

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

GERALD STEPHEN BEAULIEU

Transcript of the Reasons for Sentence of The Honourable
Justice V.A. Schuler, at Yellowknife in the Northwest
Territories, on February 26th A.D., 2007.

APPEARANCES:

Mr. S. Hinkley: Counsel for the Crown

Ms. K. Payne: Counsel for the Accused

Charge under s. 271 (x2) Criminal Code of Canada

Publication ban on the identity of the complainant
pursuant to s. 486 of the Criminal Code

1 THE COURT: Gerald Stephen Beaulieu has
2 been convicted of two sexual assaults, both
3 against the same 13-year-old girl.

4 In the first instance, after going to her
5 home he got on top of her after taking his pants
6 off and telling her to take off hers and from the
7 description she gave, it seems that he simulated
8 intercourse. There was no evidence of
9 penetration.

10 In the second incident, he called the same
11 young girl and a young friend of hers to come to
12 his place for hamburgers and then entered the
13 washroom while she was in there and put his hand
14 down her pants and between her legs, moving his
15 hand up and down. There was no evidence of
16 digital penetration.

17 Mr. Beaulieu continues to deny any
18 responsibility for the offences. He does not get
19 the mitigating benefit of remorse. He is not to
20 be punished any more severely for having stood on
21 his right to a trial. It is troubling that he
22 claims not even to know why he is here and he
23 clearly does not accept either the Court's
24 verdict or what the complainant testified at
25 trial, but I am not going to punish him any more
26 severely for that.

27 Any sexual assault against a child is

1 serious. Although here there was no violence
2 beyond the assaults themselves, there are some
3 aggravating features in this case.

4 The first assault was in the child's own
5 home where she was entitled to feel safe.
6 Although this is not a true breach of trust case,
7 Mr. Beaulieu is the adult, she is the child, and
8 he had a responsibility not to harm her.

9 It is also aggravating that he assaulted her
10 a second time after luring her and her friend to
11 his home with the prospect of food.

12 I do take into account that he has spent
13 approximately 11 months in remand on these
14 charges and I will credit that by a factor of
15 two.

16 Mr. Beaulieu is a 47-year-old man with a
17 difficult background and many problems, including
18 alcohol. He has a record spanning 30 years
19 although very little of it is for crimes of
20 violence. The sentences imposed in recent years
21 were not lengthy ones. However, he has
22 continually come into conflict with the law and
23 has been continually unwilling or unable to
24 comply with probation and other Court orders so
25 that does not bode well for his future. He has
26 not been convicted of any other sexual offence.

27 I am concerned about the reference to his

1 undiagnosed learning disability and undiagnosed
2 possible Fetal Alcohol Spectrum Disorder.
3 However, without assessments by professionals,
4 there is really nothing that I can do to tailor a
5 sentence in a way that might address some of his
6 problems.

7 I do take into account that he is uneducated
8 and unsophisticated, and that was apparent when
9 he testified at the trial. I also take into
10 account that he is aboriginal. None of that,
11 however, detracts from the need to impose a
12 sentence that is significant and that will
13 indicate to others and to Mr. Beaulieu himself
14 that sexual abuse of children will meet with
15 severe consequences.

16 There is no Victim Impact Statement in this
17 case. However, the effects of sexual abuse on
18 children and the long-lasting effects that are
19 generally experienced and that the Court
20 generally hears about are well-known and in this
21 case as well, I also note from what Mr. Beaulieu
22 said to Corporal Sheppard about his own
23 background that Mr. Beaulieu has some
24 appreciation of the effects of sexual abuse on
25 children and would know that what he was doing
26 was going to be harmful to the young victim.

27 I have reviewed the cases that have been

1 submitted.

2 Taking everything into account, including
3 Mr. Beaulieu's particular circumstances and
4 including the offences as they were described in
5 the complainant's evidence, in my view the
6 appropriate sentence in this case would be on
7 Count 1, two years' imprisonment; and on Count 2,
8 one year consecutive. I am going to give credit
9 of 22 months for the remand time so in the end
10 result, the sentence will one of 14 months having
11 taken that into account.

12 I will direct the clerk to endorse the
13 warrant with the Court's recommendation that
14 Mr. Beaulieu serve his time in the Northwest
15 Territories.

16 There will be a DNA order in the usual
17 terms. There will be a firearm prohibition order
18 commencing today and expiring ten years from his
19 release from imprisonment. There will also be an
20 order under the Sex Offender Information
21 Registration Act that Mr. Beaulieu register and
22 that he report for a period of 20 years. In the
23 circumstances, there will be no Victim Fine
24 surcharge.

25 Now, is there anything unclear about what I
26 have said?

27 MR. HINKLEY: No, Your Honour, and I do in

1 fact have a draft DNA order executed by Ms. Payne
2 which I will file with the clerk in due course.

3 THE COURT: I would ask that you provide
4 that to the clerk today then so that it can be
5 filed.

6 MR. HINKLEY: Yes, Your Honour.

7 MS. PAYNE: Thank you, Your Honour.

8 THE COURT: That's fine, then, thank you,
9 counsel.

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13 Certified to be a true and
14 accurate transcript pursuant
15 to Rules 723 and 724 of the
Supreme Court Rules,

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Lois Hewitt, CSR(A), RPR, CRR
Court Reporter

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