

CANADA / JUDGMENT

R. v. Rektor

2025 BCSC 1217

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Supreme Court of British Columbia

DECIDED

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2025 BCSC 1217 R. v. Rektor

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Rektor,

2025 BCSC 1217

Date: 20250620

Docket: 97412-2

Registry: Kelowna

Rex

v.

James Edward Thomas Rektor

Before: The Honourable Justice Basran

Oral Reasons for Sentence

Counsel for the Crown:

C.J. Rezansoff

Counsel for the Accused:

M.A. Patterson

Place and Date of Hearing:

Kelowna, B.C.

May 20, 2025

Place and Date of Judgment:

Kelowna, B.C.

June 20, 2025

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- [1] THE COURT: After an eight-day trial in December 2024, James Rektor was convicted of four counts of assault against his then-wife, Christina Rektor-Connaghan. Ms. Rektor-Connaghan hyphenates her surname to Rektor-Connaghan. In the interest of clarity and meaning no disrespect, in these reasons for sentence, I will refer to her as Ms. Connaghan.
- [2] The Crown submits that three-and-a-half years in jail is the appropriate sentence. The defence seeks a two-year conditional discharge followed by two years of probation. Alternatively, it seeks a conditional sentencing order followed by a conditional discharge.

The Convictions

- [3] In oral reasons for judgment delivered on January 15, 2025, indexed as R. v. Rektor, 2025 BCSC 77 (the "RFJ"), I convicted Mr. Rektor on four counts of assault contrary to s. 266 of the Criminal Code, R.S.C. 1985, c. C-46. This section provides:

266 Every one who commits an assault is guilty of

- (a) an indictable offence and is liable to imprisonment for a term not exceeding five years; or
- (b) an offence punishable on summary conviction.

[4] The four counts of assault arise from five separate incidents of intimate partner violence and were described in detail in the reasons for judgment as follows.

Count 1

Feb 2016: Mr. Rektor kicked Ms. Connaghan in the head while she was approximately six months pregnant. He pushed her down before kicking her. Ms. Connaghan feared the impact may have injured her fetus.

Count 2

June 2016: Shortly after Ms. Connaghan had given birth, Mr. Rektor became frustrated when she refused to have sex with him. He repeatedly kicked her in the abdomen, causing her to bleed onto her postpartum pads. He also grabbed her face and mouth to prevent her from screaming.

Count 3

December 2017: Mr. Rektor pushed Ms. Connaghan from behind into a doorframe.

Count 4

March 2019: While Ms. Connaghan was seven months pregnant with their second child, she was bathing when Mr. Rektor pushed and strangled Ms. Connaghan in the bathtub. Mr. Rektor was frustrated that Ms. Connaghan would not get out of the tub to make dinner for him. Next, he slapped her face and punched her arm in their bedroom. Their young daughter was nearby during parts of this incident. In May 2019, during another argument, Mr. Rektor repeatedly spat on Ms. Connaghan. During this incident, he left briefly, returned, and continued spitting on her.

Factual Background

- [5] As noted in paragraph 2 of the RFJ, Mr. Rektor and Ms. Connaghan met and began dating in May 2015. Ms. Connaghan became pregnant in September 2015, and they married on February 14, 2016. The parties had two children during their marriage, a daughter born in May 2016 and another daughter born in May 2019. The couple separated in June 2020.
- [6] All of the aforementioned incidents occurred in the family's home while Ms. Connaghan and Mr. Rektor were married to each other.
- [7] Further details of the offences are described in paragraphs 202 to 232 and 260 to 267 of the reasons for judgment, which I will not repeat here.

The Victim

- [8] Ms. Connaghan's relationship with Mr. Rektor was volatile and tumultuous from its inception. They frequently argued about Mr. Rektor's infidelity and about their often precarious financial circumstances: RFJ at para. 16.
- [9] Ms. Connaghan provided a detailed victim impact statement in which she described the cycle of violence Mr. Rektor inflicted on her. She poignantly described the long-lasting effects of these assaults, notwithstanding the significant resources and time she has devoted to counselling. In respect of the choking incident, she describes her fear that Mr. Rektor might have murdered her in the presence of their two-year-old child and her determination to survive this attack.
- [10] Ms. Connaghan also described living with post-traumatic stress disorder and constant fear that she will never feel safe. These assaults have damaged her mental and emotional well-being, as well as her self-worth and dignity. She describes continuing to live in a psychological warzone that she has not yet recovered from.

