

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

HER MAJESTY THE QUEEN

-and-

WILLIAM BEAULIEU

MEMORANDUM OF JUDGMENT
(REASONS FOR CONVICTION)

Background

[1] On April 11, 2016 William Beaulieu entered a plea of guilty to the sole count in the indictment before the Court, which charges that he did, on or between September 16 and 17, 2015, commit an aggravated assault on each of Marlin Shae and Daniel Jackson. The allegation is that he assaulted Mr. Shae and then, in a separate incident some time later, assaulted Mr. Jackson.

[2] Subsequently, Mr. Beaulieu applied to strike or withdraw his guilty plea and a hearing on his application was held in November 2016. His application was dismissed by Charbonneau J.: *R v Beaulieu*, 2017 NWTSC 23. She found that Mr. Beaulieu's guilty plea was voluntary, unequivocal and informed. In these reasons, I will refer to that application as the application to withdraw the guilty plea.

[3] The matter then came before me as a sentencing hearing, with the facts in dispute. After hearing the evidence and submissions, I convicted Mr. Beaulieu on the count in the indictment, referred briefly to my reasons for doing so, and indicated that I would issue further written reasons. This Memorandum of

Judgment contains those reasons. Despite not having the full reasons, counsel indicated they were in a position to speak to sentence and I sentenced Mr. Beaulieu on May 18, 2017.

Evidence and Issues on the Sentencing Hearing

[4] Because Mr. Beaulieu did not admit the facts alleged by the Crown, evidence in various forms was called by the Crown, including witnesses who testified, in many cases simply adopting as true the statement they had made to the police, and were cross-examined. The Court was also shown Mr. Beaulieu's videotaped interview with Constable Long of the R.C.M.P. and was provided with a transcript of Mr. Beaulieu's testimony on the plea withdrawal hearing. Reference was also made to statements given by some witnesses who did not testify. Counsel agreed that the evidentiary rules are not as strict on a sentencing hearing as they are on a trial, and that hearsay evidence is admissible, as reflected in s. 723(5) of the *Criminal Code*.

[5] Mr. Beaulieu did not testify on the sentencing hearing.

[6] Both counsel referred to *R v Kuptana*, 2017 NWTSC 13, a decision of Charbonneau J. and I adopt the conclusion she reached in that case about the burden of proof on a sentencing hearing where the facts are in dispute:

[40] Considering that, even at the sentencing stage, the standard of proof beyond a reasonable doubt is the one that applies to disputed aggravating facts and disputed criminal convictions, I find it difficult to conceive how a lower standard could apply to facts that are at the heart of an essential element of the offence.

[7] I agree with that observation. Both counsel agreed that proof beyond a reasonable doubt is the standard I should apply.

[8] Mr. Beaulieu took the position that I should have a reasonable doubt as to whether it was he who assaulted Marlin Shae. On the allegation that he assaulted Daniel Jackson, he submitted that I should have a doubt as to whether he acted in self-defence or whether the interaction between he and Mr. Jackson was a consensual fight. He asked for an acquittal on the indictment, while Crown counsel took the position that if I found that either or both of the assaults had not been proven, he would like to make submissions as to the next step.

[9] Because I was satisfied on the evidence that both assaults were proven beyond a reasonable doubt, I did not have to address what the appropriate course of action would be had I not been satisfied and nothing in these reasons should be read as indicating an opinion on that issue.

[10] One of the issues I have to deal with is the significance of Mr. Beaulieu's guilty plea. Again, I will adopt what Charbonneau J. said in *Kuptana*, where she also refers to *R. v. Duong*, 2006 BCCA 325. A guilty plea, in law, constitutes an admission of the essential elements of the offence. It relieves the Crown of its evidentiary burden to prove those elements. An accused who has pleaded guilty no longer benefits from the presumption of innocence (paragraph 33, *Kuptana*).

[11] She further concludes, at paragraphs 42 and 91 of *Kuptana*, that where there is a guilty plea from which the accused later resiles, that circumstance may lead the trier of fact to draw an adverse inference as to the credibility of the accused. In this case, although Mr. Beaulieu did not testify on the sentencing hearing, the Crown asked that I draw such an inference against Mr. Beaulieu when assessing his police statement and his testimony at the application to withdraw his plea. In my view, since Mr. Beaulieu did not testify on sentencing, the correct way to approach this issue is to consider the credibility of the various statements Mr. Beaulieu has made, by which I include the guilty plea, in light of the contradictions between them.

