

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *R. v. Sandeson*, 2023 NSSC 130

**Date:** 20230420

**Docket:** CRH No. 498639

**Registry:** Halifax

**Between:**

His Majesty the King

v.

William Michael Sandeson

**Parole Eligibility  
Sentence Decision**

**Judge:** The Honourable Justice James L. Chipman

**Heard:** April 20, 2023, in Halifax, Nova Scotia

**Written Reasons:** April 20, 2023

**Counsel:** Carla Ball and Kimberley McOnie, for the Provincial Crown  
Alison Craig, for Mr. Sandeson

**By the Court (Orally):**

**INTRODUCTION**

[1] William Michael Sandeson's jury trial took place during January and February of this year. On February 18, 2023, the jury found Mr. Sandeson guilty of second degree murder in the August 15, 2015 death of Taylor Samson.

[2] There is only one possible sentence for murder. The *Criminal Code*, R.S.C., 1985, c. C-46 at s. 235 directs as follows:

**Punishment for murder**

235 (1) Every one who commits first degree murder or second degree murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.

[3] Also relevant is s. 745(c), which reads:

**Sentence of life imprisonment**

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

...

(c) in respect of a person who has been convicted of second degree murder, that the person be sentenced to imprisonment for life without eligibility for parole until the person has served at least ten years of the sentence or such greater number of years, not being more than twenty-five years, as has been substituted therefor pursuant to section 745.4; ...

[4] Mr. Sandeson has been in custody since his arrest on August 18, 2015. The *Code* at s. 746 directs that where the accused (now convicted) person has been in custody continuously since arrest, the calculation of the parole ineligibility period will begin on the date the person arrested was taken into custody:

**Time spent in custody**

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; ...

[5] In accordance with the *Code*, Mr. Sandeson will be subject to the mandatory punishment. The issue on this sentencing hearing comes down to the minimum amount of time that Mr. Sandeson will have to serve before he is eligible to apply for parole. Notably, parole eligibility does not determine the release date; rather, it determines the first date at which a person is eligible to be considered for parole.

[6] In deciding this issue I have the benefit of a number of things, including:

- since my appointment as case management judge on October 22, 2020, I have presided over several pre and infra trial applications, affording me background information and context;
- I presided over the recent six-week jury trial;
- the jurors' recommendations with respect to parole eligibility;
- the Crown and Defence pre-sentence briefs and cases;
- the Defence's eight letters of support along with Mr. Sandeson's certificates;
- Mr. Sandeson's March 23, 2023, pre-sentence report (PSR);
- 24 victim impact statements (VISs) provided by the late Mr. Samson's family and friends; and
- exhibit 1, a Custody Incidents Report.

## **POSITIONS OF THE PARTIES**

### **Crown**

[7] The Crown submits that a period of parole eligibility of 22 years is warranted for Mr. Sandeson. Additionally, they seek three ancillary orders which I characterize as standard; namely, firearms prohibition, DNA and forfeiture orders.

[8] In arguing for 22 years, the Crown submits that Mr. Sandeson's situation amounts to the category reserved for the worst offenders in the worst cases. In their brief they submit:

[72] Unfortunately, something less than this, it is submitted, will not express Mr. Sandeson's high degree of moral culpability or society's repudiation for this particular crime by this particular offender.

[73] Such a sentence would go far in expressing the view that people who commit horrendous crimes, who lack insight into their culpability, should not be permitted back into society for a prolonged period of time. It is hoped that such a sentence will deter others from committing similar acts and ultimately result in greater protection of the public.

## **Defence**

[9] The defence takes strong issue with the Crown's position. Mr. Sandeson submits that a period of parole eligibility of 10 – 12 years is appropriate.

[10] In arguing for a lesser amount of parole eligibility, the Defence notes that Mr. Sandeson had no criminal record and that his prospects for rehabilitation are good. In Mr. Sandeson's submission, it is argued:

2. As the Crown points out, in *Hawkins*, the Court of Appeal for Nova Scotia held that a period of 10-15 years of parole ineligibility is appropriate for offenders with good rehabilitation prospects and for whom little would be served by a greater period. That is precisely the category that Mr. Sandeson falls into. There are no aggravating factors that would justify the period sought by the Crown, nor could Mr. Sandeson in any way be described as one of the "worst offenders".

...

11. Mr. Sandeson still has his whole life ahead of him to be a contributing member of society, and to continue his efforts to give back to his community, as he has always done. He has clearly devoted himself to the rehabilitative process while in custody, as evidenced by the supporting materials filed – none of which the jury had the benefit of reviewing before providing their recommendations. There is no question that this case is a horrific tragedy – but all cases of murder are. Nothing in Mr. Sandeson's background or in the circumstances of this offence support an increased period of parole ineligibility.

## **GUIDING LAW**

[11] In addition to the *Code* sections set forth in my introduction, I am mindful of s. 745.4 which outlines the specific considerations the Court must bear in mind in determining the period of parole eligibility. In determining whether parole eligibility should be 10 years, or some greater amount up to and including 25 years, s. 745.4 states:

### **Ineligibility for parole**

745.4 Subject to section 745.5, at the time of the sentencing under section 745 of an offender who is convicted of second degree murder, the judge who presided at the trial of the offender or, if that judge is unable to do so, any judge of the same court may, having regard to the character of the offender, the nature of the offence and the circumstances surrounding its commission, and to the recommendation, if any, made pursuant to section 745.2, by order, substitute for ten years a number of years of imprisonment (being more than ten but not more than twenty-five) without eligibility for parole, as the judge deems fit in the circumstances.

