

CANADA / JUDGMENT

R. v. Alexander

2025 BCSC 2651

COURT

Supreme Court of British Columbia

DECIDED

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2025 BCSC 2651 R. v. Alexander

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Alexander,

2025 BCSC 2651

Date: 20251104

Docket: 75942-2

Registry: Prince George

Rex

v.

Charlene Jane Alexander

Before: The Honourable Madam Justice Sharma

Oral Reasons for Sentence

Counsel for the Crown:

T.G. Bauman

A. Robillard, Articled Student

Counsel for the Accused:

L.J. Helps

Place and Date of Trial/Hearing:

Prince George, B.C.

September 4, 2025

November 3-4, 2025

Place and Date of Judgment:

Prince George, B.C.

November 4, 2025

- [1] THE COURT: This is my judgment addressing the sentence for Charlene Alexander, whom I convicted of second degree murder last year: *R. v. Alexander*, 2024 BCSC 2491. That decision sets out the events in full, and I am only going to provide here a summary.
- [2] On the evening of July 2, 2020, Ms. Alexander was seated with others across the street from the courthouse plaza in downtown Prince George.
- [3] Jessie-May Hayward-Lines was unhoused at the time and had been dropped off downtown by a friend with some of her belongings. Around 8:20 p.m., Ms. Hayward-Lines went to the courthouse plaza where she used the lamppost outlet to plug in a speaker and play music.
- [4] Over the course of the next two hours, Ms. Alexander crossed the street to directly confront Ms. Hayward-Lines three times. After the second interaction, Ms. Alexander returned to the shelter where she had stayed each night (called AWAC) and got her knife. When doing so she made statements that workers heard that were consistent with her wanting to harm Ms. Hayward-Lines. She then returned to the courthouse plaza, and I found that she marched directly up to Ms. Hayward-Lines, stabbed her three times, turned around, and quickly walked back to AWAC.
- [5] Ms. Hayward-Lines immediately called 9-1-1. She was transported to the hospital and underwent emergency surgery. Sadly, she died the next day from her injuries.
- [6] The parties agree on the overall legal principles and facts relevant to sentencing.

I. LEGAL PRINCIPLES

- [7] Section 235 of the Criminal Code, R.S.C. 1985, c. C-46, mandates that the sentence for second degree murder is life imprisonment with a period of parole ineligibility to be a minimum of 10 years and a maximum of 25 years.
- [8] In determining whether to order a period of ineligibility greater than 10 years, the Criminal Code requires the court to consider the character of the offender, the nature of the offence, and the circumstances surrounding the commission of the offence. As with all sentences imposed, other sections of the Criminal Code set out other guidelines.

- [9] Section 718 requires the court to impose sanctions that address the fundamental purposes of sentencing, which include denunciation, deterrence, protection of the public, rehabilitation, providing reparations, and promoting a sense of responsibility in offenders and acknowledging the harm that they have done to victims and the community. Overall, the duty of the court is to consider all the circumstances and determine a just and appropriate sentence reflecting the gravity of the offence and the moral blameworthiness of the offender.
- [10] Section 718.1 of the Criminal Code requires the court to respect the principle of proportionality. Sentences must be sufficiently severe to denounce the offence, but must not exceed what is just and appropriate given the offender's moral blameworthiness and the gravity of the offence: *R. v. Bissonnette*, 2022 SCC 23 at para. 50.
- [11] Section 718.2 requires the court to consider any mitigating or aggravating factors, and 718.2(b) requires the court to consider parity, meaning that a sentence imposed should be similar to other sentences imposed on similar offenders for similar offences committed in similar circumstances.
- [12] It is also important to emphasize that any sentence I impose will declare a period of parole ineligibility, but that is no guarantee that upon expiry of that period, Ms. Alexander will be granted parole. That is because offenders must establish before the parole board that they no longer represent a danger to society: *R. v. Shropshire*, [1995] 4 S.C.R. 227 at para. 34, 1995 CanLII 47 .
- [13] Moreover, courts have recognized that someone under parole is not truly free. They face the threat of reincarceration if they breach any conditions of their release, and the consequence of any breach would be serious consequences: that possibility hangs over their head, in this case, for the rest of Ms. Alexander's life.
- [14] The Supreme Court of Canada confirmed in *Shropshire* that a court need not find unusual circumstances to extend the minimum period of parole ineligibility. The determination is very fact sensitive. The sliding scale of the period of parole ineligibility recognizes that within the category of second degree murder, there is a broad range of serious offences reflecting various degrees of moral blameworthiness.
- [15] In *R. v. Cerra*, 2004 BCCA 594 at para. 26, the Court of Appeal identified two elevated ranges for parole ineligibility beyond the 10-year mark. The first is a period of 12 to 15 years where there are particularly aggravating features, and the second is a period of 15 to 20 years where there are egregious circumstances that put the offender at the highest end of moral culpability or dangerousness. These principles were set out in *R. v. Bennight*, 2012 BCCA 461 at para. 18, where Justice MacKenzie also noted that a period of greater than 20 years is only for exceptional circumstances.

