

Court File No: CR-16-00004403-0000

SUPERIOR COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

DURAN WILSON

PROCEEDINGS AT SENTENCING  
REASONS FOR SENTENCE  
SENTENCE

BEFORE THE HONOURABLE, MR. JUSTICE R.B. REID  
on October 6, 2017, at WELLAND, Ontario

APPEARANCES:

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T. Shuster

Counsel for the Crown  
Counsel for the Crown

J. Goldlist  
R. Razaqpur

Counsel for Duran Wilson  
Counsel for Duran Wilson

SUPERIOR COURT OF JUSTICE

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**LEGEND**

*[sic]* Indicates preceding word has been reproduced verbatim and is not a transcription error

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| Transcript Ordered:         | January 30, 2018 |
| Transcript Completed:       | February 6, 2018 |
| 30 Ordering Party Notified: | February 7, 2018 |

FRIDAY, OCTOBER 6, 2017

THE COURT: Good afternoon Ms. Goldlist and Mr. Razaqpur.

MS. GOLDLIST: Good afternoon, Your Honour.

MR. RAZAQPUR: Good afternoon, Your Honour.

THE COURT: We are ready to proceed as soon as Mr. Wilson is present in the courtroom, and I think we may as well just stay here while we wait. Hopefully that won't take too long for the exchange.

MR. RAZAQPUR: Thank you.

THE COURT: It will be five minutes of awkward silence unless someone's got something they'd like to talk about.

...PAUSE WHILE WAITING FOR DURAN WILSON FROM CUSTODY.

...THE COURT SPEAKS TO MADAM REGISTRAR

MS. GOLDLIST: Your Honour, while we're waiting, I just was speaking to my friends as well, so this morning I calculated the pre-sentence custody, just because when we had argued it obviously back - the end of August, there's a different calculation to today's date. If it's of assistance I can provide that to the court.

THE COURT: Yes.

MS. GOLDLIST: So, from the date of arrest, which was January the 8th, 2015, to today's date, Mr. Wilson's been in custody 1,001 days, works out to 33 months that's actual time. And then at enhanced credit at 1.5, is 1,502 days or 50 months, which calculates to four years and one month.

THE COURT: Thank you.

MS. GOLDLIST: Thanks.

THE COURT: And Mr. Shuster or Mr. Leach, are you satisfied with that calculation?

MR. LEACH: Yes, Your Honour.

THE COURT: That 50 months? Thank you. As enhanced credit. Ms. Goldlist, I made a note of, of your comments as to the days of pre-sentence custody and I got as far as 50 months. Did you say that was 4 years and 1 month?

MS. GOLDLIST: Yes, four years and one month.

MR. LEACH: Two months.

MS. GOLDLIST: Oh, four years and two months then.

THE COURT: That's right.

MS. GOLDLIST: Yeah, I'm being told. Yes.

THE COURT: Fifty months would be four years and two months. Okay. Thank you.

MS. GOLDLIST: I, I put it all through an App, so I'll blame the App.

MR. LEACH: There's an App for that.

MS. GOLDLIST: There really is.

...DURAN WILSON NOW PRESENT IN COURTROOM

THE COURT: All right. Ms. Goldlist and Mr. Razaqpur, you're appearing for Mr. Wilson, of course?

MS. GOLDLIST: Yes. Thank you, Your Honour.

MR. RAZAQPUR: Yes. Good morning, Your Honour.

MS. GOLDLIST: Good morning.

THE COURT: And I'm prepared to proceed, Mr. Shuster, Mr. Leach, with the sentencing decision at this point.

R E A S O N S F O R S E N T E N C E

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REID, J. (Orally):

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Duran Wilson was charged with first degree murder in the death of Alexander Fraser. He was co-accused with Bradley MacGarvie and Thomas Nagy.

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After a trial, Mr. Wilson was found not guilty of that charge by a Jury, but guilty of manslaughter. Mr. MacGarvie was found guilty of first degree murder, and Mr. Nagy was found guilty of second degree murder. Today, it is my duty to impose a fit sentence on Duran Wilson in accordance with the law.

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By way of a preliminary observation, it is clear that there is a huge range of possible sentences for the offence of manslaughter in that there is no minimum prescribed and the maximum is life imprisonment. As a result, my discretion is and should be influenced by the particular facts of this case, the circumstances of Mr. Wilson, as well as previously reported cases that have been cited to me by the Crown and Defence counsel.

