

CANADA / JUDGMENT

R. v. Christensen

2025 BCSC 2353

COURT

Supreme Court of British Columbia

DECIDED

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2025 BCSC 2353 R. v. Christensen

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Christensen,

2025 BCSC 2353

Date: 20251125

Docket: 73371-2

Registry: Chilliwack

Rex

v.

Harry Tyler Christensen

Before: The Honourable Mr. Justice Milman

Oral Reasons for Sentence

Counsel for the Crown:

A.R. Burns

A.M. Carter

Counsel for the Offender:

T. Salloum

Place and Date of Hearing:

Chilliwack, B.C.

November 25, 2025

Place and Date of Sentence:

Chilliwack, B.C.

November 25, 2025

I. Introduction

- [1] Before the Court for sentencing is Harry Tyler Christensen. On March 26, 2025, Mr. Christensen pleaded guilty to the second-degree murder of Kyle Cromarty on October 4, 2018, contrary to s. 235 of the Criminal Code, R.S.C. 1985, c. C-46.

II. Circumstances of the Offence

- [2] The circumstances of the offence have been set out in an Agreed Statement of Facts that has been filed as an exhibit. I will briefly summarise what it contains.
- [3] On September 25, 2018, the police attended to the area of Mr. Cromarty's apartment building because of reports that two individuals were sleeping in a car parked nearby. Police attended the scene, impounded the vehicle and sent their occupants, one of whom was Mr. Christensen, on their separate ways.
- [4] On the date of the offence a few days later, October 4, 2018, at about 2:45 p.m., Kyle Cromarty was shot twice from behind by Mr. Christensen, who intended to kill him. One of those shots proved to be fatal. The shooting occurred just outside Mr. Cromarty's apartment building on Yale Road in Chilliwack.
- [5] Mr. Christensen had been loitering in the vicinity for about 20 minutes prior to that, apparently waiting for Mr. Cromarty to turn up. Mr. Christensen can be seen on surveillance video walking back and forth in that area during that time.
- [6] The scene of the shooting was a very public place. There was a school, a supermarket and a restaurant in the immediate area. There were children playing in a nearby parking lot. The killing took place near the end of the school day, which meant that there were parents picking up their children from school at the time.
- [7] Mr. Cromarty arrived at the scene at around 2:40 p.m. He parked in the nearby grocery store parking lot. He exited his vehicle and began walking to his apartment building. Mr. Christensen walked past Mr. Cromarty and then turned around and followed him. Mr. Christensen was not a person who was known to Mr. Cromarty. Mr. Christensen approached Mr. Cromarty from behind and shot him twice with a handgun. He then discarded the handgun at the scene in the locked-back position, having run out of bullets.

- [8] Mr. Christensen then fled the scene on foot. He jumped over a fence and into the yard of a nearby residence, where the resident was sitting on her patio. Mr. Christensen then jumped over another fence and ran across a field where he entered into a getaway vehicle that had been waiting there for him and quickly sped away.
- [9] Mr. Christensen was arrested for this offence over four years later, after the police matched his DNA with that taken from the murder weapon that he had discarded at the scene.

