

CANADA / JUDGMENT

R. v. Bond

2026 BCSC 470

COURT

Supreme Court of British Columbia

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2026 BCSC 470 R. v. Bond

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Bond,

2026 BCSC 470

Date: 20260224

Docket: 113816-2

Registry: Kamloops

Rex

v.

James David Bond

Sara Anne Hupe

Before: The Honourable Justice L. Bennett

Corrected Judgment: The oral reasons for judgment were corrected

on page 4 at paragraph 12 on April 9, 2026

Oral Reasons for Sentence

Re Accused James David Bond

Counsel for the Crown:

A.G. Varesi

Counsel for the Accused James David Bond:

J. Killoran

No other appearances

Place and Date of Trial/Hearing:

Kamloops, B.C.

February 24, 2026

Place and Date of Judgment:

Kamloops, B.C.

February 24, 2026

- [1] James David Bond appears before me today on Indictment 113816-2 for sentencing after having pled guilty to Count 1. Count 1 relates to an allegation of Mr. Bond giving false testimony during his manslaughter trial of Sean Dunn. The trial took place before Justice Donegan, then of this court, in February and March 2019. The allegation is specific to March 4, 2019, at which time Mr. Bond gave false testimony with respect to the contact he had since his arrest with his co-accused and then-girlfriend.
- [2] The Crown argues that the circumstances of this case, coupled with Mr. Bond's criminal history for breach of court orders, justifies a sentence that focuses on denunciation and deterrence. The Crown seeks a 20-month custodial sentence.
- [3] Defence agrees that denunciation and deterrence are the relevant sentencing principles, but argues that Mr. Bond has already been specifically deterred, and argues that a conditional sentence order ("CSO") will have both a general denunciatory and deterrent effect, and also that it will better allow for Mr. Bond's continued rehabilitation.

Sentencing Range

- [4] Section 132 of the Criminal Code, R.S.C. 1985, c. C-46 [Code] provides that:

Every one who commits perjury is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

- [5] Both Crown and defence propose sentences that fall within the range of available sentences. With that in mind and given the different positions on sentence, the main issue before me is whether I should send Mr. Bond to jail or sentence him to a CSO in his Slave Lake community.

Circumstances of the Offence

- [6] The circumstances of the offence have been set out by Crown in detail and I will not repeat them, as Mr. Bond has admitted to them. I will, however, summarize them by acknowledging that Mr. Bond gave evidence on March 4, 2019, during his manslaughter trial, in which he testified under cross-examination that he had not had any contact since his arrest with his co-accused and then girlfriend.
- [7] In the proceedings at trial excerpt, marked as Exhibit 3, Mr. Bond testified that he was not still with Ms. Hupe. He testified that his relationship with her ended shortly after the incident. He testified that he could not recall the last time he spoke with her and testified that it was before he was arrested for the incident. Crown counsel asked Mr. Bond to confirm that he had no contact with Ms. Hupe whatsoever. Mr. Bond acknowledged that to be correct. He further clarified in cross-examination that there was no contact through Shaw, Facebook, or anything of that nature. He testified there were no text messages, that there was no contact from Ms. Hupe through a third party on Ms. Hupe's behalf, and that he had not done the same.
- [8] It subsequently came to the attention of the RCMP that Mr. Bond and Ms. Hupe had been in touch prior to the trial. Crown spoke about the two witnesses (Ms. Hupe's friend and her ex-boyfriend) that subsequently gave evidence of Mr. Bond's contact with Ms. Hupe on at least seven different occasions since his arrest. The points of contact they described occurred throughout the summer of 2017, after Mr. Bond's arrest, and while he was on bail with restrictive conditions against Ms. Hupe. The contact ranged from physical contact to telephone contact, to various sexual encounters.
- [9] As I noted, Crown read into record the details of the contact between Mr. Bond and Ms. Hupe during the period that he was on bail, and Mr. Bond has acknowledged those circumstances.

Summary of Counsels' Submissions re: Mitigating/Aggravating Factors

- [10] Crown says that the nature and extent of Mr. Bond's false testimony is aggravating, as is the fact that he comes before the court with a criminal record for disregard of court orders. Crown's position on sentencing acknowledges that Mr. Bond's criminal record is limited and dated and recognizes his guilty plea as a mitigating factor.
- [11] In addition to the mitigating factors noted by Crown, defence also asked the court to consider as mitigating the rehabilitative steps that Mr. Bond has taken since his arrest; the devastating effect that the events involving Mr. Dunn, deceased, had on Mr. Bond as well; and also, the positive steps that Mr. Bond has made since 2019 in his day-to-day life.

