SUPREME COURT OF NOVA SCOTIA
Citation: *R. v. Dimock*, 2021 NSSC 232

Date: 20210630
Docket: Halifax, No. 487025
Registry: Halifax

Between:

Her Majesty the Queen

v.

Benjamin Thomas Dimock and Jasmine Celisha Williams

SENTENCING DECISION

Judge:	The Honourable Justice John Bodurtha
Oral Decision:	June 30, 2021, in Halifax, Nova Scotia
Written Decision:	July 27, 2021
Counsel:	Sarah Kirby, Crown Counsel Nicholaus Fitch, Defence Counsel

By the Court:

Introduction

[1] Benjamin Dimock ("Dimock") was charged with the following:

1. On or about the 13th day of March, 2018, at or near Hammonds Plains, in the County of Halifax, in the Province of Nova Scotia, did without lawful authority confine Courtney Holland, contrary to Section 279(2) of the *Criminal Code.*
2. AND FURTHER, at the same time and place aforesaid, did unlawfully wound, maim, disfigure or endanger the life of Courtney Holland thereby committing an aggravated assault, contrary to Section 268(1) of the *Criminal Code.*
3. AND FURTHER, at the same time and place aforesaid, in committing an assault on Courtney Holland use or threaten to use a weapon, or imitation thereof, to wit, a shovel , contrary to Section 267(a) of the *Criminal Code.*
4. AND FURTHER, at the same time and place aforesaid, did unlawfully and wilfully damage property, the property of Courtney Holland and did thereby commit mischief of a total value exceeding $5,000.00, contrary to Section 430(3) of *Criminal Code.*
5. AND FURTHER, at the same time and place aforesaid, did unlawfully have in his possession a weapon or imitation of a weapon, to wit, a shovel, for a purpose dangerous to the public peace or for the purpose of committing an offence, contrary to Section 88(1) of the *Criminal Code*.
6. AND FURTHER, at the same time and place aforesaid, did unlawfully utter a threat to Courtney Holland to cause bodily harm or death to the said Courtney Holland, contrary to Section 264.1(1)(a) of the *Criminal Code.*

[2] On February 12, 2021, the Court entered convictions on all counts noted above and proceeded with sentencing on June 30, 2021. The following are my written reasons.

[3] These convictions relate to an altercation occurring on March 13, 2018 at Dimock's residence on Glen Arbour Way between Dimock and his then common-law partner, Jasmine Williams ("Williams") and the woman he was dating at the same time, Courtney Holland ("Holland"). This altercation can only be described as senseless, unprovoked violence, on an unsuspecting, non-consenting intimate partner.

[4] I must now determine a fit and proper sentence for Dimock.

Circumstances of the Offence

[5] Facts relating to the circumstances of the offence can be found in the trial decision *R. v. Dimock*, 2021 NSSC 154. The relevant facts for sentencing purposes are outlined below.

[6] On March 13, 2018, Dimock and his common-law partner, Williams, arrived at his residence in Glen Arbour with two children, one being Dimock's daughter. Holland, the woman he was currently dating, was parked in her car in his driveway. Williams got out of the car, went to the driver's side door to Holland's vehicle, opened it and stood screaming at Holland. Holland had not previously met Williams.

[7] Williams was yelling, "What are you doing here, this is my property, what are you doing on my property?", calling her a "fucking bitch", saying ,"This is my fucking house." Williams reached into the car, grabbing Holland and trying to pull her out of the car. Holland tried to push her back, but Williams was hitting her and yelling profanities. In desperation, Holland tried to block her punches.

[8] Holland was confused to see Williams there because Dimock had told her he had no intentions of getting back together with Williams and told her he did not want Williams at the house.

[9] Dimock was just standing there. Holland yelled for Dimock to help her.

[10] Holland saw Dimock pull a shovel out of the back of his truck. Dimock then walked around her car, smashing out almost every window with the metal end of the shovel.

[11] While Dimock was smashing out Holland's car windows, Williams was still hitting her and pulling her hair. Holland was trying to push and kick Williams to

separate herself. Holland described the interior of her car as "filled with glass, glass was all over the place."

[12] Williams leaned in through the smashed driver's side window and tried to grab Holland's phone and yelled at Dimock to grab her phone. Dimock began reaching in through the smashed passenger's side window trying to grab the phone. Holland testified that she was begging them to let her go.

[13] Dimock say in a loud, rageful tone, "I'm gonna fucking kill you!" and "You're fucking with my family!"

[14] Holland testified that when Williams and Dimock were leaning through opposite sides of the car trying to grab her phone, this is when she started to slowly reverse the car in an attempt to leave. When she started to reverse, both Williams and Dimock ran behind the car, blocking her path so that she was unable to back out of the driveway and leave the property. She described trying to reverse slowly, looking around, and trying to maneuver around Dimock and Williams to get out of the driveway. In doing so, she was forced toward the right side of the driveway which resulted in her car sliding into a shallow ditch due to icy conditions.

[15] She attempted to rock the car by going backward and forward to get it out of the ditch but the car remained stuck. Dimock and Williams were taunting her through the smashed-out windows saying, "What are you going to do?"

[16] When Holland got out of her car, Williams and Dimock were standing together, in front of her. Williams was yelling, "Tell her we're back together, Ben!" Dimock replied, "Yeah, I guess so." Holland told them that she didn't care, and that they "could have each other". She just wanted to leave.

[17] Dimock said, "You shouldn't have come here." Holland tried to leave but Dimock and Williams were standing next to each other, in front of her, and would not let her walk away. Holland described trying to push through them to leave, but they would not let her leave. Williams jumped towards Holland, knocking her down and falling on top of her. Holland described Williams as pinning her down by sitting on top of her, and "pummeling" her, hitting her with her fists in the head and face over the course of several minutes. She tried to defend herself, swinging at Williams and eventually connecting with a blow, causing Williams to fall back, which gave Holland the chance to jump to her feet.

Assault With Shovel by Dimock

[18] After she got Williams off of her, she jumped to her feet, "and not even within seconds all I feel is this shovel just smashing 'the shit out of me', excuse my French, but just smashing me like crazy, and hitting me in my ribs, it's Ben going 'ham', going nuts on me, like a baseball bat, smashing me, hitting me all over the place, with the shovel."

