

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- vs. -

SHEILA JEWELL

Transcript of the Reasons for Sentence by The Honourable
Justice J.E. Richard, at Yellowknife in the Northwest
Territories, on April 8th A.D., 2009.

APPEARANCES:

Ms. S. Tkatch:	Counsel for the Crown
Mr. P. Cashman, Agent for Mr. M. Hansen:	Counsel for the Accused

Charge under s. 433, s. 145 Criminal Code of Canada

1 THE COURT: The offender before the Court,
2 Sheila Jewell, is a 27-year-old woman of Inuit
3 descent who has committed the serious criminal
4 offence of arson contrary to Section 433 of the
5 Criminal Code. This section of the Criminal Code
6 states that it is an offence, carrying a maximum
7 sentence of life imprisonment, for any person to
8 intentionally or recklessly cause damage to
9 property by fire knowing that the property is
10 inhabited or occupied by one or more persons.

11 In the early morning hours of February 28th,
12 2008, Ms. Jewell was a guest in the home of her
13 ex-common-law husband. She had arrived there
14 unannounced and uninvited in an intoxicated
15 condition. She asked to be allowed in because of
16 the cold weather outside. At first her
17 ex-common-law refused to allow her in but after
18 some argument and discussion, he allowed her in
19 and to go to sleep on the couch in the
20 livingroom. The ex-common-law then returned to
21 the bedroom where he and his girlfriend went to
22 sleep.

23 Sometime later, Ms. Jewell set fire to the
24 couch and left the premises.

25 The two individuals in the bedroom awoke to
26 find that the apartment was on fire. They could
27 not put out or control the fire and left the

1 apartment and set the fire alarm and warned other
2 residents of the apartment building. The fire
3 department was called and all residents of this
4 apartment complex or row housing were evacuated.

5 The city fire department, even with the
6 assistance of firefighters from the airport fire
7 hall, had difficulty controlling the fire and
8 there was substantial damage to the building.
9 The firefighters were on the scene for 12 hours.
10 Eight of the housing units in the complex were
11 completely destroyed. There was damage to the
12 building itself in the amount of \$2.2 million.
13 There was further damage to personal property of
14 the occupants in the estimated total amount of \$1
15 million. Fortunately, fortunately, there was no
16 loss of life as a result of this major fire.

17 Given the circumstances, in particular the
18 extent of the fire and occurring at a time when
19 the occupants of this housing complex were
20 sleeping, it is obvious that the consequences
21 could have been quite tragic.

22 One might be forgiven for expressing
23 difficulty in understanding why Ms. Jewell would
24 commit such a crime. In a bit of understatement,
25 Ms. Jewell says to the Court that there is no
26 excuse for what she did. At another point she
27 says she acted in a drunken rage.

1 The one clue we do have in trying to
2 understand why she did what she did is her prior
3 relationship with her ex-common-law husband.
4 Apparently they lived together for several years
5 and indeed had lived together in this very
6 apartment, Apartment No. 17, at Bison Apartments.
7 Their relationship ended in June 2007 and
8 Ms. Jewell moved out of Apartment No. 17. This
9 was some eight months prior to her setting fire
10 to Apartment 17.

11 One of the submissions made on Ms. Jewell's
12 behalf is to the effect that Ms. Jewell had some
13 bad memories of her time living in Apartment 17
14 and that on the night in question, it was her
15 wish to have Apartment 17 no longer exist, and
16 not because of any grudge against her ex
17 personally, that she did what she did. I find
18 this submission or such a distinction a bit
19 specious. In any event, it is clear that the
20 existence of the prior relationship between the
21 two and/or its termination eight months earlier
22 was at the root of Ms. Jewell's actions in
23 setting the fire.

24 I am told that Ms. Jewell has lived most of
25 her life in either Winnipeg or Yellowknife, that
26 she has a Grade 12 equivalent education, and that
27 she was taking courses at Arctic College at the

1 time of this offence.

2 She apparently left home at age 14 and has
3 been a substance abuser since that time. She
4 began using alcohol at an early age and has been
5 using crack cocaine for a number of years. By
6 her own admission or statement, she was a heavy
7 user of cocaine in the year 2008.

8 Although she says she has only a spotty
9 memory of the incident surrounding the setting of
10 the fire, it is her view that she was in a state
11 of depression and was self-medicating with booze
12 and drugs.

13 Ms. Jewell has a criminal record, including
14 convictions for assault in 2002, 2004, and again
15 in 2006.

16 Ms. Jewell has pleaded guilty to this
17 serious crime and this morning, it is the Court's
18 responsibility to impose an appropriate sentence.

19 The general purpose of the sentencing
20 process is to promote respect for the law and to
21 provide for a safe and peaceful community. In
22 imposing a fit sentence, in each individual case
23 the Court is required by the law to have regard
24 to certain specific principles or specific
25 objectives for that particular case. Among those
26 objectives, which are now prescribed in the
27 Criminal Code, I find that the following ones

1 have particular relevance to this case.

2 1. Denunciation; that is, the sentence must
3 be such as to denounce Ms. Jewell's unlawful
4 conduct.

5 2. General deterrence; that is, the
6 sentence must hopefully act to deter other
7 persons from committing a similar crime in the
8 future.

9 3. Rehabilitation; that is, the form of the
10 sentence must be such as to assist in the
11 rehabilitation of the offender into a law-abiding
12 citizen.