[12] I will start with the videotaped statement given by Mr. Beaulieu to Constable Long. Mr. Beaulieu did not object to its admission and acknowledged that no *voir dire* was necessary. The statement was taken on October 1, 2015, approximately two weeks after the events at issue occurred. In the statement, Mr. Beaulieu denied any involvement in the assaults on Marlin Shae and Daniel Jackson. He told Constable Long that he stays at home at night with his wife and children and does not have time to go out drinking and that he is on probation with a condition that he not drink. He stated that on the night in question he was at home and was not drinking. He denied that he told certain individuals that he had beaten up Mr. Shae. He blamed his "enemies" and people who do not like him for circulating rumours that he had assaulted Mr. Shae and Mr. Jackson.

[13] In the interview, Mr. Beaulieu was adamant in denying any involvement in the assaults and equally adamant that he was at home with his family and not drinking on the night in question.

[14] Next there is Mr. Beaulieu's guilty plea, entered on April 11, 2016. Although there was originally a two count indictment with separate charges for each of the assaults, the Crown had by then filed a new indictment containing one count alleging the two assaults and that was the indictment on which the guilty plea was entered. Counsel for Mr. Beaulieu advised that Mr. Beaulieu's previous counsel had agreed to the new indictment as filed.

[15] On behalf of Mr. Beaulieu it was argued that I could find that the guilty plea was meant as an acknowledgement of responsibility for only one of the assaults, the one on Mr. Jackson, for which Mr. Beaulieu later claimed self-defence at the plea withdrawal hearing. However, there is no evidentiary basis upon which I can make the finding that Mr. Beaulieu intended to admit guilt for only the assault on Mr. Jackson. The indictment contains only the one count and Mr. Beaulieu entered his guilty plea to that count. There is no evidence before me that the plea was qualified in any way when he did so. Had he intended the plea to apply to only one of the assaults, the time to raise that would have been at the time the plea was entered, or, at the latest, when application was made to withdraw or strike the plea. In any event, after a thorough review of the matter, Charbonneau J. dismissed the application to strike or withdraw the plea, finding that it was voluntary, unequivocal and informed. I have no jurisdiction on this sentencing hearing to revisit her decision.

[16] The next item of evidence as to Mr. Beaulieu's version of events is the transcript of his sworn testimony on November 18, 2016 on his application to withdraw the guilty plea. At that hearing he maintained that he had not seen or assaulted Marlin Shae. However, he no longer denied any involvement with Daniel Jackson and testified that he had hit Jackson after Jackson swung a bottle at him. He testified that when he spoke to Constable Long in his police interview, he was told that he would be released if he provided a statement and that was the reason he said at that time that he had no involvement in the Jackson assault. He said that he just denied everything and told Constable Long what he wanted to hear so that he could get out on bail.

[17] That explanation is not supported by the evidence, nor does it make any sense. Constable Long testified that he did not offer Mr. Beaulieu bail in exchange for a statement. In the videotaped interview, Constable Long clearly tells Mr. Beaulieu that he would be transported to Yellowknife for a bail hearing and that he, Constable Long, does not know what would happen regarding bail. Mr. Beaulieu tells Constable Long that he probably will not get out on bail because he

has a “bad history”. These references to bail came at the end of the interview, after Mr. Beaulieu had denied any involvement in the assaults.

[18] The evidence does not support Mr. Beaulieu’s position that he was told he would get bail if he made a statement. Nor does it make any sense that he would think that by denying everything he would be telling Constable Long what he wanted to hear. Constable Long made it clear in the interview that he found it striking that two people would complain of being assaulted by Mr. Beaulieu in completely separate incidents said to have taken place only hours apart. He asked Mr. Beaulieu about that and clearly was skeptical about his denials; they were not what he wanted to hear.

[19] Counsel for Mr. Beaulieu argued that it is not particularly unusual for someone who is arrested to deny any involvement in a crime in the hope that they will be released from custody. That may be so, however to me it is significant how adamant and assertive Mr. Beaulieu was in his denial of involvement in the two assaults. He did not merely deny involvement, he blamed others for telling lies and circulating rumours about him because of dislike for him or an unwillingness to give him a chance because of things he had done in the past.

