

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

JIMMY PHILLIP BEAULIEU

Transcript of the Reasons for Sentence delivered by The Honourable Justice J.E. Richard, in Yellowknife, in the Northwest Territories, on the 10th day of February, 2009.

APPEARANCES:

Ms. S. Smallwood: Counsel on behalf of the Crown

Mr. D. Rideout: Counsel on behalf of the Accused

Charges under ss. 434.1 C.C. and 145(5.1) C.C. x 2

1 THE COURT: The offender before the court
2 is Jimmy Beaulieu, a 46-year-old Dene from
3 Dettah. He has pleaded guilty to the crime of
4 arson and two other offences, and it is now the
5 Court's responsibility to impose an appropriate
6 sentence.

7 In July of last year, the offender was
8 charged with another offence, and while awaiting
9 his date in court for that other matter he was
10 released on bail with conditions. Those
11 conditions included no contact with his estranged
12 spouse and their children, to stay away from the
13 family home in Dettah, and no consumption of
14 alcohol.

15 On the evening of August 2nd, the offender
16 was in a bar in Yellowknife drinking and had
17 contact there with his estranged spouse.

18 Early the next morning, the offender showed
19 up at the family home in Dettah and he set fire
20 to the family home. Two of his daughters were
21 sleeping in the home. The offender woke them up
22 and told them to leave before he set the fire.
23 He set the fire in the crawl space area directly
24 beneath the master bedroom and there was
25 extensive damage to the master bedroom and to the
26 crawl space. No injuries were suffered by
27 anyone.

1 The fire department was called from downtown
2 Yellowknife, but by the time they got to Dettah
3 the fire had fortunately burned itself out.

4 Two days later, the offender Jimmy Beaulieu
5 turned himself in to the RCMP detachment in
6 Yellowknife. He has been in custody since that
7 time.

8 The offender, by his own admission, suffers
9 from alcoholism. He had a very difficult
10 childhood and was raised at times in a very
11 dysfunctional household or family environment.
12 He is aware that he has serious emotional issues
13 arising out of his upbringing and he wants to get
14 help. He knows that he needs treatment. He says
15 that on the night he committed this serious
16 offence his drinking allowed his rage, his anger,
17 to get the better of him. He states that he is
18 sorry for the hurt that he has caused to his
19 family and he wants their forgiveness. He takes
20 full responsibility for his actions and does not
21 blame anyone but himself.

22 Mr. Beaulieu's estranged spouse, Stacey
23 Lermo, presented a victim impact statement to the
24 court. She described the impact of Jimmy
25 Beaulieu's crime on her and the children, in
26 particular, fear, worry about their future
27 well-being, sleeplessness, and low self-esteem.

1 She says she and her children are suffering in
2 particular because they now have no home of their
3 own. She has difficulty understanding why some
4 people in the community appear to be resentful
5 towards her, or are blaming her for the fact that
6 Jimmy Beaulieu committed this crime and will be
7 in jail because of it. One would hope that
8 anyone in the community who is of the view that
9 Stacey Lermo is to blame for the predicament that
10 Jimmy Beaulieu finds himself in today will
11 consider carefully the words of Jimmy Beaulieu in
12 court today, words that I take to be sincere,
13 particularly when he says that he takes full
14 responsibility for what he did, that he does not
15 blame anyone but himself for the events that
16 bring him to court today.

17 The offender before the court, as stated, is
18 an aboriginal person 46 years of age. He is
19 estranged from his spouse. They have five
20 children. As a teenager, the offender learned
21 traditional land skills from his extended family.
22 He has a Grade 8 equivalent formal education and
23 additional trades training as a heavy equipment
24 operator. I am told that he has maintained
25 fairly steady employment throughout his adult
26 life, particularly in the mining industry.

27 The offender has a limited criminal record.

1 In particular, he was convicted of assault in
2 1994, he was convicted of spousal assault in
3 2003, and he was convicted of a drinking and
4 driving offence in 2008.

