

CANADA / JUDGMENT

R. v. Meldrum

2025 BCSC 1087

COURT

Supreme Court of British Columbia

DECIDED

29 May 2025

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2025 BCSC 1087 R. v. Meldrum

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Meldrum,

2025 BCSC 1087

Date: 20250529

Docket: 38969-2

Registry: Williams Lake

Rex

v.

Tyler Sampson Meldrum

Before: The Honourable Justice Tindale

Oral Reasons for Judgment

Counsel for the Crown:

P.S.J. Konge

Counsel for the Accused:

J.R. Gagnon

(as Agent for D. Gagnon)

Place and Date of Trial:

Williams Lake, B.C.

May 28 & 29, 2025

Place and Date of Judgment:

Williams Lake, B.C.

May 29, 2025

[1] THE COURT: The accused, Tyler Sampson Meldrum, is charged with the following three counts on Court File Number 38969-2 out of the Williams Lake Registry:

Count 1

... on or before the 21st day of October, 2024, at or near Anahims Flat ... in the Province of British Columbia, in committing assault of Timothy Solomon, did cause bodily harm to Timothy Solomon, contrary to Section 267(b) of the Criminal Code.

Count 2

... on or before the 21st day of October, 2024, at or near Anahims Flat ... in the Province of British Columbia, in committing assault of Timothy Solomon, did carry, use, or threaten to use a weapon or an imitation weapon, contrary to Section 267(a) of the Criminal Code.

Count 3

... on or before the 21st day of October, 2024, at or near Anahims Flat ... in the Province of British Columbia, while bound by a probation order made by The Honourable Judge Thomas on June 21, 2023, did without reasonable excuse fail to comply with such order by possessing a weapon, contrary to Section 733.1(1) of the Criminal Code.

Evidence

[2] The Crown called four witnesses on this trial, namely Timothy Solomon, Lenore Hunlin, Constable Christopher Flatley, and Constable Supreet Paul.

Timothy Solomon

[3] Timothy Solomon is 42 years of age, having been born June 21, 1982. Mr. Solomon is in a romantic relationship with Lenore Hunlin.

[4] On October 21, 2024, Mr. Solomon, along with Ms. Hunlin, were at the residence of Daisy Gilpin on the Anahim Reserve. Mr. Solomon testified that he was extremely intoxicated when he arrived at Ms. Gilpin's residence. He does not remember much of what happened there until he woke up.

[5] Mr. Solomon said that he woke up next to Ms. Hunlin in the living room and he was on a couch.

- [6] Mr. Solomon said that he heard someone say, "He has a knife," and he defended himself with his legs. He pushed Ms. Hunlin out of the way to safety.
- [7] Mr. Solomon testified that the accused stabbed him in the leg. Mr. Solomon knew the accused for 10 years and would see him around at parties and other places once or twice a month.
- [8] Mr. Solomon testified that after he was stabbed in the leg, he jumped up and ran out of the residence to get away. He says the accused did not chase him.
- [9] Mr. Solomon said that Ms. Hunlin came and picked him up in a vehicle when he was on the road and took him to the Red Cross station in Alexis Creek where they tended to his leg injury.
- [10] Mr. Solomon was then transported by ambulance to Williams Lake hospital where he was treated for his leg wound. Exhibit 1 on this trial are two pictures of Mr. Solomon's leg injury. Photograph 1 is described by Mr. Solomon as the entrance wound and it appears that he received 10 stitches to his leg. Photograph Number 2 is what Mr. Solomon referred to as the exit wound on his leg.
- [11] Mr. Solomon said that he gave a statement to the police at the hospital and that he was pretty sure he gave another statement to the police at a later time.
- [12] Mr. Solomon testified that he did not know if the lights were on in the residence at the time of this incident. He said he knew it was the accused, because they were looking at each other.
- [13] Mr. Solomon testified that he has some problems with his memory because he has had a lot of head injuries.
- [14] Mr. Solomon identified the accused as his attacker.
- [15] On cross-examination, Mr. Solomon said that he could not recall how much alcohol he drank, but it was enough to make him go to sleep. He agreed he was blacked out before he was stabbed.
- [16] Mr. Solomon said that the stabbing occurred around 3:00 or 4:00 a.m.
- [17] Mr. Solomon testified on cross-examination that he cannot recall actually seeing a knife in the hands of the accused, nor could he describe the knife.
- [18] Mr. Solomon testified on cross-examination that he was not sure if the lights were on in the living room at the time of this incident. However, he said it was not completely dark in the residence.
- [19] Mr. Solomon on cross-examination said he knew that it was the accused who stabbed him, though he also agreed that he was highly intoxicated.

