

In the Court of Appeal of Alberta

Citation: R v Vinje, 2026 ABCA 332

Date: 20261020
Docket: 2501-0162A
Registry: Calgary

Between:

His Majesty the King

Respondent

- and -

Natalie Renee Vinje

Appellant

Restriction on Publication

Identification Ban – See the *Criminal Code*, section 486.31.

By Court Order, any information that could identify the witness must not be disclosed in the course of these proceedings.

NOTE: Identifying information has been removed from this judgment to comply with the ban so that it may be published.

Identification Ban – See the *Criminal Code*, section 486.5.

By Court Order: (1) Information that could identify the justice system participant shall not be published, broadcast, or transmitted in any way. (2) No person shall publish, broadcast, or transmit in any way the contents of the publication ban application or the evidence, information or submissions at the hearing of the application.

NOTE: Identifying information has been removed from this judgment to comply with the ban so that it may be published.

The Court:

**The Honourable Justice Kevin Feehan
The Honourable Justice Anne Kirker
The Honourable Justice Joshua B. Hawkes**

Memorandum of Judgment

Appeal from the Sentence by
The Honourable Justice J.T. Eamon
Sentenced on the 9th day of May 2025
(Docket: 220736565Q1)

Memorandum of Judgment

The Court:

I. Overview

[1] Natalie Vinje appeals a sentence of eight years incarceration, less credit for time served, for manslaughter, contrary to s 234 of the *Criminal Code*, RSC 1985, c C-46.

[2] For the reasons below the appeal is dismissed.

II. Background facts

[3] On December 25, 2016, Ms Vinje and her then-boyfriend, Thomas Evans, were living in a basement suite in Southeast Calgary. The owners of the house were absent on vacation and gave Ms Vinje and Mr Evans access to their detached garage and vehicle.

[4] During the course of the day, Mr Evans and others brought the victim into the detached garage. Ms Vinje admits the victim was described as “a Christmas present” for her. Ms Vinje had known the victim for years and they were friends. She knew the victim was homeless, addicted to drugs, and worked on the streets. Ms Vinje described the victim as “one hundred pounds, soaking wet”.

[5] Ms Vinje watched as Mr Evans instructed others to tie up the victim in a chair and “have her ready for when he got back”. Mr Evans told Ms Vinje that she was “in charge”. Ms Vinje witnessed the tying up and the covering of the victim’s mouth with duct tape. The victim was later hung on ceiling hooks from the rafters of the garage by her wrists. Ms Vinje said one of the others knew how to tie up the victim in a way “to cause them extra pain”.

[6] The victim remained hanging in that position for many hours before she died.

[7] When Mr Evans returned to the garage, the group began to beat and punch the victim. Mr Evans instructed Ms Vinje to repeatedly punch the victim, which she did, while Mr Evans videotaped the assault. Some time later, while Mr Evans was not present, Ms Vinje took turns again punching the victim as she hung from the ceiling. Ms Vinje wore gloves so as not to leave her DNA or prints while she was punching the victim.

[8] Ms Vinje was in and out of the garage. Over the 12 hour period, the victim was beaten severely and two of the participants used nail guns to fire nails into the victim’s extremities and possibly elsewhere “into her body”.

[9] In the early morning hours of December 26, 2016, Ms Vinje returned to the garage and noted that the victim looked near death. She believed the victim was not breathing and told others, who were consuming drugs in the garage, to take her down. Ms Vinje knew the others had beaten the victim “to a pulp” and she suspected “they probably broke a rib and collapsed a lung or something”. When the victim was cut down, Ms Vinje removed the victim’s clothing, checked the victim’s wrist and located a very shallow pulse. Ms Vinje considered trying to “bring [the victim] back”. She first said she considered CPR; however, she decided not to proceed as she did not want to put her “mouth on that, cause that was gross”. She suggested they use a bike pump to pump air into the victim’s lungs, but she did not do that when one of the others said if she did they would “put her in the hole” along with the victim.

[10] The victim did not receive any form of CPR or any medical assistance. No one called for an ambulance. She died shortly thereafter.

