

CANADA / JUDGMENT

R. v. Matthew

2025 BCSC 2660

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Supreme Court of British Columbia

DECIDED

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2025 BCSC 2660 R. v. Matthew

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Matthew,

2025 BCSC 2660

Date: 20251103

Docket: 94956-2

Registry: Abbotsford

Rex

v.

Julie Lynn Matthew and Thomas Arthur Penney

Before: The Honourable Justice Gibb-Carsley

Oral Reasons for Judgment on Judicial Interim Release Hearing

(Re the Accused Matthew)

Counsel for the Crown:

B. Oros

Counsel for the Accused:

T. Spettigue

Place and Date of Hearing:

Abbotsford, B.C.

October 21 and 29, 2025

Place and Date of Judgment:

Abbotsford, B.C.

November 3, 2025

- [1] THE COURT (by videoconference): This is an application by Julie Lynn Matthew for judicial interim release.
- [2] Ms. Matthew was found guilty on March 5, 2025, by the Honourable Justice Walkem for offences related to a violent home invasion. Ms. Matthew was charged with and subsequently convicted of the following offences that occurred on April 16, 2022:
1. Robbery contrary to s. 343(b) of the Criminal Code.
 2. Possession of property obtained by the commission of a Criminal Code offence contrary to s. 355 of the Criminal Code.
 3. Carrying, using, or threatening to use a weapon contrary to s. 267(a) of the Criminal Code.
 4. Bodily harm contrary to s. 267(b) of the Criminal Code.
- [3] Ms. Matthew was on bail during the trial before Justice Walkem. She was to appear to be sentenced on June 23, 2025. Ms. Matthew did not appear at court as required. Accordingly, Justice Walkem issued a bench warrant for her arrest.
- [4] Ms. Matthew was arrested on August 13, 2025, in Hope, British Columbia. I will describe the details of her arrest in a moment.
- [5] Ms. Matthew seeks her release on conditions that include residing at an addiction recovery house described as supportive housing, called New Vision. She also proposes that she will be electronically monitored and effectively under house arrest while at New Vision. Ms. Matthew asserts that these are robust conditions that will bring her risk of not attending or recommitting offences to an acceptable level.
- [6] The Crown opposes her release on primary and secondary grounds. The sentencing hearing is scheduled to be heard before Justice Walkem on November 25, 2025.
- [7] I pause to note that I understand that Ms. Matthew attempted to have this bail hearing heard before Justice Walkem at a time that was earlier than it is now being heard before me but, due to scheduling issues, Justice Walkem was unable to hear the bail hearing. As such, the hearing was brought before me. I mention this because I understand that, although now the time between her potential release and the sentencing hearing is only 22 days, she had intended to have the application heard earlier. Her counsel asserts that the relatively short time between now and her sentencing should not be a factor that weighs against the release of Ms. Matthew.

- [8] In these reasons, I will provide a brief background of the circumstances of the offences and Ms. Matthew's personal circumstances, I will also set out the legal principles applicable in this application, and then I will turn to my determination.
- [9] Before continuing, I note that an unusual element in this application for bail is that, because Ms. Matthew has been convicted, she no longer enjoys the benefit of the presumption of innocence which is a defining factor underpinning our bail system. I acknowledge that bail is always preferable before a person is convicted because they are presumed innocent. It is only when the individual's release poses a substantial risk of not attending court, reoffending, or is contrary to the public interest that cannot be managed by conditions that the individual should be detained.
- [10] To reiterate, at this point, Ms. Matthew is no longer presumed innocent. As such, I conclude that the analysis of whether she should be released is informed on the basis that her constitutional right to bail due to her presumption of innocence no longer applies.

Background Facts

The Circumstances of the Offences

- [11] As referenced above, Ms. Matthew was convicted of four counts related to a home invasion that occurred on April 16, 2022, near Mission, British Columbia. Ms. Matthew had met the victim earlier in relation to a business transaction for a coin business that the victim operated out of his house.
- [12] On the evening of April 16, 2022, Ms. Matthew arrived at the victim's home and stated that she had been stranded by her boyfriend nearby and recognized the victim's house. She asked for assistance. The victim offered her refuge in his house. Sometime after Ms. Matthew was inside the house, her accomplice, who I note has pleaded guilty to the offences, entered the house and sprayed the victim with bear spray and savagely beat him with a baton.
- [13] I was shown pictures of the injuries to the victim during the bail hearing. The bruising appears significant.
- [14] Ms. Matthew and her accomplice stole items from the victim and then fled the scene by stealing the victim's truck and attempted to evade police.
- [15] I note that there are two acts of dishonesty evident in these first actions of Ms. Matthew. First, she lied to the victim about her situation to gain access to his home. She then attempted to evade police after being pursued.

