

SUPREME COURT OF NOVA SCOTIA

Citation: *R. v. Skinner*, 2026 NSSC 32

Date: 20260209

Docket: CRH-529089

Registry: Halifax

Between:

His Majesty the King

v.

Makayle Larry James Skinner

DECISION ON SENTENCE

Judge: The Honourable Justice Joshua M. Arnold

Heard: February 9, 2026, in Halifax, Nova Scotia

Oral Decision: February 9, 2026

Written Decision: February 9, 2026

Counsel: Eric Taylor and Richard Miller, for the Crown
Nathan Gorham and Breana Vandebeek, for Makayle Skinner

Overview

[1] Makayle Larry James Skinner pleaded guilty to manslaughter in relation to the shooting death of Treyvhon Bradshaw. Crown and defence jointly recommend a period of ten years in jail, less credit for time spent on remand. For the reasons that follow, I accept the joint recommendation.

Procedural History

[2] Mr. Skinner was originally charged with the murder of Treyvhon Bradshaw. The Crown consented to Mr. Skinner pleading guilty to the included offence of manslaughter. Sentencing was adjourned to allow for the preparation of a pre-sentence report (PSR) and an Impact of Race and Culture Assessment (IRCA), and to allow for the submission of victim impact statements.

Facts

[3] Makayle Skinner and Crown jointly filed an Agreed Statement of Facts pursuant to s. 655 of the *Criminal Code*:

On March 17th, 2022 (St. Patrick's Day), Treyvhon Bradshaw was visiting Halifax from his home in Toronto, having recently travelled with two friends in a rental car. Just before midnight, he and one of his friends parked their rental car on Gottingen Street, across from The Den Nightclub ("the nightclub") and entered the nightclub. Shortly thereafter they were joined by their other friend from Toronto.

Just before 1:00 a.m. on March 18th, 2022, Makayle Skinner arrived in the area with a group of friends including a second male suspect and entered the nightclub. Shortly afterward, Mr. Skinner's girlfriend Jasyhia Watters joined them.

At approximately 2:31 a.m. near the lobby of the nightclub, Mr. Skinner and an associate engaged in a verbal dispute with Mr. Bradshaw and his associate. Door staff intervened. During this dispute Mr. Bradshaw threatened to assault Mr. Skinner and his friends.

CCTV footage captured much of the events outside the nightclub. Less than one minute later, Mr. Bradshaw exited the nightclub followed by a group of people that included Mr. Skinner, a second male, and Ms. Watters. When Mr. Bradshaw exits the nightclub, he went immediately to his parked rental car located across the street and entered into the left rear passenger door. He remained inside the car for approximately thirty seconds. While Mr. Bradshaw was inside the car, Mr. Skinner exited the nightclub and stood against the building immediately next to the doorway of the club. Ms. Watters exited and stood next to Mr. Skinner.

Simultaneously, a second individual walked across the street to the opposite curb, where he turned and stood, looking back towards the front of the nightclub.

Ms. Watters left Mr. Skinner and walked across the street, proceeding down a path that serves as a shortcut to a parking area off a neighbouring street. At the same time Ms. Watters crossed the street, Mr. Bradshaw exited his rental car and made his way back to where a crowd has gathered outside of the nightclub. As he walked, he crouched down holding a gun to his right side. Mr. Skinner and the man across the street then began to walk toward Mr. Bradshaw from different angles.

At that moment in time, Mr. Skinner was concerned that Mr. Bradshaw was attempting to ambush him and his friends. Although he did not yet see the firearm in Mr. Bradshaw's hand, the argument, the threat, and Mr. Bradshaw's swift departure to the car led Mr. Skinner to believe that Mr. Bradshaw had armed himself with a weapon, likely a handgun. Mr. Skinner did not want to walk away, which would have involved turning his back on Mr. Bradshaw. Nor did he want to wait and walk out of the club later where he could be ambushed.

As Mr. Bradshaw walked toward the group, he appeared to focus on a particular individual. That person ignored him before turning and walking down the street. At that same time, Mr. Skinner was approaching from the right side of Mr. Bradshaw, attempting to see if Mr. Bradshaw actually had a weapon.

Mr. Skinner did not attempt to shoot Mr. Bradshaw when he was in the back of his vehicle or when he initially crossed the street. He did not want to be involved in a violent altercation. But he did not want to be ambushed either. As he walked out, he looked to seek what Mr. Bradshaw had in his hand. When he saw the gun, he instinctively lifted his own gun and fired upon Mr. Bradshaw. The video depicts that the other individual also opened fire. Mr. Bradshaw was hit several times and fell to the ground.

Both Mr. Skinner and the second individual fled in the same direction as that taken a moment earlier by Ms. Watters. They were followed by many of the same group of associates they had arrived with earlier.

At approximately 2:35 a.m., bar patrons began to exit the nightclub, and some attended to Mr. Bradshaw while others called police. Before the police arrived, Ms. Watters drove Mr. Skinner back to the scene in Mr. Skinner's father's car, stopping on the street just next to Mr. Bradshaw and those attending to him. Mr. Skinner jumped out of the front passenger side of the car and collected items lying on the roadway around Mr. Bradshaw, including a handgun and cell phone. He was chased away by bystanders and attempted to re-enter the car driven by Ms. Watters but ultimately fled the area on foot in the same direction he had fled after shooting Mr. Bradshaw. Ms. Watters then quickly drove the car away from the scene.

At approximately 2:43 a.m. Ms. Watters drove Mr. Skinner back to their apartment building in south-end Halifax, where they exited the car and returned to their

apartment. At approximately 2:58 a.m. Ms. Watters exited the apartment with Mr. Skinner's and her dog, and a bag of garbage, and returned 13 minutes later with the dog but without the bag of garbage. A short time later both Mr. Skinner and Ms. Watters left the apartment wearing different clothing from what they were seen with earlier. They left in that same car, owned by Mr. Skinner's father, with Ms. Watters driving and Mr. Skinner in the front passenger seat.

Shortly after police arrived following the shooting, Mr. Bradshaw was taken to Queen Elizabeth II Health Sciences Centre where he later died at 5:22 a.m. on March 18, 2022. His body was the subject of an autopsy performed later that day by Medical Examiner Dr. Allison Edgecombe, who determined that he died from multiple lethal gunshots from two different firearms.

A later search of Skinner and Watters' apartment failed to find the clothing worn by Mr. Skinner during the shooting. Attempts by police to locate the car owned by Mr. Skinner's father and driven by Ms. Watters after the incident were unsuccessful.

The evidence does not demonstrate beyond a reasonable doubt the mental element for murder. Mr. Skinner, who had consumed alcohol and marijuana that evening, did not want to kill or seriously harm Mr. Bradshaw as Mr. Bradshaw walked across the street. When Mr. Skinner saw the gun in Mr. Bradshaw's hand, he reacted instinctively without thinking. His ability to think clearly was impaired by the alcohol and drugs. Additionally, Mr. Skinner was provoked such that the conviction could be reduced to manslaughter even if he had the *mens rea* for murder. Mr. Bradshaw was committing an indictable offence that caused Mr. Skinner to lose the power of self-control. He fired suddenly before he was able to think. Finally, the defence concedes that Mr. Skinner's actions were not reasonable according to section 34(2) of the *Criminal Code*.