- [16] Crown submits that even when planning and deliberation have not been proven beyond a reasonable doubt to justify a conviction on first degree murder, the Ontario Court of Appeal has held that the sentencing judge can treat facts suggesting purposeful conduct to be an aggravating circumstance.
- [17] In *R. v. Ipeelee*, 2012 SCC 13, the Supreme Court of Canada reaffirmed the duty of courts to pay heed to the devastating intergenerational effects of the collective experience of Indigenous people. The Court made clear in that case the offender does not have to establish a direct causal link between background and the commission of the offence. The requirement is more modest. That is because the interconnections between the historical government-forced mistreatment of Indigenous people and that legacy, which overlaps with their overrepresentation in the criminal justice system, are issues too complex to reduce to requiring an evidentiary proof of causation.
- [18] At the same time, systemic and background factors do not operate as an excuse or justification for criminal conduct. Instead, they provide necessary context in which the sentencing judge needs to determine if there is a fit sentence. At para. 85 of *Ipeelee*, the Court stated that sentencing judges have a duty to apply s. 718.2(e), and on that there is no discretion. A court must consider these factors in every single case where there is an Indigenous offender.
- [19] The parties refer to a number of cases by way of analogy or similarity, and while they provide some helpful guidance which I may mention later, sentencing is very individualized and very fact sensitive. There was no case that came close enough to the facts in this case to provide any real assistance.

II. INFORMATION BEFORE THE COURT

- [20] There were four reports entered: a presentence report, a Gladue report, a neuropsychological report, and a report from the Forensic Psychiatric Services Commission. In addition, there were victim impact statements.
- [21] Ms. Hayward-Lines' mother, Paula Hayward, provided a statement that was read into court. Ms. Hayward-Lines' cousin, Kayla Hayward, submitted a statement and spoke about the impact of Ms. Hayward-Lines' death on her. In addition, the Crown read into the record victim impact statements from Ms. Hayward-Lines' grandmother, Irene Lindstrom, and her cousin, Kelsey Hansen.
- [22] I noticed in those statements some commonalities in the descriptions of Ms. Hayward-Lines: that she was a ray of light, even in her dark times; that her family was everything to her; that she was a loving person; that she made the world a brighter place just by existing in it; that she was a great part of everyone. Another statement was that they miss her spunky attitude and her beautiful soul and that she brightened her day every time.

- [23] I want to thank those family members for those statements. I am sure providing them was very challenging, and I have no doubt that words cannot possibly fully express the loss that you feel. I especially want to thank you for telling me a little bit about Ms. Hayward-Lines in order to inform me of who she was and how important she was to you.

III. PARTIES' POSITIONS

- [24] The Crown's position is that there are aggravating circumstances that elevate the gravity of the offence to warrant a period of parole ineligibility to step one, meaning in the range of 12 to 15 years. While the Crown agrees that the Gladue factors are significant in this case, and that Ms. Alexander's lack of a criminal record is mitigating, it questions the genuineness of her expression of remorse in the reports. In addition, Crown points to indicia that she continued to deflect responsibility for her actions by saying that she could not remember and mentioning her degree of intoxication. The Crown also takes the position that her efforts at addressing her alcohol addiction do not adequately address the factors significant in the commission of the crime. Given those factors the Crown submits the appropriate period of parole ineligibility is 12 years.
- [25] Ms. Alexander submits the appropriate period is 10 years, emphasizing that does not guarantee she gets parole at that point. She says the analysis of the offence needs to be contextual and nuanced, taking into account that both people involved were essentially unhoused and living on the streets for a period of time. More importantly, she points to her lack of a criminal record, the Gladue factors, her success while on bail of addressing her substance abuse and taking steps to address her issues with anger, as well as her age. Ms. Alexnader submits taking all of those factors into account does not justify elevating the range.
- [26] She also contends that the Crown's discounting of her expression of remorse in the reports is significantly outweighed by the statement made in Court today. Plus, when looking at those reports paying proper attention to Ms. Alexander's circumstances, she submits she made appropriate and genuine expressions of remorse.

