*R v Beck*, 2021 NWTSC 33 S-1-CR-2019-000015

**IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES**

**IN THE MATTER OF:**

**HER MAJESTY THE QUEEN**

**-v-**

**CHAD TYLER BECK**

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**Transcript of the Reasons for Sentence of the Honourable Justice S.H. Smallwood, sitting in Yellowknife, in the Northwest Territories, on the 23rd day of September, 2021**

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**APPEARANCES:**

J. Andrews: Counsel for the Crown appearing

 via teleconference

B. Macpherson: Counsel for the Crown appearing

 via teleconference

P. Harte: Counsel for the Defence

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Charge under s. 235(1) of the *Criminal Code*

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THE COURT: Chad Tyler Beck was found guilty after trial of the second degree murder of Cameron Sayine. On July 1, 2018, in Fort Resolution Chad Beck murdered Cameron Sayine when he struck him with an axe. Chad Beck, Cameron Sayine and Jason Larocque were at a residence in Fort Resolution that day, and they had all been drinking. Chad Beck got up, left the residence and returned with an axe. He hit Cameron Sayine with the axe multiple times, killing him. Chad Beck was charged with second degree murder, and his trial was held before me over several days in October 2020 and February 2021. At the outset of the trial Mr. Beck entered a not guilty plea to murder and offered a guilty plea to manslaughter. The Crown rejected the plea to manslaughter, and the trial proceeded. Following the trial on May 25, 2021, I found Mr. Beck guilty of second degree murder.

 The sentence for second degree murder is set out in the *Criminal Code*, and it is a mandatory sentence of life imprisonment. Today it is my responsibility to impose that sentence upon Mr. Beck and to decide upon the period of parole ineligibility. Section 745(c) of the *Criminal Code* provides that a person convicted of second degree murder be sentenced to a period of parole ineligibility for at least 10 years and not more than 25 years.

 My decision is to decide the period of imprisonment that Mr. Beck will be required to serve before he is eligible to apply for parole. My decision is not when he will be paroled because that is up to the Parole Board of Canada.

 The Crown’s position is that I should set the period of parole ineligibility at 13 years. The defence is seeking a period of parole ineligibility of 10 years.

 The facts of what occurred were not in dispute at the trial. It was not disputed that Mr. Beck caused the death of Cameron Sayine. This was witnessed by Jason Larocque and Chad Beck admitted it when he testified. There was also an Agreed Statement of Facts in which Mr. Beck admitted that he caused the death of Cameron Sayine by striking him with an axe.

 The issue at the trial was the *mens rea* of Mr. Beck, whether he had the necessary intent for murder. There were issues of intoxication and provocation to consider.

 In finding Mr. Beck guilty of second degree murder, which is reported at 2021 NWTSC 23, I found that Chad Beck left the residence and returned with an axe. He entered the house quickly and came around the corner and swung the axe hard, forcefully and purposefully and hit Cameron Sayine in the back of the head. Cameron Sayine did not see the attack coming and was unable to defend himself. He fell to the floor. Mr. Beck struck Cameron Sayine two more times in quick succession. He then said words to the effect of “he sure ain’t going to fucking fuck us around anymore.”

 That day Cameron Sayine had attacked Chad Beck and fought with him on three occasions. Cameron Sayine had started to argue with Jason Larocque, and Chad Beck had had enough of Cameron Sayine and his abuse and bullying that night. He struck Cameron Sayine with the intent to disable him, to hurt him. I found that Chad Beck struck Cameron Sayine with the intent to cause bodily harm that he knew was likely to cause death and was reckless as to whether death ensued or not.

 Mr. Beck then drug Cameron Sayine’s body out of the house approximately 30 metres away in the yard of the residence, striking Cameron Sayine’s body twice with the axe at one point. Mr. Beck then sat on a porch and waited for the police to come. In all Mr. Beck struck Cameron Sayine with the axe five times, and Mr. Sayine died as a result of the multiple chop wounds to his body and head.

 In sentencing for second degree murder, section 745.4 of the *Criminal Code* requires the sentencing judge to have regard to the character of the offender, the nature of the offence and the circumstances surrounding the commission of the offence. In addition to these factors, the decision about parole ineligibility must also be made taking into consideration the general sentencing framework set out in the *Criminal Code*.