[As appears in original.]

Victim Impact Statements

[4] Five victim impact statements were submitted to the court. They state, in part:

Nicole Bradshaw

I am the mother of Treyvhon Bradshaw. My son was only 25 years old when his life was taken from us on March 18, 2022. He was still so young. He was still figuring life out, still building his future. He had so much more life to live. What hurts the most is that Treyvhon wasn't just my son, he was a father. His little boy was weeks away from turning 3 years old at the time of Treyvhon's murder. Treyvhon loved his son more than anything in this world. He was proud to be a dad. You could see it in the way he looked at that little boy, and in the way his face lit up whenever he talked about him. Now my grandson will grow up without his father.

Treyvhon's son will never get to play ball with him, never get to hear his laugh, never feel his dad's arms around him again, and it just breaks my heart. One day he's going to start asking questions that no child should ever have to ask, and I'll have to find a way to tell him that someone took his dad's life. I don't know how I'll ever be able to do that or where I'll find the strength.

Since the day Treyvhon was killed, our lives have never been the same. There's a silence in my house that wasn't there before. I still expect him to call me, asking what I cooked, or to walk through my door with that big smile of his, or even just to say, "Hi, Ma." But those moments will never come again. Holidays, birthdays, and family gatherings all feel different now. Birthdays especially. Treyvhon has an older sister who was born on the same day as him, same day, same month, three years apart. They were like twins. Their birthdays were very special to them. Now, any time the family gets together, there is always an empty chair and a pain that doesn't go away.

...

The pain of losing my son is something I carry every single day. I wake up, and the first thing I feel is emptiness, knowing I'll never see him walk through the door and never get another hug. My family feels incomplete. The person who took my son's life didn't just take him from me, they took him from his son, his family, and everyone who loved him. They took away a future that can never be replaced. Treyvhon was my only son. We were extremely close. He was my best friend as well as my child. My heart is broken into a million pieces that cannot be put back together.

...

Seona Bradshaw

...

As his littlest sister, I am heartbroken. Every day I am forced to think of my brother's wonderful heart and soul as they existed in the past, and the painful reality that he is not here today. Often I am told that I look like my brother, which gives me comfort, thinking that maybe he lives on in me, but it also brings sadness, because I am not him and he is not here. Still, knowing that he lives on through the way I look is something I hold in my heart dearly.

I am young myself, younger than he was, and I now have to live the rest of my life carrying the trauma of losing my only brother. I question everything more and more each day because he is not here. Treyvhon was not only a remarkable brother, but a generous and good soul with a strong, big heart.

...

Shanelle Bradshaw

...

One look at me and you can see that I have been struggling with severe depression since losing my brother. Nothing is the same anymore. I cry almost every day. His death broke me in a way I don't know how to fully explain. I lost my only brother, my best friend, and my safe place.

Treyvhon and I were born on the same day, three years apart. Because of that, we called each other twins. We shared a bond that went beyond words. From the day he was born, when I was just three years old, he became my very first friend. I have never known life without him. We grew up together, celebrated every birthday together, and leaned on each other through everything. Now I am forced to celebrate birthday after birthday without him, and the pain is unbearable. My heart aches in a way that never goes away.

My brother meant the world to me. He was my protector, my comfort, and someone I could always turn to. Losing him has left a hole in my life that can never be filled. I will never hear his voice again, never feel his hugs, never see him walk toward me or laugh with me. That reality is something I live with every single day.

...

Shanice Dimsdale

...

Treyvhon died a few days before our son's birthday. Treyvhon said he would be back before then. Instead of coming home alive, he came back in a coffin under a plane. Treyvhon has been a part of my life for nearly a decade, losing him so abruptly and unexpectedly has been such a painful experience. Something that I wish wasn't real.

...

Our son misses his dad every day and talks about Treyvhon all the time. He frequently asks me how his father died, and I'm hesitant to tell him because it was such a violent death. Our son prays and wishes that Treyvhon would come back, that "he would come back from heaven". It hurts me to see our son crying for his dad, knowing I can't do anything about it. This pain is something we carry in our hearts. It is now something we will have to live with forever. Treyvhon wasn't just taken away from us – an entire future we thought we would have was completely destroyed.

...

Bryan Nurse

The loss of my stepson Treyvhon is deeply painful. The pain I feel when I even mention his name is unbearable. The memories of our conversations always seem to bring me back to the night we lost Treyvhon to anger, hate, and jealousy. Many days and nights I sit and wonder why Treyvhon. I have no answers, and that only angers me, so I try to hold on to the great memories, his track and field days and all of his basketball games. Basketball was his favorite sport.

When I think about those moments, I smile, but that smile is always followed by tears, knowing he will never walk through the door again or call me to ask questions about being a father. I will never get to listen to all of the plans he had for his son, the things he wanted to do as a father with his first child. That is the hardest part of all and brings me the most pain, knowing how much he loved his son and all the wonderful things he was looking forward to doing as a dad.

...

[5] It is difficult not to be moved by the statements and emotion expressed the victim impact statements. It is also worthy of observation that the sentence to be imposed is governed by fixed principles applied to the circumstances of the offence and the offender. Too often and erroneously, the sentence imposed by the court in a homicide case is thought to afford some measure or indication of the value which a court places upon the life of a deceased. Nothing could be further from the reality. There is no measuring of the inherent or intrinsic value of the victim, and a sentence is not some measurement of equivalence. The sentence imposed is simply not reflective of the intrinsic value or worth of the deceased. That is not the function of a sentence in this or in any criminal case. No sentence will ever breathe life into the deceased person, nor restore him or her to his or her family and/or friends. The criminal process, and in particular the sentencing aspect of that process, is not an instrument of vengeance nor one of appeasement.

[6] Victim impact statements assist the sentencing process by bringing home to the offender the consequences of his or her behaviour and alerting the Court to the very real damage done to the victims and community as a whole. Victim impact statements assist the Court in crafting sentences which acknowledge the harm done to the community and promote a sense of responsibility in the offender. Because vengeance has no role in the sentencing process, victim impact statements must not serve to compensate grief through the imposition of a harsh sentence. Instead, they provide perspective to assist in crafting the imposition of an appropriate punishment for the crime that has led to the loss of that life.

Criminal Record

[7] Mr. Skinner has a criminal record, consisting of two convictions for breaching release orders, as well as two more serious offences which post-date the predicate offence and therefore can only be considered when calculating the remand credit to which Mr. Skinner might be entitled, as described by the Crown as follows:

... two convictions for Possession of a Prohibited Firearm with Ammunition and Fleeing a Peace Officer, which post-dated the predicate offence and for which Mr. Skinner was sentenced to two years' incarceration each concurrent, deemed served by time spent on remand prior to sentencing.

