

CANADA / JUDGMENT

R. v. Wood

2025 BCSC 2038

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Supreme Court of British Columbia

DECIDED

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2025 BCSC 2038 R. v. Wood

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Wood,

2025 BCSC 2038

Date: 20250725

Docket: 72346-2

Registry: Chilliwack

Rex

v.

Catherine Susanne Wood

Before: The Honourable Madam Justice Walkem

Oral Reasons for Sentence

Counsel for the Crown:

D.J. Williams

Appearing on her own behalf:

C. Wood

Appearing as Amicus Curiae:

P.R. Derksen

Place and Date of Trial/Hearing:

Chilliwack, B.C.

March 11, May 13, 20, 2025

Place and Date of Judgment:

Chilliwack, B.C.

July 25, 2025

[1] THE COURT: So we are here today for the --

[2] THE ACCUSED: Am I allowed to sit down or can --

[3] THE COURT: You can sit down. There will be a point where I will ask you to stand --

[4] THE ACCUSED: Okay, thank you, Your Honour.

[5] THE COURT: -- but you can sit down now and I will note at the beginning, as well, that you did make sentencing submissions on sentencing before.

[6] THE ACCUSED: Okay, thank you, Your Honour.

[7] THE COURT: Thank you. All right.

[8] So we are here today for the sentencing of Ms. Wood. I understand that you prefer to be referred to as Ms. Innes and I will do so for the remainder of these reasons.

[9] On November 25, 2024, I convicted Ms. Innes of the following charges under the Criminal Code, R.S.C. 1985, c. C-46, stemming from an incident on December 17, 2021, where Ms. Innes drove her truck over Mr. Reed's leg resulting in three broken bones: Count 1, operating a conveyance in a manner that, having regard to all of the circumstances, was dangerous to the public and, as a result, caused bodily harm to Fred Reed contrary to s. 320.13(2) of the Criminal Code; Count 2, in committing assault of Fred Reed, did carry, use, or threaten to use a weapon or an imitation weapon contrary to s. 267(a) of the Criminal Code; and Count 3, committing assault of Fred Reed causing bodily harm contrary to s. 267(b) of the Criminal Code.

[10] Crown submits that the assault causing bodily harm conviction should be conditionally stayed by the court because of the rule in *R. v. Kienapple*, 1974 CanLII 14, [1975] 1 S.C.R. 729. I agree and sentence Ms. Innes only for Counts 1 and 2.

[11] Ms. Innes was self-represented at trial. An amicus was appointed to assist the court. The victim of the assault was Fred Reed, an Indigenous man approximately 57 years old at the time of the incident. Mr. Reed made his living by doing various odd jobs, including selling firewood and seafood at the side of the road in Cultus Lake, roofing, drywalling, tree-falling, and other handyman services. Mr. Reed was over six-feet-tall with a muscular build. He passed away on April 4, 2023, for reasons unrelated to these charges. Ms. Innes was 57 at the time of trial. She is a retired worker at Telus and was self-employed at the time of trial as a

clothing designer and aspiring author.

- [12] Ms. Innes and Mr. Reed were in an on-again/off-again relationship often characterized by discord. Their relationship began several years before the incident. They lived at different ends of Cultus Lake. Ms. Innes and Mr. Reed frequently argued, broke up, and then reunited. Police were frequently called to disputes between them. Mr. Reed was verbally abusive to Ms. Innes. Witnesses differed about whether the verbal abuse was mutual and whether he was ever physically violent toward her. Ms. Innes suggested that Mr. Reed had been at points physically violent. In his testimony, Mr. Reed denied this. At the time of the incident, Mr. Reed was under a no-contact order with Ms. Innes.
- [13] One feature of their relationship was that Ms. Innes and Mr. Reed would drive somewhere together and, if a quarrel arose, Ms. Innes would leave Mr. Reed to find his own way home. Another feature of their relationship was that they often took or disposed of each other's possessions in the course of a dispute. Prior to the incident giving rise to these charges, Ms. Innes had disposed of two disassembled dirt bikes belonging to Mr. Reed that he had stored at her property. Mr. Reed then took Ms. Innes' chainsaw and sold it to his friend, Mr. Arsenault.
- [14] The reasons for judgment outline the following factual findings. On the evening of December 17, 2021, sometime between 8:00 p.m. and 9:00 p.m., Mr. Reed and Ms. Innes attended at Mr. Arsenault's residence at the Aitchelitz First Nation Reserve in Chilliwack, B.C., to recover Ms. Innes' chainsaw. Mr. Reed initially went to a neighbour's house while Ms. Innes recovered her chainsaw from Mr. Arsenault. Ms. Innes then intended to depart, leaving Mr. Reed to find his own way home. Ms. Innes got into her truck and backed down the driveway. Mr. Reed ran after Ms. Innes as she reversed down the driveway. Mr. Reed wanted to prevent Ms. Innes from backing into the slough which had recently had its bank washed out at the end of Mr. Arsenault's driveway. In addition, he did not want to be left behind.
- [15] When Ms. Innes stopped reversing the truck, Mr. Reed stood in front of the truck with his hands on the hood. Ms. Innes, at least once, removed her foot from the brake and drove the truck forward a distance likely about a foot and Mr. Reed retreated. The truck made some contact with Mr. Reed who remained standing with his hands on the hood directly in front of Ms. Innes on the driver's side. Ms. Innes then took her foot off the brake and accelerated the truck forward straightening it out to the road. She did this with knowledge that Mr. Reed was standing directly in front of the truck. I found Ms. Innes' actions to be a deliberate act which caused significant harm to Mr. Reed. I rejected Ms. Innes' explanation of her conduct, namely, that she no longer saw Mr. Reed so that her actions were accidental. I found as follows, from paras. 95, 97, and 108 and 109 [as read in]:

Ms. Wood initially struck Mr. Reed with her truck at least once, referred to variously by witnesses at a bump, burp, or tap of the truck.

[16] Sorry, I am saying "Ms. Wood" here because that is what I said --

[17] THE ACCUSED: That's okay.

[18] THE COURT: Yes. I acknowledge that you are --

[19] THE ACCUSED: No worries.

[20] THE COURT: Okay [as read in]:

Ms. Wood removed her foot from the brake and the vehicle moved forward with Mr. Reed standing in front of it with his hands on the hood. The truck made minor contact with Mr. Reed and he retreated with its forward motion. Mr. Reed and Ms. Wood were eye to eye looking at each other. Ms. Wood then revved the engine and drove forward while Mr. Reed was standing in front of the truck. I do not accept Ms. Wood's account that Mr. Reed was there one second and gone the next nor that he was gone before she drove forward. I find Ms. Wood drove the truck forward with Mr. Reed standing directly in front of the driver's side and with his hands on the hood. Mr. Reed used his hands on the hood in an attempt to propel himself out of the way toward the driver's side. Mr. Reed fell to the ground and tried but was unsuccessful in avoiding the truck wheels as Ms. Wood straightened the wheels of the truck to drive away. In the process, Ms. Wood ran over Mr. Williams' leg just above the ankle breaking three bones. At no point did Ms. Wood stop the truck to ensure Mr. Reed's wellbeing. Ms. Wood removed her foot from the brake of her truck, a vehicle of significant size and weight, with a member of the public, Mr. Reed, directly in front of the truck. Ms. Wood first bumped Mr. Reed with her truck and then she revved the engine and drove forward with Mr. Reed still in front of the truck standing on the driver's side at the front with his hands on the hood. I am satisfied beyond a reasonable doubt that Ms. Wood's operation of her truck was a marked departure from the standard of care of a reasonably prudent driver in her circumstances. As a result of being run over by Ms. Innes' truck, Mr. Reed suffered three broken bones in his lower leg just above his ankle. He was taken to the hospital and required surgery to have a metal plate and rods inserted into his leg to repair the damage. Mr. Reed passed away prior to trial. His preliminary inquiry testimony was that he continued to suffer pain in his ankle despite having surgery. The injuries he suffered limited his mobility and limited the work he was able to do. The injuries disabled him to an extent until his death.

[21] A presentence report was presented which, together with submissions of Ms. Innes, the Crown, and amicus and evidence at trial, highlighted Ms. Innes' background and current circumstances. I will briefly review those. Ms. Innes had a stable upbringing within her family. She says that she was sexually molested by a babysitter at around age five. She did not disclose this abuse for many years and the RCMP did not find sufficient evidence to pursue the charges when she did. Ms. Innes describes her mom who is elderly and diagnosed with cancer and her brother, Mr. Sandy Innes, as important support people in her life. Ms. Innes has two twin adult sons from whom she is alienated. Ms. Innes married twice and claims to have posthumously married Mr. Reed for access to pension benefits. Ms. Innes reports instances of intimate partner violence within her relationship with Mr. Reed.