 In *R. v. Delorme*, 2005 NWTSC 79 at paragraphs 4 to 5, the Court summarized the approach to sentencing an offender convicted of second degree murder:

Implicit in these factors are considerations of specific and general deterrence, denunciation, and the reformation and rehabilitation of the offender. And, as noted by the Supreme Court of Canada in *R. v. Shropshire*, the determination of the period of parole ineligibility is a very fact‑sensitive process. The Court also noted that the discretion to impose a period greater than ten years reflects the fact that within the category of second degree murder there is both a range of seriousness and varying degrees of moral culpability.

 The Supreme Court also held that it is incorrect to start from the proposition that the period of parole ineligibility must be the statutory minimum unless there are unusual circumstances. It is a question of what is the appropriate sentence in the circumstances. The emphasis is on the protection of society through the Court's expression of repudiation for the particular crime by the particular offender.

Mr. Beck is also an Indigenous person and I am required to consider section 718.2(e) of the *Criminal Code*. Section 718.2(e) requires sentencing judges to consider all available sanctions other than imprisonment that are reasonable in the circumstances and consistent with the harm done to victims or to the community for all offenders with particular attention to the circumstances of Aboriginal offenders.

 In this case no one is suggesting that jail is not available or appropriate in the circumstances, but section 718.2(e) requires me to consider Mr. Beck’s personal circumstances as an Indigenous person.

 The Supreme Court of Canada cases of *Gladue* and *Ipeelee* provide guidance to sentencing judges in how to apply section 718.2(e).

 *Ipeelee* requires sentencing judges to consider both the unique systemic and background factors which may have played a part in bringing the Indigenous offender before the courts and the types of sentencing procedures and sanctions which may be appropriate for the individual Indigenous offender.

The objective is to pay particular attention to the circumstances of an Indigenous offender in an attempt to achieve a fit and proper sentence. I take into account generally the systemic and background factors which may impact on Indigenous offenders in Canada generally and the Northwest Territories in particular. I have also considered the specific *Gladue* factors which may have affected Mr. Beck.

 Victim impact statements were filed and read aloud by the Crown yesterday on behalf of the father, grandfather and sister of Cameron Sayine. The victim impact statements that were filed expressed the loss suffered and the effect Mr. Sayine’s death had on his family.

 It is apparent that Mr. Sayine’s death has had a significant impact on his whole family. Mr. Sayine was more than just the last moments of his life. He was more than just the drunken agitator and aggressor he was made out to be at Mr. Beck’s trial.

He was also a valued family member, and the loss of Mr. Sayine has forever changed their lives and some have not been able to get over what happened. This tragic incident is not something that people can just get over. Some family members have turned to alcohol or drugs to cope.

 Mr. Sayine’s grandfather also expressed his concerns about the broader impact of the murder of Mr. Sayine. He wrote about his concern about drugs and alcohol in the community of Fort Resolution and the impact alcohol had on this offence. This offence has affected the whole community and apparently caused bad feelings and division in Fort Resolution. Mr. Sayine’s sister also wrote about forgiveness and that she would try and forgive Mr. Beck but that she would not forget.

 No sentence or words can make up for the loss that this crime has caused for the family and friends of Cameron Sayine. No sentence can do that. A sentence of imprisonment, even life imprisonment, cannot make up for the loss of a family member. The Court cannot undo the harm that was done. Some of the victim impact statements referred to the sentencing process. Mr. Beck will be sentenced to a life sentence of imprisonment today. For some, that will be sufficient. For some, it will not. As I said, no sentence of imprisonment can make up for the loss of a loved one, and I express my sincere condolences to the family and friends of Cameron Sayine for their loss.

 Turning to the factors I must consider under section 745.4, first, the character of the offender. I have the benefit of a thorough pre-sentence report as well as submissions from defence counsel regarding Chad Beck’s history and his background. He is 33 years old and is of Indigenous descent. His biological mother was Gwich’in, and his father was Caucasian. He was adopted as an infant and raised in Fort Resolution by his adoptive family who are Chipewyan.