[12] Recently, my colleague Justice Hunt considered parole eligibility in *R. v. Sylliboy*, 2022 NSSC 213. After referring to s. 745.4 Justice Hunt set out guiding cases from our Court of Appeal and made comments which I find to be most helpful and of application (with one caveat) in my analysis:

15 In deciding what period of parole ineligibility would be fit, judges are guided by what periods of parole ineligibility have been imposed on similar offenders in similar circumstances of second-degree murder convictions. It is the understandable need for a degree of consistency between the periods of parole ineligibility for similar offenders in similar circumstances that drives this inquiry into what is the "acceptable range" of parole ineligibility. This is often a challenging factor to apply given that no two offences and no two offenders are ever truly the same.

16 Caselaw suggests that the appropriate way to proceed is to first identify the "acceptable range" of parole ineligibility. A "fit" or reasonable period of parole ineligibility can then be selected as the specific period for a particular offender.

17 In *R. v. Cromwell*, 2005 NSCA 137 the Nova Scotia Court of Appeal had the following to say about the "fitness" of a sentence and how the "range" of reasonable sentences is determined:

26 In my opinion the range is not the minimum to maximum possibilities for the offence, but is narrowed by the context of the offence committed and the circumstances of the offender ("... Sentences imposed upon similar offenders for similar offences committed in similar circumstances ..." Per MacEachern, C.J.B.C. in *R. v. Mafi*, (2000) 142 C.C.C. (3d) 449 (CA)). The actual punishment may vary on a continuum taking into account aggravating and mitigating factors, the remedial focus required for the particular offender and the need to protect the public. This variation creates the range.

18 More recently the Court of Appeal has provided further direction on the subject of determining the appropriate period of parole ineligibility: *R. v. Ward*, 2011 NSCA 78; and, *R. v. Hawkins*, 2011 NSCA 7.

19 In *Hawkins*, Beveridge J.A. stated at paras. 16 and 17:

16 Although the criteria specified by s. 745.4 references but three factors (the character of the offender, the nature of the offence, and the circumstances surrounding its commission), it is plain that these factors are not to be narrowly construed. For example, in *R. v. Shropshire*, Iacobucci J., after enumerating the three statutorily prescribed factors, announced that denunciation can be considered under the criterion "nature of the offence" and concerns over the possible future dangerousness of the offender under "character of the offender" (para. 19). Indeed, since parole ineligibility is part of the "punishment" and thereby an element of sentencing policy, deterrence is also relevant in justifying an order under s. 745.4 (paras. 21-23).

17 Following the release of the Supreme Court's decision in *R. v. Shropshire*, Parliament amended the *Code* by introducing ss. 718-718.2 "Purpose and Principles of Sentencing". These sections, in effect, codified many of the principles established by decades of case law, but also clarified the approach to be taken by the courts in exercising their discretion in imposing sentence. It is useful to set them out. They are:

The fundamental purpose of sentencing is 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;
- (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 and to the community.

718.1 A sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.

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 any other similar factor,

(ii) evidence that the offender, in committing the offence, abused the offender's spouse or common-law partner,

(iii) evidence that the offender, in committing the offence, abused a person under the age of eighteen years,

(iv) evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim,

(v) evidence that the offence was committed for the benefit of, at the direction of or in association with a criminal organization, or

(vi) evidence that the offence was a terrorism offence 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 should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders.

20 To recap, the starting point is a 10-year period of parole ineligibility. To consider substituting a different number of years, the Court must consider the factors in section 745.4 (character of the offender; nature of the offence; circumstances surrounding the commission of the offence; and any jury recommendation made pursuant to section 745.2, this final element has no application in this particular case, as it was a judge alone trial).

21 The Court must also weigh sections 718 - 718.2 of the *Code*. Having done so the judge will be in a position to assess where, within the range of acceptable periods of parole ineligibility, the specific offender should be placed, that is: in the 10 - 15 year range; the 15 - 20 year range; or the 20 - 25 year range.

22 I also want to note the following. Although sections 718 - 718.2 of the *Code* are relevant to this process (see *Hawkins*, supra, para 47), "specific deterrence" has no place in this decision (*Hawkins*, supra, para 39-41). Further "denunciation and deterrence" are not of "paramount significance" in cases of second-degree murder because the sentence provides for a minimum period of parole ineligibility (see *Hawkins*, supra, para 42).

23 There is still a role for considering denunciation and to promote general deterrence. Denunciation can be considered under the criterion of "nature of the offence" and concerns over possible future dangerousness of the offender under the criterion of "character of the offender" within those section 745.4 factors (see *Hawkins*, supra, para 16).

## **THE RECOMMENDATIONS BY THE JURY**

[13] The caveat to what Justice Hunt stated is that here, Mr. Sandeson's trial was, of course, a jury trial and pursuant to s. 745.2, I asked the jury members if they wished to make any recommendation on the number of years, between 10 and 25, that Mr. Sandeson would have to serve before being eligible for parole. Their recommendations were as follows: 1 juror – 10 years; 2 jurors – 22 years; and, 9 jurors 25 years.

[14] I am not bound by the jurors' recommendations but must consider them, and have done so. I would add that in considering their recommendations, I am mindful of our Court of Appeal's direction in *R. v. Butcher*, 2020 NSCA 50 (per Justice Derrick's comments, with Justice Bourgeois concurring and Justice Beveridge dissenting, but not on this point) at paras. 101 and 102:

101 Pursuant to s. 745.2 of the *Criminal Code*, the jury members were asked by the trial judge if they wished to make any recommendation on the number of years, between 10 and 25, that Mr. Butcher would have to serve before being eligible for release on parole. Their recommendations were as follows: 2 jurors -- 10 years; 1 juror -- 12 years; 1 juror -- 15 years; 1 juror -- 18 years; 3 jurors -- 20 years; and 4 jurors -- 25 years. The trial judge noted this in his reasons:

[94] Therefore, of those jurors who chose to make a recommendation about a parole ineligibility date, eight suggested a date in the 18-25 year range, one at 15 years and three suggested 12 years or less. I am not bound by the jury's recommendation, but must consider it, which I have done.

102 Although judges have questioned the jury's ability to make informed recommendations (see, for example, Watt, J. in *R. v. Barry*, [1991] O.J. No. 2666 (Ont. C.J.)), recommendations are to be taken into account, which the trial judge here indicated he had done.