[20] I do not find Mr. Beaulieu’s explanation as to why he lied to the police about Mr. Jackson credible. But that is not the only thing he lied about. Mr. Beaulieu also lied about his whereabouts on the night and early morning hours the assaults took place. He told Constable Long that he had been home all night into the early morning and that he was not drinking because he was on probation. However, at the plea withdrawal hearing he testified that he had been at his auntie’s house with his spouse and children between about 10 p.m. and 1 a.m. and that he was drinking there. They went home to put the children to bed and he had a beer or two at home. He then left home at 2 a.m. because he wanted to drink some more.

[21] In the interval between his police statement and his evidence on the plea withdrawal hearing, there is Mr. Beaulieu’s guilty plea. As to the significance of the guilty plea, in my view a guilty plea should be treated as a confession as to the essential elements of the offence to which the plea is entered. Unless shown otherwise, a guilty plea is an admission made in solemn circumstances, after consideration of options and consequences. It has not been shown to be otherwise in this case. Mr. Beaulieu, who said in his police interview that he has been before courts many times, cannot have been unfamiliar with the court process. He must have known that he was acknowledging, in a formal manner, responsibility for the assaults on Mr. Shae and Mr. Jackson. Indeed, that is what Charbonneau J. found in her decision on the plea withdrawal application.

[22] The guilty plea is one factor that must be considered along with the rest of the evidence, but in my view it is a very weighty and significant factor. In this case, the guilty plea adds to the reasons why I do not find credible the version of events Mr. Beaulieu relies on. He has changed his story. He first denied everything in his interview with Constable Long; he then admitted he had committed both assaults by entering his guilty plea; then, at the plea withdrawal hearing, he denied the assault on Mr. Shae but admitted hitting Mr. Jackson, although claiming he did so in self-defence.

The Assault on Marlin Shae

[23] Turning now to the incident involving Mr. Shae, Mr. Beaulieu takes the position that the evidence is not reliable and he should be found not guilty of that assault. He also relies on his denials of involvement in that assault, which I have referred to above.

[24] Mr. Shae testified that he was drinking at George Benwell's place and then went to Rocky Beaulieu's house (to avoid confusion, I will refer to Rocky Beaulieu as "Rocky"). He saw William Beaulieu, the accused, sitting on steps at the back of the house, wearing steel toed work boots. He did not know Mr. Beaulieu, but he had known Mr. Beaulieu's sister, who had some time earlier pointed out her brother to Mr. Shae. Mr. Shae went into the house and asked either Rocky, or Rocky's son, for a cigarette. He seemed to think it was the son as he said Rocky does not smoke. He then left through the back of Rocky's house, passing William Beaulieu, who was still out there. He had walked a few steps when he was hit in the back of the head and kicked in the face.

[25] It is clear from Mr. Shae's evidence that before he gave his statement to the police on September 26, 2015, in which he said that Mr. Beaulieu assaulted him, he had heard from Daniel Jackson that Beaulieu had assaulted Jackson. Mr. Shae had also heard from various people that Mr. Beaulieu was bragging that he had beaten up Mr. Shae. Mr. Shae conceded in his testimony that he thought it was Mr. Beaulieu who assaulted him because he was the only person nearby. Mr. Shae did not actually see Mr. Beaulieu as he was being assaulted from behind.

[26] Mr. Shae described himself as 40 percent drunk on the evening in question. I take that into account. Constable Long testified that when he located Mr. Shae that night, Mr. Shae told him that he did not know who had assaulted him. In the Agreed Statement of Facts there is evidence that Mr. Shae told one of the doctors who saw him in the early morning hours of September 17, 2015 that he did not

remember what happened. I take all that into account. However, there is additional evidence to consider.

[27] Mary Abraham, who testified that she was not drinking, said she was at George Benwell's house that evening. Mr. Shae was there when she got there and then he left. Some 20 minutes or so after Mr. Shae left, Mr. Beaulieu came in. Ms. Abraham testified that she thought that the bottle of liquor Mr. Beaulieu had when he came in was the same one that Mr. Shae left with but I cannot draw any conclusions from that as she conceded that she did not see the bottles clearly and could not say with any certainty that they were the same.

[28] Ms. Abraham testified that Mr. Beaulieu said he had just "beat the shit out of Marlin Shae". She initially thought he was kidding. He left a few minutes later.

[29] I take into account that there were contradictions in Ms. Abraham's evidence about how long Mr. Shae was at Mr. Benwell's, and her assessment that Mr. Shae was sober is different from Shae's own admission that he was drunk. I do not find those contradictions troublesome. These events happened over a year and a half ago. There would have been no reason for Ms. Abraham to pay very much attention to these things before Mr. Beaulieu came into the house.