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Let me give you an overview of the structure of my sentencing decision.

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In the next few minutes I will review the circumstances of the offence and the circumstances of the offender. I will then refer to the Victim Impact Statement that has been provided.

Next, I will identify the purposes and principles of sentencing that I find most applicable.

## Reasons for Sentence

I will then review the aggravating and mitigating circumstances, the position of the Crown and the Defence, and discuss the most applicable case law.

5 Finally, I will provide my conclusions and impose sentence.

So, first as to the circumstances of the offence.

10 As I have indicated, Messrs. MacGarvie, Nagy and Wilson were indicted for the first degree murder of Alexander Fraser.

15 The murder occurred in the early morning hours of December 26, 2014.

20 Alexander Fraser earned income as an underground, that is to say, illegal cab driver. He was a friend of Victoria Harvey. Ms. Harvey was a young woman, currently age 20, who at the relevant time worked as an escort and who called upon Mr. Fraser from time-to-time to drive her to out-calls for transportation to and from rendezvous with clients.

25 Mr. Wilson was a friend of Bradley MacGarvie. They had known one another since 2011. On Mr. Wilson's return to Niagara Falls from Toronto in October 2014, he needed a place to stay and Mr. MacGarvie allowed him to share his residence. Mr. Wilson did not appear to have any independent source of income and was staying thanks to Mr. MacGarvie's  
30 generosity. He did, however, own a 2002 Suburban

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truck and was frequently called upon to drive Mr. MacGarvie and other friends and acquaintances to various places and for various purposes.

5 There was evidence of a pre-existing animus between Mr. MacGarvie and Alexander Fraser. The evidence was that Mr. MacGarvie and others assaulted Alexander Fraser in mid-November, 2014, in Niagara Falls, and instructed him to leave the area. Mr. 10 Wilson was present in the same premises with Mr. MacGarvie, Ms. Harvey, Mr. Fraser and others when the assault occurred, but there was no evidence that he participated in it or played an active 15 role. However, he may well have been aware of the ill-feelings harboured by Mr. MacGarvie toward Mr. Fraser.

20 On the evening of December 25, 2014, the evidence was that Mr. MacGarvie, in concert with Victoria Harvey and her mother, Carol Acker, hatched a scheme by which Mr. Fraser would find himself in a remote parking lot known as Gonder's Flats along the Niagara River Parkway. There was no evidence 25 that Mr. Wilson was involved in creating that plan. Ms. Harvey contacted Alexander Fraser. She arranged for him to drive Ms. Acker, who was also earning money as an escort, ostensibly to an out-call at a particular address on the Niagara River Parkway in Fort Erie, Ontario, in the early morning 30 hours of December 26, 2014.

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5 After Ms. Acker was dropped off, Ms. Harvey directed Mr. Fraser to a nearby parking lot as pre-arranged with Mr. MacGarvie. Prior to Mr. Fraser's arrival, Mr. Wilson had driven Messrs. MacGarvie and Nagy to the same remote parking lot. He dropped them off and left the scene.

10 There was no dispute on the facts that Mr. MacGarvie assaulted Mr. Fraser in the parking lot. Mr. Wilson returned in his vehicle. Before returning to the parking lot, Mr. Wilson picked up Ms. Harvey and Ms. Acker. In the parking lot he then picked up Mr. MacGarvie, Mr. Nagy and Mr. Fraser. Mr. Fraser was unlawfully confined in Mr. Wilson's vehicle, by Messrs. Nagy and MacGarvie, and as Mr. Wilson drove them out of the parking lot, Mr. Fraser's vehicle was observed bursting into flame.

20 On the instructions of Mr. MacGarvie, Mr. Nagy, or both of them, Mr. Wilson then drove the group for about 20 minutes to another remote location, this time along the Chippawa Parkway in Niagara Falls, Ontario. He was directed to stop in a wooded location near railroad tracks and near the Welland River. During that drive there was evidence that Mr. Fraser was assaulted at least by Mr. MacGarvie, and that he expressed fear for his life. Messrs. MacGarvie, Nagy and Fraser got out, and on 25  
30 undisputed evidence, Mr. Fraser went into the woods along a path with Mr. MacGarvie. His hands were apparently bound behind his back and there was duct



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tape over his eyes. There was some dispute about whether Mr. Nagy accompanied them.

