

CANADA / JUDGMENT

R. v. Coghill

2025 BCSC 733

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Supreme Court of British Columbia

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2025 BCSC 733 R. v. Coghill

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Coghill,

2025 BCSC 733

Date: 20250414

Docket: 56221

Registry: Vernon

Rex

v.

Edward Scott Coghill and Stewart Wayne Tkachuk

Before: The Honourable Mr. Justice Gibb-Carsley

Oral Reasons for Sentence

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Place and Dates of Hearing:

Vernon, B.C.

December 13, 2024

January 10, 2025

Place and Date of Judgment:

Vernon, B.C.

April 14, 2025

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[1] THE COURT: These are my reasons for sentence.

I. Introduction

[2] On June 13, 2024, I found Edward Scott Coghill guilty of eight counts and Stewart Wayne Tkachuk guilty of nine counts relating to a home invasion that occurred in Lumby, British Columbia in the early morning hours of September 18, 2019. My reasons for judgment in that matter were indexed as R v. Coghill, 2024 BCSC 1101 (the "Reasons").

[3] In this judgment, I will first provide some background facts for context, including the circumstances of the offence as well as the circumstances of Mr. Coghill and Mr. Tkachuk. I will then turn to the sentencing positions of the parties, the legal framework and principles of sentencing and, finally, my analysis and disposition as to the appropriate sentences for the offenders.

[4] Before commencing my reasons, I acknowledge that the Crown, pursuant to the Kienapple principle (R. v. Kienapple, [1975] 1 S.C.R. 729) - which is engaged to prevent an individual from receiving multiple convictions for the same criminal act - as well as on the basis that s. 344(1)(a.1) of the Criminal Code was repealed November 16, 2022, asks the Court to direct a judicial stay of proceedings to Count 2 of the indictment. Further, again pursuant to the Kienapple principle, the Crown asks the Court to direct a judicial stay of proceedings to Count 4 of the indictment. The Crown asserts, and I agree, that Counts 3 and 4 address the same criminal wrong and arise from the same elements.

[5] Given the Crown's submission, I direct judicial stays for both Mr. Coghill and Mr. Tkachuk on Count 2 - committing robbery contrary to Section 344(1)(a)(i) of the Criminal Code and Count 4 - intentionally discharging a firearm into or at a place, knowing or being reckless as to whether another person was present, or while being reckless as to the life or safety of another person, contrary to Section 244.2(3)(b) of the Criminal Code.

[6] Accordingly, there are six remaining counts for which Mr. Coghill must be sentenced and seven remaining counts for which Mr. Tkachuk must be sentenced. I will refer to the specific counts later in these reasons.

II. Background

A. Circumstances of the Offence

- [7] The details of the offences are set out in detail in the Reasons, however, for context I will provide a summary of my findings of fact regarding the home invasion that occurred in Lumby, British Columbia on the early morning hours of September 18, 2019.
- [8] James Jurica and Candice Kado were living at a house on Dure Meadow Road, in Lumby, British Columbia. They were awake and lying in bed in their bedroom when Mr. Coghill and Mr. Tkachuk, wearing face coverings and carrying shotguns, broke into the home.
- [9] Mr. Coghill and Mr. Tkachuk shot out the power to some of the lights, and entered the bedroom. Mr. Jurica was shot in the chest, stomach, and hip with shotgun pellets. A physical altercation ensued between Mr. Jurica where Mr. Jurica fought against the two men for a period of time. Ms. Kado struck Mr. Coghill in the head with a baseball bat.
- [10] The offenders retreated briefly then reloaded the firearms and shot again into the wall. A pellet from the shotgun struck Ms. Kado in the chin. Mr. Jurica, realizing that the intruders had reloaded, determined it best to no longer resist. The intruders proceeded to beat Mr. Jurica with a metal baton or baseball bat, causing significant wounds to his head and hand. Mr. Jurica bled profusely due to his injuries and left a significant amount of blood on the carpet, floors and the walls of the house.
- [11] After the initial attack, I found that Mr. Tkachuk held Ms. Kado and Mr. Jurica at gunpoint while Mr. Coghill ransacked the house. At one point during the home invasion, Mr. Coghill forced Ms. Kado at gunpoint to the basement and commanded that she open a safe. Later in the attack, Mr. Tkachuk bound the hands of Mr. Jurica and Ms. Kado with plastic zip-tie style handcuffs.
- [12] Mr. Coghill and Mr. Tkachuk stole several items from the residence, including cash, bicycles, a television, jewellery, and Mr. Jurica's Dodge Ram truck.
- [13] Mr. Coghill and Mr. Tkachuk left the residence in Mr. Jurica's truck. Sometime after that, Ms. Kado freed herself from her zip-tie restraints and also freed Mr. Jurica. She drove Mr. Jurica to the Vernon Jubilee Hospital where he was treated for his injuries. Ms. Kado, who had a fragment from the shotgun in her face, was unaware of her injury until sometime after the initial evening.
- [14] Mr. Jurica's truck was found by the police, abandoned, at about 5:00 a.m. on that same morning, September 18, 2019. The police then investigated and built its case against Mr. Coghill and Mr. Tkachuk. Part of the evidence gathered by the police were communications between Mr. Coghill and Mr. Tkachuk that showed planning and deliberation were involved in the home invasion. Further, both Mr. Coghill and Mr. Tkachuk took the time to have weapons and face coverings to use during the home invasion.

B. Victim Impact

- [15] Section 718.2(a)(iii.1) of the Criminal Code provides that "evidence that the offence had a significant impact on the victim, considering their age and other personal circumstances, including their health and financial situation", must be deemed to be an aggravating circumstance. Mr. Jurica provided a victim impact statement on December 12, 2024, which I must consider pursuant to s. 722(1) of the Code. Ms. Kado did not provide a victim impact statement.
- [16] Section 722(9) of the Criminal Code provides that evidence concerning the impact of a victim is not restricted to impact statements. Victim impact may be a conclusion drawn from the circumstances of the offence or findings at trial.
- [17] Mr. Jurica's victim impact statement is jarring in its description of the profound impact that this crime has had on his life. His physical wounds have not fully healed and he has constant burning in his chest from the nerve damage caused by being shot. The wounds to his legs have not healed and he has developed blood clots. This prevents him from flying which keeps him from family and a home he has overseas. He is unable to work and is now on disability and does not feel he is a productive member of society. Worse than the physical wounds, Mr. Jurica says are the psychological wounds.
- [18] He says his relationships with Ms. Kado, his romantic partner at that time, could not survive the crime and his past and future relationships have been damaged irreparably. He had to leave the house he had called his dream house because of the thoughts of the home invasion. He describes that since the crime he has become withdrawn from his family members and cannot see a time in the future when he will have healthy relationships. Mr. Jurica sums up the impact of the crime on him by writing, "I have lost so much - my sense of self, my dreams, my partner, my life as I knew and hoped it to be. I feel like I died that day."
- [19] In addition to Mr. Jurica's letter, I am satisfied that there is sufficient evidence before me from the trial, and my observations of Mr. Jurica and Ms. Kado at trial, that the home invasion was horrifying and had a significant impact on their physical and mental state. It was a prolonged attack that lasted over 45 minutes and given the violence and use of a weapon against them, I expect that there was no certainty in the minds of Mr. Jurica or Ms. Kado whether they would survive that evening.
- [20] I accept that the home invasion and assault had a deep and profound impact on both of the victims. They were attacked at night, in what should be the safest of spaces for a person, in bed in the bedroom of their home. The offence violated the safety and peacefulness of their home. They were physically assaulted and threatened with serious harm. I expect that the impacts of these offences will linger for years if not forever with Mr. Jurica and Ms. Kado.

