



Case in Brief: ***R. v. Sheppard***

Judgment of September 26, 2025 | On appeal from the Court of Appeal of Alberta
Neutral citation: 2025 SCC 29

The Supreme Court says a six-year sentence for a teacher who sexually abused a student in the 1990s must be restored.

This case is about how sentencing decisions are reviewed on appeal. Sentencing judges have broad discretion, and appeal courts can only intervene if there was an error or a sentence is clearly unfit. The case also considers how modern sentencing principles apply to historical offences.

In the early 1990s, a teacher repeatedly abused a grade-seven student. A jury convicted the teacher of sexual interference and invitation to sexual touching. The sentencing judge identified aggravating factors and found no mitigating ones. Aggravating factors are circumstances that increase the seriousness of the crime or the offender's responsibility, and mitigating factors are circumstances that reduce how blameworthy the offender is. After analysing these factors and the case law, the judge imposed six-year concurrent sentences, meaning six years of incarceration in total.

The Alberta Court of Appeal reduced the length of imprisonment to just under four years. It said that the sentencing judge had not provided enough reasons and should have relied on cases from before the Supreme Court's decision in *R. v. Friesen*, 2020 SCC 9. That case was about sentencing principles and ranges for sexual offences against children, but did not deal with historical offences. The Crown appealed to the Supreme Court.

The Supreme Court allowed the appeal. The judgment was delivered orally by Chief Justice Wagner on the day of the hearing with reasons to follow.

The sentencing judge's reasons were sufficient and she applied the right principles.

Writing for a unanimous Court, Chief Justice Wagner said the Alberta Court of Appeal was wrong to reduce the sentence. The sentencing judge's reasons were sufficient. The reasons do not need to spell out every detail if the essential facts are clear from the record and the jury's verdict. In other words, a judge's reasons must be read in context. In this case, the sentencing judge had correctly identified the aggravating factors and applicable principles.

Chief Justice Wagner also explained that the goals of denunciation and deterrence required the balance of the sentence to be served in prison. Denunciation means showing society's disapproval of the crime, and deterrence means discouraging the offender and others from committing similar crimes.

Finally, Chief Justice Wagner explained that contemporary sentencing principles, like those in *Friesen*, must be applied even to historical offences. This is different from what the Court called "retrospective punishment", which the *Canadian Charter of Rights and Freedoms* forbids. That protection means offenders cannot receive a harsher sentence than the maximum penalty set by law at the time they committed the crime.

Breakdown of the decision: *Unanimous*: Chief Justice [Wagner](#) allowed the appeal (Justices [Karakatsanis](#), [Côté](#), [Rowe](#), [Martin](#), [Kasirer](#), [Jamal](#), [O'Bonsawin](#) and [Moreau](#) agreed).

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