## **CIRCUMSTANCES AND CHARACTER OF THE OFFENDER**

[15] Mr. Sandeson is now 30 years old. He was 22 when he committed the homicide. At the time he was leading a double life. On the plus side, Mr. Sandeson's situation involved:

- coming from a loving and supportive family with two parents and three brothers



- being in a steady relationship with his girlfriend, a fellow university student
- having been a member of the Dalhousie University track and field team
- having completed an undergraduate degree at Dalhousie, Mr. Sandeson was on the verge of commencing studies at Dalhousie Medical School
- volunteering at Ronald McDonald house and in other community activities
- working part-time jobs involving patient care and with adults with special needs

[16] Mr. Sandeson's other side came from his involvement in the drug world, including:

- Being a drug dealer – he sold mostly marijuana and mushrooms with trafficking marijuana as his main trade
- Owning a semi-automatic 9mm restricted handgun which he admitted on at least one occasion to having with him on a return trip to Montreal

### **PRE-SENTENCE REPORT**

[17] The PSR was authored by probation officer William Middleton. Prior to writing the PSR, Mr. Middleton interviewed Mr. Sandeson, his parents, brothers, a mentor and correctional case worker. The PSR confirms Mr. Sandeson's positive upbringing noting that he was "never subject to any form of abuse or neglect."

[18] The PSR details Mr. Sandeson's background. It is noteworthy that he received the Lieutenant Governor's Education Medal and Gold C Award upon high school graduation. He worked part-time and was involved in athletics and Scouts where he earned the Chief Scout Award.

[19] During his time on remand and in custody, Mr. Sandeson completed a Paralegal Certificate and a Masters in Business Administration from Adams State University in Alamosa, Colorado. He also completed an electrician program with the Stratford Career Institute from Mount Royal, Quebec. Further, Mr. Sandeson completed the requirements for the Canadian Securities Institute Certificate.

[20] Mr. Sandeson is financially stable and has no health issues. He does not have any substance abuse or gambling problems.

[21] The PSR author notes that Mr. Sandeson was polite during his interview and he is quoted as follows:

Mr. Sandeson was interviewed by telephone due to COVID-19 restrictions on visits to the Central Nova Scotia Correctional Facility. The subject was polite and thorough in the information provided. With regard to the offense before the Court, Mr. Sandeson indicated: "I testified at my second trial. It has been a relief to speak publicly about it. My family has been in the dark. At least now the Sampson [sic, Samson] family has an answer as to what happened to his body. They can stop looking and I hope that it offers some relief."

[22] Mr. Sandeson's corrections history is gone over and the PSR author notes:

Breanna Lohnes, Correctional Case Worker At the Central Nova Scotia Correctional Facility offered the following comments: "According to JEIN, (Justice Enterprise Information Network) William Sandeson was admitted to the Central Nova Scotia Correctional Facility on July 4<sup>th</sup>, 2020. Throughout this custody term Mr. Sandeson has been involved in three separate incidents for "Detrimental Behaviour, Disobey Order, Smuggling," and was subsequently confined to his cell for one incident and segregation for the other two incidents. Mr. Sandeson has completed multiple programs while in custody, such as the Options to Anger Program and Respectful Relationships. Mr. Sandeson is also registered for the Transition to College program and has complete three out of the four modules thus far. This writer has been Mr. Sandeson's Correctional Case Worker since January 2023 and Mr. Sandeson has been pleasant and respectful in all our interactions.

[23] The PSR concludes as follow:

William Michael Sandeson is a 30 year old first time offender who is before the Court on one charge of Punishment For Murder. The subject has used the past eight years to complete further educational programs and to assist other inmates with their educational goals. Mr. Sandeson continues to have the support of his extended family who have unanimously expressed shock and dismay that the subject became involved in the criminal justice system culminating in the current charge. Given the nature of the offence, recommendations for programming are best left with the supervising agency.

[24] I have considered the PSR, along with Mr. Sandeson's support letters.

## **VICTIM IMPACTS**

[25] We heard read today 16 VISs. Six read their statements themselves and ten were read by Crown counsel. These 16 VISs were filed along with eight others. I have taken into consideration all of the VISs. They express the manifest sense of pain and loss that has been felt since this senseless crime of almost eight years ago. Friends and family have lost a loving and much-loved friend, boy-friend, brother or son. Taylor Samson is surely missed. He was a physically large man with a lasting presence. He had a promising future. His life was snuffed out at a mere 23 years-of-age. The loss expressed through the words of family and friends is palpable and offers the Court a window into the pain and suffering that they have endured and will continue to endure.

[26] The 24 VISs were authored by the following people:

### **Family**

- |                         |   |
|-------------------------|---|
| - Linda Boutilier       | Taylor's Mom  |
| - Audrey Samson         | Aunt  |
| - Charlene Sampson      | Godmother   |
| - Cindy Samson          | Aunt  |
| - Connor Samson         | Brother   |
| - Dean Samson           | Dad   |
| - Paulette Samson       | Aunt  |
| - Mary Elizabeth Samson | Grandmother   |
| - Stephen Samson        | Uncle   |
| - Anne-Marie Anstey     | Aunt (also read for her children Chris, Chelsie, Isabelle and Kingston Anstey, cousins of Taylor) |
| - Chelsie Anstey        | Cousin  |

### **Friends**

- Kaitlynne Lowe
- Jeff MacKintosh
- Ryan McCrea
- Thomas McCrossin

- Gillian Meaney
- Douglas Morum
- Roger Parsons
- Casandra Persad
- Shayn Power
- MacKenzie Ruthven
- Deidre Wilson
- Ryan Wilson
- Hannah Witherbee

[27] The VISs provide a glimpse into Taylor's life, cut so short nearly eight years ago. From the VISs, I below excerpt these quotations which I find especially poignant:

*Taylor's life was taken from him at 22 years of age. I was only given 22 years to be his mom. Taylor was a fun, loving and so caring person who had a great future ahead of him. Taylor was robbed of at least 60 years of his life, he never had a chance to finish university or start a family and I was robbed of a least 25 more years to watch my son grow and achieve his dreams.*

Linda Boutilier, Mother

*He also had a grandma, uncles, aunts, cousins, girlfriend, and friends. Who all have been impacted in some way, shape or form by callous decision of one person.*

*My rother was not perfect. He was human. He made mistakes, as we all do, but he was a very kind-hearted, loving, beautiful soul who knew how to make you fell better about yourself after you felt bad about yourself, a guy who would help you out any way he can.*

Connor Samson, Brother

*It's incredibly difficult having never recovered Taylor's remains. We have no idea what happened to him. Taylor's family and friends were never able to get closure by having a funeral service for him.*

H. Dean Samson, Dad

*Taylor was fiercely intelligent, generous, empathetic, passionate, courageous. His priorities in life centered around giving back to his community and the people he loved. Absolutely everything Taylor did was to build and cultivate a better life for his family and friends. Taylor was a generous leader because others always came first: especially his family. Even though Taylor has been ripped from our world, the incredible love he shared in life still radiates and spurs me to continue to do everything I can to honour his legacy.*

Kaitlynn Lowe, Friend

*Not having found his body and not hearing what the murderer may have done to the body for over seven and a half years has been detrimental on my emotional health. We have no grave to visit, there was no body to say goodbye to. We were supposed to have the chance to get together after having made something of our own lives, to laugh, share and reminisce on old times and perhaps call each out for some of the more foolish decisions we may have made during those years. I can't help but feel that those times, and the memories that we would have reminisced about have been stolen from me and stolen from the many others like myself.*

Jeff MacIntosh, Friend

*My upbringing was one which relentlessly tried to hide me from the evils of the world. I grew up with a passionate belief that "people are good". After Taylor was taken from us, it led me down a dark, destructive road to the understanding that "people are bad. I read book after book trying to understand the violent act; trying to understand what it would take for someone to kill a man I as more confident would've left the world a better place than anyone I knew.*

Thomas McCrossin, Friend

*Taylor was struck from all existence; with little trace he ever once was a major part of my life. With the absence of any body, I am not afforded a place to even visit, to reflect or mourn. The feeling is maddening to feel this void of something missing in my life that was once there with no physical proof it ever once existed. Taylor's murder fundamentally affected my world view and affected me in ways I may never fully understand. I know for certain I have experienced emotional damage. I find it difficult no to seek empathy and to process the emotional impact of events in my own life. I am suspicious of those who attempt to get to know me better and will put up walls in my own personal and romantic relationships. There is forever the "what if" or suspicion of ulterior motives like those that had led to Taylor's demise.*

Shayn Power, Friend

*Taylor Samson was a truly unique individual with a bright future who was taken from the world before he accomplished many of his dreams. In Taylor's words, he wanted to "give back everything he could to those who deserve it and more", and "innovate, develop, and make the world a better place, as well as influence the lives of many". This was part of his plan that he had written out and kept taped to the wall above his desk to remind him daily what was important to him. He was inspirational, brilliant, and irreplaceable. Above anything else, Taylor cared about people wholeheartedly and unconditionally. I learned a lot from Taylor. He became a huge part of my life in a short time, and having him ripped away so tragically has impacted me, and everyone who knew him, in so many ways.*

Mackenzie Ruthven, Girlfriend

[28] The VISs are testaments to the man that Taylor Samson was. They also underline the fact that Taylor's family and friends have not only lost a son, brother, boyfriend, colleague or friend but that the murder has caused physical, mental and financial toll on almost everyone who submitted a VIS. The pain and suffering has continued unabated since mid-August, 2015. Nearly eight years have passed and while there has been some healing with the passage of time, the loss of Taylor will never be forgotten and the suffering will endure.

**NATURE AND CIRCUMSTANCES OF THE OFFENCE – FINDINGS OF FACT**

[29] The *Code* at s. 742(2)(a) provides for the Court to do its best to determine the necessary facts for sentencing from the issues before the jury and from the jury's verdict. When a guilty verdict is returned by a jury, it is impossible to know exactly which facts the jury accepted or rejected. In such circumstances, the trial judge is permitted to interpret the jury's verdict and to determine the facts applicable to sentencing. Aggravating facts must be proven beyond a reasonable doubt. I recognize that I am both entitled and required to make my own findings of relevant facts, as long as they are consistent with the jury's verdict. In this regard, I refer to s. 724 of the *Code* as authority:

**Information accepted**

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.

[30] In this case, the jury rejected the accused's argument of self-defence. I do not accept the accused's testimony of what led to the killing. I now recite the following findings of fact:

- (a) Mr. Sandeson was a drug dealer.
- (b) He sold mostly marijuana, and mushrooms. Trafficking marijuana was his main trade.
- (c) On July 29, 2015, Mr. Sandeson inquired about obtaining a large quantity of marijuana (upwards of 20-40 pounds) from a known supplier, Jefferson Guest, who in turn connected Mr. Sandeson to Mr. Samson.
- (d) Mr. Sandeson pretended he had \$40,000.00 for a known buyer – but at all material times he wanted the drugs for himself.

