

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *R. v. Sandeson*, 2017 NSSC 193

**Date:** 2017 07 13

**Docket:** CRH No. 449840

**Registry:** Halifax

**Between:**

Her Majesty the Queen

v.

William Michael Sandeson

**SENTENCING DECISION**

**Judge:** The Honourable Justice Joshua Arnold

**Heard:** July 11, 2017, in Halifax, Nova Scotia

**Counsel:** Susan MacKay and Kim McOnie, for the Crown  
Eugene Tan and Brad Sarson, for the Defence

## By the Court:

### Introduction

[1] After three weeks of pre-trial motions, eight weeks of trial and four days of deliberations, on Sunday, June 18, 2017, at 11:50 AM, a jury convicted William Sandeson of the first-degree murder of Taylor Samson.

### Facts

[2] Section 724 of the *Criminal Code of Canada* states:

724 (1) In determining a sentence, a court may accept as proved any information disclosed at the trial or at the sentencing proceedings and any facts agreed on by the prosecutor and the offender.

Jury

(2) Where the court is composed of a judge and jury, the court

(a) shall accept as proven all facts, express or implied, that are essential to the jury's verdict of guilty; and

(b) may find any other relevant fact that was disclosed by evidence at the trial to be proven, or hear evidence presented by either party with respect to that fact.

[3] Therefore, in accordance with s. 724(2) of the *Criminal Code*, as the trial judge I am required and entitled to make my own findings of relevant facts, so long as they are consistent with the jury's verdict.

[4] In August 2015, Taylor Samson was a physics student at Dalhousie University. He had a supportive family and a girlfriend. Mr. Samson was also involved in the drug trade.

[5] William Sandeson was about to start his first year of medical school at Dalhousie after having completed one year of medical school in the Caribbean. He worked two jobs, was a member of Dalhousie's track team and had a girlfriend. Mr. Sandeson, too, was involved in the drug trade. He owned a 9mm handgun and ammunition that he stored in his apartment.

[6] Mr. Sandeson had a \$200,000 line of credit with a major bank. He received this line of credit because he was in medical school. His mother had to co-sign on

the loan. He owed approximately \$70, 000 as of August 2015. His mother was not happy about the debt.

[7] Sandeson and Samson were introduced by a mutual acquaintance in the drug trade. On August 13, 2015, Sandeson met with Samson at Samson's home to sample some of his marijuana. He then arranged a large drug transaction, twenty pounds of marijuana supplied by Samson, in exchange for \$40,000 paid by Sandeson, for August 15, 2015, at 1210 Henry Street in Halifax.

[8] Sandeson lived in an apartment at 1210 Henry Street. However, he told Samson that this was not his home and pretended that it was a safe house.

[9] The following text exchanges occurred between Sandeson and Samson on August 15, 2015, starting at 12:00 PM:

Samson: Okay. Can you meet right for 9?

Sandeson: Is this to finalize everything? I've gotta go to Truro for the cash  
I can meet at 9 no problem though to talk it over

Samson: I thought we were meeting today to do the transaction? My buddy is gonna be sour

Sandeson: How much is ready?  
I can do it

Samson: 20

Sandeson: Ok any chance for more  
Doesn't have to be the same

Samson: Not tonight but I do need to see you ASAP. Can you go to Truro immediately after work for that? If it doesn't happen tonight I'm gonna have to pay extra for wasting his time. Sounds a bit ridiculous but I had told him last night that it was going to be today for certain.

Sandeson: Yup I'm gonna make a run for the cash its good for tonight just a bit later

Samson: Ok

Sandeson: I'll message when I leave Truro, that gives an hour

Samson: Okay. What time do you think that will be around?

Sandeson: 10 is safe guess. Gonna ditch south shore early  
If I'm earlier is that better?

Samson: The earlier the better. Buddy wanted me to have it done by lunch time today but I didn't hear back from you until today so I wasn't able to confirm anything til now.

Sandeson: Ok, soon as I'm out of Truro I'll give heads up

Samson: Okay. Any chance you can be back here to meet for 9?