- [20] Mr. Solomon disagreed on cross-examination that he was asked by the accused to leave the residence and that he hurt himself after he had left the residence.
- [21] Mr. Solomon agreed on cross-examination that he and the accused did not get along and that they had a physical altercation two or three years ago. He disagreed with the proposition that he was just trying to blame the accused for his injury.

Lenore Case nee Hunlin

- [22] Lenore Hunlin was born October 27, 1978, and is currently 46 years of age.
- [23] Ms. Hunlin testified that on October 21, 2024, she, along with her partner Mr. Solomon, were at the residence of Daisy Gilpin on the Anahim Reserve. Ms. Hunlin testified that she and Mr. Solomon arrived there on the Sunday, October 20th, and they visited with relatives and drank alcohol.
- [24] Ms. Hunlin testified that besides herself and Mr. Solomon, Daisy Gilpin, Marty Stump, Shayna Hance, Kaitlyn Gilpin, and Julien Gilpin were present at the residence.
- [25] Ms. Hunlin testified that she, along with Mr. Solomon, at some point in the evening went to sleep in Julien Gilpin's bedroom where she believed she slept for approximately four hours before waking up. Ms. Hunlin testified that she got up and went into the living room to sit on the couch and talk to Daisy Gilpin. At some point, she got Mr. Solomon up and he was sitting on the couch as well.
- [26] Ms. Hunlin noticed the accused come into the house. He went into Julien Gilpin's room. Ms. Hunlin was gathering up her belongings because she wanted to leave with Mr. Solomon. She had driven the two of them to the residence of Daisy Gilpin the day before.
- [27] Ms. Hunlin testified that she saw the accused sitting on the edge of the bed in Julian Gilpin's room. She noticed the accused peeking out, looking down the hallway on a number of occasions. Ms. Hunlin spoke to the accused at one point and introduced herself, and said that they were all family there and that Daisy Gilpin was her cousin. The accused told her that his name was Tyler.
- [28] Ms. Hunlin said, after she had been up for a while, that she was pretty sober and felt well enough to drive. She said that after she got up, the TV in the living room was on and there was some music playing.
- [29] Ms. Hunlin drew a diagram of Daisy Gilpin's residence, which has been marked as Exhibit 2 on this trial. Ms. Hunlin described the residence as a basement suite.
- [30] Ms. Hunlin testified that the accused came out of Julien Gilpin's bedroom with something shiny in his hand. Daisy Gilpin yelled, "Hey", and Ms. Hunlin stood up. At that point, Mr. Solomon kicked her forward and she fell forward.
- [31] Ms. Hunlin testified that she heard Kaitlyn Gilpin say "there's blood on a knife".

- [32] Ms. Hunlin testified she did not know where Mr. Solomon went, so she went outside to her vehicle. She saw the accused and Daisy Gilpin outside.
- [33] Ms. Hunlin testified that she saw the accused with a knife in his hand when she was outside.
- [34] Ms. Hunlin testified that she knew the accused and Daisy Gilpin were dating, because she had seen pictures of them on Facebook.
- [35] Ms. Hunlin identified the accused as the person she referred to as Tyler in an in-court identification.
- [36] Ms. Hunlin testified that she went looking for Mr. Solomon in her truck and she later found him. She noted that he had a lot of blood on his pant leg and in his boot. She took him to the Red Cross Emergency Station.
- [37] Ms. Hunlin testified on cross-examination that the knife that the accused had was long and had a triangle-shaped blade. She did not recall anyone asking Mr. Solomon or her to turn down the music or leave the residence.
- [38] Ms. Hunlin testified on cross-examination that on a scale of one to 10, with one being not very intoxicated and 10 being very intoxicated, she was a seven when she went to sleep and a four when she woke up.