The Offender

- [11] A pre-sentence report ("PSR") reveals that Mr. Rektor had a stable upbringing as the middle of three children in a family free from any forms of abuse, neglect, or trauma. His parents continue to be a positive support and influence in his life, and none of his immediate family members have any history of contact with the criminal justice system.
- [12] Since the assaults, Mr. Rektor has remarried and has a toddler-aged daughter and a newborn son. They live in a basement suite owned by his current in-laws. Mr. Rektor is the main income earner for his family. He exercises regular 50/50 parenting time with the two children he shares with Ms. Connaghan.
- [13] Mr. Rektor's current wife denies that Mr. Rektor has anger management issues and he has not displayed any abusive behaviour towards her. The PSR indicates that Mr. Rektor denies past issues with emotional dysregulation and insists that he has always been able to manage his anger appropriately. This stands in stark contradiction to the findings I made in convicting him on four counts of assault as detailed in the RFJ.
- [14] A psychological assessment report prepared by the Forensic Psychiatric Services reports that Mr. Rektor believes that Ms. Connaghan manufactured evidence by building a case against him with the benefit of forethought. He blames Ms. Connaghan for the conflict in their relationship. This report concludes that his risk of committing intimate partner violence in the future is moderate and is most likely to occur in the context of a dysfunctional relationship. There are no concerns that there is imminent risk to Ms. Connaghan or his current wife.

- [15] Mr. Rektor has no criminal record. He is employed as a tow-truck driver and received a letter of support from his employer. Mr. Rektor also received letters and notes of support from his current wife, mother, two friends, and a self-described "working associate".

Positions of the Parties

The Crown

- [16] The Crown seeks a custodial sentence of 42 months. This is based on the following terms of imprisonment for each count which totals 54 months:
- a) Count 1: 12 months' imprisonment;
 - b) Count 2: 18 months' imprisonment (consecutive);
 - c) Count 3: 6 months' imprisonment (consecutive); and
 - d) Count 4: 18 months' imprisonment (consecutive).
- [17] Based on the principle of totality, the Crown submits that the total sentence should be reduced to a 42-month sentence, which is within the range of sentences for multi-incident intimate partner violence cases.
- [18] The Crown strongly asserts that a conditional sentence order is inappropriate in the circumstances of this case and the gravity of the subject offences requires a term of imprisonment in jail, not the community.

The Defence

- [19] The defence seeks a two-year conditional discharge with two years of probation. Alternatively, it seeks a conditional sentence order followed by a conditional discharge.
- [20] The defence asserts that the collateral consequences of incarceration are a significant consideration because Mr. Rektor is the sole breadwinner for his young family of four. They also suggest that both Mr. Rektor and Ms. Connaghan have moved forward with their lives since their tumultuous relationship ended.
- [21] Mr. Rektor asserts that he has left his offending behaviour behind and moved forward with a new family and job. He is not a danger to the community, has stopped drinking, has been under state supervision for the past four years without any incidents, and he wants to move forward with parenting the two children he has with his current wife and the two children he shares with Ms. Connaghan.
- [22] If a conditional discharge is not granted, the defence suggests that house arrest with an ongoing curfew meets the sentencing objectives of denunciation and deterrence, particularly because he is a first-time offender.

