

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

TRAVIS WILLIAM CAMPBELL  
AND  
BRENDAN PAUL

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Transcript of the Reasons for Sentence delivered by The Honourable Justice S. H. Smallwood, sitting in Yellowknife, in the Northwest Territories, on the 16th day of December, 2016.

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APPEARANCES:

Mr. D. Praught: Counsel for the Crown  
Mr. J. Bran, agent for  
Mr. B. Beresh: Counsel for the Accused, Campbell  
Mr. J. Bran: Counsel for the Accused, Paul

(Charges under s. 239(1)(a), 244.2, 249.1(1) and s. 463(b) of the Criminal Code of Canada)

1 THE COURT: Travis Campbell and Brendan  
2 Paul have pled guilty to charges on an Indictment  
3 arising from an incident which occurred on April  
4 26, 2015, here in Yellowknife.

5 Travis Campbell has pled guilty to three  
6 charges: intentionally discharging a firearm  
7 while being reckless as to the life or safety of  
8 another person, contrary to Section 244.2(1)(b)  
9 of the Criminal Code; to transporting a firearm  
10 in a careless manner, contrary to Section 86(1)  
11 of the Criminal Code; and attempting to evade the  
12 police by failing to stop his vehicle while being  
13 pursued, contrary to Section 249.1(1) of the  
14 Criminal Code.

15 Brendan Paul has pled guilty to being an  
16 accessory after the fact and assisting Travis  
17 Campbell for the purpose of enabling him to  
18 escape, contrary to Section 463(b) of the  
19 Criminal Code.

20 They have been convicted of those offences.  
21 Now it is my duty to sentence them.

22 The facts are lengthy and are set out in the  
23 Agreed Statement of Facts filed as Exhibit S1.

24 In summary, they are: Mr. Campbell pulled into a  
25 park lot at the Fraser Arms apartment building at  
26 approximately 9 p.m. on April 26th, 2015. He was  
27 driving a Chevrolet Trailblazer. He contacted

1           Brendan Paul who was in an apartment in Fraser  
2           Arms East and he came out and sat in the  
3           passenger seat of the Trailblazer.

4           Sheldon Olson later pulled up behind the  
5           vehicle in a pickup truck, blocking the  
6           Trailblazer in. Mr. Olson exited the pickup and  
7           began shouting at the occupants of the  
8           Trailblazer. He was unarmed.

9           Travis Campbell exited the Trailblazer  
10          holding a Glock model 22, .40-calibre Smith &  
11          Wesson semi-automatic pistol, which is a  
12          restricted firearm, and began firing in the  
13          direction of the pickup.

14          Mr. Olson retreated into the pickup truck  
15          and backed the vehicle away from the Trailblazer.  
16          Mr. Campbell continued to fire at the reversing  
17          pickup truck until all ten cartridges that had  
18          been in the magazine of the handgun were  
19          expelled. The pickup truck was struck by eight  
20          of the bullets fired by Travis Campbell. One of  
21          those bullets hit Sheldon Olson in the left  
22          shoulder. Travis Campbell then got into the  
23          Trailblazer and left the area at a high rate of  
24          speed. Mr. Paul was in the passenger seat of the  
25          Trailblazer.

26          Mr. Olson parked the pickup truck and was  
27          let into Fraser Arms East after banging on the

1 door for several minutes.

2 The RCMP received dozens of complaints of  
3 shots fired at the Fraser Arms apartments and  
4 responded at approximately 9:30 p.m. When they  
5 arrived, Mr. Olson exited the building and was  
6 assisted by the RCMP until emergency medical  
7 services arrived a few minutes later.

8 Mr. Olson was transported to Stanton  
9 Territorial Hospital by ambulance. He underwent  
10 surgery to remove the bullet from his left  
11 shoulder and he was discharged from the hospital  
12 on April 27th, 2015.