It is apparent, given the above, that at that time of the commission of this offence, Mr. Skinner had a minor criminal record.

[8] Therefore, Mr. Skinner has the following criminal record:

Sentence Date	Charge	Sentence
25-MAR-2024	CC 95(1) Possession of Prohibited or Restricted Firearm with Ammunition	<ul style="list-style-type: none"> Secure Custody Duration: 2 Years Concurrent Continuous Custody at a Federal Facility (Deemed Time Served) Firearms Prohibition Period: 25-MAR-2024 to 25-MAR-2049 Firearms Prohibition Description: Lifetime
25-MAR-2024	CC 320.17 Flight – operate motor vehicle in evading peace officer	<ul style="list-style-type: none"> Secure Custody Duration: 2 Years Concurrent Continuous Custody at a Federal Facility (Deemed Time Served)
30-AUG-2021	CC 145(5)(A) At Large on Release Order Fails to Comply with Condition	<ul style="list-style-type: none"> Fine: \$200.00 Due: 25-OCT-2022
05-OCT-2020	CC 145(5)(A) At Large on Release Order Fails to Comply with Condition	<ul style="list-style-type: none"> Fine: \$100.00 Due: 05-APR-2021

Presentence Report

[9] A presentence report was prepared, describing Mr. Skinner's background and personal circumstances. It states, in part:

FAMILY BACKGROUND

...He noted his parents separated due largely to his father's illicit substance abuse, and noted his father continues to struggle with same today.

...

He noted he did not present any problems in school as a young person, he played on minor basketball teams, and eventually on competitive teams representing Nova Scotia and traveled through-out the United States for tournaments. He noted some of his peer group were known to the police in his formative years.

...

Mr. Skinner says there was no type of physical abuse in the home. He has a good relationship with his mother, and he has discussed the current offences with her. He says he was raised in a good home, and his mother always did her best to provide for them. He noted he has one brother who has a criminal record and is known to local police.

Mr. Skinner says he left the family home at age 20 and moved to Toronto, Ontario with his girlfriend, worked construction work for a period of time, and returned to the Halifax area approximately one year later, and noted his relationship had ended.

...

...Ms. Skinner believes his environment and peer group played a role in his being in conflict with the law. She says in hindsight, she regrets moving into Uniacke Square as a young mother, but she needed a place to live with her children, and it was convenient for her as it was close to her place of employment. She stated her son does not have any issues with drugs or alcohol, was very capable in school, and was involved in competitive basketball. She says prior to the offences, he was doing well with his dog business and suggests he could benefit from upgrading his education and employment skills. ...

...

This writer contacted Ms. Jasyhia Watters, who confirmed she has been dating Mr. Skinner since 2020, and noted they were common-law prior to the offence. ...She says he had experienced a lot of trauma in his early years, which he does not like to discuss. She commented both parents have substance abuse issues. She also commented one of his siblings in particular has a serious criminal background. She said Makayle was required to act like a parent for his younger brother and deal with his parents' substance abuse issues in his teen years, and this was challenging for him. She also noted he was shot three times, and this has been difficult for him to deal with, mentally. She says since then, he has been prepared to protect himself. She says prior to the offence, he was involved in some "sketchy" activity while he was living in the family home. She confirmed her partner was a good student and a good athlete. She stated as a teenager he had a lot of responsibility that he should not have had in the home. She says he does not have any issues with drugs or

alcohol, but again, his parents both suffer with substance abuse, and he did not want to be in the home to deal with the stress. She says the last few months before the offence, their relationship was deteriorating due to Makayle's family stress. She said Makayle's mother was living with them, and this was difficult for him as well. In regard to their relationship, Ms. Watters says she cares for her partner dearly and she would like for him to live a better life. She is uncertain about her future relationship with him, but if he continues his past ways, there will be no future with him. She suggested he needs to stay away from his past associates, and upgrade his education and employment, noting they have discussed this in the past, saying in her opinion, he is very capable of upgrading his education. ... She says he wants to live a normal life and has suggested they relocate for a better life, or a new start somewhere else.

EDUCATION/TRAINING

...He says he always enjoyed school and had decent grades. He says his future education plans are to obtain a GED, and he is unsure of further plans, but they may include training in a trades related profession. Mr. Skinner noted during his recent remand period, he completed his Grade 12 math and science and is very close to obtaining his GED.

EMPLOYMENT

Mr. Skinner says he was self-employed from 2020 to 2024, breeding dogs and was making a living at it. Prior to that, he worked for approximately one year in Toronto, Ontario doing construction work. His future employment plans are to continue with dog breeding and would like to be employed in a trade related field.

...

HEALTH AND LIFESTYLE

...Mr. Skinner informed this writer he was the victim of gunshots on three separate occasions and hospitalized on one occasion requiring surgery to repair an injury to his arm. He also reports being shot in the leg...

Mr. Skinner denies any issues with alcohol or illicit substances, but says he uses marijuana daily, as it helps him deal with pain and anxiety issues.

...

OFFENDER PROFILE

...He was polite and cooperative throughout the interview. He says he takes full responsibility for his offence. He says he should have handled the situation in a more appropriate manner, noting his actions have a major effect on a lot of lives, including his own and the victims' family, and it is traumatizing for the people involved. He says he wishes it never happened and he would like to apologize to the family.

CORRECTIONS HISTORY

The records of the Justice Enterprise Information Network (JEIN) show a criminal record as detailed in the attached NS Offender Summary PSR Report.

The JEIN notes indicated Mr. Skinner completed the Options to Anger Program and individual sessions with a social worker while remanded at the Cape Breton Correctional Facility.

February 5, 2020, Mr. Makayle Skinner was sentenced to 9 months' Probation for one count of s. 145 CC, and s. 129 CC. File notes indicate Mr. Skinner reoffended throughout this period of supervision.

...

[As appears in original.]

Impact of Race and Culture Assessment

[10] An IRCA was prepared describing Mr. Skinner's background and personal circumstances. The Crown accurately describes the information contained in the IRCA as follows:

The Clinical Impression section of the report, contained on pages 11-14 are particularly helpful, as are the summaries of the collateral source interviews, and the Overall Risk and Rehabilitation Analysis on pages 24-26. The Clinical Conclusion is concise: "In summary, Makayle Skinner's behavior appears to be primarily influenced by contextual factors, trauma, and fear, rather than suggesting a deeply rooted violent tendency. His adherence to house arrest, remorse, family backing, and willingness to undergo rehabilitation are indicative of his readiness for change."

[11] More specifically, the IRCA states:

...

Psychosocial Context of the Index Offence

[s. 718.1; Morris / Anderson alignment]

Makayle Skinner recalls what he perceived as a lethal threat: "I just remember he said he's gonna shoot me." Given Mr. Skinner's history of being shot three times, he perceived the threat as credible and imminent.