- [16] The police arrested Ms. Matthew in the evening after the assault and home invasion. Ms. Matthew told the police that the victim had sexually assaulted her and her accomplice had rescued her and that was how the victim was injured. This was subsequently found not to be true, both based on a sexual assault testing kit and explanations of her accomplice. I note that there was no evidence about this theory of the case raised by Ms. Matthew at her trial as a defence to the allegations raised against her.
- [17] This appears as a third serious act of dishonesty related to the offence. Not only was the victim harmed in a home invasion at his home late at night, but he was accused of a serious crime of sexual assault and investigated for that crime. As set out above, the investigation was found not to have merit.
- [18] Home invasions are some of the most serious crimes because they involve the intrusion of a person's private space, violence and causing fear. I have no doubt that the crime was traumatizing to the victim. In addition to that trauma, I expect the false accusation by Ms. Matthew would have only compounded the negativity of the situation for him.
- [19] At this bail hearing, the Crown indicates it expects to seek a sentence of four to five years for Ms. Matthew in respect of the conviction. I note that the accomplice to the offences pleaded guilty and received a sentence of two-and-a-half years. I am informed by Crown that Ms. Matthew's accomplice although he was the one who inflicted the injuries on the victim during the home invasion also had turned his life around since the event, thus presenting mitigating circumstances. There is also the mitigating fact that he pleaded guilty. These factors, thus, provide a reason for a reduced sentence. That said, I recognize that it was the accomplice, not Ms. Matthew, who inflicted the injuries on the victim during the home invasion.
- [20] Ms. Matthew was not in custody up to her arrest on August 13, 2025. As such, as of today, November 3, 2025, she has been in custody for 82 days. Given the customary credit for presentence custody of one-and-a-half days, I calculate that Ms. Matthew will receive credit for 123 days. This appears far fewer days than the potential sentence sought by the Crown, even taking into account that Ms. Matthew may receive a lower sentence than is proposed by the Crown. In other words, there does not appear to be a risk that, if not released on bail today, Ms. Matthew will spend more time in custody than she would receive when sentenced for her conviction.

Circumstances of the Offender

- [21] Ms. Matthew is 46 years old. I acknowledge that, based on her presentence report ("PSR"), she has had a very difficult life. It appears that she has been the victim of trauma, abuse and addiction since a young age. The PSR reports that she has had addiction issues since the age of 11.

- [22] The PSR shows that Ms. Matthew left school in Grade 8 due to her addiction and because [REDACTED]. She obtained a GED at the age of 28.
- [23] The Crown cautions the court to approach the PSR with some scepticism because it was based on self-reporting and Ms. Matthew has a history of dishonesty. In any event, I fully accept that the PSR paints a difficult life for Ms. Matthew.
- [24] Part of that history of dishonesty referenced by the Crown is evident in Ms. Matthew's criminal record. From her convictions, it appears there are over a dozen offences that occurred between late 2003 and 2005. Several of these involved crimes of dishonesty, including uttering forged documents, fraud and breaches of conditional sentence orders.
- [25] There is then what appears to be a pause in the criminal activity until August 2015. The offences at this time spanned between August 2015 and October 2021. These include possession of stolen property, a breach of a probation order, theft under \$5,000 and using forged documents dealing with identity documents without lawful excuse and wilfully resisting or obstructing a peace officer.
- [26] Her conviction record includes four separate breaches of CSOs on her record and a number of failing to report while on conditions. As is clear from these breaches, they disclosed instances where Ms. Matthew was required to abide by some form of condition imposed by the court and did not do so.
- [27] I accept, in the submissions of Ms. Matthew's counsel, that these offences are related to times when Ms. Matthew's addiction and substance misuse issues were prevalent.