- [22] Ms. Innes reports that she is in a relationship with Randy Owen who she identifies as her current boyfriend, but was unable to provide any contact information for him. In submissions, she identified him as an orthopedic surgeon with the U.S. Army currently serving in Yemen. Mr. Innes suspects the person to whom Ms. Innes is speaking to online is a scam artist and his belief stems from her, Ms. Innes', inability to provide contact information and the requests for money that Ms. Innes receives from Randy Owen. Ms. Innes owns two properties, but struggles in making financial decisions. Mr. Innes helps Ms. Innes manage her finances. Approximately nine years ago, Ms. Innes was admitted involuntarily to a psychiatric unit where she received treatment for several months.
- [23] Ms. Innes claims her alcohol use increased when she entered the relationship with Mr. Reed and says she has reduced her drinking. Ms. Innes denies using alcohol as a coping mechanism for stress and does not view her alcohol use as problematic. She denies that alcohol was a contributing factor in her offence. Mr. Innes describes Ms. Innes' alcohol consumption as a frequent occurrence which negatively impacts her day-to-day living. He has tried to speak with her about going to a detox centre and offered to pay for it, but she has declined.
- [24] Ms. Innes says that she was the victim of a sexual assault in June of 2024 and has now suffered continuing trauma from that. She also continues to suffer from the death of Mr. Reed. Ms. Innes considers herself a victim and has little insight into the impact on Mr. Reed or Mr. Arsenault who witnessed the assault. In sentencing submissions as well as at trial, Ms. Innes insisted that Mr. Reed was not really seriously injured and only had surgery because he believed he could make an ICBC claim. Ms. Innes further denied that his ability to work or to do activities such as golfing had been impacted. She maintained this position despite evidence that three bones in Mr. Reed's leg were broken when she ran over his leg with her truck and that the injuries required a metal plate with rods to be surgically implanted into his leg.
- [25] The Crown submits that Ms. Innes should be sentenced to 12 months in jail concurrently on Counts 1 and 2. Following that, the Crown seeks a probation order for 12 months with the following conditions: report to a probation officer; attend counselling as directed; no contact with Michael Arsenault; not to go anywhere Michael Arsenault lives, works, or worships; and no weapons. The Crown seeks the following ancillary orders, as well: a DNA order which is mandatory for assault with a weapon and causing bodily harm and a driving prohibition for one year under s. 320.24(4). While the Crown accepts that a conditional sentence order, CSO, is available at law, they argue that deterrence and denunciation call for custody given the high moral blameworthiness of the offence and the significant impact on Mr. Reed. The Crown argues that a CSO does not adequately denounce driving a truck over a human being on purpose.
- [26] Ms. Innes emphasized her belief that Mr. Reed had pre-existing injuries and was not injured by her driving over his leg. She said she did not know she had run over Mr. Reed. She also reiterated that she has the support of her neighbours and family. I understood her to suggest

that she should receive a CSO which will allow her to attend church, visit her ill mother, and walk her dog or dogs. Ms. Innes said that, while drinking has been a problem for her in the past, it is not now. There was no plan presented for how the CSO might be carried out nor were any rehabilitative or other plans presented.

- [27] The amicus made submissions which highlighted that a CSO is available for sentencing in circumstances such as this. Further, the amicus submitted that there is little cause to believe that Ms. Innes poses a threat to the public and that she has generally led a productive life. The amicus did note that there was a need to ensure Ms. Innes could serve the CSO without alcohol in her home as serving a CSO is nonetheless a prison sentence.
- [28] Sentencing is a highly individualized exercise tailored to the gravity of the offence and the blameworthiness of the offender and the harm caused by the crime, citing *R. v. Nur*, 2015 SCC 15. Sentencing principles are codified in s. 718 of the Criminal Code with the fundamental purpose being to protect society and to contribute to the maintenance of a just, peaceful, and safe society. It also outlines the objectives of denunciation and deterrence as well as those of rehabilitation, reparation, and promoting a sense of responsibility in offenders. Section 718.1 obligates the court to impose a sentence that is proportionate to the gravity of the offence and the degree of responsibility of the offender. Equally, a sentence should be appropriate to what similar offenders received for similar offences. A sentencing judge has discretion to order a sentence which may fall outside the proposed range as long as it is in alignment with the purposes and principles of sentencing and not demonstrably unfit.
- [29] The use of a vehicle as a weapon is a particularly culpable behaviour and denunciation and deterrence tend to be the most important sentencing principles in cases involving a vehicle as a weapon, citing *R. v. Dawydiuk*, 2010 BCCA 411; *R. v. Mcrae*, 2024 BCPC 145; and *R. v. Sawchuk*, 2021 BCCA 74. The intent involved in driving a car into another person is relevant to sentencing: *Dawydiuk* and *R. v. Balcha*, 2004 CanLII 396 [2004] O.J. No. 1217. Driving that causes serious injuries can result in significant jail sentences even for sympathetic offenders who have no criminal history, see, for example, *R. v. Nikirk*, 2020 BCPC 244, involving dangerous driving where the sentence was two years in jail on a young first-time offender who texted while speeding and caused catastrophic injuries to a child.
- [30] Section 718.2(a) of the Code requires the court to take into consideration any relevant aggravating or mitigating factors, including sub (iii.1):
- evidence that the offence had a significant impact on the victim, considering their age and other personal circumstances, including their health and financial situation
- [31] In deciding upon an appropriate sentence, the aggravating factors that I have considered include the following: the use of the vehicle as a weapon; the fact that Ms. Innes intentionally drove her vehicle into another human being causing significant pain and suffering; the significance of the injury to Mr. Reed, requiring a stay at hospital and then subsequent surgery; being that the injuries were lasting, painful, and ultimately reduced Mr.