13 Two of the bullets fired by Travis Campbell  
14 hit the Fraser Arms East apartment building. The  
15 first went through a living room of a  
16 second-floor unit and lodged in the living room  
17 wall. An adult male who had been watching the  
18 shooting from that window was only a few feet  
19 away from the path of the bullet. There was also  
20 an adult female in the apartment who was hiding  
21 in bathroom. The second bullet went through a  
22 bedroom window of a third-floor unit directly  
23 above the second-floor unit that had been struck.  
24 That bullet lodged in a bedroom wall and that  
25 unit was not occupied at the time.

26 The Trailblazer was located by the RCMP at  
27 approximately 11 p.m. on April 26th, 2015. It

1 was at the Shell gas station on Range Lake Road.  
2 Both Travis Campbell and Brendan Paul were in the  
3 vehicle and Mr. Campbell was driving. The RCMP  
4 followed the vehicle as it left the Shell  
5 station. The RCMP vehicles following the  
6 Trailblazer turned on their lights and sirens to  
7 effect the arrest of the occupants of the  
8 Trailblazer. Travis Campbell immediately  
9 accelerated and turned left onto Range Lake Road  
10 without stopping at the stop sign.

11 What followed was a lengthy pursuit through  
12 residential areas, through school zones, where  
13 Mr. Campbell drove through stop and yield signs,  
14 drove on the wrong side of the road, drove well  
15 in excess of the speed limit, damaged the vehicle  
16 he was driving as well as a parked vehicle and a  
17 police vehicle.

18 During the pursuit, Mr. Campbell drove onto  
19 Range Lake Court and Brendan Paul took the  
20 handgun from the glove box and threw it out the  
21 window. It landed on the lawn of a home and was  
22 discovered the next morning by the homeowner who  
23 was on his way to his vehicle. He called the  
24 RCMP who came and seized it. When the firearm  
25 was seized, there were no cartridges in the  
26 ten-cartridge magazine of the handgun.

27 During the pursuit, an RCMP vehicle blocked

1 the Trailblazer as it approached the Williams  
2 Avenue and Range Lake Road intersection.  
3 Mr. Campbell swerved to get around it and the  
4 RCMP vehicle accelerated into the rear passenger  
5 side of the Trailblazer causing it to fishtail.  
6 The Trailblazer continued through the turn and  
7 struck a parked pickup truck on the side of the  
8 road. The pursuit continue into the Kam Lake  
9 area. At that point, the Trailblazer was  
10 emitting smoke and shedding rubber and metal from  
11 the tires.

12 The pursuit ended when Travis Campbell  
13 turned onto Grace Lake Boulevard which is a  
14 dead-end street. The Trailblazer stopped  
15 suddenly and a trailing RCMP vehicle rammed into  
16 the back of it.

17 Several RCMP members were on the scene  
18 immediately and Travis Campbell and Brendan Paul  
19 were ordered out of the Trailblazer at gunpoint.  
20 They complied and were arrested.

21 The handgun, it was determined, had been  
22 stolen from a residential property in Yellowknife  
23 during a break and enter in March 2015.

24 Both Travis and Campbell and Brendan Paul  
25 have been in custody since their arrest on April  
26 26, 2015 (that is six hundred days or one year,  
27 seven months and twenty days), and I am satisfied

1 that they should receive credit of one and a half  
2 days for every day spent in custody awaiting  
3 trial on this matter, and equates to nine hundred  
4 days or two years and almost six months.

5 No Victim Impact Statements have been filed.  
6 The Crown has had no contact with Mr. Olson since  
7 May 2015, and so we are unaware of any lasting  
8 impacts of the injuries that he suffered,  
9 although I do not think it takes a giant leap in  
10 logic to concluded that being shot at multiple  
11 times and struck by a bullet would have an  
12 effect, and I can only imagine the fear the  
13 residents of Fraser Arms apartment building and  
14 Mr. Olson experienced during the shooting  
15 incident.

