an 18-month jail sentence Thursday for trafficking fentanyl.

Lindsey Smith, 41, previously pleaded guilty to one count of possessing fentanyl for the purpose of trafficking following a traffic stop in April 2021 near Highway 97 and Leathead Road.

During the stop, an officer noticed Smith was sitting on some type of substance, and a further search of her car netted 88.4 grams of fentanyl in six separate packages, along with scales, caffeine used as a cutting agent and a coffee grinder with drug residue in it.

Smith's guilty plea came after a previous *Charter* challenge, in which she failed to convince a judge that police had infringed on her *Charter* rights during her arrest.

While Crown prosecutor Michael Le Dressay said a three-year jail sentence for the fentanyl trafficking was reasonable, defence counsel Nick Acker argued a two-year conditional sentence order, where Smith would spend the first half under house arrest, would be appropriate.

One of the main differences between the two parties' positions was that Le Dressay categorized Smith as a "mid-level" trafficker, while Acker said Smith was selling drugs to "survive."

"There are other items seized here that are highly indicative of someone who is engaged in the process of taking fentanyl from a higher level trafficking and rendering it for street-level consumption; these are the types of things that mid-level traffickers do," Le Dressay told the court during Smith's sentencing hearing Thursday.

### **'Downward spiral'**

Smith was addicted to fentanyl and methamphetamine at the time of her arrest, and she continues to use fentanyl to this day.



Photo: Facebook  
Lindsey Smith

Smith lost her job and custody of her child in 2015 over her use of drugs, which sent her on a "downward spiral," Justice Warren Milman said in his decision. What started as using oxycontin and Dilaudid on the weekends led to daily opioid and methamphetamine use by 2016.

Her home was foreclosed on after she lost her job and she was homeless between 2015 and 2022, living in Kelowna's Tent City encampment. She was eventually able to rent a basement suite using the money from her drug dealing.

Acker noted that Smith was not the directing mind behind the trafficking operation, and was likely taking direction from somebody else.

"I don't know that it's entirely fair to attribute Ms. Smith to a mid-level trafficker, she's obviously having some very difficult circumstances," Acker said. "This is someone who is clearly just doing what she can to survive."

Acker also said Smith was concerned about serving jail time, as she will likely lose the housing that she has secured in recent years.

### **Still using fentanyl**

But Le Dressay highlighted the damage fentanyl has had in British Columbia over the past decade, noting that 74 people died from illicit drug overdoses in Kelowna in 2021.

The prosecutor also expressed concern that Smith continues to use about half a gram of fentanyl per day.

"Ms. Smith presents at court today not having pursued any intake programs, not having pursued counselling, but saying that she will now do so in response to the prospect of a significant jail term, to avoid losing her apartment and to presumably maintain her fentanyl habit," Le Dressay said.

"We have someone before the court who was arrested over four years ago and continues to use fentanyl ... the goal should be to do something to wean yourself from this horrible addiction and there has been absolutely no efforts whatsoever."

He added that the idea of Smith serving house arrest while continuing to use fentanyl would be "awkward."

"I gather some sort of home delivery of fentanyl is going to be put into to place so she can continue servicing her addiction. I'm not really sure what the plan is to tell you the truth," he said.

Acker contended that Smith has been "doing what she can" and feels "extremely remorseful" for the potential damage she caused in the community by selling fentanyl, having lost a number of friends to overdoses.

### **'Considerable sympathy'**

In delivering his decision, Justice Milman said he was not convinced that Smith should be characterized as a mid-level trafficker, as there was no evidence she was supplying other street-level drug dealers.

"This was not a case where the offender engaged in trafficking for profit but rather to feed an addiction and to keep herself off the streets," Justice Milman said.

"She has had some difficult experiences in her life. She's entitled to considerable sympathy for the challenges she's had to face."

But while he noted she's taken "some commendable steps to change the course she had been on," he said she hasn't done enough to avoid jail time. As such, Justice Milman sentenced her to 18 months in jail, followed by a year of probation.

Smith previously [served some jail time](#) back in 2020 for a December 2019 incident in which she and another man were confronted by a group of teens after they were caught stealing packages from homes in East Kelowna.

The pair drove the stolen vehicle they were in into the teens' SUV and fled the area, only to be arrested a short time later.

Smith was convicted of breaching her probation conditions three times after her release from custody on those convictions.