

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HIS MAJESTY THE KING

- v -

BRADLEY STORM BEAULIEU

**Transcript of the Sentencing Decision delivered by the
Honourable Chief Justice S.H. Smallwood, sitting in Yellowknife,
in the Northwest Territories, on the 8th day of May, 2025.**

APPEARANCES:

M. Fane:	Counsel for the Crown
J. Bran:	Counsel for the Defence

Charges under s. 271 and 172.1(2) of the *Criminal Code*

**There is a ban on the publication, broadcast or transmission of any information that could
identify the complainant pursuant to s. 486.4 of the Criminal Code.**

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1 **(DECISION)**

2 THE COURT: All right. So Bradley Beaulieu has pled
3 guilty to one count of sexual assault contrary to section
4 271 of the *Criminal Code*. The offence was committed
5 against MK between between July 1, 2021, and
6 September 1, 2021, in Yellowknife, when MK was 13
7 years old.

8 Counsel for the Crown is seeking a
9 sentence of four to five years' imprisonment
10 consecutive to the sentence Mr. Beaulieu is already
11 serving. The Crown is also seeking a number of
12 ancillary orders.

13 Counsel for Mr. Beaulieu is suggesting
14 that an appropriate sentence is one of two and half to
15 three years' imprisonment consecutive to Mr.
16 Beaulieu's current sentence.

17 The facts of the offence were outlined in
18 an Agreed Statement of Facts. They are that between
19 July 1 and September 1, 2021, Mr. Beaulieu was 22
20 years old and MK was 13. One evening, MK attended
21 the Shell Gas station in Yellowknife, where Mr.
22 Beaulieu happened to be. They did not know each
23 other before this time. Mr. Beaulieu offered to pay for
24 MK's purchases, and she accepted. He asked her for
25 her social media information, which she provided to
26 him, and she also told him that she was 13.

27 Mr. Beaulieu messaged MK. And in the

1 following days, MK sent him a photo of herself naked,
2 with her head and feet cropped out. MK also sent
3 images of her buttocks and breasts to him. Mr.
4 Beaulieu took screenshots of the images that MK sent.
5 He later asked her to attend his residence and offered
6 to pay MK \$100. MK wanted the money and she
7 agreed.

8 She took a taxi to his residence, which
9 she paid for. At the residence, Mr. Beaulieu directed
10 MK upstairs to his bedroom and had sexual intercourse
11 with her using a condom. MK did not agree to this.
12 She was scared and did not know what to do. She told
13 Mr. Beaulieu she wanted to leave during the sexual
14 intercourse, but he continued.

15 Afterwards, Mr. Beaulieu gave MK a bag
16 of cannabis and she walked home as she did not have
17 enough money for a taxi. MK later attended Mr.
18 Beaulieu's residence a second time. That time, he
19 came outside and paid for the taxi and MK went inside,
20 and Mr. Beaulieu had sexual intercourse with MK.

21 Mr. Beaulieu was using a condom at the
22 beginning of the intercourse but took it off at one point.
23 Afterwards, Mr. Beaulieu asked MK if he could take a
24 photo of her, and she said no, so he did not take a
25 photo of her.

26 This was subsequently reported to the
27 police and Mr. Beaulieu was arrested on October 22,

1 2021, and his phone was seized. A forensic
2 examination of his phone discovered some of the
3 messages between Mr. Beaulieu and MK.

4 No victim impact statement was filed by
5 MK, but the Crown has spoken to the victim's aunt who
6 MK was living with at the time of the offence. MK no
7 longer lives with her and has returned to live with her
8 mom. And her aunt reports that she is not attending
9 school. MK's aunt reports that this offence has had a
10 life altering impact on MK and she has been
11 traumatized by the offence. She referred to it as a life
12 sentence.

13 The impact that this offence reportedly
14 had on MK accords with the impacts noted in other
15 cases involving sexual violence against children.
16 Sexual violence against children can cause serious
17 emotional and psychological harm that can be more
18 harmful than physical violence and have a lasting
19 effect. The harm from offences of sexual violence can
20 be pronounced in children and interfere with their
21 development and permanently alter the course of their
22 life (*R v Friesen*, 2020 SCC 9, at paras 56-58).