[19] She felt the shovel hitting her in the back of the head and body, before she saw it. She turned around and Dimock kept hitting her. She didn't know how many times he hit her with the shovel, just that she remembers being beaten, with Dimock hitting her with the shovel in the ribs, and delivering blows to her arms, her head and shoulders.

[20] She described a significant blow to the top of her head which made her "see stars", and she thought, "I am going to die here." When Dimock hit her on the head with the shovel, he held his arms up over his head and brought his arms down in front of him. While Dimock was hitting her with the shovel, Williams was standing nearby, "egging him on" to hit her, saying "Get her, Ben!"

[21] While she was getting hit by Dimock with the shovel, she looked up and saw a child whom she assumed to be Williams' older daughter. The child was standing beside the front, passenger-side door of the Honda Civic, which was now parked behind Dimock's truck.

[22] Holland shouted, "Your daughter!" The child appeared to be around five years old and "she was in complete horror." Holland described "the look of terror on her face was so … so… terrible."

[23] It was at that point that Dimock stopped hitting Holland with the shovel. Williams and Dimock looked away from Holland and ran over to the girl, seemingly shocked that she had been watching the entire attack.

[24] While Dimock and Williams attended to the child, Holland used the opportunity to get away. She walked down the road and waved down a vehicle which pulled over and let her in.

Sentence Recommendations of the Parties

Crown's Position

[25] The Crown argues the appropriate sentence for each offence, to be served consecutively, is:

Count	Charge	Recommended Sentence
1	s. 279(2) – Unlawful Confinement	120 days' custody
2	s. 268(1) – Aggravated Assault	5 years' custody
3	s. 267(a) – Assault with a weapon	Judicial Stay
4	s. 430(3) – Mischief over $5,000	6 months' custody
5	s. 88(1) – Possession of a weapon for a dangerous purpose	6 months' custody
6	s. 264.1(1)(a) – Threats	120 days' custody

[26] The Crown seeks federal custody on the basis of the number of counts, the seriousness of the charges, the blameworthiness of Dimock, the circumstances of the offences, the relevant caselaw, and the primacy of deterrence, denunciation and public safety as sentencing principles. The Crown submits that an appropriate sentence for Dimock is 6.5 years' custody, less remand time.

[27] The Crown also seeks the following ancillary orders:

(a) Non-Communication Order – Section 743.21 provides authority to prohibit Mr. Dimock from communicating with Ms. Holland during the custodial portion of his sentence.

(b) DNA Order - The imposition of a DNA Order is mandated by section 487.051 because the offence of aggravated assault is a primary designated offence.

(c) Weapons Prohibition Order - The imposition of a firearms prohibition is mandated by section 109(1)(a), as the offence of aggravated assault

involved violence against a person for which a person may be sentenced to ten years or more.

(d) Restitution – Section 738 of the *Criminal Code* provides for the discretionary order of restitution for pecuniary loss associated with the offences. Details of Ms. Holland's financial loss are anticipated to be provided prior to the sentencing hearing.

Defence Position

[28] The Defence submits that Dimock ought to be sentenced to 24 months' custody.

Circumstances of the Offender – Pre-Sentence Report ("PSR")

[29] Dimock is a 28-year-old father of young children. He has a dated, unrelated criminal record. Dimock has unique personal circumstances. He suffers from post-traumatic stress disorder and had been addressing this issue with medication and therapy. Unfortunately, due to the COVID-19 pandemic, that specific therapy has ended due to the inability of his therapist to see him while he is in custody. Dimock has continued with phone appointments for therapy throughout his remand but describes a rapid decline in his mental health as a result of the limitations imposed on his therapy due to COVID-19 and the resulting lack of in-person sessions.

[30] Dimock was a businessman employing up to 16 people during the year despite the fact that he experienced learning difficulties as a child and youth. As a result of being in custody for over a year, Dimock will be filing for bankruptcy.

[31] Dimock has community support, which is not surprising considering his community involvement by doing volunteer work for seniors and others and by participating in community garbage cleanup.

[32] Dimock also has great family support. His immediate and many extended family members have written support letters on his behalf.

[33] William Middleton, Probation Officer, prepared a Presentence Report dated January 7, 2021. The Presentence Report was prepared in connection with a charge being dealt with in Provincial Court and, in the Crown's submission, is not

very informative in the sentencing of Mr. Dimock for the offences committed on March 13, 2018.

[34] The Report states in the “Offender Profile” section that Mr. Dimock could not recall the details of what happened on December 18, 2019 (this relates to the Provincial Court charges). The Report also states in the “Assessment of Community Alternatives/Resources” section that Mr. Dimock “expressed full responsibility for his current legal difficulties”. The Crown submits that this acceptance of responsibility was not expressed in respect of the offences committed on March 13, 2018.

[35] The relevant information contained in the report is as follows:

1. A pre-sentence report was prepared for Mr. Dimock's provincial sentencing on January 7, 2021. The report was prepared quickly due to an issue with the probation office and the writer was not able to connect with Mr. Dimock's psychologist. It is a positive report.
2. Mr. Dimock is the younger of two children of Georgina and Peter Dimock. Mr. Dimock described his relationship with his father as rough and verbally abusive.
3. Mr. Dimock has a child from a former common-law relationship but he does not currently have access to her. Mr. Dimock states this was because of substance abuse concerns from the Department of Community Services. Mr. Dimock has a three-year-old daughter with Jasmine Williams with whom he does have access.
4. Mr. Dimock has employment history and successfully ran his own company. The company closed in 2019 due to Mr. Dimock's mental health and addiction issues. Mr. Dimock advised he has opportunities for employment fishing in Yarmouth upon release. Mr. Dimock is $400,000 in debt and is making an assignment of bankruptcy. He has no outstanding fines.
5. Mr. Dimock described longstanding issues with alcohol and valium. Mr. Dimock suffers from PTSD due a myriad of issues, including the deaths of people close to him, legal troubles, stress from his company and relationships. He has been in therapy with Natasa Mitrovic since 2018 up to and including the time the report was written. Mr. Dimock has great family supports.