III. Circumstances of the Offender

- [10] I have received a pre-sentence report ("PSR") and a letter from authors of what was intended to be a Gladue report. The latter was ordered because Mr. Christensen had told the author of the PSR that his mother had told him that his father was of Métis heritage. However, the author of the letter was unable to find any evidence to confirm Mr. Christensen's Indigenous identity. He therefore stated that the intended authors were unable to prepare a Gladue report, not only because they were uncertain about Mr. Christensen's Indigenous ancestry, but also because, even if they accepted that he had such ancestry, they were in no position to address how being Indigenous had affected his life. However, they added that they could also not rule out that he was of Indigenous ancestry, or that Gladue factors might be relevant in this case.
- [11] There is, however, a great deal of helpful information in the PSR. According to that report, Mr. Christensen is now 35, which means he would have been about 28 at the time of the offence.
- [12] He had, by all accounts, a difficult upbringing. His parents separated early in his life. When he was five, he was abducted by his father and taken to live in his aunt's home for six months. After that, he returned to live with his mother and never saw his father again. In those six months with his father, he experienced physical abuse. Both his parents and his stepfather, his mother's new partner, were alcoholics.
- [13] Mr. Christensen remained with his mother and stepfather until the age of 13. At that age, he was removed from the home and left school, due to what is described as his disruptive behaviour. Thereafter, he fell into a gangland lifestyle. He took to living on the streets and had frequent interactions with the police. This lifestyle continued in varying degrees until his arrest on the current matter on November 25, 2022.
- [14] Mr. Christensen has five children of his own. He has three children with three separate women and has a minimal relationship with those children and their mothers. He also has two children with his most recent partner and maintains some contact with her via his mother. He speaks with his mother on a weekly basis.
- [15] Despite having left school at 13, Mr. Christensen was able to obtain his GED certificate in 2008, after completing a program for troubled youth. He was employed only occasionally for the first 10 years after his coming of age.

- [16] He reports a history of mental health challenges, including depression, anxiety, split personality disorder and bipolar disorder, having been diagnosed with these conditions after being incarcerated for this offence in 2022.
- [17] He also has a lengthy history of substance abuse. This began at a young age. According to Mr. Christensen, he first tasted alcohol when he was two years old. He began consuming cannabis at age 12 or 13, methamphetamine at 15 and cocaine in his late teens. Between the ages of 15 and 27, he was a regular methamphetamine user. He attributes his past violent behaviour to this history of substance abuse, or in some cases, to self-defence.
- [18] It appears that Mr. Christensen managed to stabilise to some extent when he had the two children with his most recent partner. During that time, he found more stable employment as a roofer. However, it also appears that he resumed his use of methamphetamine when he became aware that he was under investigation for this offence.
- [19] Mr. Christensen has a relatively lengthy criminal record. There are numerous convictions between 2011 and 2018, including convictions of various violent offences, administrative convictions, thefts, resisting and assaulting police officers and possession of stolen property.
- [20] While in custody for those previous offences in Alberta, where he had been residing during this period, it appears that he did not engage with the rehabilitative programming that was offered to him. He failed to attend meetings scheduled for psychiatric consultations. He struggled to report as directed.
- [21] Since his arrest and incarceration in this province, that pattern has persisted. He has not completed any formal programming. His correctional history discloses multiple disciplinary infractions, including defiance of staff directions, physical altercations with staff and other inmates as well as being in possession of contraband, including a sharp-edged weapon.
- [22] That being said, his counsel tells me he has, more recently, been participating while in custody in a course aimed at avoiding relapses.
- [23] Until the date of sentencing before me, Mr. Christensen took no responsibility for the offence, nor did he show any insight into his actions or offer any explanation to the family. However, he did, when given the opportunity to do so at the conclusion of the sentencing hearing before me, apologise to the family and express what I take to be a level of remorse. He explained that his adolescent self was unable to take responsibility for his actions, but he has more recently gained some insight and now is able to take responsibility for what he has done.

IV. Victim Impact

- [24] I received four victim impact statements into evidence. Three of them were read out to me in court by their authors. Those authors include Kyle Cromarty's mother, his sister and his niece. I also received a victim impact statement in writing from a close friend, who describes himself as having been like a brother to Mr. Cromarty.
- [25] Their expressions of grief and pain were powerful and eloquent. They speak of the bitter loss of a loved one, the cutting short of vibrant life for reasons that remain unexplained. They speak of multi-generational trauma and the loss of a child's innocence in such a cruel manner. They speak of their resulting mistrust of the world and their loss of faith in human nature. They also spoke of their fear about leaving their homes and their despair in trying to make sense of and come to terms with that horrible loss.