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In any event, Mr. Wilson drove off with the two women in his vehicle, attended a 7-11 convenience store located several minutes' drive from the drop-off location, made some purchases there and then returned. When he did so, he picked up Mr. MacGarvie and Mr. Nagy, but Mr. Fraser was not seen again until his body was recovered on March 17, 2015 from the water of a hydro channel in Niagara Falls, hands and feet bound with nylon zip ties and with some duct tape still around his head.

There was no evidence that Mr. Wilson made any effort to intervene for the assistance of Mr. Fraser at any point in the sequence of events.

After Mr. Fraser was dropped off in the company of Mr. MacGarvie and Mr. Nagy, Mr. Wilson did not take the opportunity to call police or report the incident to anyone at the 7-11 store, or elsewhere.

I am satisfied beyond a reasonable doubt, on the evidence, that at a minimum, Mr. Wilson participated in the act of unlawful confinement of Alexander Fraser when Mr. Fraser was in his vehicle between Gonder's Flats and the location near the railroad tracks on the Chippawa Parkway, and that the unlawful confinement led to the death of Mr. Fraser.

## Reasons for Sentence

Mr. Wilson was the sole source of transportation and as such, played an integral role in at least part of the sequence of events that led to Mr. Fraser's death.

I turn now to the circumstances of the offender.

Mr. Wilson is 32 years of age. He dropped out of school in Grade 7 and worked with his father as a car mechanic, initially in a home garage and then in his father's own shop. That shop closed in 2007 and Mr. Wilson's father died in 2011. They were very close and Mr. Wilson experienced a devastating loss as a result of his father's death. He moved temporarily to Miami, was hospitalized as a result of mental health issues, returned to Niagara Falls and was hospitalized there. He was diagnosed in 2012 with bi-polar disorder and depression. He lived with his mother. In 2013 and 2014, he lived in Toronto with family members, then returned in the late fall of 2014 to be closer to his mother and brother. He was living, at least temporarily, with Mr. MacGarvie at the time of the offence.

I turn now to the Victim Impact Statement.

Theresa MacFarlane provided a Victim Impact Statement in court. She is Alexander Fraser's sister-in-law and therefore the maternal aunt to his three children. She spoke about the devastating effect of the death of Mr. Fraser on his children: reduced academic success, alienation

## Reasons for Sentence

5 from friends and family, nightmares and insecurity. One of Mr. Fraser's children has special needs and while unaware of the gravity of the situation, nevertheless experiences paranoia, fear, confusion, pain and anger.

10 She noted the negative effect on the children, not just by the loss of a parent, but through the negative reaction to the publicized events through social media, which in turn have increased the pain and anger experienced by them.

15 Particularly given the date of Mr. Fraser's death, the typical happiness of the Christmas season has been perennially tainted.

20 Ms. MacFarlane directed comments specifically to Mr. Wilson and reflected on his personal circumstances as she had heard them described. She challenged him to take responsibilities for his actions, but also to find in the period of his incarceration, the resolve to improve his life going forward.

25 Let me refer now briefly to the purposes and principles of sentencing.

30 The purpose and principles of sentencing applicable to this case are set out in Section 718, 718.1 and 718.2 of the *Criminal Code*.

## Reasons for Sentence

In this case, I consider the main objectives of sentencing are the denunciation of unlawful conduct and deterrence.

5 In coming to this conclusion, I have considered the fundamental principle of sentencing set out in Section 718.1, that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.

10 Further, as to applicable principles, I have considered Section 718.2(a) of the *Criminal Code*, which mandates the consideration of aggravating and mitigating circumstances relating to the offence and the offender, which I will detail in a few moments.

15 I have already noted the importance of similar reported cases, which I am required to consider under the so-called parity principle set out in Section 718.2(b), which mandates that a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances.

20 I turn now to aggravating circumstances.

25 By definition, whenever a person is involved in the death of another by an unlawful act, the offence is very serious. The Victim Impact Statement  
30 identified the serious consequences of the death of Mr. Fraser that befell his family.

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In this case, the evidence was that Alexander Fraser, bound hand and foot and with duct tape across his eyes, was deposited into the Welland River, which flows directly into the hydro intake channel leading to the Sir Adam Beck Hydro Generating Station. Regardless of whether Mr. Fraser died by virtue of a beating prior to being deposited into the water, as was the evidence of Mr. MacGarvie, or whether he died by drowning, the murder was horrific.

