

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

BEVERLEY ANNE VILLENEUVE

Transcript of the Reasons for Sentence delivered by The Honourable Justice L.A. Charbonneau, sitting in Yellowknife, in the Northwest Territories, on January 16, 2017.

APPEARANCES:

Mr. M. Lecorre: Counsel for the Crown
Mr. P. Harte: Counsel for the Accused

(Charges under s. 234 of the *Criminal Code of Canada*)

1 THE COURT: Last August, Beverley
2 Villeneuve pleaded guilty to a charge of
3 manslaughter. She admits that she caused the
4 death of Archie Paulette back in the summer of
5 2015, on June 8th. Today, it is my
6 responsibility to sentence her for that crime.
7 Ms. Villeneuve's sentencing hearing did not
8 proceed right after her guilty plea was entered
9 because a request was made to have a pre-sentence
10 report prepared. That was to give the Court more
11 information about her background and about her
12 personal circumstances. I have reviewed the
13 pre-sentence report carefully. It provides a lot
14 of information about Ms. Villeneuve's life, the
15 many struggles that she has lived through. This
16 information has helped me understand more about
17 her and about some of the things that have
18 contributed to her issues. Her lawyer said a lot
19 of things at the sentencing hearing as well that
20 have also helped me understand more about her.
21 Her circumstances, tragic as they are, do not
22 excuse her conduct, and they do not change the
23 terrible consequences that her actions had.

24 At the sentencing hearing, I
25 heard victim impact statements read on behalf of
26 Mr. Paulette's sister, Susan Chaffee, and her
27 former husband. I also heard directly from

1 Mr. Paulette's niece. It was clear that day, and
2 not surprising, that Mr. Paulette's death has had
3 a huge impact on these people and, I am sure, on
4 others. Susan in particular is devastated by the
5 loss of her brother.

6 The Court is powerless to
7 repair the harm that was done or restore the loss
8 that is felt. A sentence, even the harshest of
9 sentences, could never make up for the loss of
10 Mr. Paulette for those who loved him. I can only
11 hope that the conclusion of the court proceedings
12 will be another step for people in their own
13 healing process and that maybe, the end of the
14 court proceedings will help with some aspects of
15 closure. Closure does not mean forgetting. It
16 just means finding a way to move on with life.
17 It is clear from what I heard at the sentencing
18 hearing and what I read that if there is to be
19 healing from these events, it will take a long
20 time for everybody involved. It is my hope that
21 that can happen.

22 In any sentencing, the Court
23 has to take into account the circumstances of the
24 offence, the circumstances of the person who
25 committed the offence, and the legal principles
26 that apply in any sentencing hearing. With
27 respect to the circumstances of the offence, the

1 circumstances of Mr. Paulette's death are not
2 entirely clear. On June 8th, 2015,
3 Ms. Villeneuve and Mr. Paulette had some family
4 and friends over at their house in Ndilo for a
5 barbecue. The guests left at around 5:00 p.m.,
6 and Ms. Villeneuve and Mr. Paulette were left
7 alone. They had been drinking alcohol during the
8 afternoon, and some of the people who had been at
9 their house observed that they were intoxicated
10 and they were arguing. Mr. Paulette left the
11 house shortly before 10:00 p.m. and went to the
12 Vital Abel medical boarding home. A security
13 guard who saw him there noticed that he was
14 intoxicated. Mr. Paulette was asked to leave the
15 property. He returned to his residence.

16 At some point after he
17 returned, Ms. Villeneuve stabbed Mr. Paulette
18 once in the back. The exact circumstances that
19 led to this are unknown to this day and will
20 never be known. Ms. Villeneuve does not remember
21 what happened. She finds it difficult to believe
22 she did this, but through her guilty plea and her
23 admission of the facts, she accepts that she did
24 it.