IV. ANALYSIS

- [27] The issue before me is whether, taking into account all the relevant facts and being guided by the appropriate legal principles on sentencing, this case justifies a sentence in the first step of elevated period of parole ineligibility as identified in Cerra.

A. Mitigating Factors

- [28] There is no dispute that Ms. Alexander's lack of a criminal record is a mitigating factor that I must consider.

- [29] I am also required to take into account the relevant Gladue factors, which Crown appropriately accepts were significant. Those factors include that Ms. Alexander attended Lejac Indian Residential School as did both her parents and her siblings. While she was there, she endured physical and psychological abuse at that school from the very people who were supposed to be taking care of her. She also endured sexual abuse by other students.
- [30] Ms. Alexander was the victim of physical violence and abuse, including multiple incidents of sexual abuse and assault by both family members and intimate partners. She was exposed to violence at a young age within her own family. Ms. Alexander has experienced significant loss in her life, of family members as well as a life partner. Addiction was normalized in her family, and she herself has been addicted to drugs and alcohol for most of her adult life. She was in the grip of substance abuse at the time of the offence.
- [31] Ms. Alexander has been unhoused during long periods of her life, including as a child living in tents because Indigenous people at that time were unable to get housing in Fort St. John. This was a chaotic environment where, unlike on reserves, alcohol was easily available and there was considerable violence.
- [32] The Crown agrees that the preceding factors are significant, and they have played a substantial role in what led to Ms. Alexander being before the Court in this case, including her circumstances at the time of the offence. At the same time, Crown submits that those circumstances must be weighed against the seriousness of this offence, citing para. 79 of R. v. Gladue, [1999] 1 S.C.R. 688, 1999 CanLII 679, where the Court said, "the more violent and serious the offence the more likely it is as a practical reality that the terms of imprisonment for [Indigenous] and non-[Indigenous people] will be close to each other or the same".
- [33] Counsel for Ms. Alexander emphasizes that while there is no requirement to show a direct nexus between the background and the familial and societal treatment of Indigenous people, in her view, that connection in this case is both very real and substantial. Her position is that both alcoholism and violence were normalized for Ms. Alexander from a very young age.
- [34] A significant event is when she was finally able to tell her mother that another family member had been for years sexually abusing her and possibly her sisters, her mother disbelieved her and blamed her for that abuse. Ms. Alexander turned to alcohol in an attempt to cope. It is not difficult to see how this betrayal might instill in her a deep-seated anger.
- [35] The family moved to Fort St. John where she attended school with both Indigenous and non-Indigenous individuals, but she was isolated as they did not mix. She continued to experience sexual abuse from her family member, and at age 15 ran away to Prince George.

- [36] As noted, it is my duty to take into account these Gladue factors. I agree with Crown they are substantial and significant. I also agree with Ms. Alexander that in the presentence report Ms. Alexander's personal history matches up with every single factor of the impacts of government maltreatment of Indigenous people. Therefore, it is appropriate that these factors have a significant impact in the overall consideration of what will be a fit sentence.
- [37] I emphasize that affording these factors significant weight does not mean that Ms. Alexander gets any kind of automatic discount because of her background. They provide an important context in my consideration of fixing an appropriate sentence. I add that any person coming to this Court for sentencing having experienced the same type and degree of violence as Ms. Alexander has, including sexual violence directed at her from within her family, would be entitled to have this Court consider those circumstances to be significant. However, I am directed by the Supreme Court of Canada and Parliament to take into account that those circumstances were visited upon Ms. Alexander as a direct result of past government policies towards Indigenous people.