Aggravating Factors

- [23] Mr. Rektor breached his position of trust by repeatedly assaulting his then-wife Ms. Connaghan.
- [24] The assaults occurred over a period of more than three years from 2016 to 2019. This demonstrates a pattern of violence over time.
- [25] Mr. Rektor repeatedly assaulted Ms. Connaghan in their family residence, thereby undermining Ms. Connaghan's sense of safety and security.
- [26] Mr. Rektor assaulted Ms. Connaghan twice while she was pregnant with each of their children, thereby imperilling both Ms. Connaghan and the fetuses. He also attacked Ms. Connaghan once when she was in a vulnerable postpartum condition.
- [27] The assaults inflicted by Mr. Rektor caused Ms. Connaghan excessive vaginal bleeding, a head injury, and bruising on her neck, face, stomach, chest, and arm.
- [28] The March 2019 assault included Mr. Rektor choking Ms. Connaghan's neck with both of his hands. This is extremely dangerous because "[] the transition from discomfort and difficulty breathing to loss of consciousness, and possible brain injury or death, is marked by mere seconds": *R. v. McDonald*, 2021 ABCA 26. It is "an act of cruel domination met by sheer horror and often accompanied by serious physical and psychological harm": *McDonald* at para. 26, citing *R. v. Lemmon*, 2012 ABCA 103 at para. 28.
- [29] I note that Mr. Rektor was not charged with choking, suffocating, or strangling pursuant to s. 267(c) of the Criminal Code, but, in my view, this conduct is an aggravating factor because of the significant danger it posed to Ms. Connaghan and the fetus she was carrying.
- [30] Part of the March 2019 assault was witnessed by the couple's young daughter. Her voice is discernible on the audio recording of a portion of this assault. Children exposed to family violence may suffer emotional or behavioural harm: *Barendregt v. Grebliunas*, 2022 SCC 22 at para. 143.
- [31] The May 2019 assault involved Mr. Rektor repeatedly and forcefully spitting on Ms. Connaghan. This degrading and dehumanizing abuse is an act of humiliation.
- [32] Throughout their relationship, Mr. Rektor intimidated, threatened, and coerced Ms. Connaghan if she reported him to the police. As the son of parents who worked as police dispatchers, Mr. Rektor repeatedly warned Ms. Connaghan that the police would believe his version of events over hers, and that he would assert that she was mentally unstable. He also threatened to prevent her from seeing their children.
- [33] Notably, Mr. Rektor followed through on this threat by fabricating a narrative that resulted in Ms. Connaghan being unable to see her children for approximately six months. These actions were a deliberate effort by Mr. Rektor to prevent Ms. Connaghan from seeking protection from the abuse he was inflicting on her, and a mechanism for avoiding responsibility for his abusive and violent conduct.

Mitigating factors

- [34] Mr. Rektor has no prior criminal record. This is somewhat tempered by his own actions in evading responsibility for his repeated assaults by threatening Ms. Connaghan if she reported him to the police. As previously described, Mr. Rektor assaulted Ms. Connaghan five times over three and a half years. This is a pattern of behaviour, not an isolated incident.
- [35] Prior to the sentencing hearing, Mr. Rektor did not meaningfully express remorse. On the contrary, the PSR indicates that Mr. Rektor maintains that he is innocent of the offences he was charged with. Specifically, he denies ever spitting, punching, slapping, kicking, or choking Ms. Connaghan, notwithstanding my findings that he did all of these things to her. In an audio recording that formed part of the evidence at trial, Mr. Rektor stated: "[] I'm sorry that I punched your arm, I'm sorry that I choked you": RFJ at para. 74; and "[] I'm sorry for hitting you in the tub. I'm sorry for choking you. I'm sorry for hitting your arm. And I'm sorry [] I'm sorry for hitting you in the face": RFJ at para. 86.
- [36] During the sentencing hearing, seemingly for the first time, Mr. Rektor expressed some level of remorse, vaguely took responsibility, and apologized to Ms. Connaghan for the hardship he caused. He acknowledged the ongoing and longstanding trauma that she is enduring and expressed the hope that she will heal with the passage of time. His statement concluded with a plea that he not be incarcerated because he does not want to lose the ability to provide for his four children, two of whom he shares with Ms. Connaghan.

General Principles of Sentencing

- [37] The purpose of sentencing is to protect society and contribute to respect for the law by imposing just sanctions on offenders. Sentencing objectives include:
- a) denouncing unlawful conduct;
 - b) the specific deterrence of the offender and the general deterrence of others;
 - c) the separation of offenders from society where necessary; and
 - d) the rehabilitation of offenders.
- [38] Sentencing should promote responsibility and acknowledgment of the harm done to victims and to the community.
- [39] The fundamental principle of sentencing is that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender: Criminal Code, s. 718.1.
- [40] Additional sentencing principles include the consideration of aggravating and mitigating factors, as well as the principles of totality, parity, and restraint: Criminal Code, s. 718.2.

[41] The following statutory aggravating factors apply pursuant to s. 718.2(a) of the Criminal Code:

- (a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing

[]

(ii) [] the offender [] abused the offender's intimate partner or a member of the victim's or offender's family;

[]

(iii) [] the offender [] abused a position of trust or authority in relation to the victim; and

(iii.1) the offence had a significant impact on the victim, considering their age and other personal circumstances, including their health and financial situation.

