CANADA / JUDGMENT

R. v. Anglin

2024 BCSC 364

COURT
Supreme Court of British Columbia

DECIDED
10 January 2024

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2024 BCSC 364 R. v. Anglin

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Anglin,

2024 BCSC 364

Date: 20240110

Docket: X084311

Registry: New Westminster

Rex

v.

Selburn S. Anglin

Ban on Publication 486.4(2) & 486.5(1) CCC

Before: The Honourable Justice Lamb

Oral Reasons for Sentence

Counsel for the Crown:

P. Miller

Counsel for the Defence:

J. Waddington

Place and Date of Hearing:

New Westminster, B.C.

December 15, 2023

Place and Date of Sentence:

New Westminster, B.C.

January 10, 2024

Introduction

[1] THE COURT: Selburn Anglin is before the court today to be sentenced.

[2] On August 16, 2023, I convicted Mr. Anglin on both counts of Indictment 84311-2, that is, I found him guilty of sexual assault and sexual interference contrary to ss. 271 and 151 of the Criminal Code, R.S.C., 1985, c. C-46 [Code] respectively. As proposed by Crown, a conditional stay of proceedings shall be entered with respect to the sexual assault charge pursuant to the principle set out in the R. v. Kienapple, [1975] 1 S.C.R. 729.

[3] With respect to the conviction for sexual interference, the Crown submits that an in-custody sentence of eight years, together with various ancillary orders, is a fit and proper sentence in the circumstances.

[4] Mr. Anglin submits that an in-custody sentence of four to five years is appropriate. He takes no issue with the proposed ancillary orders, a number of which are mandatory.

Circumstances of the Offence

[5] In my oral reasons for conviction, I set out in detail the circumstances of the offence upon which the conviction is based. For the purposes of sentencing, I will briefly summarize the circumstances. As I did in my oral reasons for conviction, I will refer to the victim as S.S. and use S.S.'s preferred pronouns "they" and "them".

[6] Between June 1, 2019, and May 31, 2020, when S.S. when nine years old, Mr. Anglin was in a dating relationship with S.S.'s mother. During that period he committed four acts of sexual interference against S.S. in their home.

[7] The first incident happened when S.S. was left at home alone with Mr. Anglin. On that occasion he kissed S.S. on the lips, on the cheeks and on the head. The second incident happened in S.S.'s bedroom while S.S.'s mother was asleep in the adjacent bedroom. Mr. Anglin got into bed with S.S. and touched them on their chest, between their upper thighs, and on their legs. Mr. Anglin told S.S. to keep it a secret before returning to S.S.'s mother's bedroom. The third incident happened in S.S.'s bedroom. Mr. Anglin lay on top of S.S., put his penis between their upper thighs, and pushed against S.S. Mr. Anglin then kissed S.S.'s chest, face and legs. The fourth and final incident occurred in S.S.'s bedroom. Mr. Anglin got into bed with S.S. and anally penetrated S.S. with his penis. Mr. Anglin told S.S. not to tell anybody.

[8] At the time of these events, S.S. was nine years old. I found Mr. Anglin guilty of sexual interference.

Victim Impact

[9] S.S. prepared a victim impact statement that was read aloud by their support worker and marked as an exhibit at the sentencing hearing. S.S. feels they "lost [their] childhood" because of Mr. Anglin and that he has taken everything: their innocence, their happiness, their trust.

[10] S.S. takes medication and attends therapy for depression and anxiety. They have nightmares, panic attacks and flashbacks. They have suicidal ideation daily and started to self harm following this offence. S.S. is "scared for [their] life every time it's bedtime and [they] must go to sleep". S.S. was prescribed sleep medication and still cannot sleep in the dark.

[11] S.S. has no relationships with anyone other than family, teachers and their counsellor. They do not allow anyone to touch them. They limit their activities because of their depression and fear. They are isolated. They live in fear that someone will hurt them again. They often think they see the offender and that he is going to hurt them again. They feel they can never trust anyone again. S.S. blames themselves for what happened to them.