Sandeson: Very small chance. I know 10 for sure

Samson: Okay. Let's aim for asap but no late [sic] than 10?

Sandeson: Won't be later than 10

Samson: Perfect.

[10] On August 14, 2015, Sandeson told his roommate, Dylan Zinck, to stay away from their apartment until August 16.

[11] Sandeson's girlfriend, Sonja Gashus, spent much of her time living at 1210 Henry Street. She was well aware of Sandeson's involvement in the drug trade and said she had urged him to stop, especially when he was accepted into Dalhousie Medical School.

[12] Sandeson told Gashus that August 15, 2015 would be his last involvement in the drug trade. He told her he was going to auction off his drug clients, not make a \$40,000 drug deal. Gashus had witnessed Sandeson making at least twenty previous drug deals. Yet, on August 15, 2015, he told her to leave the apartment until he sent her a text advising her that she could return.

[13] Sandeson wanted privacy when he met with Samson as he intended to kill Samson and take the twenty pounds of marijuana without paying for it. There is no evidence that Sandeson ever actually had the \$40,000 cash to pay for the drugs. Less than \$10,000.00 cash was recovered from Sandeson during this investigation.

[14] In the meantime, Samson was getting ready to go with his girlfriend, Mackenzie Ruthven, and others to downtown Halifax. He told Ruthven he had a drug deal to make nearby and would be back in a few minutes. He left his apartment wearing shorts and t-shirt carrying a large black duffle bag with twenty pounds of marijuana in it. He had his cell phone with him. He did not take his wallet, keys or medication, as he was intending on a quick return.

[15] The August 15, 2015, text message exchange between Sandeson and Samson resumed around 8:37 PM, and continued off and on until approximately 10:30 PM:

Sandeson: Leaving Truro soon. Dude has safe house in Hali he wants me to use. It's close to you somewhere in south end. I can call soon with address

Samson: Safe house? just bring me the cash, I don't want to go to some safehouse of someone who I have no idea who they are.

Sandeson: It's Asian grocery upstairs  
I been there before  
Right by your place

Samson: Where's Asian grocery? Don 88?  
As in the one that's in the building two buildings away?

Sandeson: Yea haha real close

Samson: So buddy lives in truro, but has a house in Halifax?  
Am I meeting him there or just you?

Sandeson: Just me inside  
I told him you were gonna split the delivery into pieces so he said he would drop cash as necessary

Samson: What do you mean by that? I have all 20 ready to go.

Sandeson: Ok that's way better man  
Thursday you mentioned it would just be 5-10 a time then revisit

Samson: Oh sorry about the miscommunication

Sandeson: Hopping on the bike, I'll hit you up when I'm there. He's gonna roll somewhere else I guess and meet after  
Last check to make sure, 20 for 20 per right?  
Yea?  
Ok leaving now, hit you up when I'm there

Samson: Yes. I'll make sure now just to reassure you. Just got out of the shower.

Sandeson: Yo man sorry for running late, just hit the crib. Give dude 5 mins or so to clear out then I'll meet you at the door  
Side glass door  
Let me know when you're on the way or if you're walking over I'll help with baggage

Samson: I'll be over. Side glass door? Like where the laundromat is?

Sandeson: Yup that side

Rolling big bag?

Samson: Kk. I'll be there in a minute  
Its just you there right?

Sandeson: Yup, sounds like a party next door though  
Actually hold dude bunch of traffic  
They said they're leaving in 5 just asked  
Lost the end there

Samson: It was really static

Sandeson: They're leaving now  
Gone

Samson: I'm out back of the building now. Is that your bike parked by the door?

Sandeson: I'm walking out now.

[16] During the evening of August 15, 2015, Pookiel McCabe, Sandeson's friend, across-the-hall neighbour and Dalhousie track teammate, was getting ready to go out to a party and then to downtown Halifax to some bars. With McCabe was another friend and Dalhousie track teammate, Justin Blades. Blades and McCabe also appear to have been involved in the drug trade.

[17] Sandeson was in McCabe's apartment and the three friends were smoking marijuana and listening to music. Blades and McCabe were also drinking. They described Sandeson as being on edge.