B. Aggravating Factors

- [38] Crown submits a number of circumstances about this offence operate to elevate the gravity and, therefore, place it within the first elevated range of period of parole ineligibility
- [39] The murder occurred in a public place between two strangers over a minor issue. Ms. Hayward-Lines was a vulnerable person. she was unarmed and basically ambushed by Ms. Alexander, whose actions, while not sufficient to amount to planning and deliberation for a first-degree murder conviction, were purposeful. Ms. Hayward-Lines suffered multiple stab wounds to the upper body, and after committing the offence, Ms. Alexander took action to conceal her actions, including getting rid of the knife.
1. Purposeful Conduct
- [40] Crown emphasizes that the purposeful conduct ought to have weight as an aggravating circumstance and points to portions of the reasons on conviction, particularly paras. 28 and 151-153, which I reproduce here for convenience:
- [28] Both women recalled Ms. Alexander coming back to AWAC after dinner, and that she was agitated and speaking loudly. Ms. Cameron had a clear recollection of Ms. Alexander saying, "Little bitch tried to blade me, my blade's sharper." Ms. Giroux recalled Ms. Alexander saying at least twice that she wanted to "Fuck her up".
- ...
- [151] More importantly, Ms. Alexander's specific words are equally compatible with someone wanting to hurt someone else, even severely, as they are with wanting to kill someone.

- [152] Second, the Crown says that Ms. Alexander opened her blade after she got it to check if it would open, which is consistent with an intention to kill. Ms. Giroux testified that she was unsure if the blade opened by accident, or whether Ms. Alexander purposely opened it. I discuss later my concerns about the reliability of Ms. Giroux's evidence. In any event, I doubt that it opened accidentally. I find it most likely that Ms. Alexander opened it on purpose. However, doing so is equally consistent with an intent to seriously injure someone as it is with an intent to kill.
- [153] Third, the Crown submits that Ms. Alexander dropped her backpack and jacket just before stabbing Ms. Hayward-Lines, and that this demonstrates her intention to kill, in that she was essentially preparing herself to do so swiftly by not being encumbered by anything. The assertion that she dropped her jacket and backpack is not inconsistent with what is seen on the Compilation Video, but I am not certain that she did so. However, I agree that the manner in which she marched directly up to Ms. Hayward-Lines, quickened her pace, and immediately stabbed her, is compatible with an intent to kill, rather than just an intent to injure.
- [41] The Crown also relies on some Ontario case law. However, I am not persuaded that case law assists in my determination in this case.
- [42] *R. v. Armstrong*, 218 C.C.C. (3d) 1, 1995 CanLII 1570 (O.N.C.A.), was a case where the facts are too different. Most importantly, the elevated period of parole ineligibility was a result of a joint submission. The offender lived with a couple and had participated in a scheme concocted by the wife, who wanted to have someone shoot her husband. The offender was instrumental in delivering the deceased to a designated spot. In determining the gravity of the offence in that context, it was proper for the sentencing judge to consider the planning and deliberative aspects of that conduct as those were relevant to the nature of offence and its circumstances.
- [43] In *R. v. McKnight*, 44 O.R. (3d) 263, 1999 CanLII 3717 (C.A.), the offender was sentenced to 17 years for second degree murder. The majority of the Ontario Court of Appeal reduced it to 14, although there was a dissent that would have left it at 17. Again, the circumstances were very different. A husband killed his wife. The Court discusses the aggravating features at para. 46. The offender had made a previous attempt to kill her, he had affairs, and in the weeks before the murder, led her to believe that everything was well in the marriage. Also, the trial judge had found the killing was done with savage brutality. It was in that context that the court found the killing was a breach of trust showing elements of planning and deliberation. The husband used a 10-inch serrated breadknife, attacked her for 10 to 15 minutes: she had over 50 defensive wounds on her hands and forearms.
- [44] In *R. v. Berry*, 2017 ONCA 17, the Ontario Court of Appeal did not disturb a 17-year period of parole ineligibility. The offender shot a victim in the doorway of an apartment after he enlisted an accomplice to lure the victim out. The offender fired six shots at close range, four into the head and two in the chest. The reference to the planning element was how it

was arranged in that the victim was lured and the execution-style of the shooting. In that case, the defence sought an elevated period of parole ineligibility between 12 and 16 years. In addition, there was a jury recommendation.