Circumstances of the Accused

- [12] Mr. Bond comes before the court at 36 years of age. He grew up with a difficult childhood. His father was addicted to substances and was absent for much of Mr. Bond's upbringing. When his father was present, Mr. Bond was exposed to family violence.
- [13] Mr. Bond has a grade 11 education. He has held a variety of odd jobs as a dishwasher and prep cook, and worked for various construction sites. More recently, he has secured full-time work on the oil patches in Slave Lake, Alberta. He works with his older brother, who he describes as his hero and mentor. He has a new partner, and she has two children, a daughter, 14, and a son who is five. I am told that the five-year-old has started calling Mr. Bond "Dad", and that the children's biological father is not actively involved in their lives.
- [14] Counsel for Mr. Bond described a variety of setbacks that Mr. Bond experienced following the 2019 trial. Mr. Bond was consumed with grief and remorse. In his own words, Mr. Bond also described to the court the devastating impact that the events involving Mr. Dunn had on him.
- [15] In a failed effort to escape his grief, Mr. Bond became addicted to fentanyl, and experienced homelessness and suicidal ideations. He wisely sought help, and admitted himself into rehab on Vancouver Island. He did not complete the whole program, but did stay for three months. He then moved to Slave Lake, where he currently resides and works. He tells the court he has been sober for one and a half years.
- [16] Mr. Bond took the opportunity today to acknowledge Mr. Dunn's family, who are present in court. He expressed his remorse for the events that led to Mr. Dunn's passing. He acknowledged that this newest offence has prolonged and denied the family much needed closure.

Caselaw

- [17] Defence counsel concedes the seriousness of the offence, and that theme of seriousness is noted throughout the cases that Crown counsel has provided.
- [18] In *R v. Robinson*, 2015 BCSC 1535, perjury is described as serious because it strikes at the heart of the justice system and undermines the administration of justice. At para. 32, the court states:
- [32] A particularly concise statement of the principle is found in *R. v. Martin* (1993), 141 N.B.R. (2d) 227 (Q.B.), where the trial judge said at para. 9:

Unless our system of justice can expect witnesses to tell the truth, there is no reliable basis for a court of law to come to a determination of the issues before it. If witnesses are of the impression that their oath to tell the truth will attract little responsibility or consequence, then their reliability will be suspect and the system will fall into disrepute.

- [19] At para. 34, the court points out that most sentences for perjury are between one and three years, with the longer sentences generally imposed where perjury is committed during trials for serious criminal offences such as murder.
- [20] At para. 49, the court refers to *R. v. Desnomie*, [2005] S.J. No. 785. The circumstances of Desnomie involved evidence at a murder trial that was contrary to the evidence the witness had previously given at a preliminary inquiry. The offence was under s. 136, distinct from the offence in this case, which is under s. 131. However, both offences carry 14-year maximum penalties. In Desnomie, the Saskatchewan Court of Appeal imposed a custodial sentence of two years less a day, saying that the CSO imposed by the trial judge in no way reflected the gravity of the situation. Paragraph 49 of that case is of particular relevance. The court added:

The investigation of who caused a homicide is one of the most significant that a court can undertake and one that must be carried out with openness and with the greatest attention to seeking the truth in order to preserve society's respect for the judicial system. It is fundamental in any judicial proceeding that witnesses treat the process with respect and tell the truth, and that if they do not, the court deal with them appropriately to show not only other witnesses, who may potentially do the same, but society that it takes extremely seriously the process of ascertaining the truth. This can nowhere be more important, both for the system itself and for the respect society gives to the system as a means of resolving disputes in society, than in the case of a homicide.

- [21] The court in Desnomie then went on to review a number of other cases presented by Crown and concluded by stating that there is ample authority for the suggested range of one and a half to three years.
- [22] Having reviewed the other cases provided by Crown today, I agree that Crown's position on sentencing is in the range.
- [23] Turning to the defence authority, defence relies on *R. v. Marmontel*, [2021] O.J. No. 18826. In that case, the accused pled guilty to perjury under s. 132 and was sentenced to a CSO of two years less a day.
- [24] Marmontel, being an Ontario case, is not binding on this court. Moreover, there are several distinguishing features between that case and the case before me. For starters, the accused in Marmontel was not a principal to the alleged homicide. She was the girlfriend of the accused. She was merely a witness. She was not physically present with the accused when the homicide took place. Rather, she was on the phone with the accused at the time of the homicide.
- [25] The accused in Marmontel was youthful. She was 18 years of age at the time of the substantive offence and 20 years of age when she testified. The court described her as "young, immature, and overwhelmed by what was being asked of her."