Constable Christopher Flatley

- [39] Constable Christopher Flatley is a member of the RCMP and is currently posted to the General Duty Section at Alexis Creek. On October 22, 2024, he attended at the residence of Daisy and Julien Gilpin and had a conversation with a female who answered the door. The female was Kaitlyn Gilpin and she refused to give a witness statement to Constable Flatley.

Constable Supreet Paul

- [40] Constable Supreet Paul is a member of the RCMP and currently stationed at Alexis Creek. On October 22, 2024, he took a statement from Mr. Solomon, and Constable Paul also took the photographs which have been marked as Exhibit 1 on this trial.

Exhibit 3

- [41] Exhibit 3 on this trial is a copy of a probation order for Tyler Sampson Meldrum which was for a period of 18 months and was pronounced on June 21, 2023. The probation order includes, as Condition 14, an order not to directly or indirectly possess any weapon as defined by the Criminal Code.
- [42] That was the evidence and case for the Crown.
- [43] The accused, as is his right, did not call any evidence on this trial.

Position of the Parties

Crown

- [44] The Crown acknowledges that it is their burden to prove the essential elements of these offences beyond a reasonable doubt.
- [45] The Crown says that the central issue on this trial is the credibility and reliability of Mr. Solomon and Ms. Hunlin's evidence.
- [46] The Crown argues that both Mr. Solomon and Ms. Hunlin were credible witnesses who were not impeached or contradicted on cross-examination.
- [47] The Crown acknowledges that the reliability of Mr. Solomon was impacted in part by his level of intoxication. However, the Crown argues that this does not mean that Mr. Solomon's evidence should be totally discounted.
- [48] The Crown notes that Mr. Solomon was careful in giving his evidence and he was not evasive, nor did he engage in speculation. Mr. Solomon freely admitted when he could not remember an aspect of the incident, and he even admitted that he did not like the accused and that they had problems in the past.
- [49] The Crown concedes that if Mr. Solomon was their only witness, they would not have met their burden to prove these offences beyond a reasonable doubt.
- [50] The Crown argues, however, that in considering the totality of the evidence, which includes the physical injury to Mr. Solomon's leg and the credible and reliable evidence of Ms. Hunlin, they have proven these offences beyond a reasonable doubt.
- [51] The Crown says that the evidence of Ms. Hunlin was internally and externally consistent.
- [52] The Crown notes that with regard to Mr. Solomon, he knew the accused for 10 years and, because of this familiarity, the Crown argues that his evidence that it was the accused who attacked him should be accepted.
- [53] The Crown says that despite the fact that this incident happened quickly, Mr. Solomon made eye contact with the accused and recognized him.
- [54] The Crown also argues that the evidence of Ms. Hunlin corroborates the identification evidence of Mr. Solomon. Ms. Hunlin did not know the accused. However, she understood that the accused was the boyfriend of Daisy Gilpin, and she had seen some pictures of them on Facebook. Ms. Hunlin says that she spoke to the accused and he told her that his name was Tyler.
- [55] The Crown acknowledges that Ms. Hunlin was pushed forward during this incident and she did not see the accused stab Mr. Solomon. However, when she exited the residence, she saw the accused standing there with a knife.
- [56] The Crown argues that the accused should be convicted on all counts of the indictment.

Accused

- [57] The accused argues that the issue on this trial is the identity of the person who stabbed Mr. Solomon and was in possession of a knife.
- [58] The accused says that both Mr. Solomon and Ms. Hunlin were highly intoxicated in the hours leading up to this event. Mr. Solomon came out of a blackout when he was injured, and Ms. Hunlin was still intoxicated, at least to a moderate level, when this incident occurred.
- [59] The accused argues that Mr. Solomon did not see a knife, nor could he describe it. Mr. Solomon could not recall who was in the house, and Mr. Solomon admitted having memory problems because of his past head trauma.
- [60] The accused argues that Ms. Hunlin did not know the accused and she only had a brief interaction with an individual named Tyler who attended at Daisy Gilpin's residence.
- [61] This incident occurred very quickly, and the accused argues that Ms. Hunlin did not see the stabbing.
- [62] The accused says that despite the fact that there were a number of other people in the residence, no other witnesses were called. There were no photographs of the crime scene, and the knife was not recovered.
- [63] The accused argues that the Crown has a high burden to prove these criminal charges and the Crown has not met that burden.

