

CANADA / JUDGMENT

R. v. Turpin

2025 BCSC 2687

COURT

Supreme Court of British Columbia

DECIDED

15 December 2025

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

2025 BCSC 2687 R. v. Turpin

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Turpin,

2025 BCSC 2687

Date: 20251215

Docket: 31221-2

Registry: Prince Rupert

Rex

v.

Tyler John Turpin

Before: The Honourable Mr. Justice K. Ball

Oral Reasons for Sentence

Counsel for the Crown appearing by videoconference:

T. Barnett

Counsel for the Accused appearing by videoconference:

J.A. Cochrane

Place and Date of Trial/Hearing:

Prince Rupert, B.C.

December 8, 2025

Place and Date of Judgment:

Prince Rupert, B.C.

December 15, 2025

- [1] THE COURT (by videoconference): These are reasons for sentence on the matter of His Majesty the King versus Tyler John Turpin.
- [2] Tyler John Turpin was charged with three counts originally, and eventually he entered a guilty plea to one count of sexual assault of A.B., contrary to s. 271 of the Criminal Code of Canada, R.S.C. 1985, c. -C-46, by indictment on Information 31221-2.
- [3] The Crown called four witnesses in its case, Roger Moore, Michael Holt, A.B., and Constable A. Eeftink.

The Circumstances of the Offence

- [4] In the summer of 2022, A.B. was employed as the exploration manager of a junior exploration company exploring for gold and silver in Alice Arm, British Columbia. She worked on a rotation basis, spending approximately one-half of her time in Alice Arm at the exploration camp of the company and the other half of her time in company offices in Vancouver.
- [5] While in the exploration camp A.B. resided in a wall tent, 16 feet by 16 feet in size. There were approximately 60 to 80 persons residing in that camp. Mr. Turpin worked in the camp as "camp maintenance" performing a variety of service tasks.
- [6] On the evening of July 9, 2022, at approximately 8:00 p.m., A.B. attended a social gathering at a cabin occupied by Roger Moore, which was located outside of the camp. Mr. Turpin was also present at this gathering. A.B. remained there until approximately 11:00 p.m. when she determined to return to her residence before it "got really dark". Mr. Turpin walked with her to her tent and asked if he could enter the tent. She said "No" in answer to that question. She entered alone and then closed and locked the tent door. She was cross-examined on this point and was steadfast that she had not invited him into her tent and that evidence was ultimately admitted.
- [7] She prepared herself for bed and, having obtained her toothbrush and soap, left her tent and walked to the bathroom located in a nearby building. She then intended to return to her tent, but wished to stop on the way at the drill foreman's house to ask a question about radio chatter, earlier that evening, discussing a drilling incident which had taken place during the nightshift. There, A.B. encountered Mr. Turpin with a group of other people. This was between 11:30 p.m. and midnight.

- [8] A.B. testified that Mr. Turpin directed her towards her tent. A.B. was walking faster than Mr. Turpin and she did that deliberately. Once she arrived at the tent, Mr. Turpin followed her into the tent. She did not invite him into the tent and sustained this evidence when cross-examined on this point.
- [9] The parties sat on A.B.'s bed. Mr. Turpin began to kiss her on the neck and she pushed him away, telling him to stop and saying "Don't" in a loud voice. Mr. Turpin then pushed her down on her back on the bed and pulled her leggings and underwear down below her buttocks. She was struggling to keep her clothing on her body. She was swearing and telling him to stop. He penetrated her vagina with one of his fingers without her consent. These facts were admitted in submissions earlier in the sentencing proceedings.
- [10] Mr. Turpin also admitted that he produced a condom, which he had ripped open the covering of with his teeth. He hoped that A.B. upon seeing his penis would want to have sex with him. A.B. did not want to have sex with Mr. Turpin. She told him "No" and said "don't" and tried to push him away. A.B. struggled with Mr. Turpin and he covered her mouth with his hand and eventually put one finger in her mouth. She testified that she bit this finger "as hard as [she] could" and he stopped the struggle.
- [11] Mr. Turpin then asked if he could cuddle her from behind and she yelled at him to get out of her tent using an expletive in a loud voice. He then pulled up his own pants, dropped the condom on the floor and left the tent.
- [12] After Mr. Turpin left the tent, A.B. ran to the tent of Michael Holt, another employee, crying, seeking security. This incident lasted about 15 minutes.
- [13] In a presentence report prepared by William Shack, a senior probation officer, exhibited herein, the following facts are noted. Mr. Turpin was born in Vancouver on August 27, 1987. He lived in an affluent neighbourhood in Vancouver with three siblings. His parents were divorced when he was 12 and he reported that his interactions with them were less over the last few years. He reports his mother continues to support him.
- [14] His past significant relationship ended after four years in 2017, and it unfortunately involved significant alcohol misuse. That relationship is reported to have ended because of alleged infidelity, but it is also reported that the partner ended the relationship. Other romantic relationships of shorter duration are reported to have ended in a like manner.
- [15] He completed grade 12 and then travelled in Europe. He returned to North America to live and study at the Mount Baldy Zen Center in California to become a Buddhist monk. He left that program after eight months and returned to Europe. Upon his eventual return to British Columbia, he worked for and with his father. After that employment ceased, he acquired maritime certifications which would increase his employability. More recently he lost his employment due to his refusal to abide by COVID-19 mandates. His last gainful employment was in the mineral exploration camp where the events that bring this matter to court occurred.