16 Turning first to Travis Carpenter. The  
17 Crown has filed a number of cases that deal with  
18 the intentional discharge of a firearm. The  
19 cases are clear that firearm-related offences are  
20 serious crimes and denunciation and general  
21 deterrence are the most important sentencing  
22 considerations. As stated in R. v. McMillan,  
23 2016 MBCA 12, at paragraph 12:

24  
25 When denunciation and general  
26 deterrence are the paramount  
27 sentencing objectives, the focus  
is more on an offender's conduct  
than any circumstances particular  
to that offender. Put another  
way, while factors personal to the

1                   accused remain relevant, they  
2                   necessarily take on a lesser role.

3                   The sentencing principle of denunciation  
4                   expresses society's condemnation for the  
5                   offender's conduct, and the principle of general  
6                   deterrence is to deter others from committing  
7                   similar crimes. Parliament has been clear in its  
8                   concern with the effect of gun violence. While  
9                   there may be other areas in Canada where gun  
10                  violence is more prevalent, it is still a concern  
11                  of all the citizens of Canada and to the people  
12                  of this community. People expect to walk the  
13                  streets of their communities and enjoy the  
14                  comfort of their homes without the fear of gun  
15                  violence.

16                  As stated in R. v. Clayton, 2013 NSPC 94, at  
17                  paragraph 31:

18                         Gun violence is of grave concern  
19                         to the courts and the citizenry.  
20                         It is a deadly form of violence  
21                         that has spilled into the streets.  
22                         It is indiscriminate, mindless  
23                         violence; bullets wound or kill  
24                         whomever they hit ... Handguns are  
25                         a clear and present danger in our  
26                         communities and, in sentencing for  
27                         offences in relation to them,  
                          denunciation operates as a  
                          powerful expression of a  
                          "symbolic, collective statement"  
                          rejecting an offender's conduct.

                          I have also considered the sentencing  
                          principle of rehabilitation; the rehabilitation



1 of Mr. Campbell as he is a first-time offender  
2 and is relatively young.

3 Looking at the mitigating factors, there is  
4 a guilty plea, and while this cannot be  
5 considered an early guilty plea as Mr. Campbell  
6 had a preliminary inquiry, it is a guilty plea  
7 and it is apparent from counsel's submission that  
8 is it is still worthy of significant credit.  
9 Mr. Campbell was originally facing more serious  
10 charges and a preliminary inquiry identified  
11 several issues that would have affected this  
12 matter proceeding to trial. If this matter had  
13 gone to trial, it would have been a lengthy trial  
14 with multiple issues and the outcome was by no  
15 means certain.

16 Travis Campbell is 28 years old and has no  
17 criminal record, so he is a first-time offender,  
18 and that is also a mitigating factor. The  
19 consequences for those few hours of May 26, 2015,  
20 are significant and this first entry on your  
21 criminal record is a significant one.

22 As well, he has family and community  
23 support. A number of letters of support have  
24 been provided for Travis Campbell both from  
25 family members and friends of the family. They  
26 all indicate their support for Travis Campbell  
27 and that they know him to be a trustworthy and

1 reliable person, someone who has not been in  
2 trouble with the law before, someone who they do  
3 not know to act violently.

4 None of them express their shock and  
5 disappointment that he is facing these charges,  
6 although I have no doubt if they heard the facts  
7 of what Mr. Campbell has done, they would be  
8 shocked and disappointed in his actions.

9 Turning to the circumstances of the offence.  
10 They are aggravating. Mr. Campbell used a stolen  
11 firearm in the commission of this offence.  
12 Mr. Olson suffered an injury in the shooting.  
13 Mr. Campbell, you are fortunate that bullet  
14 struck him in the left shoulder and the doctors  
15 were able to remove it. It is a matter of pure  
16 luck that he was not more seriously injured or  
17 killed. You could be before this court facing a  
18 charge of murder.