 Mr. Beck grew up in a supportive family environment and was raised by his mother and then his grandparents. He was raised in a traditional lifestyle and learned to live off the land, to hunt, fish, and trap. Mr. Beck’s grandfather passed away in 1997 and following that, he moved around and lived with different family members. He later lived with his grandmother in Fort Resolution, and her home gradually became a party house, as she struggled with the abuse of alcohol.

 Eventually his grandmother passed away and left the house to Mr. Beck, but it continued to be used as a party house.

 Alcohol has been a significant factor in Mr. Beck’s life. He says he started drinking when he was 10, and his alcohol use over the years has been frequent sometimes as often as daily. The evidence at trial was that Mr. Beck had been drinking steadily for some time before this offence, on a daily basis in the days or weeks leading up to this incident.

 After being placed under arrest and placed into custody, Mr. Beck suffered from alcohol withdrawal. Alcohol was clearly a problem and played a significant factor in the offence, as he was intoxicated. I found that Mr. Beck was intoxicated at the time he killed Cameron Sayine but not so intoxicated that he did not intend the natural and probable consequences of his actions.

 In reviewing the pre-sentence report, at the time of this offence Mr. Beck seemed to be drifting through his life without a particular purpose or direction. While he was a quiet guy who was good company, he was consuming alcohol daily, his home continued to be a party house to some extent in Fort Resolution, his work record was somewhat inconsistent, although when he did work he was described as a good worker.

 Mr. Beck has been in custody since his arrest in July 2018, and he has taken the opportunity to work on his GED while incarcerated. I am told that he has taken and successfully passed four of the required exams to obtain his GED. His instructor describes Mr. Beck as his star pupil and that he is helpful and attentive and caring towards fellow inmates. He describes Mr. Beck as a shy person who seems to struggle with confidence.

 Mr. Beck has a criminal record with three entries on it in 2015 and in 2019. There are two convictions for offences against the administration of justice and a conviction for a driving offence. Mr. Beck’s record is minor and unrelated.

 The actions of Mr. Beck in grabbing the axe and killing Cameron Sayine were shocking to his family and out of character. There is nothing in Mr. Beck’s history or family situation to suggest that he would act as he did. Mr. Beck is remorseful and wishes that the incident had never happened. That was apparent during the trial and reading the pre-sentence report and in the words related by defence counsel on his behalf yesterday. He was cooperative with the police when arrested, and during the trial he admitted his actions in striking Cameron Sayine with the axe. And it is apparent he feels bad for Cameron Sayine, Mr. Sayine’s family as well as his own family.

 Turning now to the nature of the offence. Mr. Beck was found guilty of second degree murder. Murder is one of the most serious offences in the *Criminal Code*, and the automatic sentence is one of life imprisonment. The moral culpability required for murder and the gravity of the offence, the seriousness of the offence are reflected in the automatic sentence of life imprisonment with the minimum 10 years of parole ineligibility.

 Within second degree murder the period of parole ineligibility ranges from 10 to 25 years, which reflects that the offence can involve varying degrees of seriousness and moral culpability. Mr. Beck’s level of moral culpability is high. While he was intoxicated and had been assaulted three times by Cameron Sayine that night, his impulsive reaction in leaving the residence only to return with an axe, striking Mr. Sayine in the back of the head and hitting him multiple times with the axe was extreme and horrific.

 Mr. Beck’s attack on Cameron Sayine was sudden and the attack occurred in a matter of seconds. The consequences were devastating. Mr. Beck wanted to disable Mr. Sayine and did not temper his swing or hold back. He swung the axe hard, forcefully and purposefully like a baseball bat into the back of Mr. Sayine’s head, and then struck him again twice while he was on the floor or falling to the floor. The level of violence was high and Mr. Beck’s actions were shocking and brutal.

 Turning to the circumstances surrounding the commission of the offence, I have already referred somewhat to the circumstances surrounding the commission of the offence. This was Canada Day, and there was supposed to be a cookout that day at the Larocque residence. Instead, it became a day of drinking for Chad Beck, Cameron Sayine and Jason Larocque.