5 The crime of arson committed by Jimmy
6 Beaulieu is the type of arson described in
7 section 434.1 of the Criminal Code, that is, in
8 this case intentionally causing damage by fire to
9 property that is owned wholly or partly by
10 himself and where the fire seriously threatened
11 the property of Stacey Lermo. This crime of
12 arson contrary to section 434.1 of the Criminal
13 Code carries a maximum sentence of 14 years'
14 imprisonment in a federal penitentiary. Each of
15 the other two counts in the Indictment - breach
16 of undertaking - carries a maximum sentence of
17 two years' imprisonment. There are no minimum
18 sentences prescribed for these particular crimes.
19 Thus, the Court has a wide discretion to impose a
20 fit and proper sentence in each case after
21 considering the offender's individual or personal
22 circumstances, the particular circumstances of
23 the crime committed by him, and the principles of
24 sentencing.

25 It is to Jimmy Beaulieu's credit that in
26 this difficult time for him he has the support of
27 his sister and of many friends and acquaintances,

1 some of whom have written letters of support for
2 him and many of whom have attended court today to
3 lend moral support.

4 It is also to his credit that he has
5 expended a great deal of time and energy these
6 past five or six months in self-examination, in
7 introspection, in attempting to come to grips
8 with his alcoholism and his various emotional
9 issues, such as anger, jealousy, and resentment.
10 This indicates to the Court that he is already
11 taking positive steps towards his rehabilitation.

12 The crime of arson is a serious offence. It
13 is an aggravating feature of the crime of arson
14 committed by this offender that it occurred while
15 he was bound by a legal undertaking (a) to
16 abstain from consuming alcohol and (b) to stay
17 away from the family residence in Dettah.

18 In the determination of sentence, there are
19 circumstances that operate to mitigate the
20 sentence that would otherwise be imposed on this
21 offender. There is the plea of guilty which I
22 accept as being made at the earliest reasonable
23 opportunity in the circumstances; there is the
24 offender's genuine expression of remorse and his
25 acceptance of full responsibility for his own
26 actions; and there is the fact that the offender
27 has already taken concrete steps to address his

1 alcoholism and his emotional problems.

2 In the determination of sentence, I have
3 taken into account the fact that Mr. Beaulieu has
4 been in custody on remand since August 5th, 2008.

5 Please stand, Mr. Beaulieu.

6 Jimmy Philip Beaulieu, for the crimes that
7 you have committed, it is the sentence of the
8 Court that on Count 1 you serve a term of
9 imprisonment of 15 months; on Count 2, that you
10 serve a term of imprisonment of three months
11 concurrent; and on Count 3, that you serve a term
12 of imprisonment of three months concurrent. That
13 is a total of 15 months' imprisonment.

14 In addition, I direct that you comply with
15 the conditions prescribed in a probation order
16 for a period of 12 months following your release.
17 In addition to the statutory conditions of the
18 probation order, there will be only one other
19 condition, and that is that there be no
20 communication directly or indirectly with Stacey
21 Lermo.

22 In the circumstances, there will be no
23 victim fine surcharge.

24 Have a seat, sir.

25 Anything further from the Crown?

26 MS. SMALLWOOD: Nothing, sir.

27 THE COURT: Mr. Rideout?

1 MR. RIDEOUT: Just for clarity, Your Honour,
2 the 15 months on Count 1, that's having already
3 deducted time for pre-trial custody?

4 THE COURT: Yes.

5 MR. RIDEOUT: Thank you.

6 THE COURT: Mr. Beaulieu, I wish you good
7 luck, sir, in your rehabilitation. You know more
8 than I do that most of the inmates out there at
9 the correctional centre are younger than you, and
10 they are there because of a problem with booze.
11 It sounds to me that you can be of assistance to
12 those other inmates. I hope that you use your
13 time out there in a positive fashion in that
14 manner. Good luck to you.

15 We'll close court.

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18 Certified to be a true and
19 accurate transcript pursuant
20 to Rule 723 and 724 of the
Supreme Court Rules of Court.

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22 _____
Annette Wright, RPR, CSR(A)
23 Court Reporter

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