- (e) Mr. Samson and Mr. Sandeson met in person on August 5, and thereafter communicated by text throughout the days until and including August 15, 2015, to arrange the deal: 20 pounds of marijuana for \$40,000.00.
- (f) They met in person on August 13, 2015 at Mr. Samson's home which was located two doors down from Mr. Sandeson's home. The purpose of that meeting was to sample the marijuana and firm up the deal.
- (g) Mr. Sandeson targeted any person who would be willing to "sell" him 20 or more pounds of marijuana. It just so happened that Mr. Samson was that person.
- (h) They agreed to conduct the deal on August 15, 2015. At some point, Mr. Sandeson asked his roommate to not be present at their apartment after 8pm.
- (i) Mr. Samson was prepared to do the deal as early as possible on August 15, 2015.
- (j) Mr. Sandeson invited Mr. Samson to his home at 1210 Henry Street, apartment 2, on August 15, 2015 but pretended it was a "safe house" and took various steps to prevent Mr. Samson from knowing it was his residence.
- (k) Mr. Sandeson lured Mr. Samson to his apartment for the purposes of conducting a robbery of 20 pounds of marijuana.
- (l) Mr. Sandeson met Mr. Samson at the front entrance of his apartment on August 15th at about 10:25pm and walked with him into the residence.
- (m) Mr. Sandeson was carrying a concealed loaded semi-automatic 9mm restricted handgun.
- (n) He had two bullets loaded in his gun.
- (o) Mr. Samson was wearing shorts and a t-shirt and boat shoes; he was unarmed. He was carrying a large black duffel bag containing marijuana.
- (p) They entered the apartment at approximately 10:26pm; their movements were captured on Mr. Sandeson's video cameras.
- (q) The only two people in the apartment at the time were Mr. Sandeson and Mr. Samson.



- (r) Within three minutes after his arrival, Mr. Samson was shot one time by Mr. Sandeson.
- (s) While in the apartment, he provided Mr. Samson with approximately \$2,700.00, and then shot him point blank in the head (less than 4 feet away) while he was seated at the kitchen table.
- (t) After he shot Mr. Samson, Mr. Sandeson picked up the money that was on the floor and did not call or request anyone to call 911, or make any effort to help Mr. Samson.
- (u) Mr. Sandeson is seen on his video going across the hall to his neighbor's door and immediately returning to his apartment. The neighbour, Pookiel McCabe and his friend Justin Blades followed and were at the doorway. Mr. Blades was visibly shocked by what he observed. Neither Mr. Blades nor Mr. McCabe entered Mr. Sandeson's apartment.
- (v) They observed Mr. Samson's deceased body seated at the kitchen table. There was blood everywhere on the floor, table and over Mr. Samson's head and neck.
- (w) Messrs. McCabe and Blades left and went back to apartment 1, and then briefly returned to the entrance of apartment 2 and shortly thereafter they left the building.
- (x) Within minutes of the murder, Mr. Sandeson placed marijuana in the hall for a friend to retrieve, thus completing a minor drug deal.
- (y) Mr. Sandeson then began the clean up which lasted less than 2 hours.
- (z) Mr. Sandeson dragged Mr. Samson's body to the bathroom and placed the body in the tub.
  - (aa) He cleaned the blood on the floor and table with bleach.
  - (bb) He put the 6'4", 240lb body in the black duffel bag, which was approximately 3.5 metres long, shut off his video cameras, carried the bag containing the body outside, and placed it in the trunk of his Mazda hatchback for the night.
  - (cc) He shut off Mr. Samson's phone.
  - (dd) He texted his girlfriend at 12:16am on August 16, 2015, and told her that she could return to the apartment.

- (ee) At some point he put the firearm back in the safe in his bedroom. He then turned the video camera back on.
- (ff) He and his girlfriend went to the bedroom and she went to sleep.
- (gg) Mr. Sandeson got up and texted various people (Sonja Gashus, Pookiel McCabe, Amanda Clarke, Jordan McEwan and even the deceased, Mr. Samson) during the next several hours.
- (hh) He visited Mr. McCabe at Mr. McCabe's apartment between 3-5 a.m. and played video games and made general conversation about Mr. McCabe's night out and had no discussion about the events that occurred in his apartment earlier.
- (ii) He drove his girlfriend, and picked up her colleague, Chantale Comeau, and took them to their work by 6am – while Mr. Samson's body was in the trunk.
- (jj) After he dropped off his girlfriend and her colleague at work, he drove to Colchester County and disposed of Mr. Samson's body, his phone, and other evidence.
- (kk) He dumped Mr. Samson's body off at an aboiteau leading into the Salmon River in Colchester County.
- (ll) He disposed of or hid various items, including the shower curtain and hooks as the items would have provided significant evidence against him.
- (mm) Between August 16 and 18, 2015, he continued to dispose of evidence from his apartment. He placed some items on the curbside by adding it to neighbours' garbage, placed some at his family's Lower Truro farm at a discrete location in a run-down truck bed. He went to work at his job with a home for adults with intellectual disabilities and presented a typical demeanour. He brought the 20 pounds of marijuana to his brother's flat on Chestnut Street where he stored it in the basement.
- (nn) Between August 16 and 18, 2015, he lied to various people (co-workers, friends, family, drug suppliers, and police) about what happened to Mr. Samson and when confronted, denied involvement in his death or disappearance. He also tried to divert their attention from the matter.

- (oo) He spent 1.5 hours with Sgt. Charla Keddy at the Halifax police detachment on August 18, 2015. He presented in a friendly casual way and, despite being told that he would not be in trouble for drugs, he lied repeatedly about his connection with Mr. Samson.
- (pp) After leaving the police station, he carried on with his plans for the day. He attended his car appointment and a family dinner at his girlfriend's grandmother's house, where he was ultimately arrested on August 18<sup>th</sup>, at approximately 7pm.
- (qq) Despite an extensive police investigation involving excavators, pond draining, k-9 units, forensic teams, civilian search and rescue teams, dirt analysis, media releases, etc., Mr. Samson's remains have never been found.

## DISCUSSION

[31] This was a sad, tragic and senseless crime. William Sandeson and Taylor Samson had only known one another for about ten days in the lead up to the homicide. They had no history of personal animosity between themselves, friends or family. In this regard, I categorically reject the notion that Mr. Sandeson had any reason to fear Mr. Samson. There was simply no credible evidence to support the theory of the Defence that Mr. Samson had been involved in any way with a home invasion in the lead up to August 15<sup>th</sup>, or at any time. The Crown's rebuttal evidence extinguished any thought of this fallacy. Jordan MacEwan was entirely credible in this aspect of his testimony and I find, as the jury must have, that Mr. Sandeson was in no way engaging in self-defence when he shot Mr. Samson one time in the head at close range.