25 What we do know is that at
26 11:00 p.m., Ms. Villeneuve went to a neighbour's
27 house, Mr. Tsetta, asking for help and asking him

1 to call an ambulance. He asked what happened,
2 and she replied, according to him, that she did
3 not want to stay with the ambulance because she
4 "did not want to tell them and get blamed for
5 it."

6 Ms. Villeneuve and Mr. Tsetta
7 returned to the Paulette residence. Mr. Tsetta,
8 from the doorway, saw Mr. Paulette seated on a
9 couch inside the house. Mr. Tsetta thought
10 Mr. Paulette was passed out. He went to the
11 boarding house to call an ambulance.

12 Mr. Tsetta returned to his own
13 home after that, and he found Ms. Villeneuve
14 there. She said that she did not want to be
15 there when the ambulance came and get blamed. To
16 Mr. Tsetta, she appeared drunk. He kicked her
17 out. She returned home.

18 Shortly after that, the
19 ambulance arrived. The emergency medical staff
20 determined that Mr. Paulette had no vital signs
21 and that he had a cut on his back. The police
22 arrived on the scene shortly after the ambulance,
23 and they arrested Ms. Villeneuve.

24 During the investigation, the
25 police seized a knife in the kitchen. It had
26 blood on it which was later found, through
27 forensic testing, to be Mr. Paulette's blood.

1 Ms. Villeneuve and
2 Mr. Paulette were in a common-law relationship
3 and had been for some years. It is undisputed
4 that their relationship was tumultuous. On the
5 date of the offence, she was on an undertaking
6 which included a condition that she not have any
7 contact with him.

8 Ms. Villeneuve has a criminal
9 record. She has a number of convictions for
10 assault with weapon, as well as some convictions
11 for breaches of court orders, as well as one
12 conviction for disturbing the peace and one
13 conviction for mischief, but she has never been
14 sentenced to jail terms that were lengthy. The
15 last entry on her record was for a charge of
16 assault, which I am told was not on Mr. Paulette.
17 The criminal record filed as Exhibit S-2 shows
18 that a sentence of 30 days was imposed for that
19 offence, and this was in addition to 52 days that
20 she had already spent on remand. That amounts to
21 a sentence of imprisonment that is under six
22 months.

23 Unfortunately, this time,
24 Ms. Villeneuve's use of a weapon has led to the
25 most tragic outcome imaginable.

26 Ms. Villeneuve's counsel has
27 made extensive submissions on her behalf, as I

1 have already mentioned, and has told me a lot
2 about her background. There is also a lot of
3 information included in the pre-sentence report.
4 She is now 48 years old. She was born in Fort
5 Resolution and is Chipewyan, a member of the
6 Deninu K'ue First Nation.

7 To say that Ms. Villeneuve has
8 had a difficult upbringing and has faced
9 challenges in her life would be an
10 understatement. Sadly, like so many offenders
11 who come before this Court, the first memories
12 she has of her childhood are traumatic ones. Her
13 biological parents used alcohol and led very
14 unhealthy lifestyles. There was family violence.
15 She has memories of hiding under furniture with
16 her siblings while her parents and other
17 relatives were drinking and fighting in the
18 house. No child should have to grow up in this
19 type of environment, and yet we hear so many of
20 those stories in sentencing hearings before this
21 Court. It is terribly sad and perhaps even worse
22 to think that this type of thing continues to go
23 on in many households today, and the cycle of
24 violence in many instances is continuing to be
25 repeated. The Court cannot solve the social
26 issues that lead to these problems through the
27 sentencing process. The answers have to come

1 from elsewhere.

2 Ms. Villeneuve was eventually
3 adopted in a family where the environment was far
4 more positive. In the pre-sentence report, she
5 reports that she felt loved and accepted by her
6 adoptive parents and siblings. Unfortunately,
7 she started drinking when she was 13 years old,
8 and this resulted in a deterioration of her
9 relationship with her adoptive family.