- [26] The court found it mitigating that the accused was motivated by the goals of not wanting to be involved in what happened when the deceased was killed and that she was motivated by not wanting to be drawn into the criminal proceeding. The court concluded that she loved her boyfriend, who was charged with murder, and that she did not want to be the cause of him being found guilty. The court was not excusing her behaviour for these reasons, but simply putting her conduct in the context of a youthful offender being caught in challenging circumstances.
- [27] Additionally, the accused in Marmontel had no criminal record and it was a mitigating factor that she had been abiding by the terms of her release order. A further mitigating factor was the presence of COVID-19 at the time of the sentencing. The court recognized that the sentencing was occurring at the height of the pandemic and was mindful of the social distancing requirements and limitations imposed by custodial settings at that time.

Sentencing Principles

- [28] I turn now to the sentencing principles.
- [29] Section 742.1 of the Code provides that before I can impose a conditional sentence order, I must first be satisfied that:
1. the service of the sentence in the community would not endanger the safety of the community;
 2. such a disposition would be consistent with the fundamental purpose and principles of sentencing as set out in sections 718 to 718.2 of the Code; and
 3. the offence is not an offence punishable by a minimum term of imprisonment.
- [30] There is no dispute between the Crown and defence that a CSO is an available sentence, and Crown has raised little, if any, argument to suggest that allowing Mr. Dunn to serve his sentence in the community would somehow endanger the safety of the community.
- [31] I have carefully considered defence counsel's submissions, and I have reviewed all of Mr. Dunn's support letters. I am going to pause for a moment. Mr. Killoran, the book of defence materials, I do not believe that was marked as an exhibit.
- [32] CNSL J. KILLORAN: Yes, I should have asked if that that be marked as an exhibit, yes, Justice.
- [33] THE COURT: Thank you. Madam Clerk, I am asking that that be marked as an exhibit.
- [34] THE CLERK: Justice, do you have -- can I use this copy?
- [35] THE COURT: Yes.
- [36] THE CLERK: Thank you.

- [37] THE COURT: As I said, I have carefully reviewed defence counsel's submissions and all of the materials in the defence materials. I accept that Mr. Bond has taken positive and voluntary steps to address his sobriety, that he has a strong network of family and friends, and that he is now living a prosocial life.
- [38] Further, and although he has a criminal record, I acknowledge that record is dated. I also acknowledge the nine-year gap in Mr. Bond's record, and acknowledge that there is no evidence before me that would otherwise suggest that Mr. Bond has been anything other than a law-abiding citizen since 2019.
- [39] This leads me to what I find is the real issue on this sentencing, and that is whether a CSO is consistent with the fundamental purpose and principles of sentencing which are set out in s. 718 of the Code.
- [40] The fundamental principle of sentencing is that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.
- [41] The purpose of sentencing is to denounce unlawful conduct and the harm done to the victim, to deter the offender and others from committing offences, to separate offenders from society where necessary, to assist in rehabilitating offenders, to provide reparations for harm done to victims or to the community, and to promote a sense of responsibility in offenders and acknowledgement of the harm done to victims or to the community.
- [42] Further, a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances related to the offence or the offender.
- [43] Also, I have considered that all available sanctions other than imprisonment that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders. The last factor is not applicable in this case.
- [44] With those principles in mind, I now turn to the aggravating and mitigating factors.

Mitigating Factors

- [45] The mitigating factors include:
- a) Mr. Bond's guilty plea, which has saved the court time and resources and provided a degree of finality to the Dunn family;
 - b) I have considered Mr. Bond's limited and dated criminal record. It is mitigating to an extent; and
 - c) I find it mitigating that Mr. Bond has taken voluntary steps toward achieving and maintaining sobriety, and toward improving his mental health. I also acknowledge his insight and remorse, both of which I found genuine. These are also mitigating factors.

Aggravating Factors

[46] The aggravating factors include:

- a) The nature of this offence. The perjury before the court occurred during the course of Mr. Bond's own testimony during a jury trial in which he was charged with the manslaughter of Sean Dunn;
- b) His criminal record. Although dated and limited, the record consists of three breach convictions, all of which, by their nature, challenge the administration of justice. The date of the last conviction is relevant. The offence date was January 23, 2019. Mr. Bond was sentenced for that offence on January 29, 2019. He received a sentence of 14 days' jail. He was given credit for nine days. Despite a brief jail period, he was not deterred. I say that because the perjury charge that is before the court occurred just over a month later on March 4, 2019; and
- c) The extent of the circumstances that make up the perjury charge. I find them aggravating. Mr. Bond's false evidence may only have occupied minutes of court time, but within that limited period of time, he repeatedly perjured himself by denying any level of contact with Ms. Hupe since his arrest, despite that he knowingly had all kinds of contact with her, including intimate contact on multiple occasions.