- [16] Mr. Turpin told the report writer that he began using cannabis at age 13, and this continued until very recent times. He also abused alcohol for a number of years, as well as cocaine and other hard drugs, but reportedly ceased using both alcohol and illicit drugs more recently. The reference for ceasing to use alcohol was in 2017.
- [17] More curiously, Mr. Turpin told the presentence report writer that after the social event on July 9, 2022, the parties had agreed to have a sexual encounter at his residence. No evidence was called to prove this story. Further, Mr. Turpin told the report writer that once they had returned to the camp, she invited him into her tent and he further alleged once they were in her tent they began to "make out". These statements are completely inconsistent with the facts proven in this trial, but it is also admitted that A.B. at one point bit the hand of Mr. Turpin. Again, according to the report writer, Mr. Turpin stated that the assumptions he made and the actions he took were wrong and he regrets what he has done.
- [18] A psychological assessment report was completed by April Beckmann, a registered psychologist, on October 7, 2025. In that report, an alternate version of factors were presented by Mr. Turpin, which included reference to Mr. Turpin acknowledging that he had crossed the line and stating "technically I sexually assaulted her". The term "technically" has no place in this situation. He believed she was attracted to him by eye contact and he fell in love with A.B. and assumed they were destined to be a couple. There was no discussion of any relationship with A.B., present or future, reported by Mr. Turpin.
- [19] Counsel for the accused repeated one paragraph from pages two and three of this report, which differed from that in the report to Crown counsel, which contained an alleged threat by A.B. to tell others that Mr. Turpin had sexually assaulted her, which there was suggested to be a fabricated event. Apart from the fact that Mr. Turpin admitted the sexual assault by this guilty plea, A.B. specifically denied that she had made such a statement during the encounter on July 9, 2022. In this circumstance, I cannot give any effect to the suggestion that a threat was made by A.B.
- [20] Further, in the last section of paragraph 15 of the accused's submissions, there is a reference that Mr. Turpin was hoping that, and I emphasize this, "The presence of his penis (under clothing) and the state of arousal would be observed." According to the psychologist's report, Mr. Turpin hoped that upon seeing his penis, A.B. would want to have sex.
- [21] The only evidence of the state of dress of Mr. Turpin before this Court at the trial was that after he and A.B. stopped struggling and prior to leaving her accommodation he pulled up his pants. A clear inference is that his pants were previously pulled down. The reference to "under clothing" above is not founded in the evidence before this Court. Clearly, A.B. had no interest whatsoever in having a sexual relationship with Mr. Turpin as events demonstrated.