23 The potential for lasting psychological
24 harm to a child in an offence of sexual violence is
25 something that has been noted by the courts in this
26 jurisdiction.

27 At the time of this offence, Mr. Beaulieu

1 had a criminal record, with one conviction for impaired
2 driving in 2018, for which he received a fine. Since this
3 offence, he has been convicted and sentenced for
4 impaired driving causing death and bodily harm
5 charges in Alberta. He was sentenced on September
6 16, 2024 for those offences.

7 And on November 26, 2024, Mr. Beaulieu
8 was also sentenced in Territorial court in Yellowknife for
9 an impaired driving conviction. He received a sentence
10 of 45 days consecutive to the sentence he is serving.
11 Taking into account the sentences that have been
12 imposed and the passage of time, Mr. Beaulieu has
13 approximately 638 days left to serve on the sentences
14 he is currently serving.

15 Mr. Beaulieu is of Deninu Kųę and Métis
16 descent, and this requires me to consider section
17 718.2(e) of the *Criminal Code*, which states that:

18 All available sanctions other than imprisonment
19 that are reasonable in the circumstances should
20 be considered for all offenders, with particular
21 attention to the circumstances of Aboriginal
22 offenders.

23 This requires me to consider Mr.
24 Beaulieu's personal circumstances, as well as his
25 background as an Indigenous person. To assist with
26 that, I have the submissions of counsel, as well as a
27 Gladue report, which was prepared in May 2024 for

1 another matter in Alberta. The Gladue report is not
2 current, having been prepared one year ago, but it is a
3 thorough report into Mr. Beaulieu's background, and it
4 details the Gladue factors that are applicable to him.

5 I have considered the principles set out
6 by the Supreme Court of Canada in the cases of
7 *Gladue* and *Ipeelee* (*R v Gladue*, [1999] 1 SCR; *R v*
8 *Ipeelee*, [2012] 1 SCR 433. Sentencing judges are
9 required to consider the unique systemic or background
10 factors which may have played a part in bringing an
11 Aboriginal offender before the courts and the types of
12 sentencing procedures and sanctions which may be
13 appropriate in the circumstances because of an
14 offender's Aboriginal background.

15 Bradley Beaulieu has lived in Yellowknife
16 for most of his life. His background is from the Deninu
17 Kųę First Nation, Fort Resolution, as well as the East
18 Prairie Métis settlement in Alberta. Mr. Beaulieu's
19 family has been impacted by intergenerational trauma
20 and the legacy of colonialism.

21 His maternal grandparents attended
22 residential school and had very negative experiences.
23 The legacy of these experiences have impacted
24 multiple generations of Mr. Beaulieu's family, including
25 Mr. Beaulieu. The result is intergenerational substance
26 abuse and violence that has had an impact across four
27 generations. Mr. Beaulieu has also experienced the

1 loss of language, culture, and traditions, and he has
2 experienced the loss of loved ones and grief.

3 Mr. Beaulieu's childhood was negatively
4 impacted by this legacy with his parents abusing
5 alcohol, and he experienced family violence. Mr.
6 Beaulieu began to use alcohol and drugs in grade 9
7 and has had periods where he abused alcohol, but he
8 has also had lengthy periods of time where he was
9 abstinent. His criminal record and the nature of the
10 offences that he has been convicted of, approximately
11 four offences involving driving a vehicle while impaired,
12 demonstrate that Mr. Beaulieu's problems with
13 substance abuse are significant and have resulted in
14 tragic consequences.

15 Mr. Beaulieu has a close relationship with
16 his maternal grandparents and is close with other
17 members of his family. He graduated high school and
18 has taken courses while in custody. His goal is to
19 become a journeyman carpenter when he is released
20 from custody, and he has a background in this area,
21 having worked for his father's construction company.
22 While he has suffered the loss of language, culture, and
23 traditions, Mr. Beaulieu has also engaged in traditional
24 activities with relatives and has connected to his
25 culture, and his family has also been involved in these
26 types of activities with him.