[47] In *R. v. Jordan*, 1986 ABCA 168, the Court speaks of five non-exhaustive factors to be considered in perjury cases:

[7] A number of different factors enter into a consideration of the length of sentence for perjury. Without in any way being an exhaustive list, the following are some of these factors:

- (1) the relative seriousness of the offence with respect to which the perjured testimony was given.
- (2) the effect, if any, on the outcome of the trial by reason of the perjured evidence.
- (3) whether the testimony dealt with a vital part of the evidence.
- (4) whether the perjured evidence led to the implication of an innocent person in a crime, which would ordinarily be a most aggravating factor.
- (5) whether the perjury was planned and deliberate or the result of a sudden temptation in the course of giving evidence.

[48] I have considered these factors.

[49] With respect to the first factor, defence counsel concedes that the perjured testimony was given with respect to a serious offence.

[50] With respect to the second factor, both counsel concede that the jury must have accepted Mr. Dunn's defence of self-defence.

- [51] I will pause at the third factor, and that is whether the testimony dealt with a vital part of the evidence. Defence says that it did not. Crown says we do not know the answer to this. I agree with Crown. It is impossible to know what the jury would have made of Mr. Bond's credibility and reliability, had they known about his contact with Ms. Hupe.
- [52] The fourth factor in *Jordan* does not apply in this case.
- [53] That brings me to the fifth factor. Defence argues that the perjury was not planned and deliberate, and submits that the other cases Crown relies upon are examples of situations where the perjury involved methodical and ongoing efforts to deceive the court.
- [54] Defence argues that Mr. Bond was clearly giving in to sudden temptation, as his false testimony only took place over a matter of minutes.
- [55] The fact that Mr. Bond's false testimony was brief is true, but there is nothing before me on which I can conclude that this situation involved "sudden temptation".
- [56] Mr. Bond had multiple opportunities in cross-examination to correct his testimony. Instead, he opted to continue down a rabbit hole, in what I find was a deliberate and ongoing effort to mislead the court. His perjured testimony strikes at the very heart of the judicial system, and the caselaw supports that lengthy sentences are the usual course.
- [57] Although denunciation and deterrence are the primary sentencing principles, I have also considered rehabilitation. Mr. Bond's rehabilitation at this point is not a matter of continued necessity. He is already sober and says he has been so for one and a half years.
- [58] I find that he is not dangerous and does not need to be separated from society on that account.
- [59] My overriding concern is denunciation and deterrence, that is, the need to deter others from similar conduct.
- [60] In *R. v. Guess*, 2000 BCCA 602, the Court spoke about the importance of the integrity of the justice system at para. 3:

there is a larger issue at stake here, namely, the integrity of the judicial system. The community has a great stake in the protection of the judicial process and those who would be of a mind to attempt to corrupt it in any way should be deterred to the extent possible.

- [61] I appreciate that *Guess* involved an offence by a member of the jury. Nonetheless, the principles from that case apply here. The nature of the offence for which Mr. Bond has pled guilty require the court to impose a sentence that is sufficient to demonstrate to the community that it is responding in a measured and responsible way to offences which directly interfere with the administration of justice.

- [62] I have carefully considered all of defence counsel's submissions, including his submissions that Mr. Bond has been specifically deterred. Notwithstanding, and at the end of the day, denunciation and deterrence are the overriding principles that I have to consider, and I am not satisfied that a CSO in this case will adequately address those principles.
- [63] I reach this conclusion given the nature of the charge and the extent of the circumstances, given Mr. Bond's principal role as the accused when he gave false testimony, and given his existing criminal record which reflects a disregard for the administration of justice on three prior occasions. This most recent charge is by far his most egregious disregard for the court process. The fact that it occurred just over a month after Mr. Bond spent time in custody satisfies me that he has not been adequately deterred, and this emphasizes an even greater need for a sentence that focuses on denunciation and deterrence.
- [64] In conclusion, I have carefully considered whether a CSO is appropriate and I find that it does not satisfy the principles of denunciation and deterrence in these circumstances. I find the sentence proposed by Crown is fit and reasonable and within the range of an appropriate sentence.
- [65] Mr. Bond, I sentence you to 20 months in jail.
- [66] CNSL J. KILLORAN: Thank you, Justice.
- [67] THE COURT: Counsel, there is the issue of the victim fine surcharge.
- [68] CNSL A. VARESI: I am not opposed to it being waived, given he is going to be in custody.
- [69] CNSL J. KILLORAN: Given he is going to be in custody, yes, Justice.
- [70] THE COURT: Yes, thank you. I will waive the victim fine surcharge. Thank you. Good luck to you, Mr. Bond.
- [71] CNSL A. VARESI: Thank you.
- [72] THE COURT: Thank you, counsel.

"L. Bennett J."

L. BENNETT J.

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