

CANADA / JUDGMENT

## R. v. Priddle

2025 BCSC 2538

COURT

Supreme Court of British Columbia

DECIDED

22 September 2025

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2025 BCSC 2538 R. v. Priddle

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Priddle,

2025 BCSC 2538

Date: 20250922

Docket: 42451-2

Registry: Port Alberni

Rex

v.

Luke Anthony Sean Priddle

Before: The Honourable Madam Justice Wedge

Oral Reasons for Sentence

Counsel for the Crown:

L. Pearce

Counsel for the Accused:

D. Marshall

O. James

Place and Date of Hearing:

Nanaimo, B.C.

August 20, 2025

Place and Date of Judgment:

Nanaimo, B.C.

## September 22, 2025

- [1] THE COURT: Luke Anthony Priddle was convicted by a jury of second degree murder of Mathew Phillips, as well as robbery and theft of a motor vehicle, all arising from events occurring on December 28, 2020, in Tofino, B.C.
- [2] Mr. Priddle is now before the Court for sentencing. The main focus of the parties' sentencing submissions was the second degree murder conviction, Count 1.
- [3] Section 745(c) of the Criminal Code provides that a person convicted of that offence shall:  
... be sentenced to imprisonment for life without eligibility for parole until the person has served at least ten years of the sentence or such greater number of years, not being more than twenty-five years, ...
- [4] The sentences for an offence in addition to a life sentence must be served concurrently to the life sentence.
- [5] As trial judge, when assessing the parole ineligibility period in accordance with s. 745.4 with respect to second degree murder and a murder offence, I must have regard to "the character of the offender, the nature of the offence, the circumstances surrounding the commission of the offence, and the recommendations of the jury".
- [6] In addition, I must have regard to the principles of sentencing set out in s. 718 of the Criminal Code, which includes the obligation to consider factors that could increase or decrease the severity of the sentence. Aggravating factors include evidence the offence was motivated by bias, prejudice or hate, and the abuse of authority or trust. Mitigating factors include a first-time offence and remorse. The overall principles of sentencing set out in s. 718 include denunciation, deterrence, separation of offenders from society, rehabilitation of offenders, and their acknowledgement of the harm they have done.
- [7] The Crown seeks a parole ineligibility period of 15 years with respect to the life sentence for second degree murder, two to three years concurrent for the robbery conviction, and six months concurrent for the theft conviction.
- [8] The defence submits that the appropriate period of parole ineligibility for the murder conviction is 10 years, and for the robbery conviction between 12 and 24 months concurrent, and for the theft conviction one to six months concurrent.

- [9] Because Mr. Priddle was convicted by a jury, it falls to me as trial judge, pursuant to s. 724(2) (a) of the Criminal Code, to accept as proven all facts expressed or implied that are essential to the jury's verdict of guilty; and in accordance with s-s. (b), I may find any other relevant fact that was disclosed by the evidence at trial to be proven. However, I am required to find only those facts as necessary for the determination of an appropriate sentence.
- [10] Where the Crown seeks to rely on aggravating factors, it must prove the facts underlying those factors beyond a reasonable doubt. Here, I cite *R. v. Overall*, 2009 BCSC 1864, citing *R. v. Ferguson*, 2008 SCC 6.
- [11] Those then are the legal principles guiding this sentencing.
- [12] My findings of facts are as follows: Mr. Priddle was 23 years of age in December of 2020. He was working long hours at two restaurants in Tofino, B.C., until the COVID pandemic intervened and interrupted his work. He had struggled with a cocaine addiction from the time he was 19 years of age, which he managed to keep in abeyance while working long hours at the restaurants.
- [13] In November of 2020, with his work hours greatly curtailed, he again began extensive use of cocaine, which culminated in the events which led to the tragic killing of Mathew Phillips.
- [14] Mr. Priddle had been partying, drinking alcohol and using cocaine and other drugs throughout the days during the Christmas holiday. On the evening of December 27 and into the early hours of December 28, 2020, Mr. Priddle acquired the company of Mr. Phillips through an online dating app known as Grinder. The two men met twice, once early in the evening when they engaged in sexual activity at Mr. Phillips' apartment, and again some hours later when Mr. Phillips invited Mr. Priddle to once again come to his apartment to have sex and consume cocaine. It was during this second meeting that Mr. Phillips asked Mr. Priddle to pay for some of the cocaine he had consumed during their time together. Mr. Priddle agreed he ought to pay \$300 for the cocaine he had acquired during the night. However, he did not have \$300 and instead transferring him only a fraction of that amount before attempting to leave.
- [15] Mr. Phillips discovered the shortfall and told him he must either pay the \$300 or leave his watch or phone as collateral until he could pay the full amount. Mr. Priddle refused and attempted to leave the apartment. At that point, a struggle ensued between the two men.
- [16] Mr. Priddle had with him a knife he always carried. The knife had been used by the two men to cut lines of cocaine and was at hand when Mr. Priddle was preparing to leave. According to Mr. Priddle, who testified on his own behalf at trial, Mr. Phillips went to take the knife but as soon as he did Mr. Priddle was able to disarm him and used the knife himself. They fell to the floor, where Mr. Priddle attempted to put Mr. Phillips in a chokehold. At some point in the struggle, Mr. Priddle began slashing at Mr. Phillips with the knife. He stabbed Mr. Phillips repeatedly during the struggle. He must have engaged in a stabbing frenzy with the knife because the pathologist who performed the autopsy on Mr. Phillips reported a total of