Makayle Skinner described attempting to visually confirm whether the deceased victim was armed and emphasized that he did not seek confrontation. He stated, "When he tried to pull out his gun, that's when I pulled mine and shot him." He described his response as automatic: "I reacted instinctively...without thinking."

Current Mental Health and Functioning

[s. 718.2(e); rehabilitation potential]

Makayle Skinner has advised that he has not engaged in formal mental health treatment since the prior IRCA in 2024, citing cultural stigma: “Growing up, they say ain’t nothing wrong with you...just straighten up,” and “I don’t like talking about my mental health.” He reports sleep disturbance, appetite disruption during stress, chronic pain, and elevated anxiety related to sentencing uncertainty.

Despite this, he demonstrates insight, reflective capacity, and openness to culturally grounded supports, such as Black men’s wellness or peer-based programs.

Functioning Under Community Supervision

[s. 718.2(e); risk management]

Since release, Makayle Skinner reports that he has complied with all conditions of house arrest and electronic monitoring. He has assumed caregiving responsibilities for his grandparents and has accepted significant social isolation, including separation from his partner and an inability to attend funerals or family events. His daily routine is limited but stable, with no evidence of new criminal involvement. From a clinical perspective, his compliance indicates manageable risk in structured environments.

Future Orientation and Rehabilitation Pathways

[s. 718.1 and s. 718.2(e)]

Makayle Skinner articulated realistic prosocial goals for the future, including completing his high school equivalency, pursuing trades-based employment, starting a family, and engaging with culturally relevant mental health supports. These goals are consistent with rehabilitation-focused sentencing principles and require structured supports rather than purely punitive responses.

CLINICAL IMPRESSION

Understanding the Psychological and Cultural Response

...

Racial battle fatigue further contextualizes Makayle Skinner’s response. Smith (2004) defines racial battle fatigue as “the physiological and psychological strain exacted on racially marginalized groups.” Clinically, this condition is associated with chronic hypervigilance, emotional exhaustion, somatic tension, and lowered thresholds for stress reactivity. Over time, this cumulative strain increases the likelihood of rapid fear-based responses in situations perceived as escalating, even when others may not perceive the same level of threat.

...

Makayle Skinner’s broader psychosocial history further informs the proportionality analysis. A review of his criminal record shows prior justice involvement primarily related to weapons possession and drug-related offences, rather than offences involving interpersonal violence or intentional harm toward

others. Importantly, since approximately age 17, Makayle Skinner has been a victim of multiple gun-related incidents, experiences that are clinically significant in understanding his threat perception and behavioural responses. Research consistently demonstrates that repeated exposure to gun violence, particularly when an individual has been both a witness to and a victim of firearm-related incidents, is associated with chronic hypervigilance, heightened fear conditioning, and anticipatory threat responses (Hinton et al., 2015; Williams et al., 2018). Such exposure reinforces an expectation that situations may escalate rapidly and unpredictably, conditioning survival-oriented reactions rather than aggressive intent. ...

...

Collateral Source: Interview with Louise Skinner (Mother)

...

Louise Skinner traced both her own background and that of Makayle Skinner's father to historic African Nova Scotian communities, including Cherrybrook and parts of Guysborough County. She stated that Makayle grew up mainly in Uniacke Square, a Halifax public housing project, starting around the age of one. She described Uniacke Square as a racially concentrated, low-income area with frequent police presence and violence, noting that "all these Black people were put in one area," while white families had other housing options. She mentioned she was never given other housing choices and reflected that if she had understood the environment's realities, she would not have moved her children there. She stated in the interview, "If I had known what I was bringing my kids into, I would not have gone there."

Louise Skinner described routine police operations in the neighbourhood, including armed interventions that required residents to remain inside their homes. She recalled warnings such as, "Don't leave your house, get down, don't go near the window," and stated that it was "nothing to see the police there." She reported that her children regularly witnessed police officers speaking disrespectfully to Black residents, calling them names, and using physical force. She further stated in the interview that her children "saw all that," and learned early that police "don't like Black people," adding that their lived experience made it difficult for her to counter that belief.

...

Louise Skinner noted limited early involvement with the justice system, recalling a youth incident resolved through restorative justice rather than detention. However, she highlighted that her son's adolescence and early adulthood were deeply influenced by repeated exposure to gun violence. She confirmed that Makayle Skinner was shot three different times starting in mid-adolescence. She described the first shooting as a pivotal moment, saying, "Everything went downhill after that." She mentioned that he grew more anxious, withdrew socially, and often told her, "No one understands what it's like to be shot." She also

observed irregular sleep patterns, noting he stayed awake late at night, and, due to her long work hours, she believes she “missed a lot” of his internal struggles.

Louise Skinner described the final shooting as particularly severe, saying her son blocked a bullet with his arm and “could have died that day.” She reported that his arm was “messed up for the longest time” and that it continues to cause him difficulty. Despite these traumatic events, she confirmed that he never sought therapy, explaining that he did not view it as an option and believed he was expected to “just deal with it,” a stance she observed among other young Black men in his community.

...

Collateral Source: Interview with Ms. Bernadine Sparks (Paternal Aunt)

...

Ms. Sparks spoke at length about Makayle Skinner’s exposure to violence and the impact it had on him. She confirmed that he had been shot multiple times and described these events as deeply traumatizing for both him and the family. She stated that after the shootings, she observed clear changes in him, explaining in the interview that “he was always looking over his shoulder,” and that he no longer appeared to feel safe anywhere. She described him as increasingly guarded and vigilant, noting that “he didn’t relax like other young people his age.” These observations are consistent with clinical understandings of hypervigilance and anticipatory threat following repeated exposure to gun violence (Hinton et al., 2015; van der Kolk, 2014).

Ms. Sparks emphasized that Makayle Skinner never received meaningful trauma-focused support following these incidents. She stated that in their family and community, there was a strong expectation that young Black men should “just deal with it and keep going,” adding that “nobody ever offered him help, and he didn’t think asking was an option.” This reflects well-documented barriers to culturally safe mental health services for Black men and contributes to untreated trauma becoming complex, internalized and behaviorally expressed through survival-oriented coping strategies (DeGruy, 2005; Williams et al., 2018).

...

Ms. Sparks also spoke to Makayle Skinner’s strengths and protective factors. She described him as deeply family-oriented, respectful of elders, and particularly gentle with children. She noted that he maintains strong relationships with extended family and that he “always checked in” on relatives, even during periods when he was struggling. She described him as remorseful and emotionally impacted by the current situation, stating that “this has weighed heavily on him,” and that he has expressed shame and regret about how things unfolded.

...

Collateral Interview: Ms. Shyrell McGann (Cousin)

...

Ms. McGann confirmed that Makayle Skinner was shot on three separate occasions beginning in mid-adolescence and described these events as having a profound impact on his mental health and functioning. She observed marked changes after the shootings, including social withdrawal, reluctance to be around others, and persistent fear for personal safety. She stated that he became “paranoid about people being after him,” and was “always watching who was around.” From her observations, he no longer appeared relaxed or carefree; instead, he lived in a constant state of alertness. ...