[11] Mr Evans returned to the garage and directed Ms Vinje and the others “to get rid of [the victim] and to clean up the garage”.

[12] They put the victim’s body in a hockey equipment bag, cleaned the garage floor with ammonia and got rid of the victim’s clothes and the rags used to clean the garage. Ms Vinje got rid of her gloves, and one of the others disposed of the nail gun, bike pump, and “anything that had been remotely close to [the victim]”.

[13] Mr Evans told Ms Vinje she had to come with him and one of the others to dispose of the body. They drove to a remote location near Gleichen, Alberta, in the vehicle of the residence owners. The victim’s body was thrown into a natural crack in the earth that opened and closed each year, hundreds of feet deep, and left there. Ms Vinje said if it had been up to her, “they should have removed all [the victim’s] teeth”.

[14] Four and a half years later, on May 4, 2021, a fisherman located a human skull while fly-fishing in a remote location on Siksika Nation lands. He placed the skull in his vehicle and delivered it to the Gleichen RCMP.

[15] A forensic anthropologist determined that the skull belonged to a female, 40 years or older, with no evidence of injury or disease, and could be as recent as five years or much older. Later, the DNA profile showed that the skull originated from the victim.

[16] On November 5, 2021, the Calgary Police Services began a “Mr Big” undercover operation focused on Ms Vinje. After a three-and-a-half-month process, Ms Vinje confessed to her involvement in the death of the victim. She led the undercover officers to the Gleichen area in an attempt to locate the victim’s body, but that was unsuccessful.

[17] On June 4, 2024, Ms Vinje pleaded guilty to manslaughter.

III. Sentencing Judge's Decision

[18] The sentencing judge gave oral reasons for his sentencing decision. He reviewed the facts, above, in detail. He then turned to review of sentencing principles. He recognized that the fundamental principle of sentencing is that the sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender: s 718.1, *Criminal Code*. He reviewed the purpose and objectives of sentencing set out in s 718 and the other sentencing principles described in s 718.2. His reasons expressly considered the aggravating and mitigating circumstances, and evidence about the pain and suffering the offence caused to the victim. The sentencing judge considered that the sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances, that an offender should not be deprived of liberty if less restrictive sanctions may be appropriate in the circumstances, and that all available sanctions other than imprisonment that are reasonable in the circumstances and consistent with the harm done to the victim or the community should be considered for all offenders with particular attention to the circumstances of Indigenous offenders.

[19] The sentencing judge noted that the victim was vulnerable as a result of “her role as a sex trade worker, her addiction to drugs, her poverty and transient lifestyle, and her poor health”. He accepted that Ms Vinje was not in a position of trust or authority over the victim.

[20] The sentencing judge considered that Ms Vinje is a mixed-race person, partially black, European, and Indigenous; and specifically said, he would apply s 718.2(e) of the *Criminal Code*, taking into account the circumstances of Indigenous offenders.

[21] The sentencing judge spent considerable time addressing the issue of Ms Vinje's level of culpability and moral blameworthiness. He referenced the decision in *R v Laberge*, 1995 ABCA 196, para 6, 165 AR 375, and the different degrees of moral culpability attaching “along a continuum within that spectrum”. He said that on a moral culpability ladder, a trial judge was to evaluate the offender's mental state, what the unlawful act itself involved, the method by which it was committed, and the manner by which it was committed in terms of the degree of planning and deliberation: *Laberge*, para 8.

[22] The sentencing judge noted that unlawful acts are to be divided into three broad groups: those which are likely to put the victim at risk of, or cause, bodily injury, those which are likely to put the victim at risk of, or cause, serious bodily injury, and those which are likely to put the victim at risk of, or cause, life-threatening injuries: *Laberge*, para 9. While the Crown asked the sentencing judge to place Ms Vinje's moral culpability on the third level of the “*Laberge* ladder”, he declined to do so. He accepted the defence position that Ms Vinje's degree of culpability placed her “at the upper end of the so-called second rung in *Laberge*”.