 Throughout the course of the day, a significant amount of alcohol was drunk by all three men. Cameron Sayine joined Chad Beck at the residence uninvited and not particularly welcome by Chad Beck. Chad Beck did not enjoy Cameron Sayine’s company when he was drinking, and he described him as aggressive and irritating. Cameron Sayine assaulted Chad Beck outside the house two times and when inside the house struck him once.

 Chad Beck during the first two interactions fought back to defend himself but was not an aggressor in these interactions. When Jason Larocque and Cameron Sayine began to argue and it looked like they might fight, Chad Beck was concerned about his cousin, whether he would fight and whether he could defend himself and he had also had enough. He left the residence before returning shortly with an axe. And Chad Beck had had enough of Cameron Sayine’s abuse and bullying that night. He came around the corner and struck Cameron Sayine in the back of the head with the axe before hitting him again and again. As I said, Mr. Beck’s reaction to Cameron Sayine’s actions was extreme and horrific.

 I have had the benefit of reviewing the cases provided by the Crown. As has been noted, sentencing for second degree murder is a very fact‑specific exercise. No two cases are alike. The cases that were provided provide a broad framework for determining an appropriate sentence like this. There are four cases. They are not factually similar, but they provide an example of what sentences have been imposed for second degree murder in this jurisdiction.

 In *Delorme*, which is a case from 2005 which involved the beating and strangulation of the victim in a crack house by several people who were involved in the drug world, the actions of the offender were involved or motivated by killing an associate who they thought was bringing the police down on them. There was also an attempt to conceal what had occurred by burning the body outside of town. Mr. Delorme was found guilty after trial and sentenced to 14 years.

 In the case of *Harrison*, a case from 2015, the offender strangled the victim. The victim was invited to consume alcohol with the offender who strangled her when she wanted to leave. That case involved a guilty plea, and the sentence was 13 years.

 In the *King* case from 2019, the victim died as a result of stab wounds. The offender ended up in the victim’s apartment where he used an ornamental sword which was located in the apartment to attack the victim for an unknown reason. He was found guilty after trial and sentence to 12 years.

 In the *Sayers* case, which was from 2003, a night clerk was beaten to death in the course of a robbery. It was after a trial. Mr. Sayers was convicted of second degree murder. There was also the element that he had involved his brother afterwards, and there was an attempt to cover up his involvement in the crime. He was sentenced to 14 years.

 The nature of this offence and the circumstances of its commission and the various sentencing principles cause me to conclude that a sentence in excess of the minimum of 10 years parole ineligibility is required. Balanced against this are the circumstances of Mr. Beck, the remorse that he feels and the *Gladue* factors that are applicable in this case. Considering all of these factors, I believe that a period of parole ineligibility in excess of the minimum of 10 years is still warranted.

 Dealing first with the ancillary orders that the Crown has requested, they are mandatory. First, this is a primary designated offence, and there will be a DNA order pursuant to section 487.051 of the *Criminal Code*. It is also mandatory that there be a firearms prohibition order pursuant to section 109 of the *Criminal Code*, so Mr. Beck will be subject to a firearms prohibition order that begins today and ends 10 years after his release from imprisonment.

 So, Mr. Beck, please stand up. So, Chad Tyler Beck, having considered your character, the nature of the offence and the circumstances surrounding the commission of the offence as well as the applicable sentencing principles, for the murder of Cameron Sayine I sentence you to a term of imprisonment for life, and I set your parole ineligibility period at 11 years. You may sit down.

 All right. Thank you, counsel. I want to just conclude just by thanking you for your work on this trial in narrowing the issues and focusing the issues and for the helpful submissions that you made, both at trial and on sentence. They were very helpful in my deliberations.

**(PROCEEDINGS CONCLUDED)**

**CERTIFICATE OF TRANSCRIPT**

Neesons, the undersigned, hereby certify that the foregoing pages are a complete and accurate transcript of the proceedings transcribed from the audio recording to the best of our skill and ability. Judicial amendments have been applied to this transcript.

Dated at the City of Toronto, in the Province of Ontario, this 6th day of October, 2021.



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Kim Neeson

Principal