Circumstances of the Offender

[12] Mr. Anglin is currently 62 years old. He was born in Jamaica and grew up in poverty as one of 12 children. As a child, Mr. Anglin worked on a farm and helped his mother bring rice to market. Mr. Anglin has no formal education, and he cannot read. He says he was regularly beaten by his father as a child.

[13] Mr. Anglin immigrated to Canada when he was 21 years old. He has worked in physically demanding jobs such as construction. His lack of education limited his employment options. More recently, Mr. Anglin suffered a work accident that rendered him unemployable.

[14] Mr. Anglin married after coming to Canada. He separated from his first wife with whom he had three children. Since 2001, Mr. Anglin has been in a common-law relationship with an Indigenous woman who has five children from a previous relationship. His common-law wife's younger children were teens when they first got together, and Mr. Anglin helped raise them.

[15] Mr. Anglin reports that as a black man he has suffered from discrimination all his life in Canada. He says this has affected his employment. He provided one example of a police officer demanding without reason that he stand up when he was sitting on a public bench with his wife.

[16] Mr. Anglin provided the court with letters of support from his common-law wife, her daughter and members of the community. These letters provide the court with evidence of Mr. Anglin's kindness, generosity and positive relationships he has developed. His common-law wife and stepdaughter refuse to accept that Mr. Anglin committed the acts for which he has been convicted.

Principles of Sentencing

[17] The fundamental principles to be considered by the court in sentencing are established by Parliament and set out at s. 718 to 718.2 of the Code.

[18] Section 718 provides that:

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 [with reference to six] objectives:

[19] The six objectives listed in s. 718 are denunciation of unlawful conduct, deterrence of the offender and other persons from committing offences, separation of offenders from society where necessary, assistance in the rehabilitation of offenders, provision for reparations for harm done to victims or to the community, and promotion of a sense of responsibility in offenders and acknowledgment of the harm done to victims or to the community.

[20] Of note in this case, s. 718.01 of the Code says that denunciation and deterrence are to be given primary consideration when sentencing for an offence that involved the abuse of a person under the age of 18 years.

[21] Pursuant to s. 718.1 of the Code, a sentence must also be proportionate to the gravity of the offence and the degree of responsibility of the offender. Properly applied, proportionality results in a sentence "that both speaks out against the offence and punishes the offender no more than is necessary"; R. v. Nasogaluak, 2010 SCC 6.

[22] At paras. 50 and 51 of the R. v. Bissonnette, 2022 SCC 23, the Supreme Court of Canada explained the importance and function of the principle of proportionality:

[50] . . . Proportionality in sentencing is considered to be an essential factor in maintaining public confidence in the fairness and rationality of the criminal justice system. The application of this principle assures the public that the offender deserves the punishment received [citation omitted].

[51] It follows that "a person cannot be made to suffer a grossly disproportionate punishment simply to send a message to discourage others from offending". . . . Proportionality has a restraining function, and in this sense serves to guarantee that a sentence is individualized, just and appropriate. [citations omitted]

[23] Section 718.2 of the Code sets out a number of specific principles that a court must take into consideration when imposing a sentence, including the principle that a sentence should be increased or reduced to account for any relevant, aggravating or mitigating circumstances relating to the offence or the offender.

Specific aggravating factors identified by s. 718.2 include an offence involving the abuse of a person under the age of 18 years, an offender in a position of trust or authority, and an offence that had a significant impact on the victim.

[24] Another important sentencing principle is that a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances; s. 718.2(b) of the Code. This is called the parity principle. To achieve parity the court often considers a usual range of sentences as a starting point; however, at para. 45 of R. v. Nystrom, 2023 BCCA 232, our Court of Appeal recently noted that the jurisprudence has not yet established a range of sentences for sexual assaults committed against children subsequent to the Supreme Court of Canada decision in R. v. Friesen, 2020 SCC 9 [Friesen].