10 Without going into all the
11 details of what the pre-sentence report describes
12 and what counsel have told me at the sentencing
13 hearing, it is clear that alcohol abuse has been
14 a permanent feature of Ms. Villeneuve's life for
15 many years now. As counsel put it, the abuse of
16 alcohol was completely normalized for her from a
17 fairly young age. She made very destructive
18 choices. Despite the efforts of those around
19 her, including her adoptive mother, she was
20 unable to break out of that cycle of
21 self-destructiveness. Violence also appears to
22 have been normalized in her life. She was
23 involved in other relationships where there was
24 domestic violence, sometimes significant domestic
25 violence.

26 After Ms. Villeneuve met
27 Mr. Paulette and they started their relationship,

1 they were homeless for a while. In 2007, he was
2 diagnosed with tuberculosis and spent a lot of
3 time in hospital in Edmonton. When he recovered
4 and returned to Yellowknife, they did get housing
5 in Ndilo because of his health issues.

6 As I have already mentioned,
7 the relationship with Mr. Paulette was
8 tumultuous, and their lifestyle appears to have
9 been quite unhealthy.

10 There is a very striking
11 comment in the pre-sentence report, something
12 that was reported by Ms. Villeneuve herself, that
13 at one point Mr. Paulette's sister Susan warned
14 them that if they continued to drink together,
15 one of them would end up dead. Unfortunately,
16 Susan was right.

17 The principles of sentencing
18 are set out in the *Criminal Code*, and I am not
19 going to refer to them in any great detail here.
20 For obvious reasons, when dealing with crimes of
21 violence, especially violence involving weapons,
22 and even more so when the consequences are as
23 tragic as in this case, the most important
24 sentencing objectives are to ensure that the
25 sentence imposed by the Court reflects the
26 disapproval of the behaviour and sends a clear
27 message about the seriousness of that behaviour.

1 I think everyone understands
2 that manslaughter is a serious offence. Often,
3 when people are sentenced for assaults with
4 weapons that did not result in serious or
5 life-threatening injuries, or even sometimes when
6 the assault did result in a life-threatening
7 injury, this is what we judges say to the person
8 being sentenced: that they could have easily
9 caused more harm; that they are lucky that
10 nothing more serious flowed from their actions;
11 that they could be facing sentencing for murder
12 or manslaughter; that when a person is stabbed,
13 the difference between a minor injury and a fatal
14 injury is more often than not a question of pure
15 luck. Maybe these things were even said to
16 Ms. Villeneuve when she was sentenced for assault
17 with a weapon in the past. But this time, this
18 is what happened. There was only one stab wound,
19 but it was fatal.

20 Ms. Villeneuve says she was
21 blacked out when she stabbed Mr. Paulette and
22 that she finds it difficult to believe that she
23 did this. She says she misses him, and when she
24 was interviewed for the pre-sentence report, she
25 was not able at all to talk about the future.
26 She was not able to articulate how she sees the
27 future beyond the sentence that she will have to

1 serve for this offence. No matter what I do
2 today, she has to live the rest of her life
3 knowing what she did, and this, I am sure, is
4 already a sentence all on its own.

5 Ms. Villeneuve's counsel has
6 given me two articles as part of the sentencing
7 hearing, Randall and Harkell - Trauma-Informed
8 Approaches to Law (Dalhousie Law Journal, 2013)
9 and Harkell and Randall - Disrupted Attachments:
10 A Social Context Complex Trauma Framework and the
11 Lives of Aboriginal Peoples in Canada (Journal of
12 Aboriginal Health, 2009). They relate to the
13 role of trauma in people coming into conflict
14 with the law and possible avenues for solution or
15 approaches. It is difficult to take issue with
16 anything that the authors of these papers have
17 written. Many people in this jurisdiction have
18 suffered significant trauma as a result of
19 childhood experiences, and some of that trauma is
20 linked to what those people's parents experienced
21 and the trauma they experienced at residential
22 school. It is clear, I think, that without
23 significant resources to fully understand and
24 address the high level of trauma that exists in
25 our population, it is difficult to see how the
26 many social issues that we have can be addressed
27 and how we can hope to see improvement. But I

1 repeat, the Court does not have the tools to
2 assess and to fully comprehend the effect that
3 Ms. Villeneuve's experiences have had on her and
4 to assess exactly what intervention would be
5 required to address the consequences of those
6 experiences.