[23] The sentencing judge weighed the aggravating and mitigating factors. As to aggravating factors, he found this was a group assault, the nature of the assault was brutal, and there was gratuitous violence. He found the assault constituted “torture and it was very lengthy”, involving the use of a weapon. He considered that Ms Vinje did not take any steps to obtain medical assistance for the victim and participated in disposing of the evidence of the crime, “callously

disposing of [the victim's] body". He found that Ms Vinje "joined the confinement and the assault early on by punching [the victim] as she hung from the rafters", at no time withdrew from the assault, and was well aware that the victim was a vulnerable person.

[24] In evaluating the factors that served to mitigate Ms Vinje's degree of responsibility, the sentencing judge considered Ms Vinje's heritage, including mixed Indigenous background. He reminded himself that sentencing judges must pay particular attention to the circumstances of Indigenous offenders and consider the unique systemic or background factors which may have played a part in bringing the offender before the courts. He read the Indigenous Background and psychiatric reports that were before him, and referenced the decisions in *R v Gladue*, [1999] 1 SCR 688, 133 CCC (3d) 385, *R v Ipeelee*, 2012 SCC 13, [2012] 1 SCR 433, and *R v Profeit*, 2020 ABQB 138, aff'd 2021 ABCA 379, 407 CCC (3d) 494, along with other decisions.

[25] He agreed Ms Vinje had suffered significant adverse childhood experiences including physical, sexual, and verbal abuse, physical and emotional neglect. She had a family with members suffering mental illness, criminal justice involvement and incarceration, had witnessed domestic violence, and the loss of a parent through separation. He found Ms Vinje's Indigenous background was relevant to his sentencing, saying "she's the product of her upbringing", including a life of poverty, neglect, and underprivilege. Many members of Ms Vinje's family had involvement in the justice system and incarceration, she had experienced racism as a result of her mixed-race status, and she had been bullied and beaten in school for being a person of colour.

[26] The sentencing judge also recognized that acknowledged Ms Vinje suffered from drug addiction, starting at age 14, and by the time she was 19 she was using "GHB, valium, Ativan, speed, meth, crack, and fentanyl". Ms Vinje was isolated, had been lured into sex trafficking, and was described by the sentencing judge as "dysfunctional, unable to make good choices, and easily manipulated by people, including Evans". The sentencing judge accepted that Ms Vinje was an abused intimate partner at the hand of Mr Evans and that all of these factors "reduce[d] her moral blameworthiness in respect of the events under consideration".

[27] As to further mitigating factors, the sentencing judge also considered that Ms Vinje had pleaded guilty, had shown "some remorse" and had made some "efforts at rehabilitation, including attempting to address her substance abuse problems". He also noted that Ms Vinje had been diagnosed suffering from anti-social personality, had a moderate risk of violent re-offending, and a lengthy history of non-compliance with court ordered release terms, noting that this offence had been committed while she was on release.

[28] The sentencing judge reported that the Crown sought 14 years incarceration and the defence sought a sentence in the range of four years and two months to six years and two months.

[29] The sentencing judge imposed a sentence of eight years incarceration less credit for time served of approximately 4.2 years, leaving 3.8 years to serve.

IV. Grounds of Appeal

[30] Ms Vinje says the sentencing judge erred:

- (a) in his analysis of her moral blameworthiness;
- (b) in his application of s 718.2(e) of the *Criminal Code* and her Indigenous Background factors; and
- (c) overemphasizing an aggravating factor by failing to recognize her reduced moral blameworthiness in light of the domestic violence and abusive relationship she had suffered.

V. Standard of Review

[31] In *R v Lacasse*, 2015 SCC 64, paras 41-44, [2015] 3 SCR 1089, the Supreme Court said an appellate court may only interfere with a sentence in one of two situations: where the sentence imposed by the sentencing judge is demonstrably unfit, or where the sentencing judge commits an error in principle, fails to consider a relevant factor, or erroneously considers an aggravating or mitigating factor, and such error has an impact on the sentence imposed. See also *R v Proulx*, 2000 SCC 5, paras 123-126, [2000] 1 SCR 61; *R v Friesen*, 2020 SCC 9, paras 25-28, [2020] 1 SCR 424.