[25] In Friesen, the Supreme Court of Canada provided guidance to trial judges imposing sentences in case of sexual violence against children. At para. 5 of Friesen, the Supreme Court of Canada summarized one of the key points from their decision:

. . . we send a strong message that sexual offences against children are violent crimes that wrongfully exploit children's vulnerability and cause profound harm to children, families, and communities. Sentences for these crimes must increase. Courts must impose sentences that are proportional to the gravity of sexual offences against children and the degree of responsibility of the offender, as informed by Parliament's sentencing initiatives and by society's deepened understanding of the wrongfulness and harmfulness of sexual violence against children. Sentences must accurately reflect the wrongfulness of sexual violence against children and the far-reaching and ongoing harm that it causes to children, families, and society at large.

[26] In R. v. C.K., 2023 BCCA 468, our Court of Appeal summarized and emphasized how Friesen requires a sentencing judge to focus on the harms caused by child sexual abuse:

[54] Friesen established a new analytical approach to sentencing for child sexual violence. It is an approach that " places children, and the harm they suffer, at the centre of the discussion": R. v. Bertrand Marchand, 2023 SCC 26 at para. 32, emphasis added. The Friesen framework reflects society's deeper understanding of the immediate and long-term impacts of sexual abuse on children, their families, their communities, and society at large: at paras. 50, 60-67, 74-86.

[55] These impacts include: harm to children's " personal autonomy, bodily integrity, sexual integrity, dignity, and equality "; damage to their relationships with their caregivers and other social relationships; "profound harm" to parents, caregivers, and family members who may be left "feeling powerless and guilty" over their child's experience; and " broader harm to the communities in which children live and to society as a whole": Friesen at paras. 51, 60-64 .

[57] The harms identified and accepted as true in Friesen " impact both the gravity of the offence and the degree of responsibility of the offender": Friesen at para. 75. See also R. v. P.R.J., 2023 BCCA 169 at paras. 53-55 [P.R.J.].

[58] Consequently, the harmfulness and the wrongfulness of an offender's conduct must be closely examined when determining a fit sentence for a child sexual offence. It is not enough to acknowledge the relevance of these considerations. The harms that flow from the conduct and the wrongfulness (or blameworthiness) of the offender's actions must be analyzed and applied to the individual circumstances of the case. Critically, they must be reflected in the sentence itself: R. v. SADF, 2021 MBCA 22 at para. 34; Nystrom at para. 53.

[59] As aptly noted by the Ontario Court of Appeal in R. v. T.J., 2021 ONCA 392 [T.J.]:

[39] Friesen does not simply contain a list of principles and factors to be mentioned in a sentencing decision; it insists that those factors be reflected in a sentence that is of sufficient length to recognize them.

[Emphasis in original.]

[27] In terms of the wrongfulness of sexual offences against children, the Supreme Court of Canada said at para. 78 of Friesen that it is "inherently exploitative for an adult to apply physical force of a sexual nature to a child", and that "courts must always give effect to the wrongfulness of this exploitation in sentencing, even if the degree of exploitation may vary from case to case".

[28] In terms of the harmfulness of sexual offences against children, the Supreme Court of Canada at paras. 79 to 86 of Friesen explained that courts must consider both potential harm (including harm that is a reasonably foreseeable consequence of the sexual offence that may materialize at a later date) and actual harm to the victim. With respect to the latter, the Supreme Court of Canada said at para. 85 that "consequential harm is a key determinant of the gravity of the offence".

[29] In assessing the degree of responsibility of the offender, the Supreme Court of Canada at para. 88 of Friesen said that "courts must take into account the harm the offender intended or was reckless or wilfully blind to". The offender's degree of responsibility is heightened because the victim is a child; Friesen, at para. 90.

[30] Taking note of s. 718.01 and 718.2(a)(ii), the Supreme Court of Canada confirmed that sexual offences against children are to be punished more severely than sexual offences against adults; Friesen, at para. 116. The Supreme Court of Canada noted that the age of the victim is an aggravating factor if the victim is particularly young; Friesen, at para. 135.