C. The Circumstances of the Offenders

- [21] I was provided with information about Mr. Coghill and Mr. Tkachuk. I will first address the information regarding the personal circumstances of Mr. Coghill and then turn to those of Mr. Tkachuk.
- i. Mr. Coghill
- [22] Mr. Coghill is fifty years old. He was born in Williams Lake, British Columbia and is the youngest child of a family of 16 which includes siblings and step-siblings. Mr. Coghill moved away from home at the age of 14 to live on his own in Prince George, British Columbia. Mr. Coghill has a Grade 9 education. He worked at various retail jobs including at Dairy Queen and at a butchers shop.
- [23] He met his spouse in Prince George. Together, they moved to Vanderhoof, British Columbia and purchased a house, where they had their three children. They lived in that house for 14 years. Mr. Coghill and his wife separated and she moved to Prince George while Mr. Coghill remained in Vanderhoof to raise the children. While there was a period that Mr. Coghill's ex-spouse was not in his life, they became friends again as they were older.
- [24] His ex-spouse died of a fentanyl overdose. His counsel submits that this caused Mr. Coghill's life to spiral and he lost his job and began feeling extremely lonely. He started consuming drugs and his drug use escalated to an opioid dependence which included fentanyl. During his drug dependency, Mr. Coghill stopped speaking to his children because he was embarrassed about his situation.
- [25] In 2019, during the time of this offence, Mr. Coghill was heavily addicted to drugs, particularly opioids.
- [26] Prior to his substance addiction, Mr. Coghill worked consistently for 13 years while raising his children. Further, while I need not go into detail, his children all appear to be living productive and positive lives. This demonstrates to me that, prior to Mr. Coghill's substance addiction, he exhibited pro-social behaviour and had been a productive member of society. Mr. Coghill now has six grandchildren, and I understand that during his time on bail he has played some role in their lives.
- [27] In addition to suffering with substance addictions, Mr. Coghill has struggled with mental health issues. Mr. Coghill attributes these psychological difficulties to an event in which he was the victim of a shooting a number of years ago.
- [28] Mr. Coghill has a criminal record, including four convictions of violating court orders, four convictions of failing to appear in court, an 810 recognizance, a conviction for uttering threats, and a conviction for assault causing bodily harm. The conviction for assault causing bodily harm occurred six months after this offence, and therefore cannot be considered a prior criminal conviction. However, the Crown asks the Court to consider the offence in understanding Mr. Coghill's capacity for violence. In that offence, on March 12, 2020 (which

again occurred six months after the home invasion), Mr. Coghill stabbed Michael Brett in the chest at a Vernon gas station and while stabbing him stated that Mr. Brett owed him money. Mr. Coghill has since advised the Court in that proceeding that he had no memory of why he stabbed Mr. Brett and believes he assaulted Mr. Brett due to his substance addiction.

- [29] Mr. Coghill continued to struggle with substance abuse until he started living with his sister in November 2020. I am told that Mr. Coghill has been sober from drugs since November 2020.
- [30] Mr. Coghill submits that he recognized that he needed help and began using his family supports which has helped him on his path to recovery. In addition to family supports, he utilized local resources to ameliorate his mental health by attending therapy at Nicola Family Therapy.
- [31] Mr. Coghill has complied with strict bail conditions since his release on April 14, 2023, which included an ankle bracelet and house arrest. He has had no issues while on bail for this two year period.
- [32] Mr. Coghill's bail supervisor, Ms. Kalie Cook, indicated that she has not observed any issues or concerns while supervising Mr. Coghill. She also indicates that Mr. Coghill was provided with permission letters to allow him into the community for pro-social engagements, such as attending his appointments with Merritt Community Corrections, attending regular counselling with Nicola Family Therapy, volunteer opportunities at the Nicola Valley Rodeo, and helping the family-owned business.
- [33] Mr. Coghill provided character letters from his nephew, niece, a counsellor at Nicola Family Therapy, and a minister at Nicola Valley Church. The letters are written in support of Mr. Coghill's release and provide details that Mr. Coghill was, in the past, a positive member of the Coghill family and broader community, and that since being on bail he has been working to better himself.

ii. Mr. Tkachuk

- [34] Mr. Tkachuk is 53 years old and was 47 years old at the time of the offence. He has been in a romantic relationship since 2017 and resides in Vernon, British Columbia. Along with his partner, Mr. Tkachuk resides with his partner's children, to whom he is a father figure, and his partner's mother who is 80 years old.
- [35] I was presented with less information for Mr. Tkachuk as compared to Mr. Coghill to understand his circumstances. As I understand, he struggled with substance abuse up until about 12 years ago. There is some evidence to support this finding in that, as I will discuss in a moment, his last prior violent criminal offence - assault causing bodily harm - occurred in May 2012.

- [36] In 2014, Mr. Tkachuk was diagnosed with bone cancer. He is currently in remission, but for years has gone through many surgeries and treatments and his counsel informed the Court that Mr. Tkachuk is in constant pain. Also, as a result of the surgeries, he has had fingers amputated and has difficulty fully using his hands. Mr. Tkachuk uses prescribed methadone for what he describes as significant and constant joint pain.
- [37] Counsel informed the Court however, that for the past 12 years Mr. Tkachuk has been a devoted family man who was employed as an insulation installer and ran a team for up to 12 hours a day during the week.
- [38] Mr. Tkachuk has a criminal record with six convictions for theft, one conviction for robbery, one conviction for disguising face, one conviction for taking a motor vehicle without consent, one conviction for possession of stolen property, three convictions for break and enter, two convictions of assault causing bodily harm, two convictions under the Controlled Drugs and Substances Act, S.C. 1996, c. 19, and one conviction for breach of probation. Mr. Tkachuk also has four convictions of driving while prohibited under the Motor Vehicle Act, R.S.B.C. 1996, c. 318.
- [39] Mr. Tkachuk's last violent offence, prior to the home invasion, was in May 2012 and, as such, is quite dated. The Crown argues however, that because Mr. Tkachuk was in custody until 2015, he had only had four years without criminal convictions prior to the home invasion.
- [40] While Mr. Tkachuk had a period of substance abuse and criminal activity in his past, when considering his more current lifestyle and his lack of recent criminal activity, his counsel submits that "it would not be an overstatement to say that the crimes for which he stands convicted are very much out of character for Mr. Tkachuk."