Decision

- [64] The Crown bears the onus to prove the essential elements of these offences beyond a reasonable doubt. The accused does not have to prove anything.
- [65] The central issues on this trial are the identification of the accused as Mr. Solomon's attacker and the credibility and, more particularly, the reliability of Mr. Solomon and Ms. Hunlin's evidence.
- [66] I found both Mr. Solomon and Ms. Hunlin to be credible witnesses. Mr. Solomon was not shaken on cross-examination nor did he provide any inconsistent versions of what happened. Further, Mr. Solomon was candid in saying he did not remember most of the evening in question, and he was prepared to admit things that did not necessarily shed him in good light. For instance, he testified that he did not like the accused and that he had a previous physical altercation with the accused.
- [67] The difficulty I have with Mr. Solomon's evidence is in relationship to its reliability. Mr. Solomon, by his own admission, was highly intoxicated and in fact woke up out of a blackout just prior to him being assaulted.

- [68] Ms. Hunlin gave evidence that she, along with Mr. Solomon, arrived at Daisy Gilpin's residence the day before this incident occurred and I accept that evidence. Mr. Solomon, however, does not remember this.
- [69] Mr. Solomon cannot say who else was in the residence, despite the evidence of Ms. Hunlin, which I also accept, that there were a number of other people present when this incident occurred.
- [70] Ms. Hunlin testified that she and Mr. Solomon went to sleep for a period of time and then got up about a half hour before this incident occurred. They were sleeping in Julien Gilpin's room and then they went into the living room. I accept this evidence. However, Mr. Solomon cannot say how it is he came to be in the living room.
- [71] I accept that Mr. Solomon knew the accused for 10 years. However, he only saw the accused occasionally. This incident occurred very quickly with Mr. Solomon receiving a significant and serious wound to his leg. Mr. Solomon did not see a knife or any weapon in this brief altercation. Mr. Solomon pushed Ms. Hunlin out of harm's way. He was stabbed in the altercation in the leg and then quickly ran out of the residence. He did not see his attacker again.
- [72] Given Mr. Solomon's high level of intoxication, the fact that he, by his own admission, had just come out of a blackout, and that this was a chaotic and very brief incident, I am not satisfied that Mr. Solomon's identification of the accused is reliable.
- [73] Ms. Hunlin says that she did not know the accused prior to this incident. She made an in-court identification of the accused without providing any evidence as to a description of the individual she saw in Daisy Gilpin's residence who identified himself to her as Tyler.
- [74] The frailties of eyewitness identification have long been recognized in these courts, including in the Supreme Court of Canada: *R. v. Burke* 1996 CanLII 229 (SCC).
- [75] Ms. Hunlin says that she saw pictures of the accused and Daisy Gilpin on Facebook. However, those pictures have not been tendered in evidence for the court to review.
- [76] Further, there is no evidence that Ms. Hunlin was presented with a photo lineup by the police or that there was any other prior identification procedures utilized by the police with regard to Ms. Hunlin's identification of the accused.
- [77] In-court identifications are fraught with danger and have little probative value. In-court identifications are notoriously and understandably suspect. Further, Ms. Hunlin did not, as I said, give any description of the accused as the person who told her his name was Tyler.
- [78] I am not satisfied that the identification of the accused as Mr. Solomon's attacker by Ms. Hunlin is reliable, nor does it assist or corroborate Mr. Solomon's identification evidence.

- [79] The knife that was used to assault Mr. Solomon has not been produced as evidence in this case. The police did not take any pictures of the residence where this assault occurred, nor is there any other evidence, other than that of Mr. Solomon and Ms. Hunlin, linking the accused to this assault.
- [80] There is no question that Mr. Solomon was stabbed in the leg by an individual named Tyler that morning. After considering the totality of the evidence, the Crown has not proven beyond a reasonable doubt that the accused was that individual.
- [81] Mr. Meldrum, if you could stand up, please. Based on the evidence as it was presented in court, I have a reasonable doubt and I find you not guilty on all counts.

"The Honourable Mr. Justice Tindale"

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