[32] Appellate courts cannot interfere with sentencing decisions lightly, as trial judges have “broad discretion to impose the sentence they consider appropriate within the limits established by law”: *Lacasse*, paras 11, 39-46, 51; *R v Suter*, 2018 SCC 34, paras 23-25, [2018] 2 SCR 496; *R v Parranto*, 2021 SCC 46, paras 29-30, 118-122, 129-230, [2021] 3 SCR 366; *R v Sheppard*, 2025 SCC 29, paras 38-42, 451 CCC (3d) 417; *R v Potts*, 2026 ABCA 147, para 29.

[33] This Court can intervene, however, where there are material errors of law or principle that resulted in a sentence that was disproportionate to the degree of responsibility of the appellant and exceeded the discernible range of sentences imposed in similar cases: *R v Dichrow*, 2022 ABCA 282, para 23, [2023] 6 WWR 225; *R v Morgan*, 2024 ABCA 345, paras 3, 4.

[34] A sentence will not be varied only because another result might be preferred or because this Court would have weighed the factors differently. The assessment and weighing of mitigating and aggravating factors, including the placement of the sentence within a range, fall within the sentencing judge's discretion: *Friesen*, para 25; *Lacasse*, paras 39-41, 51; *R v Walton*, 2023 ABCA 208, para 30; *R v Beaver*, 2022 ABCA 333, para 5. Where intervention is warranted, this Court must sentence afresh, applying the governing principles without deference to the original decision, while relying on the sentencing judges untainted factual findings: *Friesen*, paras 27, 28; *Sheppard*, para 41.

VI. Analysis

a) Moral Blameworthiness

[35] Ms Vinje says the sentencing judge erred in that he equated moral blameworthiness only with her knowledge of and participation in the unlawful act. She says while these considerations are relevant to the gravity of the offence, they do not take into account “her personal circumstances, including her Indigenous background, her racialized background [African-Canadian ancestry] and being a victim of intimate partner violence at the time of the offence”. Ms Vinje says the sentencing judge conflated considerations relevant to the gravity of the offence with moral blameworthiness.

[36] The sentencing judge discussed Ms Vinje’s culpability and moral blameworthiness extensively. He said he must analyze her culpability on the principles set out in *Laberge*, and he set that culpability at the top end of the second *Laberge* ladder rung. He also acknowledged that systemic and background factors may bear on moral blameworthiness, referencing *Gladue*. He said: “I agree with the defence that Vinje’s moral culpability has to be assessed based on her role and knowledge leading up to, during, and following the assault, although as a group participant, she’s responsible for the consequences of the group’s assault”: *R v Cadot*, 2010 ABCA 379, para 7, 502 AR 69; *R v Ervin*, 2003 ABCA 179, para 28, 176 CCC (3d) 52. He also reviewed Ms Vinje’s “background experiences, ... manipulative and toxic relationships”, the abuse she suffered from her intimate partner, Mr Evans, her lack of sophistication, courage, and resources to deal with it, the generational harm she suffered, and he concluded: “I see them all as having converged on her, and they reduce her moral blameworthiness in respect of the events under consideration”.

[37] The sentencing judge found that Ms Vinje’s degree of blameworthiness was significant because of Ms Vinje’s knowledge and participation in the group assault, but that it was “attenuated by manipulation”, her background, tragic upbringing, and “by all of the unfortunate things that happened to her”.

[38] The sentencing judge clearly addressed Ms Vinje’s culpability and moral blameworthiness thoroughly, not only related to the events of the assault, but also bearing in mind Ms Vinje’s individual circumstances, Indigenous background and psychiatric condition. He made no reviewable errors in assessing Ms Vinje’s knowledge of and participating in the group assault and her degree of moral blameworthiness for the group assault: *R v Strathdee*, 2021 SCC 40, para 4, [2021] 3 SCR 52; *R v Johnson*, 2022 ONCA 534, para 63, 417 CCC (3d) 233; *R v Pickton*, 2010 SCC 32, paras 62, 63, 66, [2010] 2 SCR 198; *R v AE*, 2021 ABCA 172, para 163, 466 DLR (4th) 226; *R v Elder*, 2015 ABCA 126, para 17, 599 AR 385; *R v Spackman*, 2012 ONCA 905, para 183, 295 CCC (3d) 177; *R v Mercer*, 2005 BCCA 144, paras 52, 57, 202 CCC (3d) 130; *R v Maybin*, 2012 SCC 24, paras 55-61, [2012] 2 SCR 30.