27 Mr. Beaulieu has plans for the future

1 which involve dealing with his addictions and other
2 issues. He has expressed interest in counselling and
3 treatment and has goals for his future when he is
4 released. I have not referred to everything in the
5 Gladue report, but I have considered it all, and I think
6 there are things in Mr. Beaulieu's background that have
7 had an impact on him and play a part in bringing him
8 before the court. This bears upon his level of moral
9 blameworthiness and reduces it to a degree. The
10 conduct he engaged in is still serious, but a part of Mr.
11 Beaulieu's background are the challenges that he has
12 faced before coming before the court for this offence.

13 Turning to the sentencing principles, a
14 fundamental principle of sentencing is that the sentence
15 must be proportionate to the gravity of the offence and
16 the degree of responsibility of the offender. There are
17 several objectives of sentencing set out in section 718
18 of the *Criminal Code*. The denunciation of unlawful
19 conduct and the harm done to victims, and the
20 deterrence of the offender and other persons from
21 committing crimes are primary sentencing objectives in
22 cases involving the sexual abuse of children. This has
23 long been recognized in sentencing cases. This is also
24 reflected in section 718.01 of the *Criminal Code*, which
25 was enacted in 2005 and says that:

26 When sentencing for offences that involve the
27 abuse of children, denunciation and deterrence

1 are to be given primary consideration.

2 Section 718.2 of the *Criminal Code* lists a
3 number of considerations on sentencing that are
4 aggravating factors, one of which is the abuse of
5 someone under the age of 18 years old, which is
6 applicable in this case. The abuse of a young person
7 and the sexual abuse of a young person have been
8 treated seriously by the courts for quite some time. The
9 prevalence of sexual violence against women is a
10 significant concern in this jurisdiction and it has been an
11 ongoing priority of this Court to strongly denounce
12 offences of sexual violence.

13 Sexual violence against young women is
14 also a significant concern both in this jurisdiction and in
15 Canada. The maximum sentence of imprisonment for
16 section 271, where the victim is under the age of 16
17 years, is one of 14 years of imprisonment. In 2015, the
18 maximum sentence for a sexual assault where the
19 victim is under the age of 16 was increased to 14 years
20 from 10 years imprisonment when prosecuted by
21 indictment. The increases in the maximum sentence
22 for sexual offences against children that have occurred
23 over the past few decades reflects society's increasing
24 understanding of the gravity of sexual offences and
25 their impact on children (*Friesen*, para 99).

26 The Supreme Court of Canada
27 addressed the issue of sentencing in cases of sexual

1 violence against children in *Friesen*. The Supreme
2 Court acknowledged the serious problem of sexual
3 violence against children and how courts should
4 approach sentencing in those cases. The Supreme
5 Court of Canada's decision in *Friesen*, the enactment of
6 section 718.01 of the *Criminal Code*, and the increase
7 in the maximum sentences continue to emphasize that
8 the priority when sentencing for offences that involve
9 the abuse of children is on denunciation in deterrence.

10 As stated in *Friesen* at paragraph 100:

11 To respect Parliament's decision to increase
12 maximum sentences, courts should generally
13 impose higher sentences than the sentences
14 imposed that preceded the increase in
15 maximum sentences.

16 The Supreme Court of Canada guidance
17 that was provided in *Friesen* was considered in the
18 case of the *R v Bishop*, 2024 NWTSC 16 at paras 40-
19 42:

20 “The guidance offered in *Friesen* includes
21 a discussion about factors that should be significant in
22 the determination of a fit sentence. These include the
23 likelihood to re-offend, the abuse of a position of trust or
24 authority, the duration and frequency of the abuse, the
25 age of the victim, and the degree of physical
26 interference, *Friesen*, paras 121-197.” The Court also
27 stated that certain things that have been treated as

1 mitigating by some courts are not in fact relevant, let
2 alone mitigating. For example, so-called *de facto*
3 consent, victim participation or lack of resistance by a
4 child are not relevant considerations on sentencing.
5 These things may coincide with the absence of what
6 would otherwise be an aggravating factor such as
7 additional violence, but the absence of an aggravating
8 factor is not a mitigating factor. *Friesen*, paras 148-154.

9 In the Northwest Territories, many of
10 these considerations have formed part of the analysis
11 and sentencing for sexual assault in general and child
12 sexual assault in particular for a long time.