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There is no evidence that Mr. Wilson knew of the nature of the murder contemplated by the other offenders. However, considering the overall circumstances, the early morning hours, the winter conditions, (the isolated and remote locations, the car fire, the apparent binding and blindfolding of Mr. Fraser, and the assault on him when inside Mr. Wilson's vehicle), it is clear that Mr. Wilson cannot isolate himself from the circumstances of the murder.

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His choice was to assist rather than resist, and that choice brings with it moral culpability. The period of time of the drive between Gonder's Flats and the location on the Chippawa Parkway of some 20 minutes, is indicative of prolonged and ongoing involvement.

I have already identified the failure on the part of Mr. Wilson to have taken action after dropping

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off Messrs. MacGarvie, Nagy and Fraser, that might have changed the course of events.

5 Mr. Wilson lied in his initial statement to the police as to his involvement and as to the involvement of others during the relevant time. That behaviour, however, was consistent with the behaviour of others, including several Crown witnesses who lied to the police at the request of Mr. MacGarvie.

10 Now, as to mitigating circumstances.

15 Mr. Wilson has no prior criminal record. He is 32 years of age and therefore is still relatively youthful. He has been described consistently by many witnesses as a person who is polite, friendly, cooperative and non-violent. The only evidence to the contrary during the trial was by Carol Acker, to the effect that having dropped off Messrs. 20 MacGarvie, Nagy and Fraser on the Chippawa Parkway, Mr. Wilson exited the vehicle and sucker-punched Mr. Fraser. That evidence was not corroborated. It was at least arguably recanted during cross-examination and it appears to have been otherwise 25 completely inconsistent with Mr. Wilson's normal behaviour. I do not find it to have been proven beyond a reasonable doubt.

30 Other than providing transportation and obeying instructions, Mr. Wilson did not have an active role in the abduction, assault and murder of Mr.

## Reasons for Sentence

Fraser. He was obviously not present at Mr. Fraser's death.

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Mr. Wilson addressed the court and in particular the family of Alexander Fraser, expressing significant remorse for the irreparable loss suffered by them. He noted that his actions have had negative effects on his own family. He admitted his involvement, identified the feeling of shame that has followed on his family, and committed to living life productively and humbly in the future, with his mother and brother.

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The position of the Crown:

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The Crown submits that a reasonable sentence in all the circumstances of this case, for Mr. Wilson, is between eight and ten years imprisonment. The Crown acknowledges that the pre-sentence custody should be credited at 1.5 to one, with the result that as of today, Mr. Wilson should have credit for 20  
50 months.

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In addition, the Crown seeks a DNA order pursuant to Section 487.051 of the *Criminal Code*; a weapons prohibition for life, under Section 109, and a non-communication order pursuant to Section 743.21, preventing contact between Mr. Wilson and Victoria Harvey, Carol Acker, Alex Pidgeon, Josh Males, Sean Shields and members of the immediate family of 30  
Alexander Fraser during the custodial period of his sentence.

## Reasons for Sentence

Now the position of the Defence:

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Counsel for Mr. Wilson refers to rehabilitation as an important fundamental principle of sentencing that should not be disregarded in this case, given the good prospects that Mr. Wilson has, which were identified even in the Victim Impact Statement.

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Counsel submits that under the particular circumstances of this case, an appropriate sentence for Mr. Wilson would be time served, which as noted is based on a 1.5 to one ratio, would mean that he would receive a sentence equivalent to 50 months imprisonment.

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Now as to the case law:

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I have already alluded to the fact that a reference to other reported cases in matters of manslaughter reveals a huge range of possible sentences, given the disparate facts of the cases and the wide range provided by the *Criminal Code*. Nevertheless, reference to prior cases is necessary and is helpful to ensure that the parity principle mandated by the *Criminal Code* is followed. That does not mean that the exercise of sentencing is simply to try to find cases with the most similar fact situation and impose the same sentence. By definition, every case is different and requires an individual application of the principles of sentencing, in combination with the unique facts of the case in order to arrive at a fit result.

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## Reasons for Sentence

Several of the cases cited by the Crown were examples of manslaughter sentences in the range of eight to twelve years. However, for the most part, they involved direct activity by the offender in causing the death.