The Circumstances of Ms. Matthew's Re-Arrest

- [28] At the bail hearing, the Crown informed me that, in attempts to locate Ms. Matthew, the police contacted Ms. Matthew's mother. Her mother indicated that she had contacted Ms. Matthew on August 12, 2025, and offered to take Ms. Matthew with her to help her clean up from drug use. Ms. Matthew declined that offer. Ms. Matthew's mother indicated that Ms. Matthew was aware of the arrest warrant issued for her.
- [29] On August 13, 2025, the police issued a media release in attempts to locate Ms. Matthew. The police received a tip that she was at a laundromat in Hope, British Columbia. When the police made contact with her, they asked if her name was Julie. She denied that her name was Julie and indicated her name was Faith.
- [30] Ms. Matthew was taken into custody on August 13, 2025, and has remained in custody since then. The delay in having this bail hearing is because it took some time to obtain a court date and to develop a release plan.

[31] I note that these two events demonstrate to me that Ms. Matthew was determined not to be brought into custody and was dishonest when apprehended by the police. This may well be because of her relapse on drugs but demonstrates her reluctance to participate in the court process willingly.

[32] As set out above, the sentencing hearing is November 25, 2025.

Legal Analysis and Discussion

[33] As referenced, in usual circumstances in which an individual seeks bail pending the outcome of a trial, they have the benefit of the presumption of innocence established s. 11(d) of the Charter in which accused persons are presumed to be innocent. The corollary to the presumption of innocence is that s. 11(e) of the Charter gives a person the right not to be denied reasonable bail without just cause which includes the right to bail on reasonable terms: *R. v. Hall*, 2002 SCC 64 at para. 13; *R. v. Pearson*, [1992] 3 S.C.R. 665 at 689, 1992 CanLII 52; and *R. v. Antic*, 2017 SCC 27 at paras. 1 and 67. I note that the distinction is that, in s. 11(e) of the Charter, a person is not to be denied reasonable bail when "charged" with an offence, referring to the presumption of innocence. In this case, Ms. Matthew has been convicted and so s. 11(e) is not engaged in my view.

[34] That said, I am of the view that the Court should still exercise the principle of restraint. In other words, it is still for the Crown to justify in this case that Ms. Matthew should be denied bail because conditions would not bring the substantial risk of her not attending court or reoffending to an acceptable level.

[35] The three factors set out under s. 515(10) of the Criminal Code are the only available grounds to justify detention. It is these grounds that a court looks to when crafting conditions to sufficiently mitigate the risk of non-compliance. I reiterate the conditions imposed should be the least onerous required that satisfy the concerns of the court that an individual will not violate the three grounds under s. 515(10). Under s. 515(10), an individual may only be detained where necessary on one or more of the following grounds:

- (a) where the detention is necessary to ensure his or her attendance in court in order to be dealt with according to law;
- (b) where the detention is necessary for the protection or safety of the public, including any victim of or witness to the offence, or any person under the age of 18 years, having regard to all the circumstances including any substantial likelihood that the accused will, if released from custody, commit a criminal offence or interfere with the administration of justice; and
- (c) if the detention is necessary to maintain confidence in the administration of justice

- [36] Some of the purposes of release are to protect against the risk that a person in custody will not have the ability to communicate effectively with defence counsel. Again, this is likely more important in cases in which a person is presumed innocent and it is important to prepare for trial. However, there would still be some weight given to this fact because Ms. Matthew, if she is denied bail, will find it more difficult to communicate with her counsel for the purposes of preparing for her sentencing.
- [37] As set out above, the Crown asserts that Ms. Matthew must be detained on the primary and secondary grounds. I find that it is the primary ground concern that Ms. Matthew will not attend at court if released under s. 515(10)(a) of the Criminal Code that in the circumstances of this case deserves the greatest attention.