The Current Circumstances of the Offender

- [22] The mental health history of Mr. Turpin was reviewed but he refused to sign a release of information for his correctional healthcare file which prevented the outcome following the assessment of Dr. Matthews from becoming known. Dr. Matthews had expressed an unclear assessment of Mr. Turpin's mental health presentation as being the result of a psychiatric disorder or substance abuse or a combination of the two, but he could not distinguish.
- [23] A personality assessment inventory ("PAI") suggested an individual engaging in a significant degree of positive impression management: a profile which would suggest that individuals portray themselves as exceptionally free of common shortcomings that most individuals would admit. Given the degree of positive impression management, Mr. Turpin's PAI was considered invalid and the result was not interpreted.
- [24] The Static-99, a risk assessment tool designed to predict sexual recidivism in adult males charged or convicted of sexual offences, was reviewed. Mr. Turpin's score placed him in the average risk range. This tool does not measure all relevant risk factors and therefore his case was scored on the Stable-2007 tool used to measure empirical risk factors routinely addressed as part of correctional rehabilitations for adult males charged with sexual offences against a nonconsenting adult.
- [25] One area of risk management protection noted of concern was significant social influences; that is, Mr. Turpin identified his mother, sister and uncle as supports, notwithstanding that he has had very little contact with those individuals recently. He displayed, according to the report writer, stereotypically traditional beliefs about women and their roles as he viewed them and the input in balance of power based on childrearing and demands of duty to protect a woman. He reported that with respect to A.B., "She was asking for it," by the way she dressed.
- [26] Combining these two assessment tools, Mr. Turpin's assessment placed him in the average risk for supervision and intervention needs. Dr. Beckmann noted that Mr. Turpin believed he could win over A.B. with a demonstration of sexual prowess. However, when A.B. was able to stop his advances, he acknowledged that he asked the victim to cuddle with him, an act that Dr. Beckmann considered to display a telling lack of insight into what had just occurred. That is at page 12, paragraph 4 of Dr. Beckmann's opinion.
- [27] Dr. Beckmann found that if there was to be future offending in his case, it would most likely follow a similar pattern where Mr. Turpin finds himself preoccupied by a potential female partner seeking sexual gratification as part of a wider desire to obtain a long-term relationship with a woman. The risk would be enhanced if he appears to have a view of a relationship, as in the present case, that is inconsistent with reality; for example, "misperceiving the victim as reciprocating his interest on relying on implicit consent". Implicit consent is no consent at all as is noted in ss. 273.1 and 273.2 of the Criminal Code.

- [28] Dr. Beckmann recommended a condition of sentence for Mr. Turpin that he be required to attend a sexual offender program such as the Forensic Sex Offender Program ("FSOP"), which is offered at the Ford Mountain Correctional Centre.
- [29] The current offence is Mr. Turpin's first involvement with the criminal justice system. He has subsequently been charged with other matters, but those matters are not matters for consideration by this Court and will not be taken into account in this sentencing process. In relation to, or occurring at the same time as those matters, he has been detained in custody since January 2025.
- [30] In dealing with his personal circumstances, counsel noted that, despite having some instability as a youth due to his parents' divorce and frequent family moves, Mr. Turpin was able to graduate from high school. He has been able to gain and regularly maintain employment through his adult life. He has worked in a variety of positions, including at a sheet metal factory, grocery store, tugboat company, and alongside his father, at a copper mine and in marine industries.
- [31] Mr. Turpin is single and has no children. As I have described above, the writer of the psychologist's report states he endorses "some traditional attitudes about gender and sexual roles and relationships": page 6, paragraph 6. He does not appear to have any deviant sexual interests or inclinations. In that report it also records that prior to entering into custody, Mr. Turpin's substance use was limited to cannabis. He does not report any mental health concerns or issues, but it was noted that he lacks insight into his surroundings.
- [32] Mr. Turpin was cooperative with the presentence report and the psychological report once he realized that they were appropriate.

Sentencing

- [33] Defence counsel provided, dealing with the structure of the law and its application in this case, reference to five or six cases, but it is my view, that the decision in the recent B.C. Court of Appeal case of R. v. Maslehati, 2024 BCCA 207, is governing at this stage and I intend to rely on that case where there is a survey of a number of other cases, as well.
- [34] At para. 102 of Maslehati, the following appears:

This cross-jurisdictional canvas is not exhaustive and I have no doubt that because of the individualized nature of sentencing, one could find cases post-Friesen with a sentence lower than the ones cited here. However, these cases generally support the proposition I have endorsed in these reasons, namely, that an indictable adult sexual assault with aggravating circumstances charged under s. 271 of the Criminal Code (as opposed to ss. 272(1) or 273(1), which carry higher penalty ranges), appropriately attracts a sentence of at least two years' imprisonment, even for a first-time offender. The more aggravating the circumstances, the higher the sentence, subject to a factual finding of diminished moral blameworthiness and/or compelling mitigation.