13 For example, the prevalence of sexual
14 violence in the Northwest Territories has been
15 recognized multiple times, as well as the continued and
16 pressing need for courts to do their part in denouncing
17 this conduct and reflecting society's abhorrence for it.
18 The prevalence of this crime has been noted in cases
19 involving adult victims, as well as child victims" *R v*
20 *Petersen*, 2008, NWTSC 17 at para 4; *R v Vital*, 2009
21 NWTSC 29 at p 15; *R v AJPJ*, 2011 NWTCA 2 at para
22 16; *R v Ransom*, 2011 NWTSC 33 at pp 9-13; *R v*
23 *Lafferty*, 2011 NWTSC 60 at pp 12-14; *R v AJK*, 2016
24 NWTSC 24 at p 5; *R v Gordon*, 2021 NWTSC 25.

25 Turning to the factors that are applicable
26 in this case, there are aggravating and mitigating
27 factors to consider. In terms of mitigating factors, Mr.

1 Beaulieu pled guilty, which is a significant mitigating
2 factor. It was not a guilty plea at the earliest
3 opportunity, but it is a guilty plea which is deserving of
4 significant credit. While MK was at the courthouse and
5 prepared to testify at the preliminary inquiry, Mr.
6 Beaulieu waived the preliminary inquiry and consented
7 to his committal.

8 Once the matter was in this Court, Mr.
9 Beaulieu indicated his intention to resolve this matter by
10 pleading guilty, which is what eventually occurred. As a
11 result, MK did not have to testify on this matter at all
12 and did not have to prepare for a trial. For any victim of
13 a sexual offence, not having to testify and go through
14 the hardship of a trial is a relief, and this spared MK the
15 stress and anxiety of going through a trial.

16 A guilty plea also provides certainty of
17 result. Mr. Beaulieu, through his plea, has admitted
18 responsibility for the offence, so there is no doubt about
19 his guilt. It is an admission of responsibility and an
20 acknowledgement of the harm done.

21 Mr. Beaulieu was also 26 years old. And
22 while he is not a first time offender, this is his first
23 conviction for an offence of violence.

24 There are also aggravating factors to
25 consider: the circumstances of the sexual assault.
26 Sexual assault itself is a serious offence and it is even
27 more serious when committed against a young person.

1 The offence of sexual assault covers a wide variety of
2 sexual touching. In this case, the sexual assault
3 committed by Mr. Beaulieu involved two instances of
4 sexual intercourse with the Complainant, which is a
5 serious violation of her sexual integrity.

6 It is aggravating pursuant to section
7 718.2 that the offender abused a person under the age
8 of 18 years. The victim was 13 years old at the time of
9 the offence, something that was known to Mr. Beaulieu,
10 as MK had told him her age.

11 It is also aggravating that there was an
12 element of luring to this offence. As stated in the *R v*
13 *Sutherland*, 2019 NWTSC 45, at page 11, quoting from
14 the Alberta Court of Appeal decision in the *R v*
15 *Paradee*, 2013 ABCA 41:

16 Luring is dangerous and, as the Crown points
17 out, serious. It involves premeditated conduct
18 specifically designed to engage an underage
19 person in a relationship with the offender, with
20 the goal of reducing the inhibitions of the young
21 person so that he or she will be prepared to
22 engage in further conduct that is not only
23 criminal but extremely harmful.

24 Mr. Beaulieu's actions in befriending MK,
25 engaging in communication with her over social media,
26 and beginning an online sexual conversation that
27 resulted in her sending nude photographs, all the while

1 knowing she was 13 years old, and then inviting her
2 over to his residence to engage in sexual intercourse is
3 the type of activity that luring encompasses. It is
4 designed to make an underage person think that they
5 are in a relationship with the offender and permit the
6 offender to continue that activity, culminating in the
7 sexual assault of the underage person. It is a serious
8 offence with a predatory element to it.

9 I will deal first with the ancillary orders
10 sought by the Crown. Most are mandatory. The Crown
11 is seeking a DNA order, a SOIRA order, a section 109
12 firearms prohibition order, and a section 161 order to
13 prohibit Mr. Beaulieu from working or volunteering in a
14 position where he might be in a position of trust over a
15 person under the age of 16.