III. Parties' Positions

A. Crown's Sentencing Position

- [41] In respect of Mr. Coghill, the Crown asks me to impose a custodial sentence of between 16-18 years incarcerated (192-216 months), totaling 190-214 months with time served deducted, broken down as follows:
- a) Count 1: breaking and entering a dwelling house with intent to commit robbery, 16 - 18 years;
 - b) Count 3: discharging a firearm with intent to wound, 14 years concurrent;
 - c) Count 5: having face masked with intent to commit indictable offence, 5 years concurrent;
 - d) Count 6: unlawful confinement, 10 years concurrent;
 - e) Count 7: aggravated assault, 14 years concurrent; and

f) Count 8: possession of a firearm without being the holder of a license, 2 years concurrent.

[42] In respect of Mr. Tkachuk, the Crown asserts that an appropriate sentence is 17-19 Years Jail (204-228 Months) 195-219 Months after time served is deducted broken down in the following manner:

a) Count 1: breaking and entering a dwelling house with intent to commit robbery, 16 - 18 years;

b) Count 3: discharging a firearm with intent to wound, 14 years concurrent;

c) Count 5: having face masked with intent to commit indictable offence, 5 years concurrent;

d) Count 6: unlawful confinement, 10 years concurrent;

e) Count 7: aggravated assault, 14 years concurrent;

f) Count 8: possession of a firearm without being the holder of a license, 2 years concurrent; and

g) Count 9: possession of a firearm while prohibited, 1 year consecutive.

[43] As is clear from above, the sentences are largely equivalent as between Mr. Coghill and Mr. Tkachuk, however, the Crown submits that Mr. Tkachuk should serve an additional consecutive year in respect of his conviction on Count 9 - possession of a firearm while prohibited.

[44] The Crown also seeks the following ancillary orders for both Mr. Coghill and Mr. Tkachuk:

a) DNA Order pursuant to s. 487.051(1) of the Criminal Code;

b) Lifetime Firearm Prohibition under s. 109(3) of the Criminal Code; and

c) No Contact Order: James Jurica and Candice Kado pursuant to s. 743.21(1) of the Criminal Code.

B. Mr. Coghill's Sentencing Position

[45] Mr. Coghill submits that an appropriate sentence is a global sentence of eight years, broken down as follows: eight years for Counts 1, 3, and 7, six years for Count 6, four years for Count 5, and 19 months for Count 8, all served concurrently.

[46] Mr. Coghill is not opposed to the ancillary orders sought by the Crown.

[47] In essence, Mr. Coghill recognizes the seriousness of the offences for which he has been convicted. He asks the Court to look at the steps he has taken towards rehabilitation since November 2020 and his subsequent sobriety. Put another way, Mr. Coghill asks the Court to focus on his path to rehabilitation since the commission of the home invasion, as well as his assertion that he says he is no longer a danger to society.

C. Mr. Tkachuk's Sentencing Position

- [48] Mr. Tkachuk asserts that an appropriate global sentence for him is 10 to 11 years made on a range of 9 to 10 years for the counts for which both men are convicted, with an additional year for Mr. Tkachuk for Count 9 (possession of a firearm while prohibited) to be served consecutively. Mr. Tkachuk generally echoes the submissions of Mr. Coghill in respect of the appropriate sentences for the offences for which he has been convicted.
- [49] Mr. Tkachuk's submissions also focused on his dated criminal convictions, his argument that this crime was out of character for the way he was living in the past decade. Mr. Tkachuk also asks the Court to consider his health issues which make serving time in custody more painful and difficult for him than it would a healthier individual.
- [50] Mr. Tkachuk does not oppose the ancillary orders sought by the Crown.
- [51] I will now turn to a discussion of the legal framework and principles that I must apply in determining a just sentence for Mr. Coghill and Mr. Tkachuk.

IV. Legal Framework and Principles of Sentencing

- [52] Section 718 of the Criminal Code provides that the fundamental purposes of sentencing are "to protect society and contribute, along with crime prevention initiatives, to respect for the law and maintenance of a just, peaceful and safe society by imposing just sanctions", with reference to six objectives:
- a) denunciation of unlawful conduct;
 - b) deterring the offender and other persons from committing offences;
 - c) separating offenders from society where necessary;
 - d) assisting in rehabilitating offenders;
 - e) providing reparations for harm done to victims and the community; and
 - f) promoting a sense of responsibility in offenders, acknowledging the harm done to victims or to the community.
- [53] The relative weight and importance of the factors enumerated in Section 718 of the Code will vary depending on the nature of the crime and the circumstances of the offender: *R. v. Chambers*, 2021 BCSC 1083 at para. 40.
- [54] Section 718.1 of the Code states that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender: see *R. v. Lacasse*, 2015 SCC 64 [Lacasse] at para. 12.
- [55] The gravity of the offence is grounded in: (a) the harm or likely harm to the victim; and (b) the harm or likely harm to society and its values: *Lacasse* at para. 130.

- [56] Proportionality is determined both on an individual basis (in relation to the offender and the offence they committed) and by comparison with sentences imposed for similar offences committed in similar circumstances. Individualization and parity of sentences must be reconciled for a proportionate sentence: *Lacasse* at para. 53.
- [57] As such, sentencing ranges provide a starting point but are not binding. Sentencing must be a holistic consideration of the unique circumstances of each case in order to craft a sentence that contributes to the respect for the law and the maintenance of a just, peaceful, and safe society by imposing just sanctions: *R. v C.R.F.*, 2024 BCSC 853 at para. 48; *R. v. Nur*, 2015 SCC 15 at para. 43.
- [58] Section 718.2 of the Code sets out that sentences are to be increased or reduced to account for any aggravating or mitigating circumstances, a sentence should be similar to sentences imposed on similar offenders for similar offences in similar circumstances, where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh, an offender should not be deprived of liberty if a less restrictive sanctions may be appropriate, and 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.
- [59] I am also to consider the moral blameworthiness of the offenders. In terms of moral blameworthiness, our Court of Appeal in *R. v. C.K.*, 2023 BCCA 468 at para. 71, set out a non-exhaustive list of factors to consider when assessing an offender's personal responsibility. The factors include the following:

the level of planning and/or intentionality brought to the crime; the degree, nature and extent of the offender's personal participation in the offence; the means or method by which the crime was committed; the motive or reasons for the offender's participation; the offender's awareness of the legal and moral wrongfulness of their conduct; their awareness of the actual or reasonably foreseeable harms flowing from their conduct ([both] immediate and long-term); and their persistence in perpetrating the offence despite that awareness.