[18] At 10:24 PM Sandeson left McCabe's apartment. This corresponds with his text messages to Samson. Andre LeBlanc called Blades asking to buy a gram of marijuana. LeBlanc arrived at McCabe's apartment with Shane Harnish to buy some marijuana. They left at 10:24 PM. This corresponds with Sandeson's text messages to Samson:

Sandeson: Yup, sounds like a party next door though  
Actually hold dude bunch of traffic  
They said they're leaving in 5 just asked

[19] Sandeson then sent a text to Samson around the time LeBlanc and Harnish left McCabe's apartment:

Sandeson: They're leaving now  
Gone

[20] At 10:25 PM Samson walked into 1210 Henry Street and followed Sandeson into his apartment carrying twenty pounds of marijuana in a large black duffle bag. Within a minute or two of Samson entering Sandeson's apartment McCabe and Blades heard a single gunshot. They were scared and locked McCabe's door. They listened at the door but heard nothing except the scraping of furniture. Within a minute or so of hearing the gunshot, Sandeson knocked on McCabe's door looking panicked. Sandeson had shot and killed Samson as he sat at Sandeson's kitchen table in the midst of the staged drug deal.

[21] Sandeson walked back across the hall to his own apartment. Blades and McCabe followed him to the threshold of his apartment and looked inside. Samson was slumped over in a chair, dead, with blood running out of his head. Money and drugs were on and around the kitchen table covered in Samson's blood. No one aside from Sandeson and Samson was present in Sandeson's apartment.

[22] Sandeson was running around his apartment, not seeking to help Samson, but instead telling Blades and McCabe that he had to clean up. He was picking up bloody money.

[23] Blades and McCabe were surprised by what they saw and returned to McCabe's apartment. They returned to look into Sandeson's apartment a few minutes later, again only going as far as the threshold. Sandeson was still running around the apartment trying to clean up. Blades no longer saw Samson slumped over in the chair, but saw a lot of blood, drugs and money, and saw streak marks leading away from the chair toward Sandeson's bathroom. Sandeson appeared to have dragged Samson's body to his bathroom. He asked Blades to bring his car around as Sandeson wanted to dispose of Samson's body. Blades refused to help and instead he and McCabe left 1210 Henry Street.

[24] Sandeson had video surveillance cameras set up in the apartment hallway, stairwell and parking area. The video shows the comings and goings of Sandeson, McCabe, Blades, and others. It shows Samson entering Sandeson's apartment with the large black duffle bag. Samson is never seen leaving Sandeson's apartment. Sandeson shut off the video recording between 11:33 PM and 12:58 AM. This was likely when he removed Samson's body from his apartment and put it into the trunk of his car where Samson's DNA was located. Sandeson cleaned up his apartment

and used the black duffle bag to carry Samson out of his apartment. Samson's DNA was also found inside the black duffle bag.

[25] Sandeson sent a text to Gashus around 12:30 AM on August 16, 2015, telling her she could come home. When she arrived at the apartment there was a strong smell of bleach. She said that Sandeson told her he had been auctioning off his drug clients and a fistfight broke out. He told her that someone had bled a lot from being punched and he had to clean up the mess. Gashus later saw a missing person alert for Samson and asked Sandeson if Samson was the person who was punched. Sandeson said no, the person who was punched and bleeding was smaller than Samson.

[26] The last messages from Sandeson to Samson's phone were sent after midnight:

2:23 AM Sunday, August 16, 2015

Sandeson: This isn't cool man, you said you'd be right back  
Want that stuff

10:55 AM Sunday, August 16, 2015

Sandeson: Don't know what you're planning

[27] At approximately 4:00 AM on August 16, 2015, Sandeson went to McCabe's apartment to play video games. He made no mention of what had happened just hours earlier.

[28] On August 16, 2015, Sandeson had the following text message exchange with Amanda Clarke:

1:42 AM Sandeson: Have a little catch up tomorrow?

4:53 AM Clarke: Potentially! I have to get a medical done tomorrow morning for my Aussie visa, then I'll message you! If not, then Tuesday morning works for me

4:59 AM Sandeson: Have a chance to snap?

