

CANADA / JUDGMENT

R. v. Ghostkeeper

2020 BCSC 2331

COURT

Supreme Court of British Columbia

DECIDED

24 August 2020

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2020 BCSC 2331 R. v. Ghostkeeper IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Ghostkeeper, 2020 BCSC 2331 Date: 20200824 Docket: 35664-2 Registry: Fort St. John Regina v. Sheldon Bradley Ghostkeeper Before: The Honourable Justice R. Tindale Oral Reasons for Sentence Counsel for Crown: J. Fung (via teleconference) Counsel for Accused: J. Watt (via teleconference) Place and Date of Hearing: Fort St. John, B.C. August 24, 2020 Place and Date of Sentence: Fort St. John, B.C. August 24, 2020

- [1] THE COURT (via videoconference): Sheldon Ghostkeeper has entered pleas of guilty to Counts 2 and 7 on the indictment. He has been in custody for, I am told, 504 days, which gives him credit, at one and a half time pursuant to R. v. Summers, it would be 756 days credit.
- [2] The circumstances are briefly on January 20, Mr. Ghostkeeper was residing with his then romantic partner, Candace Jackson. There was an argument that ensued. She asked him to leave the residence. During the course of the argument, Mr. Ghostkeeper obtained a handgun that was discharged and a bullet went out the window. A television was also broken. Mr. Ghostkeeper has been in custody since then.
- [3] Mr. Ghostkeeper has an extensive record which includes property offences as well as robberies and other violent offences, assault with a weapon, aggravated assault and manslaughter convictions. Those records have been marked as Exhibit 1 and 2 on this proceeding.
- [4] Mr. Ghostkeeper is a First Nations person. He has, I am told by counsel, suffered many of the problems that many First Nations people have suffered with regard to poverty, abuse, alcohol and drug addiction issues.
- [5] In any event, in this matter, the Crown and defence, who are experienced in these matters, have, over much discussion, come to a joint submission. The joint submission is with regard to both Count -- well, on Count 7, it would be time served. It would be with credit for 756 days as indicated, and Count 2 would be 30 days concurrent time served, and then two years probation with some conditions.

- [6] This obviously is a serious incident any time a firearm is used. Mr. Ghostkeeper is prohibited from having firearms and it is an aggravating factor that a firearm was discharged in a domestic setting, but as I said, Mr. Ghostkeeper has suffered many problems throughout his life and has generally, I am told, been doing quite well up until this point. He is remorseful, which I take as being sincere, and he understands he has an obligation to support his children, who apparently were witnesses to this incident.
- [7] So as I said, counsel have a well-thought-out joint submission here and I am content to go along with that.
- [8] So with regard to Count 7, there will be time served that will be noted as 504 actual days, 756 days credit. Count 2, there will be 30 days concurrent time served as well. Both counts there will be two years probation.
- [9] With regard to the probation, there is the statutory mandatory conditions, sir, that you must keep the peace and be of good behaviour, you must appear before the court when required to do so by the court, and you must notify the court or the probation officer in advance of any change of name or address and promptly notify the court or the officer of any change in employment or occupation.
- [10] In addition, you must have no contact or communication, directly or indirectly, with Candace Jackson, Eleanore Jackson, Kingston Ghostkeeper, Archer Ghostkeeper, Ava Mcfadyen, Hailen Mcfadyen and Ronan Mcfadyen. With regard to Candace Jackson, Kingston Ghostkeeper and Archer Ghostkeeper, there will be an exception to that, and that will be as allowed by a family or child protection order made by a judge or master who has been given a copy of this probation order. You must immediately file a copy of this order in any family or child protection proceeding in which you are a party or become a party.
- [11] So those are the conditions of the probation order. Do you understand those, sir?
- [12] THE ACCUSED (via videoconference): Yes, I do.
- [13] THE COURT: All right, and you understand if you breach any of those conditions, there may be further legal action and consequences taken against you?
- [14] THE ACCUSED: Yes, sir.
- [15] THE COURT: All right. In addition, Crown is seeking ancillary orders, a DNA order, Count 7 is a secondary DNA order or secondary DNA offence, and then a lifetime prohibition of weapons pursuant to s. 109.

- [16] With regard to this, it is clear from Mr. Ghostkeeper's record that there has been previous orders. This is a discretionary order in terms of it being a secondary order. I am not prepared to make it in the circumstances of this case. So I decline to make the DNA order based on the fact that Mr. Ghostkeeper has given DNA samples previously and the nature of the offence. I will, however, make an order pursuant to s. 109 with regard to a weapons prohibition, and that will be for life.
- [17] Is there anything further from Crown?
- [18] CNSL J. FUNG: I just have to direct stay of proceedings on the outstanding counts. I should note that the victim fine surcharge does not apply in this case.
- [19] THE COURT: All right. Thank you. Mr. Watt?
- [20] CNSL J. WATT: Nothing further. Nothing further. Thank you, My Lord.
- [21] THE COURT: All right. All right, Mr. Ghostkeeper, documents will be prepared, you will be read those documents, and then you should be released shortly. All right, thank you.
- [22] CNSL J. FUNG: So just to be clear, Crown is directing a stay of proceedings on Counts 1, 3, 4, 5, 6, 8, 9 and 10.
- [23] THE COURT: All right, thank you.
- [24] CNSL J. WATT: Thank you, My Lord. Madam clerk told me to hang up. So I will do that now. "The Honourable Mr. Justice Tindale"

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