515(10)(a) - The Risk of Not Attending Court as Required

- [38] While past behaviour is not always a predictor of future behaviour it can be informative as to how courts should assess risk. As a starting point, Ms. Matthew was ordered by Justice Walkem to attend at her sentencing hearing in June 2025 and did not.
- [39] Subsequent information from Ms. Mathew's mother indicates that Ms. Matthew was aware of the warrant and so was purposely not attending as required. Ms. Matthew also refused her mother's offer of assisting her to get help for her addiction and to attend at court. Even if caused by addiction or substance abuse, this shows an intent to not participate in a court proceeding.
- [40] Further, it appears that Ms. Matthew appeared in court as required during the trial proceeding up until the time when she was convicted and thus, knew she would be facing incarceration. This is concerning for me because it demonstrates that when it became evident that she would be facing some form of incarceration, she decided to no longer attend. I recognize this may be because she relapsed into drug use, it still has the same cause, the fact that she was aware she would be facing incarceration because of the guilty verdict.
- [41] Also significant to me is that when Ms. Matthew was apprehended by police on August 14, 2025, she lied about her identity and offered a false name to the arresting officers. Unfortunately, this appears to be a pattern from her earlier conviction where dishonesty has been a factor in those crimes.
- [42] One of the fundamental issues on a bail hearing is whether the proposed conditions given the individual's history can reduce the likelihood of abiding by the terms to an acceptable level. Ms. Matthew's past and recent behaviour cause me concern.
- [43] Her behaviour does not give me confidence that if released she can be trusted to attend as required. This concern is compounded by what appears to be Ms. Matthew's history of dishonest conduct and fraud. This is evidenced by her fraud convictions and breaches of previous CSOs. The dishonest conduct also is highlighted by her accusations made against the victim in the home invasion which proved to be baseless. Making such a serious

accusation against the victim to avoid responsibility for her actions is troubling and raises serious concerns about the court's ability to trust Ms. Matthew to attend as required.

- [44] Ms. Matthew asserts that the conditions she proposes can manage the risk. Primarily, she will be under house arrest and electronic monitoring. This is a robust plan. However, New Vision is not a secure facility. There is a sign-in and sign-out procedure, but it is not secure. If a person wishes to leave, they can simply walk away.
- [45] The Rules for Residents provides that "the first 2 weeks residents are housebound and the following two weeks on a buddy system". However, the facilities are not secure facilities. There is a house curfew between 10:00 p.m. and 6:00 a.m., but there is no indication in the materials that there is any monitoring or security to ensure that individuals do not leave. I note that the Technical Suitability Report does not even refer to an address but only refers to the fact that the property is a "Single Detached Residence". This to me seems that if Ms. Matthew wanted to leave she simply would. It also appears that while there were daily group sessions for counselling, meetings for NA or AA are additional and optional and appear to occur offsite from the location of the residence.
- [46] The GPS monitoring proposed certainly assists in reducing the risks. Courts have discussed the use of and utility of GPS electronic monitoring. In the Ontario Superior Court, they considered the effectiveness of electronic monitoring in *R. v. Rajan*, 2020 ONSC 2118, at para. 33:
- [33] The one thing that electronic monitoring cannot do is protect against an out of control, irrational accused who does not care about apprehension or prosecution. That is an important limitation particularly in the offences against the person and domestic violence context. But it does not lead to the conclusion that electronic monitoring is wholly ineffective. If the surety supervision is reasonably good, electronic monitoring remains a tool and a useful one. Nothing is a complete guarantee
- [47] I am also aware of the fact that electronic monitoring does not ensure attendance at court. All it does is alert the monitoring authorities that the person has fled or otherwise disappeared. In this regard, the monitoring does not assist in locating a subject if the device is removed. Courts have held that "if there are concerns under the primary ground, electronic monitoring does not alleviate those concerns. It merely informs of the breach in much the same way that a capable surety would": see the *United States of America v. Pannell*, [2004] O.J. No. 5715 (C.A.) at paras. 40 and 42; the *Attorney General of Canada v. Aneja*, 2011 ONSC 7386 at paras. 25 and 26.
- [48] I am in agreement with the conclusions of the courts cited above that electronic monitoring can be an effective tool for supervision. Further, while it may be unfair to describe Ms. Matthew as "irrational" the use of drugs and her past behaviour give me concern that electronic monitoring is not sufficient to bring the risk to an acceptable level. Put another way, the pattern of dishonesty and attempts to avoid participating in this court process once she was convicted and facing incarceration causes me significant concerns that the risk of

Ms. Matthew attending at her sentencing cannot be managed through the proposed conditions.