5:02 AM Sandeson: Student loan paid off and I'm completely squeaky clean now! Sold market share away

5:06 AM Clarke: That's great! Mine will never be paid off haha



[29] Then, at 5:52 AM on August 16, 2015, despite the summer weather, Sandeson put on a toque and a sweater and drove Ms. Gashus and a co-worker to their work at Starbucks. The co-worker said that this was unusual.

[30] Sandeson disposed of Samson's body somehow and somewhere. He travelled to the Truro area on August 18, 2015. He hid various items associated with the murder and the clean up on his parents farm in Truro.

[31] Sandeson moved the twenty pounds of marijuana Samson had brought to his apartment to his brother Adam's residence on Chestnut Street in Halifax.

[32] The police received missing persons complaints on August 16 and 17, 2015, from Samson's loved ones. Because Samson had gone missing during a drug transaction the major crime unit became involved. They determined that the last number Samson had communicated with was Sandeson's. Co-workers of Sandeson alerted him at 12:40 AM on August 18, 2015, that the police were looking to speak to the last person who had telephone contact with Samson. Sandeson replied "Appreciated! I tried to get a hold of him when he wasn't answering anyone".

[33] Sandeson then voluntarily went to the police station on August 18, 2015. He told the police that he had sampled some of Samson's marijuana product within the last little while and it had not been good. Nonetheless, he said that on August 15 he had been at home drinking and wanted a little marijuana so he asked Samson to stop by to give him another couple of samples. He told the police that Samson had never arrived at his apartment.

[34] Sandeson also volunteered to provide the police with his text message conversations with Samson. After the police had taken pictures of those texts they drove Sandeson home so that he could attend an appointment to have his car repaired at Canadian Tire. The police did not suspect Sandeson as being involved with Samson's disappearance at that time.

[35] Shortly thereafter, the police reviewed Sandeson's text message conversations with Samson. It became clear that a large drug deal had actually been arranged and that Samson had shown up at Sandeson's apartment that evening. Sandeson then became a suspect and the police sought to arrest him for obstruction of justice, kidnapping and trafficking.

[36] Concerned that Samson was being held captive in Sandeson's apartment, and concerned about the length of time it would take to get a warrant to search the

apartment, the police conducted an exigent search of Sandeson's apartment. They did not find Samson or any sign of foul play. They did find a surveillance system and a DVR.

[37] Sandeson was arrested at his girlfriend's home later that night. He was interrogated that evening and was repeatedly asked to help locate Samson. Sandeson provided no useful information to the police.

[38] A warrant was issued to allow for a detailed search of Sandeson's apartment with the assistance of Forensic Identification Services. DVR images were downloaded and Samson was seen going into Sandeson's apartment, but never coming out. McCabe and Blades were seen looking into Sandeson's apartment just after Samson was shot.

[39] The police found blood in many locations throughout Sandeson's apartment, including the kitchen area and the bathroom. The blood was later confirmed to be Samson's. Samson's blood and DNA were also found on Sandeson's gun which was stored in a locked safe in Sandeson's bedroom. Missing from Sandeson's bathroom was the shower curtain which was later located at his parents' farm in Truro with Samson's DNA on it. Samson's DNA was also found in the trunk of Sandeson's car and inside the black duffle bag found at Sandeson's parents' farm. The duffle bag had a broken shoulder strap and the police noted a bruise on Sandeson's shoulder that appeared to have been caused by something heavy pulling down on him, like a shoulder strap.

[40] Sandeson was interviewed by the police throughout the day on August 19, 2015. He was made aware the police had the DVR images of Samson entering his apartment. He admitted Samson had been there, but said that Samson had left with unknown assailants or, alternatively, had been shot in the back of the neck or head by unknown assailants who had then carried him out in the black duffle bag. The police found a bullet embedded in a window frame in Sandeson's kitchen area that had Samson's DNA on it.

[41] Samson's body has never been located. Sandeson has not admitted to harming or killing Samson, nor has he advised where Samson's body can be found.