74 stab wounds inflicted on Mr. Phillips' head and neck. It was in fact one deep wound to the neck severing Mr. Phillips' carotid artery and jugular vein that likely caused his death rather than any of the other -- dozens of other wounds to the head.

- [17] Two dozen of the stab wounds to Mr. Phillips' head were delivered with enough force to penetrate the bones of the skull. According to the pathologist, who also testified at trial, the vast majority of the knife wounds must have been delivered after Mr. Phillips had succumbed to the wound or at the same time because there was no blood loss from the head wounds. The source of the blood was the wound to the carotid which would have caused his death almost instantaneously.
- [18] Mr. Priddle realized immediately that he had killed Mr. Phillips. There was no mistaking the fact that Mr. Phillips was dead. At that point, Mr. Priddle went to the washroom to clean off some of the blood. Mr. Phillips had a significant amount of cocaine on the premises and Mr. Priddle cut some lines from a ball of cocaine and consumed them. He then searched Mr. Phillips for his car keys and left the apartment, taking Mr. Phillips' car to leave the scene.
- [19] As Mr. Priddle left he took with him a box containing Mr. Phillips' cocaine and some cash that he had found. He drove to a beach and began sending lengthy disjointed messages to people. He eventually drove back to the RV park where he had his home. Some hours later he knocked on the door of his friend who had an RV next to his or close to his and stayed with him for some hours drinking alcohol, and consuming more cocaine for several hours.
- [20] Approximately a day later, Mr. Priddle persuaded the friend to drive him to Nanaimo where the two men booked into a motel with a view to continuing drinking and consuming cocaine. Mr. Priddle testified that on the way out of Tofino he had his friend stop at Mr. Phillips' residence. He went back into the apartment, piled some garbage onto the kitchen stove, and turned on the burners in an apparent effort to set fire to the apartment to conceal the crime he had committed some two days earlier, with Mr. Phillips' body still in the apartment.
- [21] At some point Mr. Priddle had contacted his mother, who, based on the nature of that contact, believed that her son was in some sort of crisis and had perhaps committed a crime. She contacted the police to ask them to do a wellness check on him. The police first went to the RV park but could not locate Mr. Priddle. They eventually searched for him in Nanaimo and were successful in determining his whereabouts. Once that had occurred, Mr. Priddle told the police where Mr. Phillips was and what had occurred. When the police entered Mr. Phillips' apartment, it was extremely hot and covered in soot and ash. They found Mr. Phillips' body now compromised by the heat and passage of time on the floor by the door.
- [22] The condition of the apartment suggested there had been a significant struggle leading to Mr. Phillips' death. Mr. Priddle was arrested, following which he cooperated fully with police. Police released him without charges on January 1, 2021. On January 2, Mr. Priddle enrolled in Edgewood Treatment Centre in Nanaimo to address his cocaine addiction. He

completed in-patient treatment on February 22, 2021, and for the ensuing year lived in recovery houses and returned to work in the community. For almost two years following the offences in 2020, Mr. Priddle remained uncharged in the Tofino community where he worked and remained sober, staying in contact with police as requested.