[32] I find from the facts, as the jury must have, that Mr. Sandeson acted intentionally. I have determined that he shot and killed against the backdrop of a drug deal for 20 pounds of marijuana. I find the drug deal went horribly wrong. I also infer that the killing was for Mr. Sandeson's monetary gain. I pause here to state that Mr. Sandeson's actions were obviously incredibly ill-conceived and entirely out of synch and proportion with his past, which involved no criminal record and no crimes of violence. As his father noted in his support letter, "William made a terrible mistake."

[33] The Crown has characterized the crime as abhorrent and calculated. They point out that Mr. Sandeson took extreme steps to eliminate the body of Taylor

Samson. While I acknowledge that the crime was abhorrent, I cannot conclude beyond a reasonable doubt that it was calculated. Although Taylor Samson's body has never been found, I cannot find beyond a reasonable doubt that it was dismembered. The body certainly was disposed of and this is an aggravating factor.

[34] In *R. v. Hawkins*, Justice Beveridge explains that the three criteria under section 745.4 are not to be narrowly construed, but encompass denunciation, future dangerousness of the offender and deterrence. In *Hawkins* at para. 67, our Court of Appeal references *R. v. Nash*, 2009 NBCA 7 (NBCA) leave to appeal refused [2009] SCCA No. 131 (SCC), where Justice Robertson stated:

The first is reserved for those offenders for whom the prospects of rehabilitation appear good and little would be served by extending the period of parole ineligibility other than to further the sentencing objectives of denunciation and retribution. The second time frame is reserved for those who fall somewhere in between the first and the third. Obviously, these time frames are not cast in cement and represent a basic starting point for analysis.

These are the offenders who commit brutal murders and who have a criminal record involving brutal or violent crimes. Typically, cases in which the period of parole ineligibility has been fixed at 20 to 25 years involve offenders with criminal records involving violence and hence, are considered to be a threat to public safety.

[35] In *R. v. Hartling*, 2011 NSSC 506, affirmed 2013 NSCA 51, Justice LeBlanc endorsed a number of relevant considerations which I find helpful in applying the factors under section 745.4 of the *Criminal Code*:

6. I refer to a decision of the Newfoundland Supreme Court, of *R v Doyle*, 2003 NLSCTD 20, affirmed at 2004 NLCA 64, where Chief Justice Green outlined a number of relevant considerations in applying the factors under s. 745.4. Along with the principles of sentencing which I have just outlined, he said at paragraph 31:

[31] these considerations can be restated for present purposes as follows:

- a. Character of the Offender:
  - i. general background;
  - ii. previous criminal record and lifestyle;
  - iii. medical and psychiatric history;
  - iv. capacity for future dangerousness;
  - v. attitude, including remorse and victim empathy;

- vi. motivation;
  - vii. mitigating circumstances, such as the entry of a guilty plea, and cooperation with the investigation,
- b. Nature of the Offence
- i. nature of the crime;
  - ii. victim impact;
- c. Circumstances surrounding the commission of the offence
- i. the manner in which the death was caused, including the infliction of any gratuitous, excessive or sadistic violence;
  - ii. explanation by the offender, or any lack of explanation;
  - iii. planning and deliberation;
  - iv. influence, if any, of alcohol or drugs.

7 The leading case in this Province on s. 745.4, which is the matter of parole ineligibility is *R. v. Hawkins*, 2011 NSCA 7. In that case, the jury convicted the offender of second degree murder. The offender brutally killed the victim in his own home and robbed the home in order to buy cocaine. He was 29 years old at the time of the offence, and had had a difficult upbringing, but the trial judge found that he had some potential to be a contributing member of society, and some skills as a roofer. The evidence indicated that "drug abuse had been the offender's downfall" (para. 22). The trial judge referred to, among other things, the offender's lack of remorse and the principles of specific deterrence, and set the ineligibility period at 20 years.

8 The Court of Appeal considered the principles applicable to a determination under s. 745.4. The Court noted that specific deterrence should not be a consideration, nor should the absence of any expression of remorse. The Court went on to state that an increased period of parole ineligibility may serve to express denunciation and the community's revulsion over the offence, as well as providing some scope for general deterrence, although the deterrence aspect should not be overemphasized. It is not the overwhelming imperative of a longer period of parole ineligibility. Therefore, the general principles of sentencing under sections 718-718.2, and the Court stated, "generally inform the discretion to be exercised in setting the period of parole ineligibility" (para. 47). This compels the sentencing judge to consider the "principles of restraint embodied in the mandatory directions of s. 718.2", and to have reference to what periods of parole ineligibility have been imposed on similar offenders for similar offences committed in similar circumstances (para. 47). Previous cases will serve as a "rough guide for the sentencing judge in identifying the types of aggravating or mitigating circumstances that other courts have relied on as relevant in applying the

guidelines." (Para. 51 citing *R. v. Doyle* (1991), 108 N.S.R. (2d) 1 (C.A. at para. 42). Justice Beveridge, speaking for the Court, also noted that a period of ineligibility of 20 years or longer "is reserved for the worst offenders or offences." (para. 69). After an extensive review of caselaw, he concluded, at para. 95:

95 The facts speak of a brutal and callous murder of a vulnerable victim in his own home by an offender driven by the scourge of addiction to a corrosive drug. Most murders are brutal and callous. As recognized by many cases, the imposition of a sentence of life imprisonment without parole ineligibility for at least ten years already carries with it significant element of denunciation and general deterrence. However, here the appellant recognized at trial and on appeal that some additional period beyond the automatic minimum ten years was appropriate and suggested 15 years. I agree that in light of the circumstances of this offence, some increase in the period of parole ineligibility is warranted. In my opinion, the acceptable range of sentence in these circumstances is between 12 and 15 years. ...