[36] Dimock has filed 15 letters of support. They include letters from friends, family, business associates and former clients. Many of these letters were prepared in March, 2020, when Dimock was to be sentenced in relation to other charges. They speak highly of Dimock and his community-mindedness, as well as his success in business despite his struggles with mental health issues.

[37] Dimock has a record of prior criminal convictions, dating from 2012 - 2013. These convictions are:

- Section 4(1), CDSA - possession of a substance
- Section 264.1(21)(a) *Criminal Code* – uttering threats
- Section 145(3) *Criminal Code* - failure to comply with condition of Recognizance
- Section 355(a) *Criminal Code* – possession of stolen property over $5,000
- Section 353.1(1)(1) *Criminal Code* – alter/remove VIN of motor vehicle
- Section 4(1) CDSA – possession of a substance

[38] The Crown submits that the facts underlying the 2012 convictions for uttering threats and failure to comply with release conditions are of particular significance. At the time, Dimock was on release with his parents as sureties.

[39] The facts, as read into the record by the Crown at the time of sentencing for those offences, are that Dimock refused to abide by his curfew and, when his parents called the police to report his breach, he threatened them with physical harm and told them that their house would be burned down. He also said that he would have people "take care of them", saying he could get his hands on a gun to shoot them. When the police arrived, they found, among other things, a bullet-proof vest in Dimock's room.

Principles of Sentencing

[40] In imposing an appropriate sentence, I must apply the purpose and principles of sentencing set out in ss. 718, 718.1, and 718.2 of the *Code*. These provisions provide me with the general principles and factors I should consider in reaching a

just sentence. The purpose of sentencing is to protect society and to contribute to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the objectives outlined in s. 718 of the *Code*.

[41] In imposing sentences, Courts must abide by the principles outlined in Part XXIII of the *Criminal Code*. In *R. v. L.M.*, 2008 SCC 31, the Supreme Court explained it this way:

> [17] Far from being an exact science or an inflexible predetermined procedure, sentencing is primarily a matter for the trial judge's competence and expertise. The trial judge enjoys considerable discretion because of the individualized nature of the process (s. 718.1 Cr. C.; *R. v. Johnson*, [2003] 2 S.C.R. 357, 2003 SCC 46, at para. 22; *R. v. Proulx*, [2000] 1 S.C.R. 61, 2000 SCC 5, at para. 82). To arrive at an appropriate sentence in light of the complexity of the factors related to the nature of the offence and the personal characteristics of the offender, the judge must weigh the normative principles set out by Parliament in the *Criminal Code*:
>
> - the objectives of denunciation, deterrence, separation of offenders from society, rehabilitation of offenders, and acknowledgment of and reparations for the harm they have done (s. 718 *Cr. C.*) (see Appendix);
>
> - the fundamental principle that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender (s. 718.1 *Cr. C.*); and
>
> - the principles that a sentence should be increased or reduced to account for aggravating or mitigating circumstances, that a sentence should be similar to other sentences imposed in similar circumstances, that the least restrictive sanctions should be identified and that available sanctions other than imprisonment should be considered (s. 718.2 *Cr. C.*).

[42] Section 718 of the *Code* reads as follows:

> **Purpose and Principles of Sentencing**
>
> Purpose
>
> 718 The fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:
>
> (a) to denounce unlawful conduct and the harm done to victims or to the community that is caused by unlawful conduct;
>
> (b) to deter the offender and other persons from committing offences;

> (c) to separate offenders from society, where necessary;
>
> (d) to assist in rehabilitating offenders;
>
> (e) to provide reparations for harm done to victims or to the community; and
>
> (f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims or to the community.

[43] Section 718.1 of the *Code* says that the fundamental principle of sentencing is that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.

[44] Section 718.2 of the *Code* requires that I consider specific sentencing principles, including the mitigating or aggravating factors relating to the offence or the offender. Section 718.2 reads:

> **Other sentencing principles**
>
> 718.2 A court that imposes a sentence shall also take into consideration the following principles:
>
> > (a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,
> >
> > > (i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or gender identity or expression, or on any other similar factor,
> > >
> > > **(ii) evidence that the offender, in committing the offence, abused the offender's spouse or common-law partner,**
> > >
> > > (ii.1) evidence that the offender, in committing the offence, abused a person under the age of eighteen years,
> > >
> > > **(iii) evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim,**
> > >
> > > **(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,**
> > >
> > > (iv) evidence that the offence was committed for the benefit of, at the direction of or in association with a criminal organization,
> > >
> > > (v) evidence that the offence was a terrorism offence, or
> > >
> > > (vi) evidence that the offence was committed while the offender was subject to a conditional sentence order made under section 742.1 or

> released on parole, statutory release or unescorted temporary absence under the *Corrections and Conditional Release Act*.
>
> shall be deemed to be aggravating circumstances;
>
> (b) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;
>
> (c) where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;
>
> (d) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and
>
> (e) all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.

[45] Any sentencing hearing requires a careful consideration of the unique circumstances of the offender and the offence, and a balancing of sentencing objectives (see: *R. v. Lacasse*, 2015 SCC 64, at para. 1).

Analysis - Aggravating and Mitigating Factors

Aggravating Factors

[46] The following factors are statutorily aggravating under s. 718.2 of the Code:

- At the time of the offences, Holland was an intimate partner of Dimock (s. 718.2(a)(ii));
- In committing the offences, Dimock abused a position of trust in relation to Holland (s. 718.2(a)(iii)); and
- The offences had a significant impact on Holland, physically, psychologically and emotionally (s. 718.2(a)(iii.1)).