- [23] He was finally arrested in December of 2022 and charged. Mr. Priddle was released on bail in January of 2023, and he remained on bail with strict conditions for another two-and-a-half years until the trial on these charges in April of 2025. During that time he maintained full-time employment and in compliance with his bail conditions, including stringent curfews. He was convicted of the charges by a jury on April 8, 2025.
- [24] At trial Mr. Priddle raised the defences of self-defence and intoxication but the jury rejected both of those defences; hence, his conviction on second degree murder. That being the case, he faces life in prison.
- [25] As noted earlier, the main issue here is the length of the period he must remain in prison before he can apply for release on parole. It is mandatory that he spend at least 10 years before then. After those 10 years, it would be up to the parole board to determine how much more time if any he must remain incarcerated.
- [26] As noted earlier, there are a number of specific factors I must take into account when determining the appropriate period of parole ineligibility under s. 745.4. The first is the character of the offender, to which I will now turn.
- [27] As noted, Mr. Priddle was 23 when these offences occurred. He had no prior criminal record. Until the events of December 28, 2020, he had never been in trouble with the criminal justice system, despite his struggle with substance abuse from the age of 19. His parents were divorced and he had been raised by a single parent, his mother, who had been and continues to be a very positive force and strong support in his life.
- [28] He is passionate about cooking and his work in restaurant kitchens has given him purpose in life, both before and after this tragic event. Between the ages of 19 and 23, he went through repeated cycles of addiction, recovery and work. It was during the restaurant closures occasioned by COVID that the events leading to the death of Mr. Phillips occurred.
- [29] Mr. Priddle's counsel has filed with the Court some two dozen letters of reference from friends and co-workers of Mr. Priddle. It is clear that these individuals are well aware of the seriousness of the crimes Mr. Priddle committed. Each and every one attests to the good character, indeed the excellent character of Mr. Priddle in his dealings with them and the community in which he has lived and worked for all of his adult years.
- [30] This case is quite unusual in the sense that for the two years after the offence Mr. Priddle remained uncharged, yet he completed drug rehabilitation and continued working and contributing to his community, and for another two-and-a-half years after that has continued to demonstrate his rehabilitation.

- [331] Given Mr. Priddle's age at the time of the offences, the lack of any prior criminal convictions, and his ongoing efforts in the past almost five years, there can be no doubt as to his rehabilitation potential. As indicated earlier, I am directed by the sentencing provisions of s. 718, as well, and one of them is rehabilitation.
- [32] I turn now to the second and third factors under s. 745.4, the nature of the offence and the circumstances of its commission.
- [33] Without question, this was a horrific crime. As the Crown has repeatedly emphasized, Mr. Priddle stabbed Mr. Phillips 74 times in a struggle that began with Mr. Priddle's refusal to pay for drugs. He then stole drugs and money and left the residence in Mr. Phillips' car. He abandoned the car later in a parking lot. He returned at some point and tried to set fire to the place to obliterate the crime. He spent the next two days on a drug-binging spree.
- [34] I am very mindful of the effect of these crimes on the family of Mr. Phillips, who courageously came forward during the sentencing hearing to describe the devastation at the death of their son, uncle and friend and the horrific scene that they had to endure when trying to collect the few remnants of Mr. Phillips' life from his apartment.
- [35] What then mitigates those circumstances? What separates this second degree murder from other cases in which the parole ineligibility period was determined to be greater than the mandatory 10 years?
- [36] Firstly, this was not a planned or premeditated event. Both men had been consuming cocaine. There was a sudden and violent disagreement between them. This was not some prolonged attack. There were dozens of knife wounds but one fatal stab wound, and then a frenzy of stabbing. Mr. Priddle did not go to Mr. Phillips' apartment intending to rob him. He went to have consensual sex with Mr. Phillips, and the fight that ensued was fueled by the cocaine that Mr. Priddle at least had consumed.
- [37] The jury did not accept that Mr. Priddle acted in self-defence or that he was intoxicated as a matter of law. On the evidence, however, Mr. Priddle, having consumed a great deal of cocaine, was disinhibited to the extent that he behaved in a manner completely foreign to him, both before and after this terrible event. There is no pattern of such behaviour, not even an instance of his having lost his temper at a friend or co-worker prior to this time.
- [38] As Chief Justice McEachern noted in *R. v. Mafi*, 2000 BCCA 135:
- [65] . . . Every killing is cruel and terribly violent, but that becomes less of a factor when it is accepted that it was impulsive and unplanned . . .
- [39] I accept the submission of the defence that the evidence supports the inference that the event was neither premeditated nor planned. The sexualized text messages exchanged by Mr. Priddle and Mr. Phillips setting up a second rendezvous revealed a planned reason for the meeting, which was further sexual relations. The text setting up the meeting and suggested further relations was sent by Mr. Phillips.