V. Discussion

- [60] I turn now to an application of the relevant legal principles in the specific circumstances of this matter to determine the appropriate sentences for Mr. Coghill and Mr. Tkachuk.
- [61] I am also cognizant that I must attempt to avoid taking a piecemeal approach in consideration of these factors: see *R. v. Potts*, 2011 BCCA 9 at paras. 75-83.
- [62] Pursuant to s. 724(3)(e) of the Criminal Code, the Crown must prove facts that constitute an aggravating factor beyond a reasonable doubt. I now turn to the factors I consider to be aggravating and mitigating in this case.

[63] Absence of an aggravating factor is not mitigating (and vice versa) - the absence of a mitigating or aggravating factor is neutral to the determination of sentencing; to increase or reduce a sentence on the basis of such an absence is an error in principle: *R. v. Scofield*, 2019 BCCA 3 at para. 36. I will begin with mitigating factors and then turn to aggravating factors.

a) Mitigating Circumstances

[64] I find that the following mitigating circumstances apply to Mr. Coghill:

- a) Mr. Coghill's rehabilitative efforts are mitigating. As the Crown fairly, in my view, acknowledged that Mr. Coghill is "a completely different man now." This is corroborated by the support letters I referenced above, his compliance on bail, and his attendance at counselling sessions. Of greatest import is that I am told that Mr. Coghill has been sober since November 2020. This is especially significant because it appears that his criminal behaviour was strongly tied to his use and abuse of substances;
- b) Mr. Coghill has expressed, through his counsel, that he is remorseful about his conduct and that he believes it largely resulted from his substance abuse and addiction issues; and
- c) Mr. Coghill has strong community and family support.

[65] I find that the following mitigating circumstances apply to Mr. Tkachuk:

- a) He has family support;
- b) Prior to this offence, Mr. Tkachuk's last violent offence occurred in May 2012 and he had been working and providing for his family and extended family for a number of years before the home invasion; and
- c) Mr. Tkachuk suffers from pain due to his previous bone cancer and the treatments he received for it. I will take this into account when considering the harshness of a sentence in that I accept that the pain of incarceration may impact Mr. Tkachuk more harshly than it might another offender due to his particular health issues.

b) Aggravating Circumstances

[66] I find that the aggravating circumstances for both Mr. Coghill and Mr. Tkachuk are as follows and relate largely to their conduct during the offence:

- a) The offence involved significant planning and premeditation. Mr. Coghill and Mr. Tkachuk were both armed with several weapons, wearing masks, and possessed zap straps;
- b) Mr. Coghill and Mr. Tkachuk's motive for planning and executing the home invasion was greed. The home was specifically targeted for robbery because Mr. Jurica was growing cannabis on the property;

- c) Mr. Coghill and Mr. Tkachuk obscuring their faces with masks worked both to intimidate the victims and to protect their identity to reduce their chance of being apprehended;
 - d) Mr. Coghill and Mr. Tkachuk's use of weapons is itself aggravating. Each were armed with shotguns (including less lethal and lethal rounds), and collectively used a baton or bat, and bear repellent spray;
 - e) Mr. Coghill and Mr. Tkachuk were aware that the residence was occupied, or at least knew prior to barging into the bedroom that the home was occupied and they prepared and were intending to violently engage the victims;
 - f) Mr. Coghill and Mr. Tkachuk forced entry into the home in the middle of the night, when any residents would be, and in fact were, in bed and at their most vulnerable;
 - g) The attack was gratuitous and prolonged, lasting approximately 45 minutes to one hour and resulting in life-altering injuries. The physical injuries inflicted on Mr. Jurica were significant. In my view, this is particularly aggravating. Higher sentences are appropriate when serious injuries are inflicted: *R. v. Chudley*, 2016 BCCA 90 [Chudley] at para. 27, citing *R. v. Vickers*, 2007 BCCA 554 [Vickers] at para. 19;
 - h) Mr. Coghill and Mr. Tkachuk confined the victims with zip ties and assaulted Mr. Jurica after they had tied his hands;
 - i) Much of the residence was ransacked and the house was damaged both by the shots fired into the walls, tossing and breaking furniture and also by the blood of Mr. Jurica staining the walls and floor. As I will describe in a moment, I find that Mr. Coghill participated to a greater extent in the damage to the house than did Mr. Tkachuk;
 - j) Mr. Coghill and Mr. Tkachuk stole property from Mr. Jurica and Ms. Kado that was never recovered, including two e-bikes, a television, and the cash; and
 - k) Both Mr. Coghill and Mr. Tkachuk have criminal records. Both have previous convictions for violent offences. That said, in respect of Mr. Coghill, I accept that his prior convictions did not involve significant sentences, and other convictions appear tied to his substance addiction. In respect of Mr. Tkachuk's previous convictions, I acknowledge that his most recent prior conviction for a violent offence was in May 2012, which is somewhat dated even considering that Mr. Tkachuk was in custody until 2015 before committing the home invasion.
- [67] An additional aggravating factor specific to Mr. Tkachuk is that he was prohibited from possessing firearms and was in violation of the court's order when committing this offence.
- [68] I also conclude that an aspect of the aggravating factors inform my consideration of the offenders' moral blameworthiness. However, I find there are distinctions between these offenders in regards to this issue.