[31] Beginning at para. 121 of Friesen, the Supreme Court of Canada provided that when determining a fit sentence the court should consider the following non-exhaustive list of factors:

a) the offender's likelihood to reoffend;

b) the offender's abuse of a position of trust or authority;

c) the duration and frequency of the sexual violence;

d) the age of the victim; and

e) the degree of physical interference.

[32] With respect to the final factor, the Supreme Court of Canada suggested that there is no hierarchy of conduct in terms of the degree of physical intrusiveness involved in the offence of sexual interference; however, there is a wide range of conduct captured by the offence, and the physical intrusiveness of the sexual conduct may be an aggravating factor in sentencing.

[33] With these guidelines in mind, Friesen states that mid-single digit penitentiary terms for sexual offences against children are normal, and upper-single digit and double-digit penitentiary terms should be neither unusual nor reserved for rare or exceptional cases; para. 114.

[34] Within this legal framework, I will consider how the Code provisions and the guidance from the Supreme Court of Canada in Friesen apply in this case with reference to counsel's submissions on sentencing and other post-Friesen decisions.

Application of the Sentencing Principles to this Case

[35] I will start by considering how the proportionality principle applies in this case, including aggravating and mitigating circumstances, before considering how parity affects sentencing in this case by considering sentences imposed in similar cases.

Gravity of the Offence

[36] The first stage of the proportionality assessment requires consideration of the gravity of the offence. As Friesen makes clear, sexual interference with a child is inherently exploitative and harmful. The actual harm is a significant factor in assessing the gravity of the offence.

[37] In this case I am satisfied that the offence caused significant psychological harm and trauma to S.S. The effects continue more than three years after the sexual interference stopped. S.S. suffers from anxiety and depression that affects all areas of their life, despite medication and ongoing therapy. The harm actually suffered by S.S. is consistent with the recognized forms of harm that are experienced by children subjected to sexual violence; Friesen at para. 80.

[38] I am satisfied that Mr. Anglin's conduct caused emotional and psychological harm that contributed to S.S.'s current condition. I recognize that S.S. has had other significant stressors in their young life; however, the nightmares, flashbacks and fear that the harm inflicted by Mr. Anglin will be repeated are examples of the emotional and psychological harm related to the sexual interference perpetrated by him.

[39] Further, as noted at para. 81 of Friesen, "sexual violence against children also causes several forms of long-term harm that manifest themselves during the victim's adult years". I accept that S.S. remains at risk for long-term harm resulting from Mr. Anglin's conduct. Some or all of the harm that is currently manifest may continue, and S.S. may suffer additional forms of harm recognized by the Supreme Court of Canada at para. 81 of Friesen.

[40] The Supreme Court of Canada in Friesen recognized that frequency and duration of sexual violence may increase the severity of the offence. As noted in Friesen at para. 133:

Each further instance of sexual violence traumatizes the child victim anew and increases the likelihood that the risks of long-term harm will materialize. Each further instance shows a continued and renewed choice by the offender to continue to violently victimize children.

[41] In this case the offence included four distinct incidents of sexual interference over a period of time. I find that the repetition and escalation of physical invasiveness of the sexual interference increases the gravity of the offence. S.S.'s fear after the first incident that somebody would hurt them again was validated with each subsequent incident of sexual violence.

Responsibility of the Offender

[42] Turning to the second stage of the proportionality assessment, the degree of responsibility of the offender, I must consider Mr. Anglin's moral blameworthiness, his personal circumstances, and any aggravating or mitigating factors that apply in this case.

[43] I have no hesitation in recognizing that Mr. Anglin's moral blameworthiness is high in this case. To quote again from Friesen, at para. 90, "the intentional sexual exploitation and objectification of children is highly morally blameworthy because children are so vulnerable". The conduct in this case falls at the serious end of the spectrum of conduct that is included in the offence of sexual interference. Mr. Anglin's interference with S.S.'s bodily integrity and autonomy was repeated and highly invasive.

[44] Mr. Anglin submits that his status as a black man is a circumstance I should consider as part of my assessment of his personal responsibility. Mr. Anglin relies upon the comments of Winteringham J. (as she then was), in R. v. Handule, 2023 BCSC 1031 [Handule], involving the role of race and ethnicity in sentencing.