- [40] Mr. Priddle's recollection of the evening is largely supported by the record of text messages and other data. Further, the pathologist testified that it was likely that most wounds were post-mortem but agreed it could have occurred right at the time that the fatal wound was inflicted.
- [41] The jury's verdict indicates that in the circumstances Mr. Priddle's actions were not a reasonable response to the threat he experienced by Mr. Phillips and that he therefore could not rely on self-defence. However, the offence was sudden and impulsive.
- [42] In the case of *R. v. Tan*, 2011 BCSC 595, Mr. Justice Savage dealt with a case comparable on its facts. Mr. Tan in that case believed that a pawnshop owner had treated him with disrespect, which led to him exploding with anger and stabbing the owner repeatedly, causing his death. Justice Savage described the offence as "that of an impulsive man who felt wronged and exploded over what amounted to a trifling matter and a killing that was impulsive but with limited forethought."
- [43] Justice Savage, as he then was, noted that a sentence for second degree murder "must denounce the conduct, deter others and promote a sense of responsibility in the offender and others," and significantly, "the imposition of a life sentence plus a period of at least ten years parole ineligibility satisfies this requirement." Further, Justice J. noted the possibility of parole after 10 years facilitates the objective of rehabilitation. At para. 65, he stated:
- [65] The offence was committed when the offender was a young man. It is not beyond hope that the offender will be able to manage his emotions as he matures and with hard work rehabilitate and create conditions to make possible a law abiding life for himself, something of which he senselessly deprived Mr. Le. The offender has expressed remorse.
- [44] The Court went on to say that in balancing denunciation with rehabilitation, it was appropriate that the offender be separated from society for a minimum of 10 years "beyond [which] it must be assumed the parole board will do its job." At p. 61, Justice Twaddle in *R. v. Ly* (1992), 78 Man. R. (2d) 209, 72 C.C.C. (3d) 57 (Man. C.A.) said:

Unless we assume that the Parole Board will not do its job properly, an assumption I am not prepared to make, a life sentence adequately protects the public from the danger of an offender committing a further violent crime. The addition of a period of parole ineligibility is not required for that purpose.

- [45] In *Tan*, the violent and brutal nature of the offence was not in itself sufficient to displace what Justice Savage referred to as the general rule that the period of parole ineligibility is 10 years.

- [46] As importantly the facts in the Tan case contain far fewer positives for the accused than those present in the instant case. The offender in Tan had a prior criminal record and he fled the jurisdiction following the offence. There was no evidence in that case that rehabilitation was in any way a certainty. It was a hope based on an otherwise impulsive nature of the killing.
- [47] In the present case, the facts strongly suggest that rehabilitation based on Mr. Priddle's age and conduct both before and after the event is a significant mitigating factor.
- [48] I have reviewed the case law advanced by the Crown in support of its position that the parole ineligibility period ought to be greater than the mandatory 10 year period. Those decisions include *R. v. Cerra*, 2004 BCCA 594; *R. v. Sheepway*, 2018 YKSC 26; *R. v. Overall*, 2009 BCSC 1864; *R. v. Dahr*, 2012 ONCA 433, and *R. v. Price*, 2001 BCCA 323.
- [49] As so many judges have observed, no two cases are identical in factual content. Hence, the range of parole ineligibility periods found in the second degree murder cases vary quite extensively. Most of these cases contain facts which bear little resemblance to the facts of the present case.
- [50] In the Cerra case, there was a great deal of deliberation and a brutal killing of the victim occurred over a period of hours. There was nothing impulsive about the act.
- [51] In Dahr, the accused stabbed his father more than 50 times because as he told the police he was having a bad day. There was no suggestion that the accused was of good character or that he had potential for rehabilitation. There were simply no mitigating factors similar to those in the present case.
- [52] In Overall, the accused was in a marihuana business and killed the customer who was in significant debt and did so because he felt he had to "deal with the problem". The killing took place over a period of hours involving a beating with a baseball bat. The circumstances were far more aggravating and the offender's personal circumstances considerably less mitigating.
- [53] In *R. v. Sheepway*, the accused used a loaded shotgun. He set up a meeting with the victim with the intention of robbing him. After the murder, he committed a series of armed robberies.
- [54] As the Court in *R. v. Mafi* pointed out, a murder committed in the course of a robbery is an aggravating factor, but as noted earlier the evidence in the present case indicates that there is no such intention; and even where a killing does occur in a premeditated robbery, the resulting sentence may not exceed the mandatory 10 year parole ineligibility period. It all depends on the circumstances.
- [55] In *R. v. Yliruusi*, 2011 BCSC 268, a decision of Justice Fisher, a judge of this Court at the time, indicated that the accused went to the victim's apartment not intending to kill him but with a premeditated intent to assault him that carried with it a serious risk of harm. The killing