### **Victim Impact Statements**

[42] Eighteen victim impact statements have been filed with the court. They depict a deep loss among those who knew Taylor Samson, including his family and

friends. This murder significantly impacted a large group of innocent and caring people. In particular, we heard moving accounts from Taylor Samson's brother, Connor Samson, and his friends, Vicky Legge, Kaitlynn Lowe, Ryan Wilson, Jeff Mackintosh, Bradley Porter and Deirdre Wilson.

[43] I have also read more than ten victim impact statements filed with the court whose authors did not want their statements read publicly, including those written by: Anne-Marie Anstey and Chris Hollett; Cindy Samson; Mary Elizabeth Samson; Devin Ring; Stephen Samson; Jessica MacDonald; Keith, John and Sherry Cormier; Hannah Witherbee; Audrey Samson; Paulette Samson; and Mackenzie Ruthven.

### **Sentencing Provisions**

[44] The *Criminal Code of Canada*, R.S.C., 1985, c. C-46, (the "*Code*") sets out the punishment for murder. Section 235 of the *Code* states:

235 Everyone who commits first degree murder or second degree murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.

[45] Subsection (2) states:

For the purposes of Part XXIII, the sentence of imprisonment for life prescribed by this section is a minimum punishment.

[46] Relevant also is s. 745(a) of the *Code*, which states:

745. Subject to section 745.1, the sentence to be pronounced against a person who is to be sentenced to imprisonment for life shall be

(a) in respect of a person who has been convicted of high treason or first degree murder, that the person be sentenced to imprisonment for life without eligibility for parole until the person has served twenty-five years of the sentence;

[47] Section 746 of the *Code* states:

746. In calculating the period of imprisonment served for the purposes of section 745, 745.1, 745.4, 745.5 or 745.6, there shall be included any time spent in custody between

(a) in the case of a sentence of imprisonment for life after July 25, 1976, the day on which the person was arrested and taken into custody in

respect of the offence for which that person was sentenced to imprisonment for life and the day the sentence was imposed...

[48] Given that Mr. Sandeson was arrested for murder on August 19, 2015, and his sentencing is taking place on July 11, 2017, he will have spent 693 days in custody.

[49] In *R. v. Hawkins*, 2011 NSCA 7, Beverage J.A. stated on behalf of the unanimous court:

2 Life imprisonment is the maximum sentence of incarceration in Canada. Since the abolition of capital punishment, the only penalty for any accused convicted of murder is life imprisonment. Subject to a grant of clemency from the executive, the offender will always be subject to this sentence for the rest of his natural life.

3 Parole is a possibility. For an offender convicted of first degree murder, there is no eligibility for parole prior to serving 25 years incarceration...

...

98 It must be remembered that the appellant will forever be subject to a sentence of imprisonment. He may never be released on parole. Whether his risk of re-offending is such that he be permitted to be released conditionally will be up to the Parole Board. If he is released, it is only on his satisfactory compliance with whatever conditions the Board places on him to ensure his respect for a peaceful and safe society.

## **Conclusion**

[50] The planning and deliberation in relation to the taking of a human life results in the harshest sentence available in Canada.

[51] In accordance with what I am mandated to do by the *Criminal Code*, I sentence William Sandeson to life in prison. His parole eligibility as delineated by the *Code* is set at 25 years.

[52] Along with the mandatory sentence, I will impose a primary DNA Order and a Weapons Prohibition Order for ten years pursuant to s. 109 of the *Code* as recommended by counsel.

[53] The Crown is also requesting a Forfeiture Order regarding a 2002 Mazda Protégé. Mr. Sandeson's counsel advised the court this morning that he opposes the Forfeiture Order. A date will be set for the forfeiture hearing.

[54] In imposing this sentence I keep in mind the words of the Honourable Justice Duncan Beveridge in *R. v. Hawkins*, that William Michael Sandeson will be

subject to a sentence of imprisonment forever. He may never be released on parole. Whether his risk of re-offending is such that he will be permitted to be released conditionally will be up to the Parole Board. If he is released, it will only be on his satisfactory compliance with whatever conditions the Parole Board places on him to ensure his respect for a peaceful and safe society.

Arnold, J.