[30] It was clear from her testimony that Ms. Abraham does not like Mr. Beaulieu and that she considers him dangerous. I bear that in mind. But she was not shaken in her testimony that Mr. Beaulieu said he had beaten up Mr. Shae.

[31] In his police statement and in his testimony at the plea withdrawal hearing, Mr. Beaulieu denied that he made statements to anyone about having beaten up Mr. Shae and denied seeing the individuals who claimed he had made such statements. However, I place no weight on those denials for the reasons I have already set out about Mr. Beaulieu's statements about his lack of involvement in the events lacking credibility.

[32] Although it was clear from Ms. Abraham's testimony that Mr. Benwell was at the house when Mr. Beaulieu came there, she did not say exactly where in the house Mr. Benwell was. When Mr. Benwell himself testified, he said that he was in the living room and he could hear Mr. Beaulieu's voice speaking with someone in the porch, but did not hear what he was saying. His testimony confirms that both Mr. Shae and Mr. Beaulieu were at the house, and that Mr. Beaulieu spoke. His testimony does not contradict Ms. Abraham. I conclude that Mr. Benwell simply did not hear what Mr. Beaulieu said.

[33] I accept Ms. Abraham's testimony that Mr. Beaulieu said he had beaten Mr. Shae and I am satisfied that he did in fact tell her that.

[34] Daniel Starr testified and was cross-examined by telephone. He testified that on a date he could not be precise about, Mr. Beaulieu came to his house wanting to drink and bragging that he beat up and kicked a guy because he was going into his cousin Rocky's house, "bugging" Rocky, who had arthritis. Although Mr. Starr had said, in his police statement, that Mr. Beaulieu referred to leaving the guy on the road, it was unclear at the end of his testimony whether that was something that someone else had told him, so I will disregard that particular detail. The logical inference which I draw from the rest of Mr. Starr's testimony is that Mr. Beaulieu was referring to having assaulted Mr. Shae near Rocky's house.

[35] As with Ms. Abraham, it is clear that Mr. Starr does not like Mr. Beaulieu; he refers to him by a crude name. I found that despite his obvious dislike of Mr. Beaulieu, Mr. Starr was trying to be truthful about what he had heard from Mr. Beaulieu himself and what he had heard elsewhere. It did not appear to me that he was exaggerating or embellishing. I accept his evidence and find that Mr. Beaulieu did say the words I have described.

[36] Also in evidence is a statement made by Connie Moses to the police. She did not, however, attend court and so was not subject to cross-examination. Her statement, and Mr. Starr's testimony, confirm that she was with Mr. Starr when Mr. Beaulieu came to their home wanting to drink. In her statement, she says that Mr. Beaulieu was talking about beating up a guy and dragging him to the side of the road and leaving him there. Since she was not tested on what exactly was said about leaving the guy on the road, or whether she had heard that elsewhere, I will, out of caution, disregard that detail. In her statement, she describes Mr. Beaulieu as a friend, whose behaviour she does not like, so I find there is no issue about any animosity towards him on her part.

[37] Ms. Moses' statement is of limited value because she was not cross-examined. Her statement that Mr. Beaulieu went to their home and talked about beating up a guy is, however, confirmed by Mr. Starr's testimony.

[38] Another statement alleged to have been made by Mr. Beaulieu comes from the testimony of Mr. Jackson, who testified that when he and Mr. Napier encountered Mr. Beaulieu on the road before the incident involving him, Mr. Beaulieu said that he had beaten up Marlin Shae that night and left him on a lawn or a road. Mr. Napier made no reference to this statement in his testimony, although it is clear from both Mr. Jackson's and Mr. Napier's evidence that Napier

was there at the time the statement is said to have been made and that Napier spoke to Beaulieu. I do have some doubt as to whether Mr. Jackson was correct about hearing that statement or whether he heard about the Shae assault or statements about it made by Mr. Beaulieu later from someone else, possibly when he was in the hospital and, according to the evidence, in an agitated state. In the result, I am not satisfied that Mr. Beaulieu made that particular statement when he encountered Jackson and Napier.