7 I think anyone who is involved
8 with the criminal justice system in this
9 jurisdiction would have to agree that significant
10 resources are needed to help people address these
11 issues and that for those whose traumas have led
12 them to come into conflict with the law,
13 rehabilitation is not a simple process. That
14 being said, the Court does not have the power to
15 create the treatment programs that are needed.
16 The Court only has a limited number of tools, and
17 while some of them can support the rehabilitation
18 of a person, they are certainly not enough.

19 The other reality is that,
20 unfortunately, once someone becomes a danger to
21 others in the community, even when the Court can
22 understand exactly why, given that person's
23 background, they have ended up with these issues,
24 the Court has a duty to prioritize public safety.

25 It is important to note as
26 well that for Ms. Villeneuve, while being in jail
27 will definitely be punitive because it takes her

1 freedom away, it does not have to be only
2 punitive. Being in a structured environment, not
3 having access to alcohol, eating properly, having
4 access to a psychologist and counsellors and some
5 programs that can hopefully help her deal with
6 some of her issues, all of that can be beneficial
7 to her rehabilitation. The road ahead for her
8 will be long, but it is not without hope.

9 Ms. Villeneuve's current state, from what I have
10 observed in these proceedings, what I have read,
11 what I heard from counsel, and what I am seeing
12 even today can best be described as a state of
13 utter despair about what has happened and what
14 the future holds. A jail term of some
15 significance is not only what is required now to
16 reflect the seriousness of the offence she has
17 committed and to protect the public, but it is
18 essential for Ms. Villeneuve herself.

19 Manslaughter is punishable by
20 a maximum of life imprisonment, and there is no
21 minimum sentence. The range of sentences
22 available under the *Criminal Code* is very broad.
23 The case law provides some parameters to situate
24 different types of manslaughters and place them
25 in different categories based on how dangerous
26 the conduct of the person was. I agree with the
27 characterization of counsel about where this

1 particular case fits, and I will get back to that
2 in a minute.

3 I have reviewed the cases
4 filed by the Crown, and they are helpful not
5 because they are all similar or identical to this
6 case but because they talk about the principles
7 that must guide the Court in how it should
8 exercise its discretion on sentencing. It is
9 difficult to comment about the circumstances of
10 this offence because what happened that evening
11 is not clear at all, but there are some
12 aggravating factors stemming from even the little
13 bit we know about what happened. The first is
14 that this happened in the context of a spousal
15 relationship, and that clearly is an aggravating
16 factor. I adopt here the things that I said
17 about that in *R. v. Sayine*, 2014 NWTSC 85, para.
18 51-56. Second, the use of a weapon is also
19 aggravating. Any time a weapon is used, it
20 increases the risk of harm, and it increases the
21 offender's blameworthiness.

22 Going back to the different
23 degrees of seriousness of conduct that we see in
24 manslaughter cases, I agree that this case falls
25 in the middle category.

26 The third aggravating factor
27 is that Ms. Villeneuve was on a no-contact order

1 at the time. That condition was there for a
2 reason. It seems that both parties chose to
3 ignore it, but the person who was required to
4 comply with the condition was not Mr. Paulette;
5 it was Ms. Villeneuve. So that is an aggravating
6 factor. And, finally, Ms. Villeneuve's related
7 criminal record is also an aggravating factor.