In one case, *Regina v. G.L.*, a decision of this court reported at [2005] O.J. No.855, the accused, *K.L.* did not participate directly in the killing and received a sentence of seven years' incarceration. He had been asked by a gang member to help seek revenge against some rivals. *K.L.* was a knowing participant in the common enterprise and his role was either to get the victim's attention by asking the time or was to get out of the car and intimidate the victim to prevent his escape. *K.L.* was 22 years of age at the time of sentencing and had a criminal record.

The sentencing judge found that his role complemented that of the other perpetrators even though he was found not guilty of murder.

Another case referred to by the Crown was that of *Regina v. Dourhnou*, reported at [2015] O.J. No. 542. That was also a decision of this court.

In that case, the accused pleaded guilty to manslaughter. He was a 19 year old at the time and acted as a getaway driver for the shooter. The murder happened in retaliation for the theft of a cell phone used in drug trafficking. The accused

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5 had a prior record. Although in that case the accused was not involved in the shooting and was not even aware that the shooter had a gun, the sentencing judge found that by driving, the accused facilitated the shooter's interaction with the victims. Following the guilty plea, he was sentenced to the equivalent to seven years' incarceration.

10 The defence referred me to a variety of cases where penalties in the range of four years were imposed following either guilty pleas or findings of guilt as to manslaughter.

15 The case of *Regina v. Walcot*, a decision of the British Columbia Court of Appeal, reported at [2001] B.C.J. No. 974, was one case referred to me by the defence.

20 In that case, the Court of Appeal increased a conditional sentence of two years less a day, following a guilty plea to two counts of manslaughter involving the use of firearm, to four years. However, and for reasons that were not clear to me, the majority of the Court of Appeal  
25 felt that a sentence within the range of 18 months to three years would have been appropriate had a firearm not been involved.

30 Counsel for Mr. Wilson also referred me to *Regina v. Henry*, reported at [2015] O.J. No. 3159. In that decision of this court, the accused was found

## Reasons for Sentence

5 guilty of manslaughter after having been jointly charged and tried for the offence of first degree murder. The accused was present at a fatal shooting but did not fire the shot. He had driven the shooter to the building and apparently had been subject to a death threat by the person who was ultimately killed. He testified that he did not know who shot who as between the co-accused and the deceased.

10 In that case, the court found a fit sentence to be four years, which was the equivalent of time served. The accused was 25 years old at the time of the offence with no criminal record. He was a high school graduate with a college diploma. He was gainfully employed. The court did not find that the accused was aware of any plan to confront or harm the victim.

15 20 Continuing with the subject of parity, counsel have addressed the fact that Victoria Harvey was originally charged with first degree murder of Alexander Fraser, but entered a guilty plea to manslaughter and received a sentence of four years' imprisonment.

25 30 On behalf of Mr. Wilson, it was submitted that Ms. Harvey was directly involved in the planning for the assault of Mr. Fraser, and was instrumental in arranging for Mr. Fraser's presence at Gonder's Flats where the abduction occurred. Counsel submits that her role was more direct than that of Mr.

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5 Wilson, who was a mere driver. As did Mr. Wilson, she had lied initially to the police about the circumstances of Mr. Fraser's disappearance. She did not seek assistance for Mr. Fraser, despite the opportunity to do so at the 7-11 store following the drop off Mr. Messrs. MacGarvie, Nagy and Fraser.

10 The Crown submits that the sentence received by Ms. Harvey is not a basis for imposing a similar sentence on Mr. Wilson. Her involvement effectively ended before Mr. Wilson's connection with the abduction, which is the basis for the manslaughter conviction, began.

15 Arranging for Mr. Fraser to be at Gonder's Flats does not presume that Ms. Harvey had reasons to expect the subsequent events. As well, she would have received credit for her guilty plea and for having come to the police on January 4, 2015, to provide significant new information, which at the time, combined with that from Carole Acker, was the first substantial lead that the police had received.

25 The Crown has referred to several cases, including *Regina v. John Doe*, reported at [1999] O.J. No. 5089, a decision of this court, which supports the proposition that for policy reasons, securing the cooperation of witnesses may well be the basis for significant sentence reduction, based on the circumstances of each individual case.