Reed's mobility and ability to work; the fact that Ms. Innes did not stop after striking Mr. Reed.

- [32] Mitigating factors I have considered include the following. Ms. Innes appears to pose a relatively low risk to reoffend. In the approximately 39, I think it is now more, probably over 40 something months since these events, her only other charge is an allegation of mischief. Ms. Innes, though submissions were limited on this point, appears to have suffered from mental health struggles and with alcohol use, although this was not a factor in the offence in the findings at trial. Ms. Innes' personal circumstances include childhood trauma, PTSD, grief, and a complicated relationship with alcohol. The Crown points out that some of these struggles appear to flow from Mr. Reed's death, an event subsequent to the incident that led to the conviction. Ms. Innes does not have a criminal record aside from a relatively minor motor vehicle record.
- [33] The Crown argues that there is a wide range of sentencing for similar offences and that, while prison sentences are generally two to five years for similar offences, there are also instances in which CSOs have been ordered. Overall, sentencing of similar offences is highly fact specific and subject to a considerable range. The Crown and amicus referred me to a range of cases which were argued to share similarities, although there are some marked differences between them from this matter.
- [34] They first referred to Dawydiuk in which the sentence of 12 months was imposed for assault with a weapon and a sentence of six months consecutive for failure to stop. There, the offender had an altercation at a bar. He drove his truck into a busy sidewalk where he was aware there were people. He hit at least one person and others jumped out of the way. He fled and hid his vehicle. Mr. Dawydiuk was convicted after a trial. He had a limited record, good character, and posed little risk to the community. He was sentenced to 18 months in total. The Court of Appeal found that the sentence was not demonstrably unfit.
- [35] The Crown argues that Ms. Innes leaving the scene is an aggravating factor, not considered in sentencing of Mr. Dawydiuk on assault as it was charged and sentenced separately. Ms. Innes' circumstances are similar, although she endangered fewer people and has no criminal record. She also did not hide her truck. It appears, however, that Mr. Reed's injuries were more severe than the injuries caused to the victim in Dawydiuk.
- [36] The case of R. v. Balcha, 2004 CanLII 396, 184 O.A.C. 256 (O.N.C.A.), was referred to in which the sentence imposed was 24 months less a day in jail for dangerous driving causing bodily harm and failing to stop at the scene of an accident. Mr. Balcha drove his truck down a street, hit the victim, and then backed up over him. The victim had very severe injuries requiring months of rehabilitation. He received two years less a day in jail for dangerous driving causing bodily harm which the Court of Appeal upheld. His driving prohibition was reduced from five years to one year. The facts in Ms. Innes' case are somewhat similar, though with less aggravating driving behaviour and less grave injuries to the victim.