- [45] The case of *R. v. Fernandes*, 2018 ONSC 7784, was also a case of a husband killing his wife. It was noted this was not the first incident of domestic violence. He had previously been charged with uttering death threats to his wife and children.
- [46] He had stayed in the matrimonial home, and his wife and the children moved elsewhere. She returned to the home to get some belongings and did not know he was inside. He was waiting in the basement, grabbed her and stabbed her several times in the neck and abdomen. It was significant in that case that the court specifically relied on McKnight for the following proposition: that the brutal second degree murder of an unarmed wife or girlfriend justifies parole ineligibility of between 12 and 15 years. The court also commented that murdering one's spouse is an extreme breach of trust, if not the most extreme breach of trust. Thus, while the court found there was some element of planning, I do not agree that the facts were similar enough to the circumstances of this case.
- [47] For those reasons, I do not agree with the Crown's position that -- as a standalone principle -- finding some degree of planning in the commission of the offence is necessarily sufficient or significant enough to elevate the range. I find that there are too many different circumstances in the cases cited to be able to conclude that comments about purposeful conduct were significant enough to raise the period of ineligibility.
- [48] Ms. Alexander's submissions aligned with the Crown's in that a stabbing of a stranger in public when the offender was not under threat does elevate the seriousness or the gravity of the offence. I agree.
- [49] The Crown also refers to the profound impact on Ms. Hayward-Lines's family, which I acknowledged in reviewing the victim impact statements, and there is no issue with that.

2. Vulnerability of the Victim

- [50] Crown submits that Ms. Hayward-Lines was a vulnerable person, referring to para. 32 of the judgment. However, that is a statement about evidence given by Richard Delaney, particularly noting that Ms. Hayward-Lines had been hospitalized in the past for mental health. He also said that at times she was volatile but clarified that she only exhibited that volatility towards herself.
- [51] While I took no issue and did not reject his evidence in that regard, I did not make a finding that she was vulnerable in the sense that term is used in the case law when we talk about sentencing. That typically refers to someone intellectually or physically compromised. I accept she was in vulnerable circumstances, but that factor has already been accounted for by noting that the offence occurred in public when she was unarmed and Ms. Alexander was not under threat.

- [52] The Crown refers to a number of other cases by way of analogy, and again, I do not find the circumstances in those cases to be sufficiently similar to give much guidance. I appreciate counsel trying to find nuggets of principles in those cases to assist me, but I do not find any particular case analogous enough.
- [53] In mentioning that, I acknowledge there is something unseemly in talking about the degree of violence involved in these killings in a comparative way, but that is what the case law directs me to do.
- [54] In *R. v. Courterille*, 2001 BCCA 254, the offender beat the victim with a coffee table leg 40 times, and that was one of the things that elevated the period of parole ineligibility. In *R. v. Florence*, 2015 BCCA 414, the victim was stabbed 10 times and cut four times. In *R. v. Miel*, 2017 BCSC 1446, one of the things the court referred to was what it called a qualified expression of remorse and the impression that the remorse was not genuine, an issue I will come back to later.
- [55] In *R. v. Crossley*, 2024 BCSC 1022, the offender had a significant criminal record, 28 convictions, including those for violence.
- [56] While I appreciate counsel's attempt to be helpful, I find those cases are too different to be of assistance.

3. Absence of Remorse or Responsibility

- [57] Crown acknowledges that its written submissions on the issue of remorse and taking responsibility were based on material filed for this hearing, and necessarily did not take into account the statement that Ms. Alexander made in open court today. I will turn first to Crown's submissions on those reports.
- [58] The Crown submits this Court should approach the statements of remorse in the presentence report with considerable skepticism. There is a reference at page six where Ms. Alexander told the writer that she could not remember what happened at the time, she was heavily influenced by alcohol and drugs, she was disappointed in herself, and she made a statement that had she not been intoxicated it, would not have happened. The Crown submits those statements are difficult to reconcile with findings made at trial at paras. 78, 80, 83-84, and 88, where I rejected the argument presented at trial that portions of Ms. Alexander's police statement were exculpatory such to raise a reasonable doubt on the intention to murder.
- [59] Crown's position is that the statement in the presentence report again minimized and deflected responsibility in the same way as her police statement, and that should cause the Court pause when determining whether she has expressed remorse or taken responsibility. Crown submits those expressions of remorse should be seen as superficial.
- [60] I disagree for several reasons.