19 Your actions overall that night were  
20 reckless, senseless, and stupid. You put many  
21 lives at risk. Firstly, yourself. You could  
22 very easily have been shot by the police  
23 officers. You could have been injured or killed  
24 by the reckless manner in which you drove the  
25 vehicle. You placed Mr. Paul's life at risk,  
26 Mr. Olson's, the people who were in the Fraser  
27 Arms apartment building, people who might have

1           been on the streets, the police officers who were  
2           doing their job in attempting to stop you that  
3           night. And over what? That is not clear to me,  
4           why you would react in such a fashion to the  
5           incident with Mr. Olson or why that incident  
6           occurred. We can speculate, but your actions  
7           were deplorable. They seem to be completely out  
8           of character, but it raises significant concerns  
9           that you could react in this manner. Your level  
10          of moral culpability and blameworthiness is high.

11                 Turning to Mr. Paul and the sentencing  
12          principles that are applicable.

13                 The Defence has filed two cases which deal  
14          with sentencing for the offence of being an  
15          accessory after the fact. Both cases are from  
16          the Northwest Territories and are helpful.

17                 As Justice Schuler stated in R. v.  
18          Courtoreille, 2004 NWTSC 25, on page 11:

19                         Being an accessory after the fact  
20                         of a crime is, as has been pointed  
21                         out, an offence against the  
22                         administration of justice. It  
23                         assists in the covering up of a  
24                         crime and the identity of the  
25                         perpetrators and it may mean that  
26                         the guilty go undetected or an  
27                         innocent person comes under  
                          suspicion or is charged. The main  
                          principle, as has been said many  
                          times, is deterrence. In other  
                          words, the sentence that is  
                          imposed ought to serve to deter  
                          others and the accused himself  
                          from this type of behaviour.

1           Being an accessory after the fact is a  
2 serious offence. It means that you have helped  
3 someone try and evade justice by disposing of  
4 evidence, covering up a crime, or helping an  
5 escape, and it frequently attracts a significant  
6 period of imprisonment to reflect the seriousness  
7 of how courts and society view this crime.

8           In this case, as with Mr. Campbell, there is  
9 a guilty plea. The guilty plea as well cannot be  
10 considered an early one, but for reasons similar  
11 to Mr. Campbell, it is still worthy of  
12 significant credit. If this matter had gone to  
13 trial, it also would be a lengthy trial with  
14 multiple issues.

15           Brendan Paul is 20 years old and has no  
16 criminal record. So he is young. He was 18  
17 years old at the time of this offence. And,  
18 again, for a first entry on a criminal record,  
19 being an accessory after the fact is a  
20 significant one.

21           He also has the support of his mother. I  
22 have read the letter from Mr. Paul's mother and  
23 it is clear she supports him. While they have  
24 had problems in the past, the relationship has  
25 had issues, and it is apparent that Mr. Paul has  
26 issues with drugs and alcohol. But I hope that  
27 this is your opportunity to make a change, to

1 deal with your issues and stay out of trouble,  
2 and I hope this conviction becomes your only  
3 conviction because you have a chance today to  
4 make a fresh start and learn from your mistakes.

5 In this case, Mr. Paul's involvement was  
6 with the disposal of the firearm; throwing the  
7 handgun out the window of the vehicle during the  
8 pursuit by the police. This was important  
9 evidence of Mr. Campbell's crime and it is  
10 fortunate that it landed on a person's lawn and  
11 was recovered by the police.

12 At the time of the offence, Mr. Paul was  
13 also on conditions. He had entered into a  
14 recognizance that same day as a result of an  
15 unrelated matter. That matter did not result in  
16 conviction, but it is important because  
17 Mr. Paul's focus should have been on complying  
18 with his conditions, which were, in this case:  
19 to keep the peace and be of good behaviour, to  
20 maintain his curfew, to not possess a firearm.  
21 Those should have been foremost in his mind and  
22 not becoming involved in Mr. Campbell's  
23 activities, because Mr. Campbell's activities led  
24 you here.

25 So dealing first with the ancillary orders  
26 requested by the Crown. Neither defence counsel  
27 has taken any issues with the orders that have

1           been sought by the Crown.