[]

[42] If an offence involves the abuse of an intimate partner, the court must consider the increased vulnerability of female victims: Criminal Code, s. 718.201.

Conditional Sentences

[43] In some circumstances, a conditional sentence with house arrest can provide adequate denunciation: *R. v. Proulx*, 2000 SCC 5 at para. 105. However, in other circumstances, "[] the need for denunciation is so pressing that incarceration will be the only suitable way in which to express society's condemnation of the offender's conduct": *Proulx* at para. 106.

[44] Similarly, in some circumstances, deterrence can be achieved through the use of conditional sentences, but "[] there may be circumstances in which the need for deterrence will warrant incarceration": *Proulx* at para. 107.

[45] A conditional discharge is not appropriate when general deterrence will be diminished if the offender does not have a conviction registered against them: *R. v. Fallofield*, 1973 CanLII 1412 (B.C.C.A.), 6 W.W.R. 472.

Intimate Partner Violence Sentencing Principles

[46] As noted by the Supreme Court of Canada, intimate partner violence is "[] one of the most prevalent crimes in Canada, accounting for more than one-quarter of all violent crimes": *R. v. Stairs*, 2022 SCC 11 at para. 92.

[47] Intimate partner violence offences usually require denunciatory sentences to convey society's condemnation and insistence that this type of conduct will not be tolerated: *R. v. Stanley*, 1986 B.C.J. No. 695 (C.A.); *R. v. Gill*, 2014 BCCA 88 at para. 34..

- [48] Judge Mrozinski in *R. v. C.T.H.*, 2022 BCPC 90, at para. 43, held that "As Justice Lambert [in Stanley] notes, the public has a significant interest and a stake in protecting against intimate partner violence [] because [it] "imperils society" as a whole [] [and] tears at the very fabric of our society".
- [49] Sentencing for intimate partner violence offences also invokes the need to deter the offender and others who may consider committing this crime in a manner that clearly demonstrates society's view that intimate partner violence is a serious criminal offence, particularly in circumstances involving a history or a pattern of violence: *C.T.H.* at para. 44.
- [50] The primary sentencing objectives for intimate partner violence offences are deterrence and denunciation: *R. v. Somers*, 2021 BCCA 205.
- [51] In circumstances eerily similar to those in this case, the Court of Appeal observed:
- [69] When abuse occurs in the complainant's own home and family environment, the complainant's sense of personal security can be totally destroyed. The loss of a sense of security is usually not limited just to the occasions of abuse but continues on an ongoing basis, as the intimate partner does not know whom to trust, where to stay safe, and when the next act of violence is going to occur. This is especially so when the violence occurs over the course of years [] and is accompanied by active attempts by the offender to prevent reporting of the conduct []
- [52] When a man assaults his female partner, this violence is a breach of a position of trust that he occupies: *R. v. Brown*, *R. v. Highway*, and *R. v. Umpherville*, 1992 ABCA 132 at para. 21..

Sentencing for Assault

- [53] In 2022, this court reviewed several authorities and concluded that a range of 6 to 18 months of imprisonment is appropriate for a single incident of spousal assault that results in bodily harm by a first-time offender: *R. v. D.A.*, 2022 BCSC 1256 at para. 67.
- [54] I have also considered the following authorities in concluding that a range of 6 to 18 months of imprisonment is appropriate.
- [55] I realize that these cases involve offenders with criminal records and/or highly aggravating features, as compared to this case; however, they are instructive insofar as they involve multiple domestic assaults over time:
- a) *R. v. Kaiser*, 2001 BCCA 494;
 - b) *R. v. Morrison*, 2023 BCCA 242; and
 - c) *Somers*.