- [61] I do not agree that the attitude she exhibited in the police statement is the same as in the presentence report, particularly because the circumstances she made those statements are inherently and dramatically different.
- [62] I also do not agree that her statement recorded in the presentence report was only a superficial expression of remorse. The writer specifically says Ms. Alexander expressed remorse and cried while she acknowledged her actions, and she said she felt grief, sadness, shame, and sorrow. Crown says those are qualified by Ms. Alexander saying that she was disappointed in herself. In my view, those are clear indicia of remorse, and I do not agree that they are qualified in the way suggested by the Crown. Ms. Alexander stated she will regret her actions for the rest of her life and will remember what she did, despite not being in the right mindset at the time. In my respectful view, that is an expression of remorse and her taking responsibility.
- [63] The Crown also submits that Ms. Alexander's statement that does not believe the murder would have happened if she was not intoxicated is the statement of someone trying to revisit an argument made and rejected at trial. Crown submits her statement is incompatible with my analysis in paras. 215, 220 of the judgment of her degree of intoxication as not being serious. Crown's position was that statement was a strategic statement meant to deflect responsibility. Again, I disagree.
- [64] My analysis in the judgment was for the purpose of determining her level of intoxication as it relates to the mens rea requirement for murder versus manslaughter. The suggestion that Ms. Alexander is somehow revisiting a sophisticated legal argument made at trial is simply not credible. While my comments about intoxication from that judgment are relevant, I do not agree that her statement in the presentence report that it would not have happened if she was not intoxicated was strategic or deflecting responsibility. In my view, that inference is not justified, especially when one remembers that she has a Grade 8 education and, as noted, she was crying when she made the statement indicating she was speaking with emotion.
- [65] For those reasons, I do not agree that the presentence report statements are superficial as indicated by the Crown.
- [66] More importantly, Ms. Alexander made a statement in open court. I find that statement was genuine. It was a sincere expression of remorse. She explicitly denied that she relied on being intoxicated as an excuse or a justification for her actions. She was emotional, and she made her comments directly. In my respectful view, her remorse is genuine, and it is mitigating.

C. Rehabilitation

- [67] Ms. Alexander has made significant strides at rehabilitation since incarceration. Specifically, she has been substance free since 2021. She was released on bail, attended VisionQuest for two months, and then asked to be moved because of a conflict with another client at that

facility. She then went to Night & Day Recovery and stayed there for almost two years. As acknowledged by the Crown, she has made considerable strides in addressing her alcohol addiction, especially when one considers those strides in light of her tragic personal and family history as set out in the Gladue report. Crown agrees there is a good reason to conclude there is hope that she will be able, one day, to permanently overcome her addiction.

- [68] However, Crown's position is that the steps Ms. Alexander has taken are insufficient to address the issues of rehabilitation and risk to the public because they do not sufficiently address taking responsibility for her actions. Crown points to the conclusion in the conviction decision that she was animated by animus in committing the offence. Crown's position is that given the conclusions about intoxication at trial, in that it did not operate to lower her intent, simply cannot explain the senselessness of the attack of a stranger over loud music. That being the case, Crown submits rehabilitation in the sense of addressing alcohol addiction does not address the issue that was of significant concern and does not mitigate the concern of protection of the public or acknowledge the harm done.
- [69] I agree in this case that addressing intoxication on its own would not necessarily be indicative of prospects for rehabilitation or protection of the public, although it is significant if one undertakes an objective and fair review of Ms. Alexander's background. Her ability thus far to abstain from alcohol is impressive and is the result of a strong will.
- [70] However, I do agree with Crown that anger was a significant issue for her. Counsel for Ms. Alexander directly addressed this issue by acknowledging my conclusion, at para. 250, that Ms. Alexander stabbed Ms. Hayward-Lines basically out of anger in a rash and impulsive way based on feelings of animus.
- [71] As a first step, we have to recognize that anger has been a constant feature in Ms. Alexnader's description of her life. Counsel points to references of anger that she has harboured given her extensive personal history of experiencing and being exposed to violence, including sexual violence, and the alcoholism and violence prevalent in her family and community. She told the Gladue reporter that she was a very angry person, which she attributed to her upbringing. She reported how she used to be in a sort of fight or flight mode, often lashing out, and this is consistent with witnesses who testified at trial that she could be very mean at times.
- [72] However, her rehabilitation and the protection of the public is addressed in the presentence report. Specifically, it states at Night & Day she worked a lot on her anger and ways of coping with altercations and day-to-day stresses. Since returning to Alouette Correctional Centre for Women, she attended anger management and has taken every program available to her. It is reported in the Gladue report that she said that she used to be very angry, but she has since learned to walk away from situations that make her feel angry and isolate herself. She attends a healing circle every Saturday, and she resorts to prayer or beading as means of calming herself. She also pointed out that she is very anxious that she be able to continue