8 There are also mitigating
9 factors. Ms. Villeneuve waived her preliminary
10 hearing. She pleaded guilty and gave up a very
11 important right, the right to have a trial. At
12 the sentencing hearing, the Crown counsel advised
13 that there may have been issues with the Crown's
14 case. Having heard the facts, I can see why.
15 The Crown had a circumstantial case, and perhaps
16 it could be labeled as a strong circumstantial
17 case, but there are never any guarantees. All
18 sorts of things can happen at trial. The fact
19 that Ms. Villeneuve, not remembering these
20 events, is nonetheless prepared to accept her
21 responsibility for this is a significant
22 mitigating factor.

23 I also have to take into
24 account her personal circumstances, and I am
25 guided in that, among other things, by the
26 principles set out by the Supreme Court of Canada
27 in the cases of *Gladue* and *Ipeelee*, which counsel

1 referred to. I accept that Ms. Villeneuve's
2 background diminishes her blameworthiness. At
3 the same time, this is not a situation where a
4 sanction other than imprisonment can be
5 contemplated. Although blameworthiness is
6 diminished, as I said in other cases, aboriginal
7 communities and aboriginal victims are entitled
8 to the same protection as non-aboriginal
9 communities and non-aboriginal victims. This has
10 to be considered when balancing all of the
11 factors relevant to sentencing.

12 At the sentencing hearing,
13 counsel presented me with a joint submission. In
14 law, such a submission carries a lot of weight.
15 That principle has been the law for several
16 years, but it was reaffirmed recently in no
17 uncertain terms in the case of *R. v.*
18 *Anthony-Cooke*, 2016 SCC 43. I have no difficulty
19 in this case in concluding that the joint
20 submission should be followed. To be sure, the
21 sentence for this offence could be longer than
22 what is suggested. But when weighing the
23 circumstances against the mitigating effect of
24 the guilty plea and Ms. Villeneuve's own
25 circumstances, the joint recommendation of
26 counsel, in my view, should be followed.

27 The Crown has applied for

1 ancillary orders, and I will deal with those
2 first. There will be a DNA order because this is
3 a primary designated offence. There will be a
4 firearms prohibition order which will be in place
5 for life. There will be an order for the
6 disposition of exhibits at the expiration of the
7 appeal period, and I have no jurisdiction to
8 waive the victim of crimes surcharge, so there
9 will be an order for the victim of crimes
10 surcharge in accordance with the *Criminal Code*.

11 Ms. Villeneuve has been on
12 remand since her arrest on June 8th, 2015.
13 Counsel advised this worked out to approximately
14 560 days. There has now been an extra 30 days.
15 Under the existing state of the law,
16 Ms. Villeneuve is entitled to credit for that
17 remand time. I have heard nothing to suggest
18 that she should not receive credit at a ratio of
19 a one-and-a-half day credit for each day on
20 remand, so by my calculation, this amounts to
21 28 months of credit, and I will give her that
22 credit accordingly.

23 Ms. Villeneuve, for the
24 manslaughter of Mr. Paulette, I sentence you to a
25 term of 5 years imprisonment. For the 560 days
26 you spent in custody, I credit you 28 months,
27 which means that the remaining time to be served

1 will be 2 years and 8 months.

2 I am going to ask the clerk to
3 endorse the warrant of committal with my strong
4 recommendation that the authorities give
5 consideration to allowing you to serve your
6 sentence here in the north so that you can
7 maintain contact with people here.

8 Ms. Villeneuve, I hope that
9 you can get help during your sentence to deal
10 with your alcohol issues and all the other issues
11 that I heard about at the sentencing hearing. If
12 you do, perhaps, when you are released, you can
13 share your experiences with other people, and it
14 may be that by doing that, you could avoid
15 another tragedy like this one. My hope for you
16 is you are able to find hope again.

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CERTIFICATE OF TRANSCRIPT

I, the undersigned, hereby certify that the foregoing pages are a complete and accurate transcript of the proceedings taken down by me in shorthand and transcribed from my shorthand notes to the best of my skill and ability.

Dated at the City of Edmonton, Province of Alberta, this 30th day of January, 2017.

Certified Pursuant to Rule 723
of the Rules of Court



Joanne Lawrence
Court Reporter