- [49] I reiterate that a significant factor for me is that Ms. Matthew no longer enjoys the presumption of innocence. When she became aware that she was found guilty, she determined that she would no longer participate in her criminal proceedings or at least that is the impression that I am left with based on the facts before me.
- [50] I accept that the proposed plan of Ms. Matthew involves treatment at a facility to address her addiction issues. This is important, especially so if her substance misuse has contributed to her past offending. I commend her for wanting to take steps and take that step in particular. I also understand that while in custody since being arrested in August 2025, she has been attending weekly NA meetings. Again, I commend her for taking those steps.
- [51] As referenced above, the PSR prepared in respect of Ms. Matthew sets out a difficult life and circumstances for Ms. Matthew that include drug addiction since the age of 11. These would be difficult obstacles to overcome and addiction appears to have played a very significant role in her life choices.
- [52] The practical effect of a release now would mean that before sentencing, Ms. Matthew would have approximately three weeks at New Vision. I have reviewed the programming offered at New Vision. While some time may be better than no time, I am concerned that the treatment offered in the time available is insufficient to meaningfully address her addiction issues before she is sentenced by Justice Walkem. Moreover, as should be clear, my primary concern is that, given her past inability to comply with court-imposed directions, Ms. Matthew will not remain at the facility.
- [53] Further, there is no evidence put before me of Ms. Matthew successfully participating in a treatment program nor is there evidence that, while she was absconding from appearing for sentencing, she took positive steps to address her addiction issues.
- [54] In considering Ms. Matthew's proposed plan to attend New Vision, I have considered the Court's conclusions in *R. v. Myers*, 2019 SCC 18, that the court should be reluctant to deny an individual bail when they wish to take treatment. In *Myers*, the Court cautions that a court must give careful consideration for release plans that offer supervised treatment:
- [67] That being said, judges and justices presiding over bail hearings should always give very careful consideration to release plans that involve supervised treatment for individuals with substance abuse and mental health issues. Release into treatment with appropriate conditions will often adequately address any risk raised under s. 515(10), and such a strategy is a less onerous alternative than provincial remand. It may also substantially address the root causes of the accused person's alleged criminal behaviour and reduce the likelihood of future criminal conduct. In accordance with the principles articulated in *Antic*, we must not lose sight of the fact that pre-trial detention is a measure of last resort.

- [55] While I find that New Vision may well be a positive step towards recovering, in my view, it does not outweigh my concern that Ms. Matthew will not attend at court as required. This is based on her past behaviour especially the fact that upon being convicted and knowing she would be incarcerated Ms. Matthew fled and actively took steps to avoid appearing in court.
- [56] I want to express that I am encouraged to hear that Ms. Matthew is taking advantage of the programming at Alouette while incarcerated, including weekly meetings of NA. I would encourage her to continue these programs until her sentencing before Justice Walkem.
- [57] In summary, I am persuaded that in the particular circumstances of this case in which Ms. Matthew no longer has the Charter protection of the presumption of innocence, the Crown has met the onus to persuade me that the conditions proposed by Ms. Matthew do not bring her risk of not attending again to an acceptable level.

Section 515(10)(b) - The Risk of Reoffending

- [58] The Crown also asserts that Ms. Matthew, if released, poses a substantial likelihood to reoffend. I do not share the same concern other than she may reoffend by breaching her orders to attend court. Put simply, there is no evidence of Ms. Matthew having convictions for violence in the past. The home invasion, as serious as it is, does not appear to be part of a pattern of violence or home invasions by Ms. Matthew.
- [59] As such, I will not consider the secondary ground other than to say I do not find that Ms. Matthew's detention is justified on the secondary ground under s. 515(10)(b).

Disposition

- [60] Given the foregoing, I am satisfied that Ms. Matthew's continued detention is required on the primary ground under s. 515(10)(a) of the Criminal Code.
- [61] Again, I would encourage Ms. Matthew to continue with any treatment offered to her while she awaits sentencing. In the circumstances of this case, where the presumption of innocence no longer applies and there is a short time until sentencing and there is both a history and recent evidence of dishonesty and active steps to avoid participating in the court system, I do not find the proposed conditions alleviate my concern that there remains a substantial risk that Ms. Matthew will not attend at court as required if released.
- [62] I wish to thank counsel for their submissions.
- [63] Anything arising?
- [DISCUSSIONS REGARDING NO CONTACT ORDER WITH VICTIM]
- [64] THE COURT: Thank you. You have that order under s. 515(12).
- [65] Ms. Matthew, I am putting you to November 25, 2025, at 10:00 a.m.

"Gibb-Carsley J."

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