V. Legal Principles

- [26] The principles to be applied in imposing sentence are set out in s. 718 of the Criminal Code. That provision states 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 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.
- [27] It is common ground that in a case such as this, the pre-eminent factors on that list are denunciation, deterrence and the need to separate Mr. Christensen from society. In this case, the mandatory sentence I must impose is life imprisonment, as set out in s. 235 of the Criminal Code. The only issue left for me to determine today is the duration of the period of parole ineligibility.
- [28] That issue is governed by s. 745, which requires that that period be set somewhere between 10 and 25 years.

[29] In *R. v. Bennight*, 2012 BCCA 461, MacKenzie J.A. writing for the Court, set out the factors that should be considered in deciding where in that range that period should be set, stating as follows:

- Under s. 745.4 of the Criminal Code, the sentencing judge must consider the character of the offender, the nature of the offence, the circumstances surrounding the commission of the offence, and the recommendation of the jury (if any).
- The general sentencing principles of denunciation and deterrence and the judge's assessment of the offender's future dangerousness are relevant factors: *R. v. Shropshire*, [1995] 4 S.C.R. 227, 102 C.C.C. (3d) 193 (S.C.C.).
- Parole ineligibility greater than 10 years is justified when there is some particularly aggravating feature: *Cerra*, at para. 17 (per Donald J.A.).
- There are two broad groupings of cases where parole ineligibility is extended beyond 10 years: parole ineligibility periods from 12 to 15 years and parole ineligibility periods from 15 to 20 years. The latter group of cases relates to cases at the highest order of moral culpability or dangerousness: *Cerra*, at para. 26 (per Donald J.A.).
- The possibility of a parole ineligibility period greater than 20 years remains in exceptional circumstances: *Cerra*, at para. 36 (per Ryan J.A.).
- Orders extending the period of parole ineligibility are highly discretionary and are part of the sentence pursuant to s. 673 of the Criminal Code. Such orders are therefore appealed pursuant to s. 687(1). An appellate court should only interfere with a trial judge's sentencing order if the court is convinced it is not fit or it is clearly unreasonable: *Shropshire*, at paras. 47-48.
- The wide discretion granted to sentencing judges is fettered by the case law and general ranges of sentences for particular offences. However, while courts must consider ranges, they are guidelines rather than strict rules. A sentence outside the regular range is not necessarily unfit, if it is in accordance with the principles and objectives of sentencing: *R. v. Nasogaluak*, 2010 SCC 6, [2010] 1 S.C.R. 206 (S.C.C.) at para. 44.
- Similarly, the two groups of parole ineligibility cases described in *Cerra* are intended as guidelines, not as binding categories within which a particular case must be placed: *R. v. White*, 2011 BCCA 328 (B.C. C.A.) at para. 24.

[30] The parties agree that the period of presentencing custody is irrelevant to the analysis: *R. v. G.C.Z.*, 2015 BCSC 2518. Although defence counsel urges me to consider, in setting the period of ineligibility, what he says are the relatively onerous conditions in which Mr. Christensen has been held over that time, there is no basis to do so either on the evidence before me or the law as summarised in *G.C.Z.*

VI. Positions of Crown and Defence

[31] Crown counsel urges me to set the parole ineligibility period at 15 years, which is in the higher half of the range described by MacKenzie J.A., but at the low end of that higher half. In support of that submission, Crown counsel has referred me to the following authorities:

- a) R. v. Bennight, 2012 BCCA 461;
- b) R. v. Gauthier, 2022 BCSC 1417;
- c) R. v. Powery-Hooker, 2021 BCSC 2005;
- d) R. v. Woody, 2019 BCSC 580;
- e) R. v. McBride, 2018 BCSC 865;
- f) R. v. White, 2011 BCCA 328; and
- g) R. v. DaSilva, 2001 BCSC 1765.

[32] Defence counsel urges me to set the ineligibility period at 11 years, relying on the following authorities:

- a) R. v. Dolman, 2017 BCSC 2564;
- b) R. v. Boucher, 2017 ONSC 6199;
- c) R. v. Pirko, 2020 BCSC 222;
- d) R. v. Danjou, 2020 BCSC 1820;
- e) R. v. Cabrera, 2021 ABCA 291; and
- f) R. v. Soosay, 2021 ABQB 507.