9 Again in 2011 the Nova Scotia Court of Appeal considered s. 745.4 in *R. v. Ward*, 2011 NSCA 78. In that case, the offender, a 35-year-old man with a somewhat dated criminal record, a stable work history, and possible alcohol problems, killed the victim with a blow or blows to the head by a baseball bat following a fight that had already left the victim temporarily unconscious. In that case the accused had rendered the victim unconscious, left the residence went outside and came back in with a baseball bat. The trial judge imposed a period of parole ineligibility of 16 years. The Court of Appeal reduced this period. The court stated at paras. 107-108:

[In *Hawkins*], my colleague Justice Beveridge meticulously examined leading cases in this and other jurisdictions before stating what this Court sees as being the appropriate current range for parole ineligibility following conviction for second degree murder in cases where similar circumstances may be ascribed to both the offence and the offender. In such cases as those, this Court has declared that the appropriate period of imprisonment before eligibility for parole can be considered ranges between 12 and 15 years. While there will always be exceptional cases where judges might be persuaded that there is good reason to move below or beyond that range, the judge will be obliged (as would be expected in any other type of sentencing decision) to articulate the reasons for departure, which might then form a basis for meaningful review on appeal.

10 Noting that the Crown had sought in the Court of Appeal a period of 15 years of ineligibility, and the offender 10, the Court of Appeal went onto say at paragraphs 110-114 of the decision:

110 After carefully reviewing the record, I see nothing in the facts in this case which would take it outside that range. While it might seem distasteful to some to "compare" the features of one homicide against another, the reality is that such an analysis is required in order that proper, sensible and

predictable "ranges" might be established. To the extent that one can ever "grade" the level of viciousness or brutality associated with murder, such an analytical exercise is warranted if one's objectives are to achieve proportionality and consistency in sentencing for similar crimes and similar offences.

...

11 The Nova Scotia Court of Appeal considered all these factors "including the principles and objectives of sentencing; the appellant's culpability in such a senseless and vicious assault; and a recognition that in his case the prospects for parole should not be so distant as to dash all hope for rehabilitation" and fixed the appellant's period of parole ineligibility at 13.5 years (para. 115).

## **RANGE OF SENTENCE**

[36] Section 718.1 of the *Code* directs that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender. The period of parole eligibility forms part of the sentence and must respect these principles. Whatever weight the Court ultimately puts on the various objectives and principles in the *Code*, the resulting sentence must take account of the fundamental principle of proportionality.

[37] The parties have referred me to several cases pertaining to what other sentencing courts have done in parole eligibility hearings. I have reviewed all of the cases referenced by counsel and as well as further jurisprudence.

[38] In *R. v. Hawkins*, the Court of Appeal reduced to 15 years a 20-year period of parole ineligibility originally handed down by the trial judge. The accused had broken into the victim's home in order to commit a robbery and killed the owner of the home in the process. The victim was stabbed to death and strangled. The victim was also noted to be mentally disabled. The accused had demonstrated a consistently strong work ethic but had a significant substance abuse problem. He also had only one prior conviction of a violent nature.

[39] *Hawkins* is also notable because it referenced the three general ranges of parole ineligibility for second degree murder.

[40] Here, the Defence recommendation would place Mr. Sandeson in the first range while the Crown position puts him in the third. In *Sylliboy*, Justice Hunt imposed a sentence of 15 years before the offender would be eligible for parole.

In doing so, he accurately and helpfully summarized a number of the cases that I have reviewed and borne in mind:

56 The Crown further refers to the case of *R. v. Ward*, 2011 NSCA 78. There the defendant was convicted of second-degree murder after beating the victim with a baseball bat resulting in his death. This was after a fight earlier. The Court of Appeal imposed a sentence of 13.5 years. However, the Crown notes the accused was found by the Court of Appeal to have a positive work history. His background suggested this crime was well out of character for him. He had a past history that was characterized more as a peacemaker than an aggressor. There were many aspects of his prior life that were noteworthy for their pro-social character.

57 In *R. v. Hutchinson*, 2014 NSSC 155, the victim was the mother of two young children who was stabbed to death by the accused with whom she was in an intimate relationship. He had 71 prior convictions, most of which involved violence. The Court found that this had been a brutal and savage killing which had been committed by an accused with an increasing propensity for violence as evidenced by his record. The Court ordered 21 years before he would be eligible to apply for parole.

58 In the case of *R. v. Riley*, 2019 NSSC 92, the accused shot and killed a pizza delivery person. It would appear the victim had been chosen deliberately because of a dispute with the accused. The accused was 19 at time of murder and had 18 prior criminal convictions starting from the age of 14, some of which were for offences of violence. A 15-year period of ineligibility was imposed.

59 In *R. v. Butcher*, 2018 NSSC 194, the accused killed the victim in her home by stabbing her repeatedly while she lay in bed. They had been in a relationship and there was some evidence that the victim was attempting to end the relationship. The Court ordered 15 years before eligibility for parole. I acknowledge there is a distinguishing feature with this matter in that Mr. Butcher had previously been a pro-social individual with no record for violence.

60 In the case of *R. v. Garnier*, 2018 NSSC 196, the accused and the victim met at a bar and returned to his residence. During a sexual encounter, the accused beat the victim and strangled her, causing her death. The accused had no record prior to this incident. The Court ordered a 13.5 year period before the accused would be eligible to seek parole.

61 In *R. v. Pelletier*, 2004 BCCA 264, the offender carried out a home invasion where an 81-year-old resident was beat to death by being stomped in the head. The accused was a 21-year-old aboriginal offender, with significant addiction issues and a criminal record. He was given a 15-year parole ineligibility.

62 In *R. v. Boucher*, 2006 CarswellYukon 89 (SC), the beating of a 64-year-old man resulted in his death. The defendant subsequently disposed of his body. The accused had a criminal record for violent crimes. His parole ineligibility was set at 15 years.