occurred very quickly with the offender then searching for drugs in the panic-stricken few minutes thereafter. Justice Fisher concluded in all of the circumstances that the 10-year parole ineligibility period was sufficient to address the principles of both specific and general deterrence, as well as denunciation. As already noted, Mr. Priddle's theft of Mr. Phillips' cocaine and money was opportunistic and fueled in part by the cocaine he consumed.

- [56] I have borne in mind the recommendations of the jury, but I can take little from it in light of the wide range of their opinions. The facts of this case and the case law provided the guidance necessary to formulate a fit sentence in this case.
- [57] It is important to bear in mind that, as a result of his criminal act for those few hours on December 28, 2020, in taking the life of Mr. Phillips, Mr. Priddle faces a life sentence. He has lived under this shadow for five years and now faces at least 10 years in prison. After that he is at the mercy of the parole board. He was only 23 at the time of the offence, and it has altered irrevocably the entirety of the rest of his life.
- [58] Those few hours resulted in the loss of Mr. Phillips' life and have caused immeasurable pain to Mr. Phillips' family. Their victim impact statements compellingly attest to the magnitude of their loss. After listening to Mr. Phillips' family read their statements in court last month, Mr. Priddle stood and told of the devastating impact their statements had on him. Their statements had driven home to him the enormity of what he had done. There can be little doubt that Mr. Priddle is very remorseful.
- [59] Having provided these reasons, I will now pass sentence on Mr. Priddle. Please stand.
- [60] Mr. Priddle, on Count 1, second degree murder of Mathew Phillips, I sentence you to life in prison with a parole ineligibility period of 10 years. On Count 2, the charge of robbery, I sentence you to 24 months to serve concurrently to the sentence for murder; and on Count 3, the charge of theft of a motor vehicle, I sentence you to six months in prison to be served concurrently.
- [61] Additionally, I am granting all of the ancillary orders sought by the Crown at paragraph three of the Crown's written submissions marked as Exhibit 1 in this proceeding:
- First, a DNA order pursuant to s. 487.04(a) of the Criminal Code;
  - Second, a firearms and weapons prohibition pursuant to s. 109(2)(a), ending not earlier than 10 years after granted statutory release or parole, and a lifetime prohibition for any prohibited firearm or weapon pursuant to s. 109(2)(b) of the Code;
  - Third, a noncommunication order pursuant to s. 743.21(1) of the Code with respect to Marilyn McAllister, Michelle Phillips, and Alexandra Phillips Taylor.
- [62] And I will forward these reasons, once transcribed, to the Correctional Services of Canada.

- [63] I want to thank all counsel for the manner in which they conducted this case. You have been very helpful. Thank you.
- [64] CNSL D. MARSHALL: Thank you, Justice. It seems trite but we have to address the victim fine surcharge, it is still applicable, but given the circumstances of Mr. Priddle's sentence I would ask the Court to consider waiving the victim fine surcharge.
- [65] THE COURT: Yes, I am prepared to do that. Thank you.
- [66] CNSL L. PEARCE: Thank you, Justice.
- [67] THE COURT: Anything further, counsel?
- [68] CNSL D. MARSHALL: No. Thank you.
- [69] THE COURT: Thank you. We will adjourn.
- "Wedge J."

---

### Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE      <https://www.bccourts.ca/jdb-txt/sc/25/25/2025BCSC2538.htm>

CASE PAGE              <https://chat.esheria.ai/case-law/canada/r-v-priddle-2025>

Prepared on 26 October 2026 · Esheria