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IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

C A N A D A)

NORTHWEST TERRITORIES)

BETWEEN:

HER MAJESTY THE QUEEN

- and -

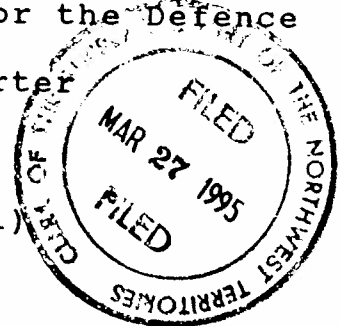
KEVIN FREDERICK BECK

Sentencing given by The Honourable Mr. Justice
J.E. Richard, at Norman Wells, Northwest
Territories, on the 8th day of March A.D. 1995

APPEARANCES:

J.A. MacDonald, Esq.,	Appeared for the Crown
G. Malakoe, Esq.,	Appeared for the Defence
Cheryl Mendryk, Ms.,	Court Reporter

(Charged under Section 380(1)
of the Criminal Code)



1 THE COURT: Kevin Beck has been convicted
2 by a jury of the crime of fraud. The victim of
3 his fraud was his insurance company to the tune of
4 some \$13,000.

5 The maximum penalty under the law for this
6 offence is ten years imprisonment in a federal
7 penitentiary in southern Canada. There is no
8 minimum punishment. Each case of sentencing for
9 the crime of fraud must be dealt with on its own
10 particular circumstances, including the personal
11 antecedents and background of the offender before
12 the Court.

13 Here the offender is Kevin Frederick Beck, 29
14 years of age. My understanding is that he is
15 single with no dependents. He has attained at
16 least a high school education, plus some
17 additional trades training as well. It appears
18 that he has always been fully employed throughout
19 his adult life, and sometimes, as at the present
20 time, he has kept two jobs at the same time.

21 At the time of committing this fraud against
22 his insurance company, he was gainfully employed
23 here in Norman Wells. His criminal record
24 consists of one conviction in 1985 for possession
25 of stolen property. At that time he was assessed
26 a fine of \$1,000 and required to pay restitution
27 in the amount of \$1,000. This offence took place

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1 in the province of British Columbia.

2 During the sentencing hearing, the Court was
3 provided reference letters from his two current
4 employers, which letters indicate that he is both
5 a reliable worker and a valued employee.

6 In February 1993, Mr. Beck and his common-law
7 spouse were living in an apartment building here
8 in Norman Wells. With the consent of their
9 landlord, they stored certain of their belongings
10 in an empty apartment across the hallway from
11 their own apartment on the second floor of the
12 apartment building. Mr. Beck decided to stage a
13 phony break-in into this apartment in order to put
14 a false claim forward to his insurer for damage
15 and loss of personal property.

16 He indeed carried out his plan, causing
17 damage to the apartment door and creating a mess
18 within the apartment. He then had his common-law
19 spouse telephone the RCMP the next day while he
20 was at work in order to report the alleged
21 break-in and the alleged theft of his personal
22 property.

23 The police opened an investigation file with
24 respect to the alleged break and enter. Mr. Beck
25 put a detailed claim in to his insurer and swore
26 to the truth of the loss in a statutory
27 declaration for the insurance company. As a

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1 result, he received insurance proceeds totalling
2 \$13,888.68, and thereby defrauded the insurance
3 company of that amount.

4 The overall purpose or objective of the
5 criminal law process is the protection of the
6 public. The public includes insurance companies
7 and also insured persons who pay premiums to
8 insurance companies. People pay premiums to
9 insurance companies as a protection against actual
10 thefts and actual catastrophes. Those who cheat
11 their insurance company, in fact, cause harm to
12 other ordinary citizens whose premiums increase in
13 order to pay for the insurance company's losses.
14 A crime like this one committed by Kevin Beck is
15 in that sense very much a crime against society.

16 One of the main sentencing principles in
17 fraud cases is deterrence. That principle can be
18 put in blunt terms with three simple words:
19 "crime doesn't pay."

20 Mr. Beck's crime of fraud was planned and
21 premeditated. It is an aggravating circumstance
22 that he involved his then common-law spouse in his
23 dishonest scheme by having her report the phony
24 break-in to the police. The extent of his moral
25 turpitude is enhanced by that circumstance, as he
26 demonstrated that he did not even have sufficient
27 backbone to do his own dirty work.

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1 I find that there are no mitigating
2 circumstances with respect to this crime that I
3 ought to take into consideration in determining
4 the sentence. The circumstances of this case and
5 the important principle of deterrence require or
6 compel me to impose a significant period of
7 incarceration and also an order requiring Beck to
8 make things right with his insurer. I do not view
9 a short term of imprisonment as being an adequate
10 reflection of the seriousness of this crime.

11 Would you please stand, now, Mr. Beck. Mr.
12 Beck, for the crime that you have committed, the
13 crime of fraud, contrary to Section 380(1) of the
14 Criminal Code, it is the sentence of this Court
15 that you be imprisoned for a period of eight
16 months.

17 In addition, I direct that for a period of
18 two years following the expiration of your
19 sentence of imprisonment, you shall comply with
20 the following terms prescribed in a probation
21 order:

22 Firstly, you shall keep the peace and be of
23 good behavior.

24 Secondly, you shall appear before this Court
25 when required to do so; and thirdly, you will make
26 restitution through the office of the Clerk of the
27 Supreme Court to Commercial Union Assurance

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1 Company of Canada in the amount of \$13,888.68.

2 And finally, I impose a Victim Fine Surcharge
3 in the amount of \$400, time to pay, two months.
4 In default of payment, 30 days imprisonment
5 consecutive or additional to the eight months.
6 You may sit down now, sir.

7 Now, counsel, is there anything further
8 required on the Beck matter?

9 MR. MacDONALD: Not from the Crown, sir.

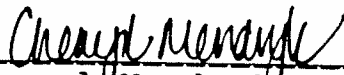
10 MR. MALAKOE: No, My Lord.

11 THE COURT: All right, we'll adjourn
12 court for five minutes.

13 (SENTENCING HEARING CONCLUDED)

14 -----
15 I, Cheryl Mendryk, C.S.R.(A), hereby certify
16 that I attended the above Sentencing and took
17 faithful and accurate shorthand notes and the
18 foregoing is a true and accurate transcript of my
19 shorthand notes to the best of my skill and
20 ability.

21 Dated at the City of Calgary, Province of
22 Alberta, this 12th day of March, A.D. 1995.

25 
26 _____
27 Cheryl Mendryk, Ms.
Court Reporter.

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