Ms. McGann emphasized that despite these traumatic experiences, Makayle Skinner did not receive trauma-focused counselling or mental health support. She explained that within their family and community, young Black men were often expected to “just deal with it and keep going,” and that “nobody ever stepped in to help him process what happened.” This reflects well-documented barriers to culturally safe mental health services for Black men and contributes to untreated trauma being internalized rather than addressed therapeutically (DeGruy, 2005; Williams et al., 2018).

Collateral Interview: Mr. Troyce Ashe (Brother)

...

Mr. Ashe described Makayle Skinner as having leadership qualities but observed that these strengths were redirected into harmful contexts. When asked whether Makayle was a leader or follower, Troyce responded that Makayle was “a leader,” while also noting the contextual risk that “it’s what are you leading yourself to, right?” He explained that Makayle’s peer environment reinforced street-status values, describing a community narrative where school success was devalued and criminalized identity conferred social capital. Mr. Ashe stated that within that peer framework, “going to school, playing basketball, doing good... that isn’t cool,” whereas “hanging out, doing this, doing that...that’s what people like,” and he connected this to broader societal stereotyping of Black youth and community stigma. He further noted that once Makayle’s older brother became more involved in criminalized activity and was later incarcerated, incarceration itself became framed as status-enhancing, describing a “street credit” mentality that “if you go to jail, you get the street credit” and stating that Makayle’s “leadership skills just went towards the wrong thing.” ...

...

Mr. Ashe confirmed that Makayle has been shot three times and described these experiences as critical to understanding Makayle’s psychological state and subsequent decision-making. When asked about the impact of the shootings, Mr. Ashe stated, “I noticed a big change,” but clarified that it was “not a change for the better.” He described that rather than prompting immediate disengagement from risk environments, the shootings reinforced a survival-based mindset: “It affected him like, ‘Okay, now I got to protect myself now. Now I have to be ready

for this.” He described this as an adaptive response within a context of ongoing danger and limited perceived exit options, explaining that it is “not as easy as just getting up and leaving,” because “you still have to go back to your home...back to your neighbourhood.” ...

...

Regarding mental health, Mr. Ashe described Makayle as someone who “holds a lot in,” and indicated that Makayle has not openly processed the psychological impact of being the victim of repeated gun violence. Mr. Ashe stated that these experiences “have to play in his head,” and expressed the view that Makayle “has to talk to a therapist and get those things out.” He attributed Makayle’s limited emotional disclosure in part to masculine cultural expectations, describing “that manly” kind of guard that can prevent open expression even with close family. This collateral perspective is consistent with established literature on racialized stress, culturally mediated emotional suppression, and barriers to accessing culturally safe mental health services among Black men (DeGruy, 2005; Williams et al., 2018).

...

Mr. Ashe advised that since being placed on house arrest, Makayle has been compliant with his conditions and has significantly restricted his activities as required. Makayle has remained respectful of boundaries and expectations while under house arrest, and family members, including Mr. Ashe himself, continues to provide emotional and practical support. ...

...

Legislation

[12] Section 236 of the *Criminal Code* sets out the penalty for manslaughter:

236 Every person who commits manslaughter is guilty of an indictable offence and liable

(a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and

(b) in any other case, to imprisonment for life.

[13] Sections 718 to 718.3 of the *Criminal Code* set out the legislated considerations for a sentencing judge.

Aggravating and Mitigating Factors

Aggravating Factors

[14] The Crown describes the aggravating factors as follows:

The following are aggravating factors:

- the accused was carrying an illegal loaded firearm prior to the offence
- the accused used a firearm in committing the offence
- the shooting by the accused of the deceased occurred in a public place, in the presence of many bystanders
- the accused made efforts to dispose of evidence immediately after the shooting

[15] The defence says that the following aggravating factors impact the appropriate disposition:

...there is an aggravating factor that places this into the manslaughter range of 8 to 12 years: the carrying of an illegal firearm prior to the commission of the events.

...

There are other aggravating factors such as flight from the scene and potentially the discarding of evidence. These are not substantially important factors of the type involving brutality or planning and deliberation that would push a manslaughter offence into the higher range.

[16] I agree with counsels' position regarding the aggravating factors.

Mitigating Factors

[17] The Crown says the following about the mitigating factors:

In the Crown's view, the following are the mitigating factors at play in this sentencing:

- accused is a young African Nova Scotian
- accused had no significant prior record at the time of the offence
- accused entered a guilty plea, despite there being triable issues at play in a trial
- accused's ability to think clearly was impaired by alcohol and drugs
- accused has a supportive family

The Defence suggests further mitigating factors include 1) that it was a momentary decision on the part of the accused to shoot the deceased, and 2) that the purpose of the decision to shoot was defensive. In the Crown's view these do not amount

to mitigating factors; rather, they are expressions of the acknowledgment of all parties that the accused's actions did not involve *mens rea* for either first or second-degree murder.

[18] The defence says that the following mitigating factors impact the appropriate disposition:

For one thing, the facts make clear that the decision to use the firearm occurred in a split second. That Mr. Skinner did not attempt to go across the street and shoot the victim while he was in his car, or at any time earlier, supports the cogent inference that he did not want to shoot prior to the moment that he did. The change in mind occurred within an instant as he gained the vantage point of seeing that the deceased had a gun brandished by his side.

The second, and related, mitigating factor is that Mr. Skinner was firing in self-defence and in defence of others. The defence acknowledges, as a matter of law, that the justification of self-defence does not apply here because there were other avenues of escape rather than a public shooting. Having said that, the purpose of shooting was defensive. The deceased had armed himself with a gun in the car and then crossed the street in an effort to inconspicuously get himself into a position where he could presumably shoot someone in Mr. Skinner's group. The situation is very close to the proverbial upraised knife. When Mr. Skinner gained the vantage point to see that the deceased was crouching down with a firearm brandished at his side, poised for a sneak attack, he fired at that moment. The third interrelated factor is that Mr. Skinner was intoxicated at the time of the shooting. This impaired his judgment and consideration of his options.

A final mitigating factor is that Mr. Skinner is a relatively young African Nova Scotian who did not have any significant criminal record prior to the commission of this offence.

...

The facts in support of the plea establish that Mr. Skinner was intoxicated at the time of the offence and he reacted in response to the imminent threat of the deceased having armed himself with a handgun and moved in a fashion such that it appeared he was about to shoot someone in Mr. Skinner's group of friends. This contextual factor is a highly important mitigating circumstance.