Discussion

- [56] In the circumstances of this case, I am not convinced that a sentence in the community, let alone a conditional discharge, is in the public interest and will accomplish the objectives of denunciation and deterrence of intimate partner violence. This conduct must be clearly and unequivocally condemned with a period of incarceration.
- [57] I am also satisfied that the sentences for the four offences ought to be served consecutively, not concurrently. This is because they are distinct in time and nature. They do not arise out of the same event or series of events. Count 1 involved Mr. Rektor kicking Ms. Connaghan in the head in February 2016, shortly after they married and while Ms. Connaghan was pregnant with their first child. Count 2 occurred four months later when Mr. Rektor pushed Ms. Connaghan to the ground and repeatedly kicked her in the abdomen. Count 3 involved Mr. Rektor pushing Ms. Connaghan into a doorframe in December 2017. Count 4 involved Mr. Rektor choking Ms. Connaghan while she lay in a bathtub, and slapping and punching her over the ensuing hour. This count also involved a second incident during which Mr. Rektor repeatedly spat on Ms. Connaghan. The time between these assaults and the distinct nature of each of them militates strongly in favour of consecutive sentences for each of the offences.
- [58] I have carefully considered the collateral consequences of Mr. Rektor serving a term of imprisonment. I recognize that he is the sole breadwinner for his current family that consists of two young children and his current wife. I also recognize that he contributes financially and otherwise to the care of the two children he had with Ms. Connaghan. His incarceration will create additional burdens for the family members he leaves behind. This is regrettable, but I must not let these consequences overwhelm the sentencing principles of deterrence and denunciation, particularly in the circumstances of five violent occurrences over a three-and-a-half-year period.
- [59] I recognize that Mr. Rektor has no prior criminal record, expressed remorse during the sentencing hearing, and apologized to Ms. Connaghan. I also understand that he has registered for counselling but note that, notwithstanding the five months that have passed since his conviction, he has not actually begun counselling. I have also taken into account that Mr. Rektor has not similarly reoffended since May 2019, and that since then he has remarried, had two more children, and worked regularly.

Decision

- [60] Based on the individual counts, I begin my assessment of the appropriate sentence with the following terms of imprisonment:
- a) Count 1: 9 months;
 - b) Count 2: 12 months (consecutive);
 - c) Count 3: 6 months consecutive; and

d) Count 4: 15 months (consecutive).

[61] This results in a total of 42 months. Taking into account the principle of totality, I am satisfied that this combined total should be moderated.

[62] THE COURT: Mr. Rektor, will you please stand.

[63] Mr. Rektor, you are sentenced as follows:

a) Count 1: 6 months;

b) Count 2: 9 months (consecutive);

c) Count 3: 6 months (consecutive); and

d) Count 4: 12 months (consecutive).

[64] The sentences for these four counts are to be served consecutively for a total sentence of 33 months of imprisonment. You may be seated.

[65] Counsel, are there any ancillary orders that I ought to be making, either mandatory or otherwise. I would also like to hear from you in respect of the victim fine surcharge and any other matter that I ought to take into consideration in respect of Mr. Rektor's sentence.

[SUBMISSIONS BY COUNSEL AT 9:30:21 A.M. TO 9:40:06 A.M.]

[66] THE COURT: Mr. Rektor, please stand.

[67] I am going to add two ancillary orders to your sentence. The first is pursuant to s. 743.21(1) of the Criminal Code, you must have no contact of any kind with Christina Rektor-Connaghan while you are in custody. To be clear, you are going to be able to contact Mr. Brenden Connaghan for the purpose of communicating with your children, and your wife may also communicate with Mr. Brenden Connaghan for the purpose of facilitating those communications.

[68] Pursuant to s. 110 of the Criminal Code, you are prohibited from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition, or explosive substance, or all such things, for ten years from the date of your release from prison.

[69] I am imposing this discretionary firearms and weapons prohibition because of the nature of violent offences that you committed. I recognize that you did not use any weapons in the committing of those offences but they were, in my view, serious violence against an intimate partner, so for that reason, I am imposing this prohibition.

- [70] Turning next to the victim surcharge, I note that by virtue of your imprisonment, you will not, of course, be able to work during this period of time. I am also taking into consideration that, as a result of your conviction, you lost your previous employment. I appreciate that you obtained subsequent employment. In the circumstances, I am not satisfied that it would be appropriate to proceed with a victim fine surcharge, particularly because once you are released from prison, your obligation to your children will be foremost and primary.
- [71] In light of those circumstances, your inability to earn an income during this next period of time, combined with your other financial responsibilities, I am going to waive the victim fine surcharge.
- [72] You may be seated. Counsel, is there anything further required at this time?
- [73] CNSL C. REZANSOFF: Not that I can think of, Justice.
- [74] CNSL M. PATTERSON: Not from me, Justice.
- [75] THE COURT: Thank you counsel. That concludes this hearing.
- "Basran J."

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