- [35] Both counsel reviewed mitigating and aggravating circumstances. Those included Mr. Turpin entering the tent occupied by A.B. without her consent. When he previously asked for consent, he was told he could not come inside and the door was closed and locked. That circumstance had not changed.
- [36] When Mr. Turpin and A.B. were arguing outside the tent later in the evening, he simply entered the tent, continuing the argument inside the tent without permission to enter the tent. He then began kissing A.B. without any consent. She tried to push him away and told him to stop. He did not. He then pushed her onto her back, onto the bed, and began pulling off her clothes, particularly her pants and underpants. She continually told him to stop and he did not do so. She was actively fighting back against his forced advances.
- [37] He admits he was able to pull down her pants and underwear just below her buttocks and that he digitally penetrated her vagina, all the while she was telling him "No" and physically trying to prevent his advances. He pulled out a condom. He put his hand over her mouth and put a finger inside her mouth, which she bit. Mr. Turpin then asked if he could cuddle with A.B., and she told him to get out with an expletive. He then pulled his pants up and walked out the door. She left to get assistance from Mr. Holt. That is not itself an aggravating factor, but it is simply an indication of her emotional state at that time.
- [38] There was some debate about whether bruises on her legs had been caused by this activity. Her evidence, the only evidence the Court heard, was that those bruises were not there prior to the incident with Mr. Turpin and they appeared thereafter.
- [39] Defence counsel very carefully set out the principles of sentencing beginning at paragraph 23 of his submissions in a most helpful fashion:

Section 718 principles are tailored to protect society and contribute to respect for the law and maintenance of a just, peaceful and safe society by imposing sanctions that have one or more of the following objectives: (a) to denounce unlawful conduct and the harm done to victims or to the community; (b) to deter the offender and other persons from committing offences; (c) to assist in the rehabilitation of offenders; (d) to provide reparations for harm done to victims or to the community; and (e) to promote a sense of responsibility in offenders and acknowledgement of the harm done to victims or the community.

- [40] The defence submission was that the most significant principles of sentencing in the circumstances of this case are denunciation and deterrence, both specific and general deterrence, and rehabilitation.
- [41] Pursuant to s. 718.1, which I have mentioned, the sentence imposed by this Court must also be proportionate to the gravity of the offence and the degree of responsibility of the offender.
- [42] In the well-known case of *R. v. Friesen*, 2020 SCC 9, at para. 30, a proposition put forward is:

All sentencing starts with the principle that sentences must be proportionate to the gravity of the offence and the degree of responsibility of the offender.

- [43] Further, in Friesen, the Court gave emphasis to the seriousness of all forms of sexual assault and emotional and psychological harm to the victim, cautioning trial courts not to approach sentencing in such cases as though there is a "hierarchy of physical acts" that directly correlates to the harm incurred: para. 146.
- [44] The defence submitted that there is a prospect of rehabilitation for Mr. Turpin as his behaviour seems to become compliant with institutional rules, and, as I mentioned, he has expressed remorse.
- [45] The Crown's position is based on the framework and range of sentence for sexual offences against adults set forth in Maslehati. I have already repeated one paragraph from that case. In Maslehati, the bottom end of the range for sexual assaults of this kind involving an adult, even for a first-time offender, is two years.
- [46] The factors that Maslehati emphasized, which are aggravating in this case, include that there was a highly invasive violative or demeaning advance by Mr. Turpin, both into the accommodation occupied by A.B., and the forceful attempt to remove her clothes, partially successful, pulling her pants below her buttocks, and forcefully digitally penetrating her.
- [47] The second particularly aggravating factor is the persistence of the conduct aforesaid in the face of communicated nonconsent. A.B. was actively fighting with him and telling him to stop. These violations occurred in the victim's home, notwithstanding that home was part of a mining camp. It was her space and it was violated.
- [48] The Court heard of actual and foreseeable harm including a significant impact on the victim, resulting from a violent attack in a residence at her workplace. A.B. had to leave the worksite and could not continue there, and she described the difficulties for her being in a position of management and not knowing what to do, in addition to significant emotional impacts as a result of the assault.
- [49] The Crown's position is, in relation to the duration of sentence, the sentence should be two years less one day in custody, followed by a period of probation for three years, with certain ancillary orders to which I will now direct myself. Obviously, the custodial sentence will be subject to a reduction for time served, and I am going to ask counsel at the end of these reasons to provide me with the latest number of days that that requirement indicates.
- [50] With respect to the probation order, the terms will be, under paragraph 2001, you must comply with a probation order for a term of three years. The conditions of that order are: you will keep the peace and be of good behaviour; you must appear before the court when required to do so by the court; you must notify the court or your probation officer in advance of any change of name or address, and promptly notify the court or a probation officer of any change in employment or occupation.