[19] In relation to what constitutes mitigating factors in the present case, I agree with the Crown, and do not agree with the defence, that a momentary decision on the part of the accused to shoot the deceased is not a mitigating factor. It is simply a fact about the crime. Similarly, in relation to the second disputed mitigating factor, the parties agree that Mr. Skinner fired his gun in self-defence, but that the action of shooting Mr. Bradshaw to death was excessive. Again, this is not a mitigating factor. It is simply a fact describing the crime (see *R. v. Marriott*, 2014

NSCA 28, at para. 77, leave to appeal refused, [2014] S.C.C.A. No. 482). However, the facts the defence refers to as mitigating do impact where the offence falls on the moral blameworthiness scale.

Manslaughter Decisions

[20] Sentencing decisions in manslaughter cases provide for a broad range of dispositions. Beveridge J.A., for the court, in *R. v. Landry*, 2016 NSCA 53, stated that there is a wide scope of sentences available for manslaughter. Beveridge J.A. set out the facts in that case, describing a crime that was very close to murder (para. 10 - 22). Beveridge J.A. reviewed the law respecting the range of sentence for manslaughter in Nova Scotia (some citations omitted):

[63] The appellant argues that 14 years' incarceration is outside the acceptable range of sentence, and asks this Court to reduce it to one of 10 year's incarceration.

[64] The range of sentence for manslaughter is necessarily broad. The offence covers unlawful acts causing death that are near accident to ones that are "near murder". It also covers conduct that is murder, but is reduced to manslaughter by the statutory defence of provocation.

[65] For most cases of manslaughter in Nova Scotia where the circumstances are not near accident, sentences usually range between 4 and 10 years' incarceration. But that does not mean a higher sentence is outside the acceptable range.

[66] In *R. v. Lawrence* (1999), 172 N.S.R. (2d) 375, 1999 NSCA 41, the offender was charged with first degree murder, but the jury convicted him of manslaughter. The offender's pride had been hurt. He persisted in confronting the victim with a firearm, and shot at the deceased seven or eight times. The trial judge sentenced the offender to the equivalent of 15 years' incarceration.

[67] On appeal, the offender argued that the sentence was excessive as being outside the 4 to 10 year range. This proposition was rejected. Cromwell J.A., as he then was, writing for the Court reasoned:

[14] In my opinion, there is not a 4 to 10 year "range" for manslaughter if the word "range" is used to suggest that manslaughter sentences ought generally to fall within those limits. Cases from this and other courts of appeal emphasize that manslaughter is an offence that may be committed in an exceptionally wide variety of circumstances and for which the legal limits of possible sentences are very great... These factors combine to make it unusually difficult to establish any benchmark or range of fit sentences for such offences... As Kelly, J. said in *R. v. Smith*, [1986] N.S.J. No. 424, this Court has observed that the great majority of cases in fact receive sentences between four and ten years, but the Court has not held that

manslaughter sentences should be restricted to or ought to fall within that range. The Court has, for example, upheld sentences of 20 years and 15 years respectively in *R. v. Julian* (1974), 6 N.S.R. (2d) 504 (C.A.) and *R. v. Gregor* (1953), 31 M.P.R. 99. I do not accept the appellant's argument that 10 years sets the upper limit, or that the period of between 4 to 10 years defines the acceptable range for manslaughter sentences.

[15] While previous sentencing decisions here and elsewhere are helpful in considering the question of fitness, the principal focus on appeal must be whether this sentence, for this offender and for this offence, is unreasonable. While sentences greater than 10 years constitute a small component of the total of all sentences imposed for manslaughter, there are numerous examples of such sentences...

[68] These principles were affirmed in *R. v. Henry*, 2002 NSCA 33. The Crown appealed from imprisonment of two years' less a day to be served by way of a conditional sentence order. The offender had observed a man assaulting a young woman. He intervened and stopped the assault. The victim left. The offender followed. He tapped the victim on the shoulder. When he turned, the offender punched him once in the jaw. The blow caused the victim to fall. He died when his head struck the sidewalk.

[69] The appeal was allowed and a sentence of four years' incarceration imposed. With respect to the principles to be applied, Roscoe J.A., for the Court, wrote:

[19] A significant distinguishing factor between cases where a low or non-penitentiary term is appropriate and those where a lengthy sentence is imposed for manslaughter is the moral blameworthiness or fault of the offender (*Creighton, supra*). The court, while of course giving due weight to all the principles of sentencing must assess the extent of moral blameworthiness in a particular case, and should consider where on the spectrum, from almost accident to almost murder, the particular offence falls. Obviously, the nearly equivalent to murder offences will, in general, attract a sentence higher than the majority, for example *Julian, supra*, and those closer to an accidental killing will generally fall below the average...

[21] In the present case, the facts supporting Mr. Skinner's manslaughter conviction are at the higher end of the scale of moral blameworthiness, more akin to those approaching murder, but based on the agreed upon and proven facts, not as close to murder as *Landry*. Moral blameworthiness is a paramount consideration when determining the appropriate length of sentence for manslaughter. In *R. v. Rhino*, 2023 NSSC 9, Keith J. stated:

[106] The fact that sentences are determined on a case by case basis does not mean that the underlying reasoning is arbitrary or unprincipled. On the contrary, the

jurisprudence reveals distinct principles which govern where a particular crime might fall within an otherwise wide spectrum of potential sentences. A key driving factor which determines where a particular incidence of manslaughter falls along the continuum of sentences is the “moral culpability or blameworthiness” of the offender having regard to the specific facts. In my view, that is a fact-driven inquiry. The factors include:

1. The nature and gravity of the act and the associated risk of harm to the victim. This would included an assessment as to whether the victim was armed;
2. Whether a weapon was used in committing the offence and, if so, the nature of the weapon; how the weapon was acquired; and whether it was used repeatedly (e.g. multiple stabbings as opposed to a single cut); and
3. The extent to which the offender was aware of and instigated violence. While a conviction for manslaughter necessarily precludes, by definition, an acquittal based on self-defence, the offender may not have instigated the violence and their actions may involve defensive responses to violence.

[As appears in original.]

[22] The question of how to weigh moral blameworthiness was considered in *R. v. Laberge*, 1995 ABCA 196, where Fraser C.J.A. stated:

[7] How should a court determine the moral blameworthiness of an offender for a crime? What makes one offender more or less culpable than another for what he has done? The first point is that, for sentencing purposes, one must make a clear distinction between fault in terms of an offender's *mens rea* at the time of commission of an offence and fault in terms of the offender's overall moral blameworthiness for the crime. The two are not the same. Confusion sometimes arises because fault for conviction purposes generally turns on the question of an offender's *mens rea*. This doctrinal aspect looms large in assessing criminal culpability because of the need to ensure that the offender's mental state meets the constitutionally required level of moral blameworthiness to convict him of the offence in question: *R. v. Martineau*, [1990] 2 S.C.R. 633.

[8] However, for sentencing purposes, a court is not limited to evaluating moral blameworthiness in terms of an offender's mental state. Indeed, it would be quite wrong to engage in that kind of acontextual analysis. That is because the offender's level of moral culpability will be influenced by other factors. In the case of unlawful act manslaughter, the most important of these will be what the unlawful act itself involved. The nature and quality of the unlawful act itself, the method by which it was committed and the manner in which it was committed in terms of the degree of planning and deliberation are all relevant to this inquiry.