[45] As noted by Winteringham J., it is necessary to assess the role of race and ethnicity when sentencing a racialized individual given the over-representation of racialized individuals in the criminal justice system. There is no need for a strict causal relationship between overt and systemic racism in the community and "the circumstances or events that are said to explain or mitigate the criminal conduct in issue". But there must be some connection; R. v. Ellis, 2022 BCCA 278, at para. 83, quoting from R. v. Morris, 2021 ONCA 680, at para. 97. In Handule, for example, Winteringham J. accepted that there was a connection between systemic racism, the offender's own experience of personal and systemic racism, and their criminal conduct.

[46] On the other hand, the sentencing judge in R. v. Peart, 2022 BCSC 680 [Peart], found no such connection. In Peart, the sentencing judge took judicial notice of the fact that "anti-Black racism exists in the Lower Mainland of British Columbia, as it does throughout Canada, and that anti-Black racism can have a profound and insidious impact on those who endure it on a daily basis"; para. 35.

[47] I am prepared to accept that fact for the purposes of sentencing Mr. Anglin. However, as in Peart, I find there is no indication that anti-black racism and Mr. Anglin's experience of discrimination are connected to his decision to sexually interfere with a nine-year-old child. As a result, neither systemic racism nor Mr. Anglin's personal experience with discrimination serve to diminish his responsibility for the offence committed.

Aggravating and Mitigating Factors

[48] The Crown identifies the following aggravating factors that apply to sentencing:

(a) abuse of a person under the age of 18; s. 718.2(a)(ii.1) of the Code; (b) the offence had a significant impact on the victim; s. 718.2(a)(iii.1) of the Code;

(c) in committing the offence the offender abused a position of trust or authority; s. 718.2(a)(iii) of the Code; and

(d) S.S. fell within a particularly vulnerable class of victim in that they identified as an Indigenous girl at the time of the offence.

[49] S.S. was but nine years old when Mr. Anglin preyed upon them. Mr. Anglin exploited S.S.'s vulnerability as a young person. I find that the age of the victim is an aggravating factor in this case.

[50] I have already described the significant impact the offence has had on S.S. As explained in Friesen, I accept there is a serious risk of ongoing or further harm to S.S. as a result of Mr. Anglin's conduct.

[51] The Crown argues and I accept that Mr. Anglin, in committing the offence, abused a position of trust. The Crown highlights the fact that S.S. was left in Mr. Anglin's care by S.S.'s mother at the time of the first incident. As the dating partner of S.S.'s mother, Mr. Anglin was not a stranger to S.S. He was given access to S.S.'s home and allowed to stay overnight, which gave him the opportunity to enter S.S.'s bedroom and sexually interfere with S.S. in a place where every child should feel safe.

[52] Regardless of whether s. 718.2(a)(iii) applies, Friesen requires me to consider whether the offender abused a position of trust. In this case Mr. Anglin took advantage of his relationship with S.S.'s mother to sexually exploit S.S. On the other hand, unlike some other cases, there is no evidence that S.S. regarded Mr. Anglin as a father figure. This is a case where Mr. Anglin's moral blameworthiness is enhanced because he abused the trust he was given by S.S.'s mother in order to sexually violate S.S. However, it is not obvious that the likelihood of harm was necessarily increased because of a trust relationship between him and the victim.

[53] At the time of the offence, S.S. identified as a girl. The Crown argued that it is an aggravating factor for sentencing that S.S. fell within a particularly vulnerable class of victims, that is, Indigenous girls. At para. 70 in Friesen, the Supreme Court of Canada recognized that "when a child victim is Indigenous, the court may consider the racialized nature of a particular crime and the sexual victimization of Indigenous children at large in imposing sentence".

[54] In submissions on sentencing, the Crown referenced data that demonstrates that Indigenous girls are at much higher risk of being sexually assaulted than non-Indigenous girls in Canada; Statistics Canada, Victimization of First Nations people, Métis and Innuit in Canada.