- [37] Also referred to was the case of *R. v. Nelson*, 2018 BCCA 161, in which the sentence imposed was 21 months in jail concurrently for two of the three offences of assault with a weapon, which was an automobile, and assault causing bodily harm. Mr. Nelson intentionally drove his vehicle into the victim after having a scuffle with him. It is unclear what injuries the victim experienced. Mr. Nelson then drove away. He was young with no criminal record and had dealt with unaddressed drug and mental health issues. The Court of Appeal noted that the global sentence was a high one, but not unreasonable.
- [38] For similar cases where a CSO was imposed, I was referred to *R. v. Mcrae*, 2024 BCPC 145, wherein a conditional sentence of eight months was imposed concurrently on two offences of assault and driving dangerously. The facts of that case involved two homeless people who were stopped on or near Mcrae's property and Mr. Mcrae used his Bobcat to push their possessions away and deliberately damaged their possessions. He then spun the Bobcat around and accidentally struck one of the victims with the bucket. She was knocked unconscious and left with pain and bruises. It is probably fair to say we do not know what the actual impact on her was as I think she could not be found subsequent, but Mr. Mcrae left without providing assistance and he was convicted at trial. He provided many letters of his prosocial community involvement and the offence appeared to be out of character and he was subject to stigma because the conviction was published widely in the news. There was no victim impact statement provided. The court found that a CSO with house arrest was appropriate and considered that Mr. Mcrae had received a fair bit of negative public attention as a result of his action. Mcrae's driving incident lasted longer than Ms. Innes' and, in some sense, it was more aggressive than Ms. Innes'. However, Mcrae did not appear to have deliberately struck the victim.
- [39] Finally, in the case of *R. v. Morady*, 2014 BCPC 282, a CSO of 30 days with six months' probation was imposed for an assault with a weapon, a motor vehicle, and uttering threats. Mr. Morady had bumped into a flagger who remained standing and who did experience minor injuries. Morady was remorseful, had no criminal record, and the incident was out of character. The court imposed a 30-day CSO with house arrest for assault with a weapon. The Crown argues that Ms. Innes' factual situation is quite different due to the injuries caused, the nature of the driving, and the strong mitigating factors that were present for Morady.
- [40] I do not find that a CSO is justified in this case. At a fundamental level, I find that Ms. Innes lacks insight into her offence. This is shown by the manner in which she downplays the severity of the harm done to Mr. Reed and even the necessity of Mr. Reed's surgery as a result of the harm. While it would be an error in principle to find that a lack of remorse is an aggravating factor, a lack of remorse can be relevant in assessing rehabilitative potential and risk of reoffence, citing *R. v. Harry*, 2023 BCCA 448. I further note that there was no plan presented for how a CSO might be served.
- [41] Given the gravity of the offence, the need for deterrence and denunciation, and the fact that I do not believe that Ms. Innes would refrain from alcohol use while on a CSO, combined with her lack of insight into the severity of the damage done to Mr. Reed by her action, I do

not find that this is a circumstance where a CSO would be appropriate in consideration of all the circumstances. I find the circumstances of the offence convicted to be most closely analogous to Dawydiuk in which the imposed sentence was 12 months in custody for the assault charge. I have considered the submissions of the Crown, Ms. Innes, and the amicus carefully.

[42] Ms. Innes, please stand.

[43] After consideration of the circumstances in this case, the gravity of the offence for which you have been convicted, and the lasting impact that the injuries had on Mr. Reed, as well as the other aggravating and mitigating circumstances set out above, as well as the purposes and principles of sentencing, I sentence you as follows: 11 months of jail followed by 12 months on a probation order with the following terms.

[44] Report to a probation officer.

[45] Attend counselling as directed, but which includes counselling related to trauma.

[46] THE ACCUSED: I can't hear you, sorry.

[47] THE COURT: Okay. Which part have you --

[48] THE ACCUSED: Just the last part.

[49] THE COURT: All right.

[50] So I am sentencing you to 11 months in jail, 12 months on a probation order with the terms that you must report to a probation officer and attend counselling as directed by the probation officer, but which includes counselling related to trauma and reasons for alcohol use, at least three times per month; no contact with Mr. Arsenault; not to go anywhere Mr. Arsenault lives, works, or worships; and no weapons.

[51] The Crown seeks and I grant the following ancillary orders: a DNA order which I note is mandatory for assault with a weapon or causing bodily harm; and a driving prohibition for one year under s. 320.24(4).

[52] Such a sentence appropriately sanctions this serious offence while recognizing that Ms. Innes is a first-time offender. I note that this is a sentence which is on the very low end of the range for similar crimes with a similar impact. I consider it appropriate, however, on consideration of the totality of Ms. Innes' circumstances.

[53] I note that, on the day initially scheduled for sentencing, Ms. Innes forwarded an email containing a doctor's note which said something similar to, "Please excuse our patient from May 20th, 2025, onward. She is currently awaiting surgical repair for a hand and shoulder fracture. Her recovery time is unknown and to be determined", and earlier today, Ms. Innes handed up a letter noting her injuries. It is a note from July 24th, Dr. Fred of Avee Health, "At this stage", referring to Ms. Innes' injuries:

non-operative management has not adequately alleviated her symptoms, and the ongoing discomfort is significantly impacting her quality of life. As such, surgical intervention is considered the next medically appropriate step.

While a specific procedure is yet to be confirmed, her clinical condition warrants further surgical consultation to prevent worsening of function and to provide long-term relief.

[54] Ms. Innes can deal with her medical issues and make arrangements to attend for surgery and follow-up care while serving her custodial sentence.

[55] Ms. Innes, I wish you luck. Good luck.

"A. Walkem, J."

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