[9] Unlawful acts may be divided into three broad groups: those which are likely to put the victim at risk of, or cause, bodily injury; those which are likely to put the victim at risk of, or cause, serious bodily injury and those which are likely to put the victim at risk of, or cause, life-threatening injuries. Only when the offender's proven mental state at the time of commission of the offence is evaluated in the context of the crime itself, in other words in terms of its relative degree of seriousness, is it possible to classify for sentencing purposes the degree of fault inherent in the crime committed.

[Emphasis in original]

[23] The Crown referenced 20 manslaughter decisions, 19 of which are from other jurisdictions, confirming the range of sentencing for manslaughter, including: *R. v. Dhanda*, 2005 BCCA 533; *R. v. Walker*, 2011 SKQB 273; *R. v. Derby*, 2013 ONSC 6366; *R. v. Surendran*, 2020 ONSC 3378; *R. v. Adam*, 2024 ONSC 2180; *R. v. Johnson*, 2022 ONSC 5689, *R. v. Gill*, 2011 ONSC 2598, [2011] O.J. No. 1950; *R. v. Geetah*, 2015 NUCJ 10; *R. v. Scopelliti*, 2018 ONSC 4826; *R. v. Al-Rubayi*, 2020 ONSC 7416; *R. v. Gregory*, 2022 ONSC 4985; *R. v. Roberts-Stevens*, 2019 ONSC 257; *R. v. Taylor*, [2004] O.J. No. 3439, 2004 CanLII 7199 (C.A.); *R. v. Pitter*, [2006] O.J. No. 4984, 2006 CanLII 41813 (Sup. Ct. Jus.); *R. v. Vincent*, 2024 ONCJ 178; *R. v. Woodcock*, 2010 ONSC 3752; *R. v. Hanan*, [2020] O.J. No. 2107, 2020 ONSC 1209; *R. v. Yaali*, 2018 ONSC 3045; *R. v. Lawrence*, [1998] N.S.J. No. 70 (S.C.); [1999] N.S.J. No. 25 (C.A.); *R. v. Deer*, 2014 ABCA 88. While the cases referenced by the Crown are of assistance in supporting the joint recommendation, I rely mainly on the analysis regarding the sentencing range for manslaughter as set out in *Landry*.

[24] Since moral blameworthiness is the key consideration in determining the appropriate length of sentence for manslaughter, the closer the facts are to murder, the greater the moral blameworthiness, and generally the higher the sentence. The circumstances around the shooting death of Treyvhon Bradshaw push Mr. Skinner's crime to the higher end of the range of the moral blameworthiness scale, although as noted by counsel and, as discussed, there are various factors that temper some of that moral blameworthiness.

Credit For Guilty Plea

[25] In addition to the aggravating and mitigating factors under consideration, a reduction in sentence due to a guilty plea is a long-accepted sentencing principle. The Crown had originally charged Mr. Skinner with second degree murder and following plea negotiations he entered a guilty plea to manslaughter in advance of

trial. In *R v. Friesen*, 2020 SCC 9, the court confirmed that the mitigating weight to be given in relation to a guilty plea varies, depending on the strength of the Crown's case, and stated:

[164] We are unpersuaded by Friesen's argument that appellate intervention was justified because Judge Stewart did not give sufficient consideration to Friesen's guilty plea. A guilty plea is a recognized mitigating factor; failure to consider a guilty plea as mitigating can constitute an error in principle. However, even if Judge Stewart did err by failing to mention Friesen's guilty plea, we are not convinced that any such error had an impact on the sentence... The Crown's case against Friesen was overwhelming because his criminal conduct was audio-recorded. In these circumstances, Friesen's guilty plea is entitled to less weight... A guilty plea does have other advantages that count in mitigation, such as saving court resources and providing a degree of finality to the victims.... However, we are not convinced that any of these advantages were sufficient such that explicit consideration of the guilty plea would have impacted the sentence.

[26] In *R v. Doucette*, 2015 PECA 5, the court considered the mitigating impact of a guilty plea, and the resulting reduction in sentence:

[20] There is truth in the old adage that one who pleads not guilty seeks justice while one who pleads guilty seeks mercy. Absent good reason, a guilty plea must be taken into account in mitigation of sentence... There are two schools of thought as to why a guilty plea is a mitigating factor. The first is that a guilty plea is an expression of remorse and an acceptance of responsibility. The more pragmatic rationale is that it saves the justice system the time and expense of a trial. These two rationales were articulated by MacDonald J. in *R. v. Bruce* (1982), 35 Nfld. & P.E.I.R. 530 (PEICA), at para.14:

A second mitigating factor referred to by the trial judge was that she had pleaded guilty thereby saving a lengthy trial and this could also be taken as a sign of her remorse. Numerous courts have held that a guilty plea should be taken into consideration on a sentencing: *R. v. Johnston and Tremayne*, [1970] 4 C.C.C. 64 (Ont. C.A.); *R. v. Carriere* (1952), 14 C.R. 391 (Que. C.A.). It has also been stated that a guilty plea should be given less weight where there is such a preponderance of evidence against the accused that the only reasonable choice or option left open is a plea of guilty. *R. v. Spiller*, [1969] 4 C.C.C. 211 (B.C.C.A.). In the present case the respondent had signed a statement in which she had admitted her guilt and it could be said that her only choice was to plead guilty. However, if the rationale for a policy of decreasing sentence where a guilty plea had been entered, is based on the consideration of the time saved by not having a trial, I am unable to accept the proposition that there should be less weight given to a guilty plea from a person who has been inescapably caught. I would

agree with the trial judge that the guilty plea by the respondent should be a mitigating circumstance. ...

[21] In my view either or both rationales may be used to justify a reduction in sentence. The amount of credit engendered by a guilty plea however depends on the circumstances of the case. Some courts have held that a guilty plea can justify a discount of up to 25 to 33% (*R. v. Weiler*, 1991 CanLII 2747 (PESCTD)). That does not mean, however, that a guilty plea merits such a discount in every case (*R. v. Lyons*, [1991] P.E.I.J. No. 10 (PEICA)). There may well be cases where there is good reason to grant no reduction for a guilty plea. For example, a guilty plea entered at trial after the Crown has called some or all of its case is a recognition of the inevitable and not an expression of remorse nor does it save any appreciable time and expense. Such a guilty plea would merit little or no reduction in sentence.

[22] Where a reduction in sentence is warranted, it is not simply a matter of a mathematical calculation. There are many factors to consider including, but not limited to, as the strength of the Crown's case, the nature of the case, the timing of the guilty plea, whether the guilty plea saves a vulnerable victim from testifying, and the circumstances of the offender including his criminal record to mention a few.