[47] In *R. v. Butcher*, 2020 NSCA 50, the Nova Scotia Court of Appeal considered whether the fact of an intimate relationship imparts a position of trust which can be breached by violence at paras. 140-142:

> [140] Counsel for the parties have also addressed the issue of whether the trial judge's reliance on the statutorily aggravating breach of trust factor was an error. I am satisfied it was not. I find the violence perpetrated by Mr. Butcher against Ms. Johnston was an undeniable breach of trust. Furthermore, nothing prohibited the

> trial judge from relying on both the nature of the relationship between Mr. Butcher and Ms. Johnston and s. 718.2(a)(iii) as aggravating factors.
>
> [141] This Court's recognition of the murder of a domestic partner as a breach of trust is long-standing. In *R. v. Johnson*, 2004 NSCA 91, Oland, J.A., considering the issue of parole ineligibility for the second-degree murder of a girlfriend and her infant, found "In both instances, serious breaches of trust were involved". (para. 77)
>
> [142] The element of trust in an intimate relationship is implicit. (*R. v. Bryan*, 2008 NSCA 119, at para. 59) As the Supreme Court of Canada observed in Stone, the killing of an intimate partner involves "the breach of a socially recognized and valued trust…" (para. 240)

[48] The following factors are also aggravating (although not statutorily mandated):

- Previous related conviction in 2012 for threatening his parents/sureties;
- Children present and witnessed Dimock attacking Holland (see *R. v. Martin*, 2009 ONCA 62, at para. 2); and
- the degree of violence used (a shovel used as a weapon).

[49] The Defence argues mitigating circumstances are Dimock's conditions during his remand. Dimock has been in custody at Central Nova Scotia Correctional Facility a few months prior to the beginning of the COVID-19 pandemic and has remained there throughout.

Victim Impact Statement

[50] In her Victim Impact Statement dated December 16, 2020, Holland writes that, "March 13, 2018 has forever changed my life", describing a "rollercoaster of emotions", her wariness in trusting people and its effect on her engagement in socializing and romantic relationships "because of the fear and doubt this situation has instilled in me".

[51] Holland describes herself as more withdrawn and cautious about whom she involves herself and states that she suffers from nightmares and sleepless nights.

[52] The physical, emotional, and psychological trauma this event has inflicted on her is immeasurable.

Proportionality Principle

[53] Section 718.1 reads: "a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender." The sentence must not be more severe than what is just and appropriate given the seriousness of the offence and the moral blameworthiness of Dimock. The Supreme Court of Canada in *R. v. Lacasse, supra*, described it as:

> [12] … In other words, the severity of a sentence depends not only on the seriousness of the crime's consequences, but also on the moral blameworthiness of the offender. Determining a proportionate sentence is a delicate task. As I mentioned above, sentences that are too lenient and sentences that are too harsh can undermine public confidence in the administration of justice.

[54] The Supreme Court of Canada further explained the principles of proportionality and parity at paras. 53 and 54:

> 53 This inquiry must be focused on the fundamental principle of proportionality stated in s. 718.1 of the *Criminal Code*, which provides that a sentence must be "proportionate to the gravity of the offence and the degree of responsibility of the offender". A sentence will therefore be demonstrably unfit if it constitutes an unreasonable departure from this principle. Proportionality is determined both on an individual basis, that is, in relation to the accused him or herself and to the offence committed by the accused, and by comparison with sentences imposed for similar offences committed in similar circumstances. Individualization and parity of sentences must be reconciled for a sentence to be proportionate: s. 718.2(a) and (b) of the *Criminal Code*.
>
> 54 The determination of whether a sentence is fit also requires that the sentencing objectives set out in s. 718 of the *Criminal Code* and the other sentencing principles set out in s. 718.2 be taken into account. Once again, however, it is up to the trial judge to properly weigh these various principles and objectives, whose relative importance will necessarily vary with the nature of the crime and the circumstances in which it was committed. The principle of parity of sentences, on which the Court of Appeal relied, is secondary to the fundamental principle of proportionality. This Court explained this as follows in *M. (C.A.)*:
>
> > It has been repeatedly stressed that there is no such thing as a uniform sentence for a particular crime ... Sentencing is an inherently individualized process, and the search for a single appropriate sentence for a similar offender and a similar crime will frequently be a fruitless exercise of academic abstraction. [para. 92]

[55] Assessing the gravity of the offence requires me to consider both the gravity of these offences in general and the gravity of Dimock's specific offending behaviour (see *R. v. Arcand*, 2010 ABCA 363, at para. 63).

[56] The Crown submits that, in evaluating the gravity of harm caused and the moral blameworthiness associated with Dimock's actions on March 13, 2018, the following factors are relevant in considering proportionality:

- Unprovoked
- Unrestrained
- Use of weapon
- Two people ganging up on one person
- Duration of Offences – multiple opportunities to recognize that assault should stop

  As Mr. Dimock decided to continue to commit the offences, his responsibility for the outcome increases.
- Size differential between Mr. Dimock as assailant and Ms. Holland as victim
- Serious injuries with long-term effects
- Only stopped when realized children were watching

  Mr. Dimock did not decide to cease criminal activity but was interrupted by presence of Ms. Williams' seven-year-old daughter outside the car
- Contacting Ms. Holland in hospital within hours of the attack, asking if she was going to "let it go"

[57] I agree with the Crown that these factors show the gravity of harm caused and the high degree of moral blameworthiness on the part of Dimock, both of which militate towards the imposition of a serious sanction.

Denunciation and Deterrence

[58] Courts have spoken about the impact of domestic assault in society and I refer to our Court of Appeal decision in *R. v. MacDonald*, 2003 NSCA 36, at para. 26:

> 26 In *R. v. Brown* (1992), 73 C.C.C. (3d) 242, [1992] A.J. No. 432 (Alta. C.A.), a case which pre-dates the implementation of the conditional sentencing provisions of the Criminal Code, the Court discussed the blight that is spousal assault, at p. 249 (C.C.C.):
>
> > This court's experience is that the phenomenon of repeated beatings of a wife by a husband is a serious problem in our society. It is not one which may be solved solely by the nature of the sentencing policy applied by the courts where there are convictions for such assaults. It is a broad social problem which should be addressed by society outside the courts in ways which it is not within our power to create, to encourage, or to finance. But when such cases do result in prosecution and conviction, then the courts do have an opportunity, by their sentencing policy, to denounce wife beating in clear terms and to attempt to deter its recurrence on the part of the accused man and its occurrence on the part of other men.
> >
> > In cases of assault by a man against his wife, or by a man against a woman with whom he lives even if not married, the starting-point in sentencing should be what sentence would be fit if the same assault were against a woman who is not in such a relationship. For example, what would be the fit sentence if the man had assaulted a woman on the street or in a bar — and if the aggravating factors (such as severe violence, or a serious record of previous convictions for similar or other assaults), or the mitigating factors (such as a guilty plea or other evidence of remorse) were the same as in the actual case?
> >
> > Then the court should examine the circumstances which are peculiar because of the relationship. When a man assaults his wife or other female partner, his violence toward her can be accurately characterized as a breach of the position of trust which he occupies. It is an aggravating factor. Men who assault their wives are abusing the power and control which they so often have over the women with whom they live. The vulnerability of many such women is increased by the financial and emotional situation in which they find themselves, which makes it difficult for them to escape. Such women's financial state is frequently one of economic dependence upon the man. Their emotional or psychological state militates against their leaving the relationship because the abuse they suffer causes them to lose their self-esteem and to develop a sense of powerlessness and inability to control events.
> >
> > <u>In the case of assaults by a man against his wife or other female partner in life, two of the applicable principles are that the sentence should be shaped in the hope of furthering the rehabilitation of that man and in the hope of</u>

> deterring him from repeating his conduct in the future. However, the more important principles are that the sentence should be such as to deter other men from similarly conducting themselves toward women who are their wives or partners (what is called the principle of "general deterrence"), and that the sentence should express the community's wish to repudiate such conduct in a society that values the dignity of the individual (the "denunciation principle"). The importance of giving effect to these latter two principles has been driven home by recent remarks in cases that did not relate to sentencing in criminal cases. The first is *R. v. Lavallee*, in the passage from Wilson J.'s judgment which has already been quoted. The second is the dissenting judgment of Hetherington J.A. in *R. v. Coston* (1990), 108 A.R. 209 (C.A.). (*Emphasis in original*)

[59] The role of denunciation was explained by the Supreme Court of Canada in *R. v. M.(C.A.)*, [1996] 1 S.C.R. 500, at para. 81:

> The objective of denunciation mandates that a sentence should also communicate society's condemnation of that particular offender's conduct. In short, a sentence with a denunciatory element represents a symbolic, collective statement that the offender's conduct should be punished for encroaching on our society's basic code of values as enshrined within our substantive criminal law… Our criminal law is also a system of values. A sentence which expresses denunciation is simply the means by which these values are communicated.

[60] In *R. v. P. (B.W.)*, 2006 SCC 27 (S.C.C.), the Supreme Court of Canada explained deterrence and the difference between general and specific deterrence:

> 2 Deterrence, as a principle of sentencing, refers to the imposition of a sanction for the purpose of discouraging the offender and others from engaging in criminal conduct. When deterrence is aimed at the offender before the court, it is called "specific deterrence", when directed at others, "general deterrence". The focus of these appeals is on the latter. General deterrence is intended to work in this way: potential criminals will not engage in criminal activity because of the example provided by the punishment imposed on the offender. When general deterrence is factored in the determination of the sentence, the offender is punished more severely, not because he or she deserves it, but because the court decides to send a message to others who may be inclined to engage in similar criminal activity.

This case was cited with approval by our Court of Appeal in *R. v. Espinosa Ribadeneira*, 2019 NSCA 7.

[61] In *R. v. Bryan*, 2008 NSCA 119, the Nova Scotia Court of Appeal addressed the primacy of deterrence and denunciation in sentencing in cases of domestic violence at paras. 51 and 59:

> [51] I would also reject the appellant's submission that the sentencing judge overemphasized the principles of denunciation and deterrence. There should no longer be any doubt that in serious crimes involving violence arising out of an existing or failed domestic relationship, the paramount sentencing objectives must be denunciation and deterrence.
>
> …
>
> [59] Finally, and as recognized by Judge Murphy, this crime was committed against a spouse. The appellant's actions violated the element of trust that is implicit in such a relationship. Persons who live together in a domestic context deserve the community's protection from violence and abuse in their homes. Similarly, individuals who leave such romantic relationships should be free to get on with their lives without fear of violence, abuse or subjection at the hands of jealous ex-lovers. The law must do its best to provide such protection. Accordingly, sentences imposed in cases involving domestic violence must reflect the seriousness of the offence, the community's unequivocal denunciation of such conduct, and lead to a sufficiently lengthy period of imprisonment as will provide a specific deterrent to the offender and a general deterrent to other persons who may be similarly disposed.
>
> [Emphasis Added]

Rehabilitation

[62] Even in cases that require denunciation and deterrence to be emphasized, rehabilitation continues to be a relevant objective. I must take this into consideration because rehabilitation of offenders continues to be one of the main objectives of Canadian criminal law (see *R. v. Lacasse*, *supra*, at para. 4).

Restraint

[63] In *R. v. Proulx*, 2000 SCC 5, McLachlin C.J., for a unanimous Court, addressed the problem of overincarceration in Canada and how Parliament (through the enactment of sections 718.2(d) and (e)) intends to bring prominence to the principle of restraint when considering incarceration as a sanction. The Court said at paras. 16 and 17:

> 16 Bill C-41 is in large part a response to the problem of overincarceration in Canada. It was noted in *Gladue*, at para. 52, that Canada's incarceration rate of approximately 130 inmates per 100,000 population places it second or third highest among industrialized democracies. In their reasons, Cory and Iacobucci JJ. reviewed numerous studies that uniformly concluded that incarceration is costly, frequently unduly harsh and

"ineffective, not only in relation to its purported rehabilitative goals, but also in relation to its broader public goals" (para. 54). See also Report of the Canadian Committee on Corrections, *Toward Unity: Criminal Justice and Corrections* (1969); Canadian Sentencing Commission, *Sentencing Reform: A Canadian Approach* (1987), at pp. xxiii-xxiv; Standing Committee on Justice and Solicitor General, *Taking Responsibility* (1988), at p. 75. Prison has been characterized by some as a finishing school for criminals and as ill-preparing them for reintegration into society: see generally Canadian Committee on Corrections, *supra*, at p. 314; Correctional Service of Canada, *A Summary of Analysis of Some Major Inquiries on Corrections — 1938 to 1977* (1982), at p. iv. At para. 57, Cory and Iacobucci JJ. held:

> Thus, it may be seen that although imprisonment is intended to serve the traditional sentencing goals of separation, deterrence, denunciation, and rehabilitation, there is widespread consensus that imprisonment has not been successful in achieving some of these goals. Overincarceration is a long-standing problem that has been many times publicly acknowledged but never addressed in a systematic manner by Parliament. In recent years, compared to other countries, sentences of imprisonment in Canada have increased at an alarming rate. The 1996 sentencing reforms embodied in Part XXIII, and s. 718.2(e) in particular, must be understood as a reaction to the overuse of prison as a sanction, and must accordingly be given appropriate force as remedial provisions. [Emphasis added.]

