

Innocent man locked up 19 days after ex-wife makes up story: 'You hurt every real victim out there'

NP nationalpost.com/news/canada/innocent-man-locked-up-19-days-after-ex-wife-makes-up-story-you-hurt-every-real-victim-out-there

Postmedia News

Jennifer Gauthier was sentenced to 60 days in jails after recanting the story that her ex-spouse choked her and tried to to rape her

Published Jun 01, 2017



An Ontario woman who made up a story that her ex-spouse had choked and tried to rape her is going to jail.

Jennifer Gauthier's lies in September 2015 landed her ex-spouse in jail for 19 days, before she recanted her claim, court was told Wednesday.

"When you did what you did, you not only hurt (the ex-spouse), you hurt every real victim out there, every real complainant," Ontario Court Justice Karen Lische told Gauthier, as she issued a 60-day sentence. "It takes a great deal of courage when you are the victim of an offence and come (you) forward alleging an offence of domestic violence where there is a breach of trust, violence where you are injured or attempted sexual intercourse where your sexual integrity is violated ...

"It takes a great deal of courage to come forward and tell their story ... knowing that what they said to a police officer who has to share it with other people. Now, because of what you did, real victims may be less likely to come forward and less likely to be believed ...

The damage you have done goes far beyond the 19 days (the ex-spouse) spent in jail for a crime he didn't commit ...

"It has to be known when you falsely accuse someone of something to the police, that has a ramification, not just the ramification to that person, but to every innocent person out there. Your behaviour was calculated. You waited for 19 days (to recant your story).

"Quite frankly, I feel the Crown's position of 60 days jail is a very lenient one."

| Your behaviour was calculated. You waited for 19 days

Gauthier, 34, now lives in Stouffville. She was in tears as she was led away in handcuffs from the courtroom.

"I take full responsibility for what I did," an emotional Gauthier told Lische moments earlier. "I lied. I did the right thing and I came forward. I am a recovering addict. I have all my 'carries' ... I am not the same person I was when I was first charged."

Gauthier had pleaded guilty to public mischief and a pre-sentence report was ordered.

Gauthier's lawyer, James Wepler, had suggested a conditional sentence, citing that Gauthier was well on the road to recovery from drug addiction and was a changed woman.

But what worked against Gauthier was that she had a prior criminal record, including several jail terms, and a negative pre-sentence report, according to Wepler and the Crown.

Wepler did produce a letter from Gauthier's daughter, who asked that her mother not be sent to jail, as well as an unsigned letter from the ex-spouse asking that she not be jailed.

"She is trying deeply, trying to reverse a history, what she was involved in with being part of the drug culture in Sudbury," said Wepler, who added that it was one of the most difficult sentencing hearings he had done in a long time.

As well, the court heard Gauthier had just completed an anger management course in mid-May.

Assistant Crown attorney Radbert Pe said Gauthier told police officers a very violent story.

"A totally innocent man spent 19 days in jail," he said. "This is essentially an attack on the justice system."

Pe called for 60 days straight jail to show the public the courts take such cases seriously.

Gauthier claimed the ex-spouse broke into her apartment, threw her onto her bed, choked her repeatedly, threatened to kill her and attempted to rape her several times before leaving.

She showed officers injuries to her neck that she claimed were caused by the ex-spouse.

Lische also told Gauthier that her sentencing decision “goes well beyond what it appears on its face” and that what she did was wrong.

“When you go to a police officer and pretend to be a victim, the police officer begins investigating the case, but that takes that officer away from investigating real cases,” said the judge. “(Your story) was calculated. You inflicted injuries to your neck. You said they were caused by someone. You gave a sworn statement to police. You knew (the ex-spouse) was arrested and in custody ...

“One day went by. Two days went by. A week went by. Nineteen days went by knowing an innocent man was in jail.”