[39] I also take into account that there is hearsay evidence from Constable Long that Rocky told the constable that neither Mr. Shae nor William Beaulieu were at his house that night. Rocky did not testify at the sentencing hearing and I cannot assess the credibility of his statement. It is quite possible that Rocky simply did not see either one of them. Mr. Shae's evidence was that William Beaulieu was outside the house on the stairs when he saw him and Mr. Shae seemed to think it was unlikely that he had sought the cigarette from Rocky, so whether Rocky was at the house at the time in question is not clear, nor is it clear that even if he was in the house he necessarily would have seen either Mr. Shae or Mr. Beaulieu. The hearsay evidence as to what Rocky told the constable does not raise a doubt in the face of Mr. Shae's evidence that Mr. Beaulieu was outside the house just before Mr. Shae was attacked and the evidence of Ms. Abraham and Mr. Starr about the statements made to them by Mr. Beaulieu.

[40] On Mr. Beaulieu's behalf, it was argued that if I accepted that he made any of the statements about beating up a guy, they might have been references to Mr. Jackson rather than Mr. Shae. However Ms. Abraham was clear that Mr. Beaulieu referred to Mr. Shae by name. And there is no evidence that Mr. Jackson was in any way connected to Rocky or was near Rocky's house. There is no evidence from which I can conclude that Mr. Beaulieu may have thought or meant that Mr. Jackson had been "bugging" Rocky. In my view the only logical conclusion is that Mr. Beaulieu was referring to Mr. Shae when he spoke to Ms. Abraham and Mr. Starr.

[41] Constable Long's testimony is also of some assistance in this regard. He testified that the investigation of the Shae assault began at 11:42 p.m. on September 16, 2015 when Rocky Beaulieu complained of a man lying on the ground near his residence. When Constable Long found Mr. Shae, who had blood on him and looked as if he had been beaten, he was in a vehicle in the back of Rocky Beaulieu's property. So that provides some confirmation that the assault on Mr. Shae took place near Rocky's house.

[42] I have taken into account the submission by Mr. Beaulieu's counsel that Mr. Beaulieu has consistently maintained that he did not assault Mr. Shae. He took that position when Constable Long interviewed him, and he took it at the plea withdrawal hearing. The important exception to that, of course, is the guilty plea, which contradicts his denial of responsibility for that assault and is an admission that he did commit it.

[43] Mr. Shae's evidence as to Mr. Beaulieu's presence just before he was attacked from behind, together with Ms. Abraham's and Mr. Starr's evidence about what Mr. Beaulieu told them, and Mr. Beaulieu's admission by way of his guilty plea, satisfied me beyond a reasonable doubt that Mr. Beaulieu did assault Mr. Shae from behind as described by Mr. Shae.

[44] Mr. Shae suffered serious injuries including multiple facial fractures, a skull fracture and an epidural hematoma. He required five stitches to close a laceration to the back of his head. I am satisfied beyond a reasonable doubt that it was an aggravated assault by wounding.

The Assault on Daniel Jackson

[45] I will now turn to the assault on Daniel Jackson. Mr. Jackson testified by telephone and Mr. Napier testified in court. They both admitted that they had been drinking before the events in question. Mr. Napier had been drinking off and on for a day or two leading up to that night, and Mr. Jackson had been drinking during the daylight hours prior to the assault and perhaps longer. I take that into account.

[46] They met up with Mr. Beaulieu on the road and ended up drinking in Mr. Jackson's basement. A young woman was with them but no one testified that she had any involvement in what happened.

[47] Mr. Napier testified that he did not recall any argument between himself and Mr. Jackson. He testified that Jackson and Beaulieu were arguing, although he could not remember what the argument was about. He said that Beaulieu punched Jackson a few times in the face; he could not see how many times because Beaulieu's back was to him. He did not see Jackson do anything in return, although his view may have been blocked. He testified there was more arguing and then Beaulieu punched Jackson in the face again a couple of times, at which point Mr. Napier intervened. During all of this Jackson was sitting down and did not fight back.

[48] Mr. Napier testified that initially he thought what he was seeing was a consensual fight. The reason he gave for thinking it was consensual was that Jackson and Beaulieu were both arguing and he had the impression that something might happen. When asked whether Mr. Jackson had said to Mr. Beaulieu, "Let's go", Mr. Napier could not remember.

[49] Mr. Jackson testified that he wanted everyone to leave his home and that Mr. Beaulieu objected to that and got up and started punching him, causing him to bleed. Jackson again told everyone to leave and Beaulieu started hitting him again. Jackson pushed him away and left the room. He denied doing anything to Mr. Beaulieu prior to that and specifically denied using a bottle to try to hit or threaten Mr. Beaulieu.

[50] When asked whether he had said "Let's go" to Mr. Beaulieu, Mr. Jackson stated that he could not remember. He testified that if he had said that, he would have meant that he wanted everyone to leave, although he acknowledged that the words could be interpreted as an invitation to fight.