[55] THE COURT: While It is open to me to consider the racialized nature of the offence, I am not satisfied that S.S.'s risk of being the victim of Mr. Anglin's sexual violence was necessarily increased by their Indigeneity. There is no doubt that S.S. was an extremely vulnerable victim. They were only nine years old when they were sexually violated at night in their bedroom by their mother's boyfriend. However, I have insufficient information about S.S.'s family circumstances and their mother in particular to conclude that S.S.'s status as an Indigenous girl at the time of the offence further increased their risk of being sexually assaulted by Mr. Anglin. As a result, I am not prepared to find S.S.'s Indigeneity is an aggravating factor for sentencing.

[56] The Crown argues that there are no mitigating factors. However, I accept Mr. Anglin's submission that the absence of a criminal record is a mitigating factor for sentencing.

[57] Mr. Anglin cites his longstanding employment and family support as mitigating factors. The Crown urges caution in placing weight on evidence of good character for the reasons identified by Antonio J., (as she then was), in R. v. Shrivastava, 2019 ABQB 663, including the risk that "allowing undue mitigation for 'good character' can undermine the denunciation and deterrent functions of criminal sentences"; para. 87.

[58] I note that Antonio J.'s discussion of "good character" as a mitigating factor occurred in the context of a defence submission that a significant departure from the starting point for determining a fit sentence was justified by the offender's exemplary character. Antonio J. found that the starting point for sentencing presumed an offender of good character and that there was nothing about the offender's character that was exceptional or relevant to sentencing.

[59] In this case, the fact that Mr. Anglin has shown some positive character traits to others is not a significantly mitigating factor in deciding a fit sentence for the offence. His family and community involvement did not prevent him from victimizing S.S.

[60] Mr. Anglin has complied with his bail conditions since his arrest. As in R. v. C.R.J., 2023 BCSC 1151 [C.R.J.]. I am inclined to consider compliance with bail terms as an absence of aggravating circumstance rather than as a mitigating factor; para. 54.

[61] Mr. Anglin declined to address the court. I have not considered Mr. Anglin's failure to express remorse as an aggravating factor.

Other Friesen Factors

[62] At paras. 121-154 of Friesen, the Supreme Court of Canada identified significant factors to consider when sentencing an offender for a sexual act against a child. I have considered most of these as part of the proportionality assessment.

[63] The remaining Friesen factor that is relevant in this case is likelihood to reoffend. This factor is significant to one of the fundamental principles of sentencing, that is, to protect society. I have no direct evidence regarding Mr. Anglin's likelihood to reoffend, and in particular no psychological evaluation of the risk. Counsel for Mr. Anglin argues that I should conclude that Mr. Anglin is at low risk to reoffend in the absence of evidence to the contrary because this is his first and only criminal conviction at the age of 62.

[64] In essence, Mr. Anglin argues that the offence was an isolated event. To some extent this argument ignores the fact that there were four distinct incidents. I am not prepared to draw the inference that the likelihood Mr. Anglin will reoffend is low based only on the absence of other criminal convictions and his compliance with bail terms. Instead I find that Mr. Anglin's risk of reoffending is unknown.

Denunciation, Deterrence and Potential for Rehabilitation

[65] In this case denunciation and deterrence are the primary principles of sentencing by virtue of s. 718.01 of the Code.

[66] The potential for rehabilitation is a factor in determining the appropriate sentence, but it is of secondary importance to denunciation and deterrence when sentencing an offender for sexual interference. As noted by Justice Devlin at para. 126 in R. v. Coban, 2022 BCSC 1810, "[r]ehabilitation is its most effective where the offender knows and appreciates the seriousness of their crime, and resolves to distance themselves from the conduct". There is no evidence of this nature in the case before me. The potential for rehabilitation is not a significant factor in determining a fit sentence in this case.