17 Parliament has sought to give increased prominence to the principle of restraint in the use of prison as a sanction through the enactment of s. 718.2(*d*) and (*e*). Section 718.2(*d*) provides that "an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances", while s. 718.2(*e*) provides that "all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders". Further evidence of Parliament's desire to lower the rate of incarceration comes from other provisions of Bill C-41: s. 718(*c*) qualifies the sentencing objective of separating offenders from society with the words "where necessary", thereby indicating that caution be exercised in sentencing offenders to prison; s. 734(2) imposes a duty on judges to undertake a means inquiry before imposing a fine, so as to decrease the number of offenders who are incarcerated for defaulting on payment of their fines; and of course, s. 742.1, which introduces the conditional sentence. In *Gladue*, at para. 40, the Court held that "the creation of the conditional sentence suggests, on its face, a desire to lessen the use of incarceration".

Parity

[64] Sentencing is not an exact science and it is incumbent upon the Court to view the circumstances of each offender and the circumstances of the offence. Section 718.2 requires me to consider the principle of parity. This means, within

reason, a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances. This requires an examination of the range of sentences imposed for the offence, taking into consideration that each sentence must reflect the unique circumstances of the offence and the offender.

Range of Sentence

[65] In *Rushton*, 2017 NSPC 2, Judge Buckle spoke about sentencing principles at paras. 87 and 88:

> 87 Sentencing ranges are important. They are intended to encourage greater consistency between sentences and respect for the principle of parity. However, "they are guidelines rather than hard and fast rules" (*R. v. Nasogaluak*, 2010 SCC 6 (S.C.C.) at para. 44). This was recognized by Scanlan, J.A. in *Oickle (supra)* at para. 40 when he said "it is not appropriate to set a bottom range or a top range for a particular offence without regard for the offender or other sentencing principles". He went on to quote Justice Farrar in *R. v. Phinn*, 2015 NSCA 27 (N.S. C.A.) where he refers to *R. v. N. (A.)*, 2011 NSC A 21 (N.S. C.A.):
>
> > [34] Unless expressed in the Code, there is no universal range with fixed boundaries for all instances of an offence: [Authorities omitted]. The range moves sympathetically with the circumstances, and is proportionate to the Code's sentencing principles that include fundamentally the offence's gravity and the offender's culpability ...
>
> 88 Sentencing judges are permitted to go outside the established range for a given offence as long as the sentence imposed is a lawful sentence that adequately reflects the principles and purposes of sentencing (*Nasogaluak (supra)*, at para. 44). This was recently affirmed by the Supreme Court of Canada in *Lacasse (supra)*, where Wagner, J., writing for the majority, said as follows:
>
> > 58 There will always be situations that call for a sentence outside a particular range: although ensuring parity in sentencing is in itself a desirable objective, the fact that each crime is committed in unique circumstances by an offender with a unique profile cannot be disregarded. The determination of a just and appropriate sentence is a highly individualized exercise that goes beyond a purely mathematical calculation. It involves a variety of factors that are difficult to define with precision. This is why it may happen that a sentence that, on its face, falls outside a particular range, and that may never have been imposed in the past for a similar crime, is not demonstrably unfit. Once again, everything depends on the gravity of the offence, the offender's degree of responsibility and the specific circumstances of each case. ...

[66] Finally, section 718.2 requires me to consider 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 victims or to the community should be considered for all offenders. Where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh.

[67] In this case, a custodial sentence is required based on the principle of proportionality and the objectives of denunciation and general deterrence.

Consecutive versus Concurrent Sentences

[68] The general rule is that offences that are so closely linked to each other as to constitute a single criminal adventure may receive concurrent sentences: *R. v. Friesen*, 2020 SCC 9, at para. 155. I find that the circumstances of the offences committed by Dimock on March 13, 2018, constituted one single criminal adventure and, as a result, the sentences will run concurrently.

Appropriate Sentence for Dimock

[69] The Crown relied on the following cases: *R. v. Marsman*, 2007 NSCA 65, *R. v. Tourville,* 2011 ONSC 1677, *R. v. Tamoikin,* 2020 NSCA 43, *R. v. Lambert,* 2020 NSPC 37, *R. v. Duncan*, 2016 ONCA 754, *R. v. Whebby*, 2017 NSPC 83, *R. v. Gallagher,* 2020 NBQB 242, *R. v. Reddick,* 2017 NSSC 189, *R. v. Armstrong,* 2003 BCSC 1057, *R. v. Scott,* [2002] O.J. No. 1210 (ONCA), *R. v. Lawrence,* 1993 CanLii 4611 (NSSC), *R. v. Thomas,* 2015 NSCA 112, *R. v. Thompson,* [2005] O.J. No. 1033 (ONCA) and *R. v. Johnson,* 116 B.C.A.C. 279.

[70] The defence relied on *R. v. Lambert,* 2020 NSPC 37, *R. v. Robinson*, 2021 NSPC 20, *R. v. Ashley,* 2008 NSPC 11, *R. v. Willis,* 2013 NSCA 78, *R. v. JCK,* 2013 ABCA 50, *R. v. Barnsdale,* 2012 MBCA 56, and *R. v. Sayazie,* 2010 SKCA 14.

[71] I have reviewed all of these cases, in reaching my decision, with respect to an appropriate sentence for Dimock.