- [69] There was clearly planning that was involved in the home invasion. Firearms were secured. Respirator masks and disguises were obtained by Mr. Coghill and Mr. Tkachuk. The location of the home was in a remote area. This was not a crime of opportunity but a planned and orchestrated attack. In other words, I do not accept that Mr. Coghill and Mr. Tkachuk stumbled upon the Dure Meadow Road home. I am satisfied that it was a target of their attack, thus necessitating planning and deliberation. As such, the moral blameworthiness of the offences are increased.
- [70] Further, firearms were brought to the house. As such, there was a strong possibility that they would be used. Indeed, as I found in my reasons, the guns were fired as an opening salvo to the attack. Again, planning to bring the guns and then using them shows that there was planning and deliberation for violence which increases the moral blameworthiness of Mr. Coghill and Mr. Tkachuk.
- [71] The evidence at trial regarding the horrific nature of the offence is modulated, albeit, only somewhat in the case of Mr. Tkachuk. In this regard, I find that Mr. Tkachuk's actions on the evening are less aggravating and less morally blameworthy than the actions of Mr. Coghill.
- [72] Ms. Kado testified that Mr. Coghill was the "meaner" of the two offenders and Mr. Tkachuk was the "nicer" of the two offenders. Ms. Kado testified that while being guarded by Mr. Tkachuk she was able to obtain towels and a drink for Mr. Jurica to assist Mr. Jurica when he was injured during the home invasion. Ms. Kado testified that Mr. Tkachuk generally spoke kindly to her during the home invasion. Further, I conclude that it was Mr. Coghill who ransacked the home and took Ms. Kado by gunpoint down to the safe and Mr. Tkachuk did not.
- [73] Ms. Kado also testified that she believed that Mr. Tkachuk did not tie her hands in the zip ties tightly so that she could escape after the offenders left. In my view, if Mr. Tkachuk had tied Ms. Kado's hands such that she had difficulty escaping, Mr. Jurica may not of received medical treatment in as timely a fashion and could have had a worse outcome.
- [74] I wish to be absolutely clear that I make these comments acutely aware that any actions taken by Mr. Tkachuk that evening that were less aggressive than Mr. Coghill, still all occur within the context of a brutal and horrific home invasion. In no way do I intend to absolve Mr. Tkachuk for his participation in the home invasion. Further, the absence of an aggravating factor cannot be a mitigating factor. However, I reference the behaviours of Mr. Coghill and Mr. Tkachuk during the home invasion because in my view, it lessens Mr. Tkachuk's moral blameworthiness by his different participation during the home invasion and is relevant in my ultimate determination of just sentences for each offender. Sentencing requires that each offender be considered individually, and as I will describe below, while Mr. Coghill may demonstrate greater rehabilitative prospects, Mr. Tkachuk's actions during the home invasion present a somewhat attenuated aggravating factor as compared to Mr. Coghill. As such, similar sentences may be given to each individual, but on a different basis grounded on each offender's particular circumstances and the roles played in a crime.

1. Other Objectives of Sentencing 718.04 of the Criminal Code

[75] Section 718.04 of the Code requires me to consider whether the offences were committed against a vulnerable person. This was a legislative response to the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

[76] As Ms. Kado is an Indigenous victim, s. 718.04 directs me to consider primarily the objectives of denunciation and deterrence of the conduct that forms the basis of the offence. Again, in this regard, I determined that Mr. Coghill exhibited greater violence against Ms. Kado, by threatening her and leading her at gunpoint and forcing her to open the safe in the house.

2. Deterrence and Denunciation

[77] Denunciation requires that a sentence express society's condemnation of the offence that was committed: *R v Bissonnette*, 2022 SCC 23 [Bissonnette] at para. 46.

[78] Deterrence has two forms: specific and general. Specific deterrence is intended to discourage the offender from reoffending, whereas general deterrence is aimed at discouraging members of the public who might be tempted to engage in the criminal activity for which the offender is convicted: *Bissonnette* at para. 47.

[79] Deterrence and denunciation are the primary factors in sentencing for violent crimes, especially when these crimes violate the safety and security of a person's home: *Vickers* at para. 12. As Justice Saunders observed in *R. v. Meigs*, 2007 BCCA 394 at para. 25:

it is a grave offence to enter another person's home without permission, and graver to enter the home and violate the occupant. The courts must and do impose stern sanctions for such crimes.

[80] With respect to specific deterrence, it is clear that Mr. Coghill has taken significant steps to deal with his substance abuse and mental health issues and has made strides to leave his criminal lifestyle behind. However, general deterrence and denunciation remain paramount considerations, so that members of the public understand that this type of unauthorized invasion into the safety and security of a person's home is extremely serious and will not be tolerated. As repeatedly held by the courts, individuals who engage in this type of behaviour will face stern sanctions for such crimes: *R. v. Steinhauer*, 2016 BCSC 1322 [Steinhauer] at para. 94.

[81] In Mr. Tkachuk's case, given counsel submissions as to how difficult and painful incarceration is to Mr. Tkachuk given his physical ailments and joint pain, I expect that a lengthy prison sentence will deter him not to reoffend again. I accept that prison time will be felt more harshly for Mr. Tkachuk due to his health conditions and this is a consideration I have taken into account in considering an appropriate sentence.

3. Rehabilitation

- [82] This Court in *Vickers* stated that while rehabilitation cannot be overlooked, it is of secondary importance in cases of violent home invasions. This is particularly true, however, in cases where there is no indication that the offender is a good candidate for rehabilitation or when they have demonstrated a history of violence: *Vickers* at paras. 13 and 15.
- [83] For Mr. Coghill, I find that his past substance use disorder, which contributed to his offending, and his apparent transformation since the offence, suggests that he is a good candidate for rehabilitation. Mr. Coghill has been sober for almost four years. It appears that there was a direct correlation between his drug use and his offending. I make this conclusion on the basis that he apparently had a pro social life, working and raising children, before his ex-wife died of a fentanyl overdose and his life spiralled downward with his own opioid addiction.
- [84] Additionally, Mr. Coghill has expressed, through his counsel, that he is remorseful about his conduct and that it largely stemmed from his substance abuse and addiction issues. In respect of remorse as a mitigating factor, I acknowledge the comments of Justice Taylor in *R. v. Anderson* (1992), 74 C.C.C. (3d) 523, 1992 CanLII 6002 (B.C.C.A.), in that it must be remorse of a concrete nature to show a willingness to change:
- [45] The factor of "remorse" is often important. In so far as it might be suggested that the court should regard those who come before it in a submissive or contrite manner as deserving of more lenient treatment than those who accept their predicament with whatever fortitude they are able to summon, there would be little in this factor which could assist the sentencing judge. But to the extent that an accused person is able to demonstrate that he or she has, since the commission of a crime, come to realize the gravity of the conduct, and as a result has achieved a change in attitude or imposed some self-discipline which significantly reduces the likelihood of further offending, the existence of remorse in this sense obviously has much importance.
- [85] Based on Mr. Coghill's path towards sobriety, his utilization of local resources to ameliorate his mental health, his compliance with strict bail conditions, and character letters supporting that he has been working on bettering himself, I am of the view that his expression of remorse is one that reduces his likelihood of offending.
- [86] In summary, regarding circumstances that I should consider when assessing an appropriate sentence for Mr. Coghill, I find that his past substance use disorder, which contributed to his offending, and his apparent transformation since the offence, suggests that he can be rehabilitated, are relevant.
- [87] In respect of Mr. Tkachuk's prospects for rehabilitation, it is a more difficult consideration. This is because, from his counsel's submissions, it appears that Mr. Tkachuk, at the time of these offences, been a law abiding citizen and not addicted to substances, other than methadone, or involved in a criminal lifestyle. Mr. Tkachuk's last conviction for a violent offence was in May 2012, 13 years ago and 7 and half years before the home invasion.