Parity

[67] In support of its submission that an eight-year sentence is a fit and appropriate sentence in this case, the Crown referred the court to the sentencing decisions in R. v. Norberg, 2021 BCSC 2425, a seven-year custodial sentence; R. v. B.L.J., 2023 BCPC 39 [B.L.J.], a seven-year custodial sentence; C.R.J., a four-and-a-half year custodial sentence; R. v. D.J.H., 2022 BCSC 1743 [D.J.H.], a six-year custodial sentence; and R. v. Harrison, 2023 BCSC 1203 [Harrison], a five-year custodial sentence.

[68] The circumstances of the offence and the age of the victim in Harrison make it a less useful comparator. The other cases cited by the Crown involve offenders in positions of trust who repeatedly sexually victimized children under the age of 11, causing profound harm to their victims. The offences in these cases involved intrusive sexual conduct. Some included the use of restraints and threats of violence to discourage the victim from reporting the offence.

[69] The trust relationships included offenders who were in a stepfather role and others who obtained access to their victims through a relationship with the victim's family. The offenders in these cases were assessed to be at low risk to reoffend, or at least lower than average for a sexual offender.

[70] Defence counsel referred to the court to the case of R. v. C.C.C., 2021 BCSC 599, a five-year custodial sentence. I find the following comments made by Justice Riley at para. 51 in D.J.H. apply equally to sentencing in this case:

[51] . . .the offending conduct in issue in C.C.C. was in many ways more serious, however the case was quite different in that the sentencing judge found the offender's troubled background and personal circumstances to have a direct bearing on his degree of moral culpability. This makes it more difficult to use the five-year jail sentence that the offender received in that case as a useful measure of the fit and proper sentence. . .

[71] I accept that no two cases are truly alike. As noted by Justice Riley at para. 54 of D.J.H.:

[54] . . . at a certain point, measuring and comparing what one judge fairly described as "monstrous acts" of sexual offending against children can be insulting and demeaning to all involved.

[72] That said, the sentencing decisions in B.L.J. and D.J.H. are the most useful comparators in my view. Both of these cases involved a number of incidents of invasive physical interference against a young child by a person in a position of trust. The trust relationship between the offender and the victim in those cases was obvious. As I have noted, Mr. Anglin took advantage of his relationship with S.S.'s mother to sexually violate S.S. in their own home. The harm to S.S. is well-established.

[73] I am mindful that my task as a sentencing judge is to craft an appropriate sentence for this particular offender with regard to the circumstances both of the offender and the offence together with the principles of sentencing I referred to earlier, including the principle of restraint.

[74] I consider a six-year penitentiary sentence to be a fit and necessary penalty given the seriousness of the conduct, the existing and potential harm to S.S., the moral blameworthiness of the offender and the aggravating and mitigating circumstances that apply. In my view, a sentence of less than six years would not adequately reflect the gravity of the offence and moral blameworthiness of the offender. A sentence of six years reasonably satisfies the parity principle.

[75] Mr. Anglin, please stand as I am now going to impose sentence.

[76] On the charge of sexual interference of S.S. contrary to s. 151 of the Code, which is Count 2 of the indictment, I impose a custodial sentence of six years.

[77] With respect to ancillary orders, the following mandatory orders are made:

a. Compliance with the Sexual Offender Information Registry Act [SOIRA] for a period of 20 years pursuant to s. 490.013(2)(b) of the Code;

b. The taking of a DNA sample pursuant to s. 487.051(1) of the Code;

c. A prohibition on possessing weapons for a period of not less than 10 years after Mr. Anglin's release from prison for the offence of sexual interference; and a lifetime prohibition on possessing prohibited and restricted weapons pursuant to ss. 109(1) and (2) of the Code.

[78] I also order that Mr. Anglin have no contact or communication, directly or indirectly, with S.S. for the duration of his custodial sentence pursuant to s. 743.21 of the Code.

[79] Those are my reasons.

"Lamb J."

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE https://www.bccourts.ca/jdb-txt/sc/24/03/2024BCSC0364.htm

CASE PAGE https://chat.esheria.ai/case-law/canada/r-v-anglin-2024

Prepared on 30 October 2026 · Esheria