13 4. Proportionality; that is, the sentence
14 must be proportionate to the gravity or the
15 seriousness of the crime and to the degree of
16 responsibility of the offender who committed it.

17 5. Acknowledgment of responsibility. The
18 sentence must be such that it will promote in the
19 offender a sense of responsibility and an
20 acknowledgment of the harm that she has done to
21 the victims and to the community.

22 There are many victims of Ms. Jewell's
23 criminal conduct. It almost goes without saying
24 that there were devastating consequences to the
25 occupants of the building who lost all of their
26 possessions and for those same occupants and
27 their families who realize that there could have

1 been loss of life.

2 One of the victims tendered a Victim Impact
3 Statement with the Court. In that statement that
4 victim eloquently described some of the real
5 trauma, the real anguish, the real property loss,
6 the real ongoing emotional stress suffered by
7 just one of Ms. Jewell's victims.

8 One of the factors that the Court is
9 required to take into consideration in
10 determination of the net sentence to be imposed
11 is any time that the offender has spent in
12 custody as a result of the offence for which he
13 or she is to be sentenced. I confirm that I have
14 done so in this case and for the record I will
15 just reiterate some of the circumstances of
16 Ms. Jewell's periods of incarceration since the
17 date of the arson offence.

18 Ms. Jewell was initially arrested on the
19 arson charge on the day of the offence, February
20 28th, 2008. A week later she was released on
21 bail with conditions. One week after that, she
22 was rearrested, March 13th, 2008, because she had
23 breached her bail conditions. So from March 13th
24 on, it cannot be said that she was in custody
25 only because of the arson charge but also because
26 she had breached the terms of her release on
27 bail. These are circumstances that I take into

1 account when exercising my discretion under
2 Section 719(3) of the Criminal Code regarding
3 time in custody.

4 On October 11th, 2008, she was in custody at
5 the correctional centre in Fort Smith and she
6 escaped custody. She was rearrested in Grande
7 Prairie, Alberta, on October 23rd. She was
8 charged with escaping lawful custody contrary to
9 Section 145 of the Criminal Code. She has
10 pleaded guilty to that charge and will today be
11 sentenced for that offence as well.

12 Ms. Jewell's plea of guilty to the arson
13 charge acts in mitigation of sentence for that
14 serious crime. Although she initially sought to
15 have a jury trial on that charge (a jury trial
16 which was scheduled to take place in June of this
17 year) Crown counsel advises that there were
18 discussions between counsel regarding resolution
19 of this charge over a period of months and Crown
20 counsel also fairly conceded that there may have
21 been some problems with the trial evidence of the
22 main Crown witnesses.

23 It is also to Ms. Jewell's credit that while
24 in remand custody at the Fort Saskatchewan jail
25 these past few months that she has taken
26 advantage of programs and courses made available
27 to her in the fields of anger management, life

1 management skills, etcetera.

2 In this courtroom, she has apologized to the
3 victims and has expressed remorse.

4 On this sentencing hearing, the Crown has
5 requested a DNA order, and this is not opposed by
6 the offender. Therefore an order will issue
7 pursuant to Section 487.051(3).

8 Also, the Crown seeks a stand alone
9 restitution order pursuant to Section 738 of the
10 Criminal Code in favour of the building owners
11 and its insurers in the amount of \$2.2 million.
12 The offender, although she has no current ability
13 to pay any such compensatory amount, does not
14 oppose the issuance of that order. Accordingly
15 that order will issue in that amount, and I will
16 ask Crown counsel to prepare the draft order with
17 the names of the five entities involved and to
18 provide it to defence counsel for his review
19 before it is presented to the Court for
20 signature.

21 Although the total damage to the personal
22 property of the many occupants is estimated at \$1
23 million, there are no exact figures provided to
24 this Court in these criminal proceedings, hence
25 no similar order can issue for those victims.
26 However, those victims have their remedies
27 available to them in civil court.

1 It should be obvious to all, especially to
2 Ms. Jewell, that this was a serious crime that
3 requires a meaningful sentence, to give effect to
4 the principles that I have mentioned. The facts
5 of this case confirm that fire is inherently
6 dangerous and difficult to control. Setting fire
7 to a residence, as did Ms. Jewell, can have
8 unintended consequences and here the Court takes
9 note not only of the value of the property which
10 was damaged or destroyed but also the degree of
11 danger to human life which resulted from this
12 unlawful act.

13 Please stand, Ms. Jewell.

14 Taking into account all of the
15 circumstances, including the time spent in
16 custody, it is the resulting sentence of this
17 Court that you be sentenced as follows:

18 Firstly, on the charge of arson contrary to
19 Section 433 of the Criminal Code, that you be
20 imprisoned for a period of three years.

21 Secondly, on the charge of escaping lawful
22 custody contrary to Section 145 of the Criminal
23 Code, that you be imprisoned for a period of four
24 months consecutive to the sentence on the arson
25 charge.

26 In the circumstances, there will be no
27 victims surcharge imposed.

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You may be seated.

Counsel, anything further on this case?

MS. TKATCH: No, Your Honour, thank you
very much.

MR. CASHMAN: No, Your Honour.

THE COURT: Thank you, we will close
court.

(ORAL REASONS FOR SENTENCE CONCLUDED)

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

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