[88] In my view, given Mr. Tkachuk had a previous record, but then committed offences and stopped and then committed this offence, it is difficult to assess the potential for rehabilitation or what steps he has taken. In considering Mr. Tkachuk's rehabilitation potential, I conclude that his dated criminal record indicates that he has demonstrated he can be a productive member of society without crime. Put another way, the gap in his criminal record provide some track record of Mr. Tkachuk functioning in society without committing crime thus demonstrating at least a potential for rehabilitation for this crime.

4. Proportionality and Parity of Sentence

[89] The range of sentence for home invasions is broad. As Holmes A.C.J. noted in *R. v Lesko*, 2022 BCSC 2276:

[38] The combination of offences here amounts to what is treated as a "home invasion" in the sentencing case authorities: *R. v. Bernier*, 2003 BCCA 134. The range of sentences for home invasion cases is a broad one, with sentences generally falling between 5 and 15 years' imprisonment: *R. v. Smith*, 2020 BCCA 87 at para. 32. Sentences at the highest end of the range are for the worst type of home invasions and also the worst type of offenders, namely offenders with lengthy and related criminal records for whom there is no prospect of rehabilitation. Sentences at the lower end of the range are generally imposed where no actual force is used or threatened, and the accused did not expect the home to be occupied. See *R. v. A.J.C.*, 2004 BCCA 268 at paras. 42-45. And, as Mr. Westell submits, sentences below that general range will be appropriate in some cases.

[90] In *R. v. A.J.C.*, 2004 BCCA 268 [A.J.C.]; *R. v. Joseph*, 2004 BCCA 268 at para. 42, then Chief Justice Finch stated that a 14 or 15 year sentence:

may well be appropriate in the most aggravated circumstances where a "home invasion" involves not only a break and enter to commit robbery, the terrorizing and confinement of victims, and the use of weapons to achieve these objectives, but also the infliction of serious injuries, sexual assault or death.

a) Crown Authorities

[91] The Crown argues that its authorities support that home invasions of this nature carry a range of sentences from 14-19 years. In this case, the Crown seeks the imposition of the maximum sentence available, because, as the Crown argues, there are significant aggravating factors.

[92] The Crown argues that the imposition of a maximum sentence is not reserved for the abstract worst crimes in the worst circumstances: *R. v. L.M.*, 2008 SCC 31 at paras. 20-22. However, the Crown accepts that maximum sentences are rarely imposed and are "only appropriate if the offence is of sufficient gravity and the offender displays sufficient blameworthiness": *L.M* at para. 20.

- [93] In support of its sentencing position, the Crown provided the following authorities: *R. v. Angus*, 2021 SKQB 13 [Angus]; *Chudley*; *A.J.C.*; *R. v. Jones*, 2000 BCCA 379 [Jones]; *R. v. Barton*, 2003 BCCA 206 [Barton]; *R. v. Bernier*, 2003 BCCA 134 [Bernier]; *Steinhauer*; *R. v. Vigneault*, 2021 BCSC 1049 [Vigneault].
- [94] In *Jones*, two males impersonated police officers to gain entry to a home. There was significant planning and premeditation, including in the use of disguises. The occupants of the home were bound. The offenders struck the male occupant of the home in the face with a handgun. The offenders proceeded to sexually assault the female occupant of the home. The appellant was youthful, being approximately 20 years of age at the time of the offence. The Court of Appeal upheld a 15-year sentence.
- [95] Both *Jones* and this case involved significant planning and premeditation, the use of disguises (albeit different disguises), victims who were bound, and the use of a weapon. However, unlike the case at hand, the offender in *Jones* did not shoot the victims, the offender in *Jones* was youthful, and the offender pleaded guilty. An aggravating factor present in *Jones* which is not present in the case at hand is the sexual assault of one of the victims. However, the Court of Appeal was clear that, even without the sexual assault, the circumstances justified a 15-year prison sentence: *Jones* at para. 23.
- [96] Another somewhat analogous case relied upon by the Crown is *Chudley* where the offender was a member of a group that broke into an occupied home in the evening. The victim attempted to defend himself and was shot three times in the legs and struck with a bat. The victim was then tied up while the intruders ransacked the house for 90 minutes. The intruders stole firearms, \$2,300 in cash, Christmas presents, and marijuana. The offender, while involved in the home invasion, was not himself carrying a weapon. He was convicted as a party on the use of a firearm in a robbery and assault with a bat charge and as a principal on the break and enter and commit robbery and unlawful confinement charges. The Court of Appeal upheld a 10-year sentence.
- [97] As in the case at hand, the victims in *Chudley* were bound. Both cases also involve similar levels of theft. Additionally, the offender in *Chudley* shot and struck the occupants of the home during the home invasion. However, in *Chudley*, the offender himself did not have a weapon.
- [98] In *Steinhauer*, the offender and another male broke into a home that was occupied by three people. The offender had a replica firearm, and the unknown male had a crowbar and bear spray. The owner of the home was sprayed by mace, and the accused threatened to kill him if he did not open his safe. The owner gave the accused \$500 and when he couldn't open the safe was punched in the jaw twice. Mr. *Steinhauer* was sentenced to 10 years.
- [99] In both the case at bar and *Steinhauer*, the offender used weapons and injured the occupant of the home. Mr. *Steinhauer* had a similarly serious criminal record to Mr. *Coghill* and Mr. *Tkachuk*, including 14 convictions for break and enter and three convictions for robbery. However, I note that in the case at bar, the offenders used real firearms and shot the victims,

while Mr. Steinhauer had a replica firearm. Also distinguishable, is that the offence in Steinhauer occurred over a relatively short period of time and the victims were not bound. Further distinguishable is that Mr. Steinhauer is of Indigenous heritage, so Gladue factors (R. v. Gladue, [1999] 1 S.C.R. 688) applied, and Mr. Steinhauer pleaded guilty. Additionally, Mr. Steinhauer and his accomplice only stole \$500, in comparison to the case at hand where the offenders stole cash, bicycles, a television, jewellery, and Mr. Jurica's truck.