[51] Napier and Jackson are, therefore, substantially consistent as to what happened, although they differ on some of the details, which is not surprising due to the fact that they had been drinking. Both say that Mr. Beaulieu hit Mr. Jackson, then there was an interval in which Mr. Jackson said something, and then Mr. Beaulieu hit Mr. Jackson again.

[52] I note that Mr. Jackson changed his description as to what Mr. Beaulieu had with him. He told the police it was a mickey of vodka, but in court he testified that he now remembers it as a 26 ounce bottle. That discrepancy did not adversely affect my view of his credibility when he described being assaulted.

[53] As to Mr. Beaulieu's version of events, he testified at the plea withdrawal hearing that in the early morning hours of September 17, 2015 he was in Daniel Jackson's basement with Mr. Jackson, Lorne Napier and a young woman. He testified that he was sitting across from Mr. Jackson, drinking vodka with the others. Mr. Jackson was getting mad, wanting everyone to leave his house, and tried to fight Mr. Napier. Mr. Beaulieu stood and told Mr. Jackson to chill out. Mr. Jackson stood up and came at Mr. Beaulieu with a beer bottle, which he swung towards Mr. Beaulieu, who then hit him three times in the cheek. He said he hit Jackson before Jackson could hit him. Jackson was bleeding after the hits. Mr. Beaulieu did not hit him again. He left and went home.

[54] Although neither Mr. Jackson nor Mr. Napier were able to remember whether Mr. Jackson said the words “Let’s go”, there is no evidence before me that anyone else actually heard Mr. Jackson say those words. Mr. Beaulieu did not testify at the plea withdrawal hearing that he heard them said. I find there is no evidence that Mr. Beaulieu and Mr. Jackson engaged in a consensual fight. In any event, as I understand it based on Mr. Beaulieu’s testimony at the plea withdrawal hearing, Mr. Beaulieu claims self-defence, not a consensual fight.

[55] In light of the contradictory statements about the encounter with Mr. Jackson that Mr. Beaulieu has made to the police, to the court through his guilty plea and at the plea withdrawal hearing, I do not find Mr. Beaulieu’s claim of self-defence, or the version of the events he relies on, credible. His version does not raise a reasonable doubt as to whether he assaulted Mr. Jackson as described by Jackson and Napier, whose evidence about that I accept.

[56] Even had I accepted or had a reasonable doubt as to whether the version of events Mr. Beaulieu presented at the plea withdrawal hearing was credible, it would not in my view amount to self-defence. Mr. Beaulieu’s description of what he says Mr. Jackson did was imprecise; it is not clear how Mr. Jackson swung the bottle, what part of Mr. Beaulieu’s body he swung it towards, or how close the bottle actually came to Mr. Beaulieu. The punches thrown by Mr. Beaulieu were obviously hard ones as they resulted in Mr. Jackson having a fractured cheekbone and eye socket bone and bleeding; he testified that he continues to suffer numbness in the right side of his face and jaw to this day. Mr. Beaulieu’s actions cannot be said to have been reasonable in reaction to what I find is his vague description of Mr. Jackson swinging a bottle at him. The Crown would have met its burden to prove beyond a reasonable doubt that Mr. Beaulieu’s actions were not reasonable in the circumstances, which is one of the requirements under s. 34 of the *Criminal Code*.

[57] Further, even if the claim of self-defence raised a doubt as to guilt on the first set of punches, it could not apply to the second set of punches, which I am satisfied were thrown by Mr. Beaulieu, based on the evidence of Jackson and Napier. I accept their evidence as to the assault on Mr. Jackson and find that Mr. Beaulieu punched Mr. Jackson in the face on two occasions separated by a short interval of time, and that in doing so he did not act in self-defence.

[58] In the result, I was and am satisfied beyond a reasonable doubt that Mr. Beaulieu committed an aggravated assault on Daniel Jackson by wounding him.

Conclusion

[59] In summary, for the reasons given, I was satisfied beyond a reasonable doubt that Mr. Beaulieu committed an aggravated assault on each of Marlin Shae and Daniel Jackson and accordingly convicted him on the count set out in the indictment.

V.A. Schuler
J.S.C.

Dated at Yellowknife, NT, this
25th day of May, 2017.

Counsel for Her Majesty the Queen: Brendan Green
Counsel for William Beaulieu: Charles B. Davison

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