63 In *R. v. Ross*, 2018 MBCA 7, the victim was beaten by three co-accused and left unconscious. The accused then later returned and continued the assault, kicking him in the head, which led to the victim's death. Again, a 15-year parole ineligibility period was set.

64 In *R. v. Martin*, 1981 49 N.S.R. (2d) 361 (NSCA), the victim was set upon and robbed by two offenders. He was repeatedly kicked while he was on the ground and subsequently died of his injuries. The accused had a criminal record. The period of parole ineligibility was set at 14 years.

65 In *R. v. Reitmeier*, 2016 ABCA 269, the two accused beat the victim, who was a stranger chosen at random, to death. The victim was assaulted in a back alley on the street, knocked to the ground, and was kicked repeatedly. The accused in that case was given a 13-year parole ineligibility period.

66 I am also aware of the decision in *R. v. Whynder*, 2019 NSSC 386, a case where a second-degree murder conviction for a shooting of an acquaintance resulted in a 17-year period of parole ineligibility. This was a case like this one where the defence argued that the offender fell into the lowest category and the crown argued for the middle range. The judge in the matter rejected the submission that the lowest range was appropriate. She stated that range was, in her view, more fitted to a first-time offender. While I might not restrict that range to first time offenders, I do believe that it would be most suited to those with a limited, dated or a largely non-violent record.

67 The offender in *Whynder* had a major record for significant physical violence. The history and record in that case includes a prior shooting of an individual by the accused. That is a heavily distinguishing feature.

68 The defence has submitted the case of *R. v. Bernard*, 2017 NSSC 129. In this case the offender had carried out an intense and directed attack on the victim using his hands and feet. He had a criminal record and was on probation. The Gladue Report produced in that case had a number of points which were similar to the Reports here. Mr. Bernard had a terrible family history of abuse, addiction and involvement with the law. The parole ineligibility period was set at 14 years.

69 I am also aware of the decision in *R. v. Gabriel*, 2017 NSSC 90. In this case a dispute over drug territory resulted in the victim being shot. Again, the IRCA before the court in that case contained a very grim account of the accused's background and upbringing. The accused was 22 years old at the time of the killing. He had a record for violence which I read as somewhat lessor than Mr. Sylliboy's. The Court set a parole ineligibility period of 13 years.

[41] In this case, the aggravating factors include:

- use of a firearm (see *R. v. Mills*, 2019 ONCA 940; *R. v. Kirkpatrick*, 2014 BCCA 102; *R. v. Bell*, 2013 BCCA 463; *R. v. Shand*, 2011 ONCA 5)

- besmirching the victim's reputation (see *R. v. Khairi*, 2015 ONCA 279 and *R. v. Czibulka*, 2011 ONCA 82)
- disposal of Mr. Samson's body
- victim impact statements (see *R. v. St. Paul*, 2021 MBCA 31; and *R. v. Sunshine*, 2014 BCCA 318)

[42] The following mitigating factors must also be considered:

- family/community support (*Mills*, *R. v. Boukhalfa*, 2017 ONCA 660; *R. v. Kayaitok*, 2017 NUCA 1; *R. v. Monckton*, 2017 ONCA 450; and *Bell*)
- mainly pro-social lifestyle (see *R. v. Butcher*, 2020 NSCA 50; *R. v. Herntier*, 2020 MBCA 95; and *Czibulka*)
- the accused's age or relative youth (see *Mills* and *Boukhalfa*)
- his history of volunteer work and educational and related endeavours

[43] After having assessed all the factors and caselaw, I have concluded that the 10 – 12 years requested by the Defence while within the proper range, falls below what is warranted. At the same time I must conclude that the 22-year period sought by the Crown falls outside the proper range.

## CONCLUSION

[44] While parity is a sentencing principle, sentencing is a highly individualized exercise, and no two cases will be exactly alike. It is not possible to engage in a precise comparison of cases for sentencing purposes.

[45] As I noted at the outset, the only sentence for murder is life imprisonment. Accordingly, life imprisonment is the sentence imposed by the Court.

[46] This conviction carries a mandatory DNA order and mandatory section 109 lifetime firearms prohibition order, and these are ordered. There will be a forfeiture order with respect to the Mazda. The Crown has prepared proper ancillary orders and I have signed them.

[47] With respect to the period of parole eligibility, it is the determination of the Court that William Michael Sandeson must serve a minimum period of 15 years before being eligible to apply for parole. I have concluded on all of the facts and submissions that this period is the proper expression of the relevant law and

principles, including those drawn from our Court of Appeal in *R. v. Hawkins*. As noted in *Hawkins*, parole is only a possibility for this offence. Sentencing courts have to be cognizant of the fact that the National Parole Board, and not the Court, is the body tasked with determining if and when the offender is at a suitable risk of not re-offending such that a conditional release is possible. If Mr. Sandeson is released, it would only be on satisfactory compliance with whatever conditions the Board places on him to ensure compliance with the law and the safety of the public.

[48] As all have expressed the events of August 15, 2015 were sad and tragic. One life was taken and that fact alone has affected a host of other lives. Taylor Samson will be forever missed and never forgotten. William Sandeson's life and the lives of those within his family and friend groups have also been adversely affected. When he shot Taylor Samson dead he made a reprehensible and incomprehensible choice. Instead of entering medical school, Mr. Sandeson entered jail in the summer of 2015 and he has remained there ever since. Given this decision, he will remain incarcerated for a similar length of time – approximately seven and a half years before he is eligible for parole. If he is released at that time or some future time, he has the potential to be a contributing member of society.

[49] This crime shook our community and the reverberations continue to be felt. With the continued passage of time the Court can only hope that William Sandeson will some day become a productive community member again and that Taylor Samson's memory will serve to inspire the lives of those whom he touched and continues to touch through his time on earth.

Chipman, J.