- [100] I find that the remainder of the Crown's authorities are informative, yet largely distinguishable from the case before me.
- [101] In A.J.C., three men participated in a highly planned home invasion, armed with two sawed-off shotguns (with no ammunition), pepper-spray, and at least one knife. The occupants were tied up and a gun was held to them. The 15-year-old occupant was put in a trunk of a car to induce a ransom from the father. The victims were not physically injured. The accused, both youthful offenders, pleaded guilty, and the Court of Appeal found that they had expressed remorse and had good prospects for rehabilitation. The Court of Appeal reduced the offenders sentences from 14 and 16 years to 11 and 13 years respectively.
- [102] As in this case, in A.J.C. the occupants in the home were physically restrained. Additionally, both cases involve vulnerable victims. However, I note that the victims in A.J.C. were not physically injured, which is a significant distinguishing feature from the case at bar where both occupants of the home were physically injured - with Mr. Jurica in particular suffering life-altering injuries. Additionally, distinguishable is the fact that the accused in AJR pleaded guilty and were youthful offenders.
- [103] In Angus (a 19 year sentence), the offender, while holding a firearm, sexually assaulted a 14-year-old occupant of the home during a home invasion. While fleeing, Mr. Angus proceeded to shoot at the child's father, who was not injured in the ordeal. As Mr. Angus is of Indigenous heritage, Gladue factors were considered.
- [104] In Barton (a 14 year sentence), the offenders stabbed and killed one of the occupants of the home.
- [105] Bernier (a 6 year sentence) is distinguishable because the offender was not proven to be present at the home invasion, although he was heavily involved in the planning.
- [106] In Vigneault (a 14 year sentence), the offender committed four break ins over three days. The offender also shot the occupant of the home in the face.
- [107] In my view, the cases provided by the Crown are of assistance, but do not support the specific sentence sought by the Crown. I find that Mr. Coghill and Mr. Tkachuk's offending calls for a lesser sentence than those imposed in Angus, Barton or Vigneault, and at least equivalent to the sentences imposed in A.J.C. and Steinhauer given in those cases there were no physical injuries to the victims and the offenders were youthful and pleaded guilty. My review of the cases suggests that given the circumstances of the case at bar the sentence sought by the Crown is excessive. I will explain my rationale for this conclusion below.

b) Defence Authorities

- [108] Mr. Coghill and Mr. Tkachuk provide the following cases in support of their position on an appropriate sentence: R. v. Jervis, 2013 ONCA 208 [Jervis]; Vickers; R. v. Mandley-Byer, 2024 ONSC 6013 [Mandley-Byer]; and R. v. Agin, 2018 BCCA 133 [Agin].
- [109] In Jervis, the offender and another man posed as salesman to gain entry into a home. A violent struggle ensued, and Mr. Jervis struck the victim. The offenders bound the victim with zip ties and stole various items including computers and a safe containing \$4,000. The offender fled the residence and while the victim was on his cellphone relaying information about the robbery, the appellant turned and fired several shots in the victim's direction. The victim was not injured but one of the bullets entered the principal's office at a nearby school. The Court of Appeal upheld a sentence of 9 years. The Court of Appeal noted that "the sentence of nine years was already within the low end of the range given the planning and violence of the home invasion and the discharge of the firearm.": Jervis at para. 6.
- [110] Both Jervis and the case at bar involved planning, and the offenders both discharged firearms, although, I note that the offender in Jervis did not hit the victim. Also, in both Jervis and the case at hand, the offenders zip tied the occupants of the home and both cases involved a violent struggle. Both cases also involved theft, although I note that the theft was more significant in the case at bar.
- [111] In Vickers, Mr. Vickers and two other men engaged in a home invasion, with two of the men carrying handguns and one brandishing a pole. One of the offenders pointed his gun at the victim and told him to get inside. They then began to make demands for drugs, the safe, and cash. One of the offenders looked at one of the victims, and, referring to the other victim, asked "shall I shoot him?" The offender shot once but missed, then shot again, hitting the victim in the back of the leg. One of the offenders also knocked out the teeth of one of the victims with a pipe wrench. Mr. Vickers was not considered a good candidate for rehabilitation, as the home invasion for which he was sentenced occurred on the very day he was released from prison for an assault causing bodily harm conviction. The Court of Appeal upheld the ten-year sentence.
- [112] In both Vickers and the case at bar, the offenders both brought firearms and shot one of the occupants of the home. Both offences were similarly premeditated, with the aim of obtaining money and drugs. Mr. Vickers and the offenders in the case at bar had comparable criminal records, however, I note that Mr. Vickers was much younger at the time of the offence, being 24 years old. Also, in contrast to the case at bar, it was not proven that Mr. Vickers was one of the two men in possession of a firearm. Additionally, unlike the case at hand, the home invasion in Vickers did not occur while the victims were in their beds, and the victims were not bound. Further, the attack in Vickers was less prolonged than in the case at bar.

- [113] I find Mandley-Byer to be instructive, but distinguishable. Mr. Mandley-Byer pleaded guilty to manslaughter in which a firearm was used. In Mandley-Byer, the offender and two associates forced their way into an occupied home which they targeted to rob the occupants of drugs. Mr. Mandley-Byer was armed with a loaded handgun and shot and killed one of the occupants. Another victim was brutally assaulted. Mr. Mandley-Byer was 25 years old and had no adult criminal record, although he had a youth criminal record including assault on four separate occasions, and a finding of guilt for carrying a concealed weapon. The Court imposed an 11-year sentence.
- [114] Finally, I find that the defence's remaining authority, Agin (11 years), involves circumstances that are clearly distinct from the present case. Particularly distinguishing is that the offender in Agin robbed a legal commercial marihuana grow operation with employees, not a home where the occupants were sleeping.

VI. Disposition

- [115] Crafting the appropriate sentence is a difficult exercise. It requires a careful examination of the particular circumstances of the offence, the personal circumstances of the offender, and the nature and severity of the offenders conduct: Steinhauer at para. 97. In crafting a sentence, I have also reviewed the principles of sentencing and analogous case law. In determining an appropriate sentence for Mr. Coghill, I have considered that he has expressed remorse for his behaviours through his counsel. I have also considered that there was a direct correlation between his drug use and his offending and that he has now made great strides in his rehabilitation efforts and has been sober for almost four years. However, it bears repeating that rehabilitation is of secondary importance in violent offences such as this.
- [116] To be clear, I rebuke, Mr. Coghill's behaviour during the home invasion, in the strongest of terms, but I commend him for his work on his sobriety and attempts to live a productive life. It is a difficult task to attempt to break the grip of opioid addiction. It will not end with incarceration or release. I expect it will be a lifelong commitment that Mr. Coghill will need to make to remain drug free and thus crime free.
- [117] I have also considered that, while I find the mitigating factors for Mr. Coghill more compelling, I find that Mr. Tkachuk was somewhat less involved in the violence and activities on the night of the home invasion.
- [118] This offence was premeditated and violent. Mr. Coghill and Mr. Tkachuk committed a prolonged and senseless attack against two victims who were in bed in their own home -- the place they should feel most safe. The victims were bound, beaten, and shot. The attack left one victim with life-altering injuries. In the circumstances of this case, a fair and appropriate sentence must emphasize the goals of deterrence and denunciation.