- [51] Under paragraph 2104, you must report by telephone to a probation officer at 250-624-7435 within two business days after your release from custody, unless you have obtained before your release from custody written permission from a probation officer to report elsewhere or within a different timeframe. After that, you must report as directed by your probation officer.
- [52] Under paragraph 2203, you must live at an address approved of in writing in advance by your probation officer, and you must provide your probation officer with your telephone number if you have one. You must not change them without prior written permission from your probation officer.
- [53] Under paragraph 2002, you must have no contact or communication, directly or indirectly, with A.B.
- [54] Under paragraph 2005-1, you must not go to or be within 20 metres of any place where A.B. lives, works, attends school, worships, or happens to be. If you see her at any time, you must leave her presence immediately without words or gestures.
- [55] Under paragraph 2212, you must provide your probation officer with the details of your employment and any intimate relationship status. You must inform your probation officer within two business days of any changes.
- [56] Under paragraph 2501, you must attend, participate in and complete any intake, assessment, counselling, or education program as directed by your probation officer. This may include counselling or programming for sexual offences or prevention and, in particular, the FSOP program recommended by the report writer.
- [57] The ancillary orders include the following, under s. 737(2.1) of the Criminal Code, I am satisfied because of your precarious financial circumstances at this time, as a result of unemployment and imprisonment, the surcharge imposed by that section would cause undue hardship and the surcharge is waived.
- [58] Pursuant to s. 109 of the Criminal Code, you are prohibited for a period of 10 years from possession of any firearm, prohibited weapon, restricted firearm and crossbow, or restricted weapon, ammunition or explosive substance, for a period of 10 years following your release; and any prohibited firearm, restricted firearm, prohibited weapon, prohibited device or prohibited ammunition for life.
- [59] There will be an order pursuant to s. 487.051 that authorizes the taking of samples of bodily substances from you for the purposes of registration in the DNA National Databank. These samples will be taken from you while you are in jail and will thereby limit any inconvenience caused.

- [60] Pursuant to the provisions of ss. 490.012 and 490.013 of the Criminal Code, you are required to comply with the Sex Offender Information Registration Act for a period of 20 years. I appreciate your counsel's submissions that you are not a general predator in the community, but that section is presumptive and does not require a finding of someone being a general predator in the community.
- [61] I would also like to express my thanks for the very earnest efforts of both counsel to assist the court in hearing this case. There were some unusual challenges and counsel did well to overcome them, for which I thank counsel.
- [62] Is there anything I have left out or that needs comment?
- [63] CNSL T. BARNETT: Justice, the actual time spent in custody by the accused, he has been in custody since January 7 of 2025, including today's date. That is 343 days time served, with a time and a half credit apportioned to him, that gives him credit of time served at 515 days, approximately 17 months. Crown suggested two years less one day, but we are waiting for the Justice's pronouncement on the custodial portion of the sentence.
- [64] THE COURT: Well, the custodial portion of the sentence will be two years less one day minus 515 days.
- [65] CNSL T. BARNETT: Thank you, Justice. Nothing further from the Crown's end, other than, if we have not done so already, we would direct a stay of proceedings on the remaining count.
- [66] THE COURT: Thank you.
- [67] CNSL A. COCHRANE: Nothing from defence. Thank you very much, Justice.
- [68] CNSL T. BARNETT: Thank you, Justice, and I thank my friend.
- [69] THE COURT: We are adjourned.
- [70] CNSL A. COCHRANE: Thank you.

"Ball 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/25/26/2025BCSC2687.htm>

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

Prepared on 26 October 2026 · Esheria