b) Indigenous Background Factors

[39] Along a similar line, Ms Vinje says the sentencing judge did not give specific consideration to her circumstances as an Indigenous offender as required by s 718.2(e) of the *Criminal Code*. She says that although the sentencing judge acknowledged the existence of Indigenous background factors, he failed to analyze how those factors impacted her moral blameworthiness: see *R v Phillips*, 2023 ABCA 210, paras 17-19, 22, 89 CR (7th) 312. As indicated above, nothing could be further from the truth.

[40] The sentencing judge said he had “carefully read the *Gladue* and FAOS assessments”, quoted from *Gladue*, *Ipeelee*, and *Profeit*, and reported extensively on Ms Vinje’s Indigenous background and experiences, listing her adverse childhood experiences, her physical, sexual, and verbal abuse, emotional neglect, and significant family deficits, her “historical colonial trauma”, life of poverty, neglect, and underprivilege. He identified these as “significant *Gladue* factors”. He reviewed numerous cases provided by the Defence and identified in them Indigenous background factors which were equivalent to those suffered by Ms Vinje. He acknowledged these factors attenuated and reduced her moral blameworthiness. He accepted Defence counsel’s submissions on the point and reduced Ms Vinje’s moral blameworthiness considerably having to regard the circumstances of the offence and her individual circumstances. He committed no error in principle in his reasoning.

c) Domestic Violence and Abusive Relationship

[41] Ms Vinje says the sentencing judge erred in not accounting for the fact that she had been the victim of domestic violence and was involved in an abusive and manipulative relationship. She says that while the sentencing judge recognized she was an abused intimate partner, was manipulated by Mr Evans and threatened by others, he still found that it was aggravating that she did not perform CPR on the victim, did not call for assistance, helped clean up the evidence of the assault, and assisted in disposing of the victim’s body. She says she was coerced into these actions, referencing *R v Admussen*, 2022 ABQB 406, paras 25, 26, 42, 53, and *R v Naslund*, 2022 ABCA 6, para 114, 409 CCC (3d) 1.

[42] Again, the sentencing judge addressed the coercion and manipulation of Ms Vinje saying, “she did not have realistic control over the situation”, in part because “she herself was an abused intimate partner”. However, the sentencing judge also found that Ms Vinje’s participation was active, including wearing gloves while punching the victim so that her DNA could not be found, determining not to resuscitate the victim because she would not put her “mouth on that, cause that was gross”, saying that in order to further hide the victim’s identity she would have suggested to pull out her teeth.

[43] The sentencing judge did not ignore or minimize the effect of the appellant’s situation in coming to these conclusions. He considered the totality of the evidence available to him and undertook the difficult task of balancing the indisputable seriousness of the offence and what he

assessed to be Ms Vinje’s attenuated degree of responsibility. There is no error in principle in his conclusions in this regard.

d) Fitness of Sentence

[44] In Ms Vinje’s concluding paragraph of her factum, she says the sentence imposed upon her was unfit, pointing to ***R v Tinkler***, 2022 ABQB 171, para 22 (six years incarceration); and ***Phillips***, para 55 (five years incarceration). The threshold for appellate intervention on this ground is very high. The sentence must be one which is “clearly unreasonable”, “clearly or manifestly excessive”, “clearly excessive or inadequate”, or representing a “substantial and marked departure”: ***Lacasse***, para 52.

[45] The eight-year sentence imposed in this case is not unfit. It is the reasonable result of the exercise properly undertaken by the sentencing judge to ensure that the sentence imposed fits Ms Vinje’s degree of moral fault for the serious harm done.

VII. Conclusion

[46] The appeal is dismissed.

Appeal heard on September 22, 2026

Memorandum filed at Calgary, Alberta
this 20th day of October, 2026

Feehan J.A.

Kirker J.A.

Hawkes J.A.

Appearances:

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