[119] Given the foregoing, I will now set out the sentence I will impose upon Mr. Coghill and Mr. Tkachuk. I will begin with Mr. Coghill.

A. Mr. Coghill

[120] I must account for Mr. Coghill's time in pretrial custody. Mr. Coghill is entitled to credit for 34 days from March 12, 2023 to April 14, 2023. Applying the customary credit of 1.5 days per day for pre trial custody, Mr. Coghill is entitled to 51 days. The Crown asked that I round this up to two months or sixty days. I will do so.

[121] I also accept his counsel's argument that Mr. Coghill has been on strict bail conditions for a period of two years. These conditions have included GPS monitoring and essentially house arrest. While not in custody, I find that the conditions have significantly constrained his liberty. To account for this time, I will reduce Mr. Coghill's sentence by a further 180 days, which is one quarter of the two years he has been on strict bail conditions. While no precise formula for this form of credit is provided, I am guided in the approach to recognize that strict bail conditions can be considered in imposing sentence by *R v. Reis*, 2017 ONSC 1961 at para. 65. I will reduce the sentence I will now impose by an additional 180 days.

[122] Mr. Coghill, I ask you to please stand, as I am now going to impose my sentence.

[123] I find that given the specific circumstances of this case, the appropriate sentences for the counts are as follows, to be served concurrently:

- a) Count 1: Break and Enter Dwelling House and Commit Robbery: 11 years;
- b) Count 3: Discharge firearm with intent to wound: 11 years concurrent;
- c) Count 5: Face Masked with intent to commit indictable offence: 4 years concurrent;
- d) Count 6: Unlawful confinement: 4 years concurrent;
- e) Count 7: Aggravated assault: 8 years concurrent; and
- f) Count 8: possession of a firearm without being the holder of a license: 1 year concurrent;

[124] By my calculation, based on the time I have credited to you, your global sentence is 11 years less 240 days. In days, this is the equivalent of 4,015 less 240 days for a total of 3,775 days.

[125] You may be seated, Mr. Coghill.

B. Mr. Tkachuk

[126] I must account for Mr. Tkachuk's time in pretrial custody. Mr. Tkachuk is entitled to credit for nine days from April 21 to April 29, 2022 as well as 331 days from May 18, 2024 to April 14, 2025. This totals 340 days. With 1.5 credit for pre trial custody, Mr. Tkachuk is entitled to 510 days. However, Mr. Tkachuk had used 60 days of his pretrial custody for a sentence he received in another conviction. Accordingly, Mr. Tkachuk is entitled to 450 days of credit against his custodial sentence.

[127] I find that given the specific circumstances of this case, given the gravity of the offence, and Mr. Tkachuk's moral blameworthiness, the mitigating and aggravating factors that the additional time that Mr. Tkachuk will have added to his sentence of one year when taken in totality brings it to an appropriate level to the sentence I have imposed upon Mr. Coghill. In other words, when all of the factors are considered I find it appropriate to impose a global sentence upon Mr. Tkachuk that is one year longer than that of the sentence imposed upon Mr. Coghill.

[128] Mr. Tkachuk, as you are on video, you may remain seated.

[129] I conclude that the appropriate sentences for the counts are as follows:

- a) Count 1: Break and Enter Dwelling House and Commit Robbery: 11 years;
- b) Count 3: Discharge firearm with intent to wound: 11 years concurrent;
- c) Count 5: Face Masked with intent to commit indictable offence: 4 years concurrent;
- d) Count 6: Unlawful confinement: 8 years concurrent;
- e) Count 7: Aggravated assault: 8 years concurrent;
- f) Count 8: possession of a firearm without being the holder of a licence: 1 year concurrent; and
- g) Count 9: possession of a firearm while prohibited: 1 year consecutive

[130] By my calculation, based on the time I have credited to you, your global sentence is 12 years less 450 days, this is the equivalent of a sentence of 4,380 days less 450 days for a total of 3,930 days.

[131] Thank you, Mr. Tkachuk.

C. Ancillary Conditions

[132] The Crown seeks, and I accept as warranted the following ancillary orders:

- a) DNA Order pursuant to s. 487.051(1) of the Criminal Code;
- b) Lifetime Firearm Prohibition under s. 109(3) of the Criminal Code, in respect of Counts 1, 3, 6 and 7; and

- c) No Contact Order: James Jurica and Candice Kado pursuant to s. 743.21(1) of the Criminal Code.

[133] I order that the victim surcharge is waived for Mr. Tkachuk as he has been in custody. I will not waive the victim surcharge for Mr. Coghill as he has had the opportunity to be employed while on bail.

VII. Conclusion

[134] I wish to pause to make a brief comment regarding Ms. Kado and Mr. Jurica's actions during the home invasion. During the home invasion, Ms. Kado, in my view, acted in a manner that was nothing short of heroic. She defied her captors orders to not move in order to tend to the wounds of a very injured, Mr. Jurica, by getting him towels and something to drink. Her bravery in the face of the home invasion, is remarkable.

[135] Mr. Jurica also exhibited great courage in the face of adversity during the home invasion. When the offenders stormed the house, Mr. Jurica attempted to defend himself, Ms. Kado, and his home by rushing at the offenders despite them firing shotguns at him. He attempted to fight and resist Mr. Coghill and Mr. Tkachuk, despite being outnumbered and demonstrated bravery in what must have been terrifying circumstances.

[136] Before concluding my reasons, I would like to take this opportunity to speak directly to both Mr. Coghill and Mr. Tkachuk.

[137] As you have heard my reasons you are aware that my conclusion is that the events of that evening have had a profound impact on many lives. Mr. Jurica and Ms. Kado will be undoubtedly forever negatively impacted by your actions. Further, you and your families have been and will continue to suffer because of your actions.

[138] My hope is that you can use the time in custody to focus on sobriety and the potential underlying root causes that have played a role in your criminal activity. My sincere hope is that this is your last interaction with the criminal justice system.

[139] That concludes my reasons. I thank counsel for their submissions on sentencing and for their high level of counsel work throughout these proceedings.

"Gibb-Carsley J."

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