[27] In *R. v. Mills*, [1993] N.S.J. No. 596, Glube CJTD (as she then was), acknowledged that a discount of one quarter to one third of the custodial sentence can be an appropriate consideration of a guilty plea:

14 You have co-operated with the system by pleading guilty and saved the state obviously time and expense, and it is an important factor. One of the cases which was referred to me by the crown talks of looking at a guilty plea resulting in a discount of one quarter to one third of the time. Also you have spent two months in custody, which is often considered to be double the time because it does not count towards any eligibility for parole.

...

19 Although Mr. Kenny was obviously not one of the masterminds, his role was clearly a vital one to the whole scheme. Considering all of the factors which I previously mentioned, including the guilty plea, the lack of a criminal record, the several months of incarceration awaiting sentence, and the sentences already imposed upon others involved in this same case, the sentence of this court shall be eight years in a federal penitentiary on the charge of conspiracy to traffic in cannabis resin; and eight years to run concurrently on the second count of possession of cannabis resin for the purpose of trafficking.

[28] Mr. Skinner is entitled to a tangible discount on his sentence for accepting responsibility and entering a guilty plea.

Joint recommendation

[29] Significantly, the Crown and defence have agreed to a joint recommendation following protracted negotiations. In *R. v. Anthony-Cook*, 2016 SCC 43, [2016] 2 S.C.R. 204, Moldaver J., for the court, set out the test for following joint recommendations:

[32] Under the public interest test, a trial judge should not depart from a joint submission on sentence unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest. But, what does this threshold mean? Two decisions from the Newfoundland and Labrador Court of Appeal are helpful in this regard.

[33] In *Druken*, at para. 29, the court held that a joint submission will bring the administration of justice into disrepute or be contrary to the public interest if, despite the public interest considerations that support imposing it, it is so “markedly out of line with the expectations of reasonable persons aware of the circumstances of the case that they would view it as a break down in the proper functioning of the criminal justice system”. And, as stated by the same court in *R. v. B.O.2*, 2010 NLCA 19, at para. 56, when assessing a joint submission, trial judges should “avoid rendering a decision that causes an informed and reasonable public to lose confidence in the institution of the courts”.

[34] In my view, these powerful statements capture the essence of the public interest test developed by the Martin Committee. They emphasize that a joint submission should not be rejected lightly, a conclusion with which I agree. Rejection denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down. This is an undeniably high threshold — and for good reason, as I shall explain.

[30] The disposition of ten years in prison, less credit for time served on remand, being jointly recommended for Mr. Skinner is the result of a true negotiated plea, is within the range for similar offenders having committed similar crimes of manslaughter, and is in accordance with the range of sentence for this crime as set out by the Nova Scotia Court of Appeal.

Disposition for Makayle Larry James Skinner

[31] No sentence I impose can bring back the life of a loved one or take away the grief and loss felt by those who are left behind. No sentence can ever make up for the life of Mr. Bradshaw. All I can do is impose a fit and appropriate sentence as

best I can based on the applicable sentencing principles knowing that it may seem inadequate to some. I recognize that the aftermath of this shooting will be never end for Mr. Bradshaw's family, friends, and community.

[32] The time Mr. Skinner will spend in custody has nothing to do with the value of Treyvhon Bradshaw's life. Mr. Skinner has admitted responsibility for shooting Mr. Bradshaw to death, the Crown has accepted a guilty plea to the included offence of manslaughter, Crown and defence have jointly submitted an agreed statement of facts outlining the circumstances of the offence, and the parties have made a joint recommendation on sentence.

Remand Credit

[33] Mr. Skinner was remanded on this charge from June 13, 2022 to June 12, 2023, equalling 365 days in custody. He was also remanded on this charge from March 25, 2024 to December 16, 2024, equalling 267 days in custody. This is a total of 632 days on remand. If given enhanced credit of 1.5 days per day in custody as jointly recommended by the parties, this would be equivalent to 948 days in custody. Because this is a joint recommendation, Mr. Skinner will receive credit for the remand amount agreed upon by the parties and set out above. So, the remaining sentence he will be required to serve will be seven years and 147 days in custody in a federal institution.

Ancillary Orders

[34] The ancillary orders requested by the Crown include:

- i. A mandatory DNA order;
- ii. A section 109 lifetime weapons prohibition.

[35] The defence agrees with all of the ancillary orders and the ancillary orders listed in the preceding paragraph will be attached to his sentence.

IRCA Recommendations

[36] According to the author of the IRCA, the following is also recommended:

Recommendations (Risk Reduction and Rehabilitation-Focused)

In addition to the recommendations outlined in the original IRCA completed by Ms. Lana McLean, MSW, RSW (attached as Appendix A), the following recommendations are offered to support Makayle Skinner's risk reduction and rehabilitation.

1. **Trauma-Informed, Culturally Responsive Therapy**

Makayle Skinner would benefit from engaging in individual, trauma-focused therapy with a clinician experienced in working with Black men affected by lateral community violence and racial trauma. Treatment may address repeated gunshot victimization, hypervigilance, anticipatory threat, moral injury, and the psychological impact of both being shot and later being involved in a fatal incident. Therapy could prioritize emotional regulation, threat recalibration, and non-violent coping strategies.

2. **Structured Educational and Vocational Programming**

Given his cognitive strengths and prior interest in legitimate business activity, Makayle Skinner would benefit from completing academic upgrading, including Grade 12 equivalency if required, and/or vocational or trades training during any custodial period and following release. Structured skill development serves as a critical protective factor against recidivism and supports long-term stability.

3. **Continued Family and Community Support**

Ongoing connection with family members would function as a stabilizing and protective influence and would be recognized as such within any supervision or release planning.

4. **Post-Release Reintegration Planning**

Makayle Skinner would benefit by having access to coordinated reintegration supports at the appropriate time, including stable housing, continued counselling, employment assistance, and culturally grounded community programming. Connection to the Black men's Brotherhood through Nova Scotia Health Authority and 902ManUp Services would be very beneficial to Makayle Skinner upon his release.

5. **No Anger Management-Only Programming**

Stand-alone anger management programming is not recommended, as there is no clinical evidence of generalized anger dysregulation or impulsive aggression. However, if anger management is part of the overall programming, he would benefit from it. It would be most beneficial if all interventions were trauma-informed and contextually grounded, if possible.

[37] It will be up to the institution where Mr. Skinner serves his sentence, and the National Parole Board upon his release, to implement the recommendations detailed in the IRCA while he is serving his sentence.

Conclusion

[38] Makayle Larry James Skinner has pleaded guilty to manslaughter in relation to the shooting death of Treyvhon Bradshaw. Crown and defence jointly recommend that the appropriate sentence is ten years in custody. Crown and defence agree that credit for remand time is, if given enhanced credit of 1.5 days per day in custody, equivalent to 948 days in custody. Therefore, Mr. Skinner's go-forward sentence from today's date is seven years and 147 days in custody in a federal penitentiary. He will also be subject to the ancillary orders, including DNA, and a lifetime firearms prohibition, as detailed above.

Arnold, J.