her medication in order to continue on this journey.

- [73] I agree with Ms. Alexander that these are important indications that are relevant to rehabilitation. They are significant factors that add to her acknowledgement of her responsibility for the offence. She has come to understand the relationship between her addiction and anger and her background, and she has taken very real and concrete steps to work on it.

D. Conclusions

- [74] I return to the fundamental purpose of sentencing in this Court. I am going to take the time to read out the section in the Criminal Code that is most relevant to what my task is. The Criminal Code says in s. 718:

718 The fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:

- (a) to denounce unlawful conduct and the harm done to victims or to the community that is caused by unlawful conduct;
- (b) to deter the offender and other persons from committing offences;
- (c) to separate offenders from society, where necessary;
- (d) to assist in rehabilitating offenders;
- (e) to provide reparations for harm done to victims or to the community; and
- (f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims or to the community.

- [75] We have to remember that Ms. Alexander is sentenced to the highest possible sentence we have in this country, which is life in prison. The issue before me is only the appropriate period of parole ineligibility. In my view, when we look at all those aims in s. 718, and take into account the submissions that have been made, it is appropriate that a 10-year period of parole ineligibility is imposed.

- [76] The Crown's position was based primarily on a couple of things. First, its position that there was purposefulness to her actions, and I have already explained that in my view, the Ontario case law on this point does not rise to the level that one can rely on the existence of purposeful conduct to be an aggravating or elevating circumstances. Crown also pointed to Ms. Alexander's lack of genuine remorse and the failure to actually address one of the primary factors involved in her commission of the offence, which was her anger. I have explained why I take different view of both issues.

[77] It is important to restate something that I said at the beginning. The sentence I am imposing does not guarantee that Ms. Alexander will get parole in 10 years. That is up to the parole board, but it is also up to her. It is up to her to continue the steps she has taken. Moreover, whenever she is released, she remains under supervision of Correctional Services, and should she relapse, there will be serious consequences for that.

V. CONCLUSION ON SENTENCE

[78] Ms. Alexander, I convicted you of second degree murder. You are sentenced to life imprisonment with a parole ineligibility period of 10 years.

[79] I also impose the following ancillary orders, for which there was no objection:

- a) I must impose a lifetime firearms prohibition pursuant to s. 109 of the Criminal Code.
- b) I must impose a mandatory DNA order pursuant to ss. 487.04 and 487.051 of the Criminal Code.
- c) After discussion with counsel, I am imposing a no-contract order pursuant to s. 743.2 of the Criminal Code, that for so long as she is in custody, Ms. Alexander will have no direct or indirect communication with any of the following: Paula Hayward, Todd Lines, Regan Williams-McDivitt, Mark Ulrich, Anna-Lynn Ulrich, and any other individual Ms. Alexander knows to be a family member of the deceased. There is an exception for that, if at some future time, any family member on their own initiative wishes to take part in a restorative justice program offered by Federal Corrections, then in that case, Ms. Alexander would not be foreclosed from responding to that.

[80] Ms. Alexander is sentenced to a term of custody in a penitentiary. Therefore, copies of the following documents will be forwarded to Correctional Services pursuant to s. 743.2:

- a) the Gladue report;
- b) the presentence report;
- c) the fitness assessment and the accompanying neuropsychological assessment; and
- d) the victim impact statements.

[81] Crown noted that s. 737 of the Criminal Code applies with regard to a victim fine surcharge. I am not imposing that. Ms. Alexander is not going to be able to earn money, and given her background, that is not appropriate or fit in this case.

"Sharma J."

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