[72] *R. v. Robinson*, 2021 NSPC 20, is a very recent decision by Judge Buckle dealing with a conviction for aggravated assault, possession of a weapon for a dangerous purpose and a breach. Her Honour reviewed the wide range of sentences available for the offence of aggravated assault. The accused was sentenced to four

years in prison with concurrent time for both the remaining charges. Mr. Robinson was originally charged with attempted murder from a stabbing. The most aggravating feature in that case was Mr. Robinson's related criminal record.

[73] In *R. v. Marsman*, *supra*, MacDonald, C.J.N.S., spoke about the seriousness of sentencing involving an aggravated assault, at para 17:

> [17] In Canada, assault charges are organized along a continuum depending upon the severity of the attack. They range from the least serious common assault to the ultimate "assault" - murder. Short of culpable homicide, aggravated assault represents the most serious indictment. It involves either wounding, maiming, disfiguring or the endangerment of life and carries a potential punishment of fourteen years:
>
> > 268(1) - Aggravated Assault - Every one commits and aggravated assault who wounds, maims, disfigures or endangers the life of the complainant.
> >
> > (2) Every one who commits an aggravated assault is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

[74] Aggravated assault is a serious personal injury offence with a maximum punishment of 14 years' imprisonment. In *R. v. Tourville*, *supra*, Justice Code provides a detailed review of the range of sentencing for the offence of aggravated assault, which has been cited with approval by Chipman J in *R. v. Melvin*, 2015 NSSC 165, and Coughlan J in *R. v. Reddick*, *supra*:

> 27 The parties have helpfully provided me with a large number of sentencing cases, dealing with the offence of aggravated assault. That offence, contrary to s. 268 of the *Criminal Code*, carries a maximum sentence of fourteen years imprisonment. The cases disclose a wide range of sentences. At the bottom end is an exceptional case like *R. v. Peters* (2010), 2010 ONCA 30 (CanLII), 250 C.C.C. (3d) 277(Ont. C.A.) where an Aboriginal offender received a suspended sentence and three years probation on her guilty plea to aggravated assault. She was twenty-six years old with no prior adult record. She had used a broken beer bottle in the assault, during a bar room dispute, causing serious facial lacerations to the victim. The "*Gladue* report" disclosed a very difficult upbringing in a violent and abusive home, leading to alcoholism and drug abuse. By the time of sentencing, she had obtained employment and was making real progress in counseling for her substance abuse problems. Some of these features are not dissimilar to the case at bar.
>
> 28 In the mid-range are cases where high reformatory sentences have been imposed of between eighteen months and two years less a day. These cases generally involve first offenders and generally contain some elements suggestive

> of consent fights but where the accused has resorted to excessive force. See: *R. v. Chickekoo* (2008), 79 W.C.B. (2d) 66 (Ont. C.A.) [2008 CarswellOnt 3653 (Ont. C.A.)]; *R. v. Moreira*, [2006] O.J. No. 1248 (Ont. S.C.J.); *R. v. Basilio* (2003), 2003 CanLII 15531 (ON CA), 175 C.C.C. (3d) 440 (Ont. C.A.).
>
> 29 All three of the above cases were arguably worse offences or worse offenders than the case at bar. In *Chickekoo*, supra, the Aboriginal accused came from a similar background to Mr. Tourville but had a prior criminal record, including a conviction for assault. She caused "severe, life-threatening and permanently disfiguring" injuries to the head and face of the victim as a result of assaults with a broken beer bottle during a fight. In *Moreira, supra*, the accused was the aggressor who followed the victim on a public street in Toronto, provoking a consent fight. During the fight, the accused pulled out a knife and slashed the victim. He was in possession of the concealed knife for the dangerous purpose of using it in a fight and he was convicted of these further possessory offences, in addition to aggravated assault. He was a nineteen year old first offender at the time of the offences but had gone on to commit a number of further offences while on bail for which he received jail sentences. In Basilio, supra, as in Moreira, the accused was convicted of being in unlawful possession of a knife for a dangerous purpose, in addition to aggravated assault as a result of using the knife in a fight outside a bar. He stabbed the victim from behind, causing "life-threatening injuries" to the chest, diaphragm and liver. The accused did not retreat from the fight but swaggered about afterwards waving the knife. It should be noted that the Court of Appeal described the two years less a day sentence in *Basilio* as "lenient" and the eighteen month sentence in *Chickekoo* as "the lower end" of the appropriate range.
>
> 30 At the high end of the range are cases where four to six years imprisonment have been imposed. These cases generally involve recidivists, with serious prior criminal records, or they involve "unprovoked" or "premeditated" assaults with no suggestion of any elements of consent or self-defence. See: *R. v. Scott*, [2002] O.J. No. 1210 (Ont. C.A.); *R. v. Thompson*, [2005] O.J. No. 1033(Ont. C.A.); *R. v. Vickerson* (2005), 2005 CanLII 23678 (ON CA), 199 C.C.C. (3d) 165 (Ont. C.A.); *R. v. Pakul*, [2008] O.J. No. 1198 (Ont. C.A.).

[75] Based on my review of the decisions, Dimock's offence falls in the high range as the attack was unprovoked, non-consensual, a weapon was used, and the injuries were significant. I find the following cases to be of assistance.

[76] In *R. v. Reddick*, the accused assaulted the victim with a cane and was convicted of aggravated assault and possession of a weapon for a dangerous purpose. The accused was sentenced to four years' custody for assault, and eight months concurrent for possession of a weapon for a dangerous purpose, less 558 days' credit for time spent on remand. The accused was also subjected to a DNA Order and lifetime weapons prohibition and was ordered to pay a $200 Victim Fine

Surcharge. The accused was 59 years old and had an extensive criminal record, including crimes of violence. The aggravating factors for sentencing included that it was a case of unprovoked violence and the incident only ended when a police officer intervened. There were no mitigating circumstances. The most aggravating factor in the case was the accused's extensive criminal record which included various assaults.