16 The defence takes no issues with the
17 orders but is seeking a section 113 exemption for the
18 firearms prohibition order for sustenance purposes.

19 This is a primary designated offence, so
20 there will be a DNA order.

21 There will also be a SOIRA order for a
22 term of 20 years.

23 There will also be a firearms prohibition
24 order pursuant to section 109 of the *Criminal Code*,
25 which will begin today and end 10 years following Mr.
26 Beaulieu's release from imprisonment.

27 With respect to the section 113

1 exemption, it is not apparent to me that Mr. Beaulieu
2 has engaged regularly in hunting activities or hunting
3 for sustenance purposes. I understand that this may be
4 a part of his culture that he has not yet discovered or
5 engaged in, but I am not satisfied that an exemption is
6 needed at this point.

7 An order will issue pursuant to section
8 161 of the *Criminal Code* and will be in effect for a
9 period of 10 years. For the duration of the order, Mr.
10 Beaulieu will be prohibited from seeking, obtaining or
11 continuing any employment, whether or not the
12 employment is remunerated, or becoming or being a
13 volunteer in a capacity that involves being in a position
14 of trust or authority towards persons under the age of
15 16 years.

16 Totality is also a factor to consider, given
17 that Mr. Beaulieu is already serving a significant
18 sentence for other offences. As they are different
19 offences committed at different times and sentencing
20 has occurred at different times, the expectation is that
21 the sentence that I am imposing today should be
22 served consecutively. The totality of Mr. Beaulieu's
23 sentence is a consideration so that the overall sentence
24 that is imposed, or the sentence he ultimately ends up
25 serving, is not one that is unduly harsh or crushing to
26 Mr. Beaulieu. Mr. Beaulieu is still relatively young and
27 the sentence that he is currently serving is the first time

1 he has been incarcerated and there is still a significant
2 portion of that sentence left to serve.

3 In terms of pre-sentence custody, there is
4 none to consider, as any remand credit that might have
5 accrued has been considered and has been a part of
6 the other sentences that he has been sentenced and is
7 currently serving the time for.

8 Having considered the circumstances of
9 the offence, the circumstances of Mr. Beaulieu, and the
10 applicable sentencing principles, I am satisfied that an
11 appropriate sentence would be one of four and a half
12 years imprisonment. However, taking into account
13 totality, restraint, and considering Mr. Beaulieu's
14 personal circumstances, I am imposing a sentence of
15 three and a half years imprisonment consecutive to the
16 sentences he is currently serving.

17 Therefore, the warrant of committal will
18 reflect a sentence of three and a half years
19 imprisonment to be served, and there is no time to
20 record with respect to any pre-sentence credit.

21 I also have the order that was submitted
22 this morning by the Crown with respect to forfeiture,
23 and that is for seeking the forfeiture of the phone that
24 was seized from Mr. Beaulieu at the time of his arrest
25 that was subsequently subjected to forensic analysis
26 and which revealed that there was communications
27 between Mr. Beaulieu and MK, and so the Crown is

1 seeking that as that it is offence-related property. The
2 defence has not opposed that. Having reviewed the
3 order, I am satisfied that the phone should be forfeited
4 to the Crown and disposed of as they see fit. So that
5 the order will be granted as submitted.

6 All right, counsel, is there anything else
7 that we need to address.

8 M. FANE: No. Thank you, Your Honour.

9 THE COURT: Mr. Bran?

10 J. BRAN: No. Thank you.

11 THE COURT: Okay. All right. Thank you, counsel, for
12 your work in resolving this case and for your
13 submissions. All right. We will conclude.

14 Mr. Beaulieu, good luck to you. I hope
15 you continue on your path in wanting to address
16 substance abuse and seek treatment and counselling,
17 and I wish you good luck.

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19 **(PROCEEDINGS CONCLUDED)**

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CERTIFICATE OF TRANSCRIPT

Veritext Legal Solutions, Canada, 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.

Dated at the City of Toronto, in the Province of Ontario, this
20th day of June, 2025.

Veritext Legal Solutions, Canada

Veritext Legal Solutions, Canada