2           So with respect to Mr. Campbell, Section  
3           244.2(1)(b) of the Criminal Code is a primary  
4           designated offence pursuant to Section 487.04 of  
5           the Criminal Code, and there will be an order  
6           pursuant to Section 487.051 for the taking of  
7           Travis Campbell's DNA for the DNA databank.  
8           Pursuant to Section 109(1)(d) of the Criminal  
9           Code, a firearms prohibition is mandatory, and  
10          Mr. Campbell will be prohibited from possessing  
11          firearms for a period of ten years following his  
12          release from imprisonment. There will also be  
13          the victim of crime surcharge of \$200 applicable  
14          to each of the offences. There will also be a  
15          restitution order in amount of \$8,000 payable to  
16          the Royal Canadian Mounted Police for the damage  
17          done to the vehicle.

18          With respect to Mr. Paul. Brendan Paul will  
19          be subjected to a firearms prohibition order  
20          pursuant to Section 109, and he will be  
21          prohibited from possessing firearms for a period  
22          of ten years following his release from  
23          imprisonment, and there will also be a victim of  
24          crime surcharge of \$200.

25          A joint submission has been proposed with  
26          respect to both Mr. Campbell and Mr. Paul. I  
27          have considered them and the submissions made by

1           counsel. I will not repeat the reasons why  
2           counsel have come to the joint submissions, but I  
3           will say that they are valid reasons and I am  
4           prepared to accept the joint submissions.

5           Mr. Campbell first. Please stand up. For  
6           the offence of intentionally discharging a  
7           firearm while being reckless as to the life or  
8           safety of another person, I sentence you to a  
9           period of imprisonment of five and a half years.  
10          You will receive credit of two years and six  
11          months for the 600 days you have spent on remand,  
12          credit being granted at a rate of one and a half  
13          days for each day on remand. That leaves a  
14          sentence of three years to be served. For the  
15          offence of careless transportation of a firearm  
16          and attempting to evade police, I sentence you  
17          for a period of six months for each offence, to  
18          be served concurrently.

19          Mr. Paul, please stand up. For the offence  
20          of being an accessory after the fact, I sentence  
21          you to a period of imprisonment of 30 months.  
22          For the 600 days you have spend on remand, you  
23          will also receive credit of one and a half days  
24          for each day of remand for a total of two years  
25          and six months. So your sentence is one of time  
26          served.

27          So good luck, Mr. Campbell and Mr. Paul, and

1 I hope that you are not before the courts again  
2 and you take the opportunity from this to learn  
3 from your mistakes and make a change in your  
4 lives.

5 Counsel, I want to thank you for your work  
6 in resolving this matter, and Mr. Beresh as well  
7 although he is not here, and for your submissions  
8 before the Court.

9 MR. BRAN: Your Honour, there was one  
10 final request on behalf of Mr. Beresh in that  
11 there be a judicial recommendation that  
12 Mr. Campbell be allowed to serve his sentence at  
13 the Kent Institution, which I understand is an  
14 institution in Langley, British Columbia.

15 THE COURT: Okay. Mr. Praught, any  
16 submissions on that?

17 MR. PRAUGHT: No submissions on that, Your  
18 Honour.

19 THE COURT: There will be an endorsement  
20 on the Warrant of Committal then that the  
21 authorities give consideration to allowing  
22 Mr. Campbell to serve his sentence at the Kent  
23 Institution.

24 So, Mr. Praught, the other thing, in terms  
25 of the restitution order, I said to the Royal  
26 Canadian Mounted Police. Should that be to the  
27 RCMP or to the Receiver General of Canada?



1 MR. PRAUGHT: I'd ask it be made to the  
2 Yellowknife RCMP. At this point, I perhaps --  
3 that's who I received the damage estimate from.

4 THE COURT: It will be made, then, to the  
5 RCMP. You can let the clerk know if it needs to  
6 be made to the Receiver General of Canada. I  
7 know sometimes that is the request. So either is  
8 fine.

9 MR. PRAUGHT: I'll confirm it.

10 THE COURT: Confirm that. Okay. Thank  
11 you. We will adjourn.

12 .....

13

14

15 Certified Pursuant to Rule 723  
16 of the Rules of Court

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Jane Romanowich, CSR(A)  
Court Reporter

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