[77] In *R. v. Scott*, *supra*, the Appellant, Hopeton Scott and his co-accused, Elicia Bailey, were charged with attempted murder, assault with a weapon and uttering a threat to cause death. The offences arose out of a fight that broke out at a party during which the complainant was attacked with broken beer bottles. She suffered extensive scarring on her face, arms, torso and legs as a result of her injuries. Following a trial by judge and jury, both accuseds were acquitted of attempted murder but were convicted of the included offence of aggravated assault. The Appellant was also convicted on the charge of assault with a weapon and his co-accused of the included offence of simple assault. Both accuseds were acquitted of the charge of uttering threats. The appellant was sentenced to four years' imprisonment on each count to be served concurrently. Ms. Bailey was sentenced to a 12-month conditional sentence. The victim suffered permanent injuries.

[78] In *R. v. Thomas*, *supra*, the accused attacked the complainant in an unprovoked manner outside a tavern. The accused was convicted of aggravated assault and assault with weapon and sentenced to 5.5 years' incarceration on the aggravated assault charge and 2 years' incarceration on the assault with a weapon charge, to be served concurrently. The accused appealed the sentence. The appeal was allowed regarding the sentence for assault with a weapon and dismissed otherwise. The Court found the sentence was not unfit, although it was at the higher end of the range. In considering the very serious nature of the violent and unprovoked attack and the lengthy record of the accused for violent crime, the sentence was not improper. A distinguishing feature in this case from Dimock's is the accused had a lengthy record for violent crimes.

[79] Dimock must be made aware of the trauma he inflicted on Holland and the children that day as a result of his actions. Those actions need to change and Dimock's statement to the Court during his allocution, to the effect that he will not be before the Court again, is a good start toward a better path for his future. I truly hope that is the case because his actions on that day were appalling and I have serious reservations as to whether he would have stopped, had it not been for the discovery of the child watching him.

[80] Dimock has expressed remorse and I see no need to further emphasize specific deterrence with his sentence. As for general deterrence, the public needs to know that an assault on a person will have consequences. This requires me to recognize the principles of denunciation and deterrence; however, this must be balanced with the principle of rehabilitation. Based on the facts before me, a significant period of incarceration is appropriate.

[81] Although Dimock's offences did not involve pre-meditation and his criminal record is somewhat dated, the aggravating factors weigh heavily in my consideration and lead to an increased sentence. Those factors include that Dimock and Holland were in a domestic relationship, Dimock was in a position of trust and caused significant injuries to Holland, and the assault occurred in front of a child.

[82] The Nova Scotia Court of Appeal has addressed the issue of lack of a criminal record in the context of an extreme case of domestic violence in *R. v. Bryan, supra*, at para. 48, where Saunders J.A. said:

> [48] Any casual review of case law across Canada involving sentences imposed for attempted murder in the context of a domestic relationship will typically involve an offender who has no previous criminal record. Whether that fits a "profile" for such offences is not before us on appeal, but where it is so often reflected in such precedents, it hardly impresses me as deserving special consideration as a significant mitigating feature following conviction for attempting to kill another human being.

[83] Lastly, with respect to defence counsel's position that the Court should take into consideration remand conditions as a mitigating circumstance, the Ontario Court of Appeal decision in *R. v. Duncan*, *supra*, provides guidance. In appropriate circumstances, harsh presentence conditions can provide mitigation and the Court will consider the conditions and their impact on the accused. There needs to be evidence before the Court as to the effect of the lockdowns (see paras. 6-7). In the case before me, the parties have agreed that there was a rotating lockdown due to staffing shortages which resulted in less "airing out time" for Dimock. There is no evidence before the Court as to the effect of the presentence conditions on Dimock and, in fact, he was able to obtain a certificate from programming during these conditions. Without any evidence before the Court as to the effect of the conditions on Dimock, I am unable to take this type of mitigation into account.

Conclusion

[84] Having considered all of the relevant facts, the circumstances of these offences, and the circumstances of Dimock, the sentencing principles, written and oral arguments of counsel, case authorities, the Pre-Sentence report, Victim Impact Statement, and Dimock's allocution I have concluded that a fit and proper sentence for these offences is four years (for sentence calculation purposes I treat that as 1,460 days) less the time that Dimock has already spent in custody.

[85] The Crown does not dispute that Dimock should be given credit at 1.5 days for every day spent in custody. He has been in custody for 312 days which is the equivalent of 468 days. The global sentence will be applied as follows:

- Count 1 — unlawful confinement s.279(2) – 2 months' custody concurrent;
- Count 2 — aggravated assault, contrary to s. 268 – 4 years' custody (1,460 days) less 468 days remand credit for a go forward sentence of 992 days;
- Count 3 – assault with a weapon, to wit, a shovel s. 267(a) – judicially stayed based on the rule against multiple convictions for the same act;
- Count 4 – mischief over $5,000 s. 430(3) – 3 months' custody concurrent;
- Count 5 - possession of a weapon, to wit, a shovel, for a purpose dangerous to the public peace, contrary to s. 88(1) – 2 months' custody concurrent because the use of the weapon is considered as an aggravating factor for count 2;
- Count 6 – uttering threats s. 264.1(1)(a) - 2 months' custody concurrent.

[86] I also make the following additional Orders:

- An Order under s. 109 of the *Criminal Code* prohibiting Dimock from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance for 10 years.

- An Order under s. 487.051 authorizing the taking of a sample of Dimock's DNA for the DNA databank.

[87] Dimock's sentence includes being prohibited from contacting or communicating, directly or indirectly, with Holland under s. 743.21.

[88] I do not sentence Dimock to a restitution order based on Dimock's lengthy custodial sentence and his current financial circumstances. It is agreed by the parties that Dimock has filed for bankruptcy since being remanded. I find that a restitution order would interfere with Dimock's rehabilitation because of his substantial child support arrears, and mental health issues that will need to be addressed (see: *R. v. Kelly*, 2018 NSCA 24, at paras. 35-36).

[89] Mr. Dimock, you have the support of your family and friends. I wish you well in your rehabilitation. Take this opportunity to reflect on your actions and how you can become a productive member of society upon release. Your actions in relation to this matter were unprovoked, vicious, and barbaric. The pain and trauma you have inflicted upon Ms. Holland is profound. This senseless act of violence has forever changed the lives of all involved that day, including the children. My hope is that you all find the strength to move on.

Bodurtha, J.