VII. Discussion

[33] I do not intend to go into detail in reviewing these cases. As counsel both acknowledged in their respective submissions, each case depends heavily on its own facts. It is clear that the mix of aggravating and mitigating circumstances are unique to each case.

[34] Here, both sides agree that there are serious aggravating circumstances.

[35] First, this was an execution-style killing with a firearm. The victim was approached from behind by an apparent stranger and shot with no apparent provocation. There appears to have been some planning, as evidence by Mr. Christensen's loitering in the vicinity immediately prior to the shooting and his having arranged a getaway car. I agree with Crown counsel that these factors distinguish this case from many of the authorities relied upon by defence counsel to take this sentencing to the lower end of the range, where the killing appears to have been more impulsive.

- [36] Moreover, the killing here was carried out in a very public place with members of the public, including children, in the immediate vicinity. Those people, including some children, saw the shooting. Some, again, including some children, fled from the sound of the gunshots. After killing Mr. Cromarty, Mr. Christensen discarded the murder weapon in that public setting.
- [37] The ongoing pain and anguish experienced daily by Mr. Cromarty's family and friends is a very important factor that I must weigh in the mix.
- [38] Further, Mr. Christensen evaded capture for many years, having been apprehended only because traces of his DNA were found on the murder weapon.
- [39] Another aggravating factor here is Mr. Christensen's criminal history. Having said that, I accept the submission of both counsel that his record, although relatively lengthy, appears to be tied to his history of struggling with substance abuse. It does not contain the kind of serious violent conduct that in other cases has been held to justify setting the period of parole ineligibility at the higher end of the range.
- [40] In addition, I must also consider some important mitigating factors that are present in this case. Foremost among these is the guilty plea, which has spared the family and the legal system what was shaping up to be a lengthy and complex trial.
- [41] In addition, I also accept that Mr. Christensen's difficult family history and upbringing is an important mitigating factor to be considered. Although the Crown submits that Gladue factors are insufficiently attested on the record, Crown counsel acknowledges that Mr. Christensen's life displays many traits that have moved the courts to consider the Gladue factors as reducing the moral blameworthiness of the offender. I accept that submission. I also accept defence counsel's submission that although the Gladue authors could not find any information to assist the Court, they did not rule out that Gladue factors may be relevant in this case and that Mr. Christensen's family history echoes many of the themes that appear in the Gladue cases, including the effects of intergenerational trauma.
- [42] I also accept that there is some indication that Mr. Christensen was beginning to turn his life around prior to his arrest, in the sense that he had taken on more steady employment and was in a more committed relationship and appeared to have weaned himself, at least for a time, from his substance abuse. Having said that, there is also indication that he began consuming methamphetamine again under the strain of being investigated for this offence.
- [43] All in all, I have concluded that the appropriate ineligibility period lies somewhere between the periods suggested by counsel, although closer to that urged by the Crown.

VIII. Disposition

- [44] Mr. Christensen, please rise - I am sentencing you to imprisonment for life, with a period of 13 and a half years during which you will be ineligible for parole.

[45] In addition, I am making the following ancillary orders:

- a) I am authorizing the taking of samples of bodily substance from you for purposes of forensic DNA analysis and inclusion in the DNA data bank pursuant to ss. 487.04 and 487.051(1) of the Criminal Code;
- b) I am making an order pursuant to s. 109(2)(a) of the Criminal Code that you be prohibited from possessing a firearm, crossbow, restricted weapon, ammunition, or explosive substance for 10 years after your release from the term of imprisonment, and, under s. 109(2)(b), a similar order in respect of prohibited firearms, restricted firearms, prohibited weapons, prohibited devices, and prohibited ammunition, which will be for life; and
- c) I am making an order of forfeiture pursuant to s. 491 of the Criminal Code that the firearms and ammunition seized by the police be forfeited to the Crown, to be disposed of as the Attorney General directs.

[46] Finally, given the length of the custodial sentence I am imposing, I will waive the victim surcharge.

"Milman J."

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