## Reasons for Sentence

Now as to my conclusions:

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By way of summary of the foregoing, Mr. Wilson did play a significant role in the death of Alexander Fraser. He was the only one with a vehicle, except Mr. Fraser himself. His involvement was critical to the plan. He provided transportation of Mr. MacGarvie and Mr. Nagy to Gonder's Flats, and picked up all the participants at Gonder's Flats. He dropped off Mr. MacGarvie, Mr. Nagy and Mr. Fraser, near the railroad tracks on Chippawa Parkway. Those events could not have unfolded without his involvement. In my view, Mr. Wilson was wilfully blind to the circumstances that unfolded on December 26th, 2014. The location was remote. The hour was late, and the purpose was obviously illegal. At a minimum, it was likely that Mr. Fraser was to be assaulted by Mr. MacGarvie and Mr. Nagy. Mr. Wilson was complicit in following the instructions of the others. When the unlawful confinement of Mr. Fraser was clear, he took no steps to intervene or otherwise correct the situation either before or after dropping off Messrs. MacGarvie, Nagy and Fraser on the Chippawa Parkway.

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I acknowledge that Mr. Wilson was not present for the killing of Mr. Fraser, nor was he responsible for the nature of Mr. Fraser's death. He did not supply the restraints or the duct tape.

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As I have already identified, denunciation and deterrence are, in my view, the predominant principles of sentencing applicable to this matter. That having been said, it does not appear to me that there is a need to emphasize specific deterrence.

In all the circumstances, I consider that the consequences imposed to date on Mr. Wilson have been significant. However, the message must be loud and clear, that complicity in such a serious crime will bring significant consequences. It is not acceptable to simply close one's eyes and go along with others in criminal activity without expecting a substantial penalty.

I also respect the principle of rehabilitation as a purpose of sentencing, and should not make the sentence so harsh as to prevent that possibility. Mr. Wilson's lack of record, relative youth, genuine remorse and apparently non-violent and compliant personality, are all factors that mitigate in his favour.

Based on the case law and given the wide variety of fact situations, I am not convinced that there is a well-defined range for sentencing in this case. My review of the cases indicates that between four and seven years is the most defensible range.

The fact that Victoria Harvey received a sentence of four years, is not determinative of the proper

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5 sentence for Mr. Wilson, given the significant differences between her situation and his: a guilty plea, cooperation with the police in providing important information, her age and different role in the crime.

Mr. Wilson, will you please stand up.

S E N T E N C E

10 REID, J. (Orally):

15 Duran Wilson, having been found guilty of the offence of manslaughter, you are sentenced to a period of incarceration of six years less time served. You will receive credit for time served on a 1.5 to one basis, which means that to date you have served the equivalent of 50 months, leaving 22 months left to be served.

20 There will be an order pursuant to Section 487.051 of the *Criminal Code*, that you provide a sample of one or more of your bodily substances sufficient for DNA analysis, to be submitted to the National DNA Data Bank.

25 As well, there will be a prohibition order pursuant to Section 109 of the *Criminal Code* for life.

30 Finally, there will be an order pursuant to Section 743.21, of the *Criminal Code*, preventing contact during the custodial period of your sentence, between you and the following people: Victoria

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Harvey, Carol Acker, Alex Pidgeon, Josh Males, Sean Shields, and the immediate family of Alexander Fraser.

5 Mr. Wilson, the evidence in this case was to the effect that you are a person who, as shown by your actions, is generous and supportive of others. You were said to have been of help to a number of people who testified as witnesses, during times that they had various needs.

10 Even the Victim Impact Statement of Theresa MacFarlane appeared to recognize the positive aspects of your character as she had heard them described.

15 Clearly, you became involved in a supportive role for Mr. MacGarvie, which helped facilitate the events that led to the murder of Alexander Fraser. Perhaps that assistance was consistent with the positive aspects of your character as others have described it. However, you failed to exercise moral courage in failing to stand up against the violence directed toward Mr. Fraser. And by virtue of the charges against you, you are obviously paying the price for it.

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30 My hope for you, Mr. Wilson, is that these proceedings and your reflections on them, including your period of incarceration, will help you further develop those positive aspects of your character that have been described by so many witnesses.



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Sentence

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More important, however, my hope is that you will resolve to stand up for what you know to be right, and against what you know to be wrong, going forward with your life. If you can make that change, it will stand you in good stead in the future.

Please have a seat, Mr. Wilson.

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Mr. Shuster and Ms. Goldlist, that concludes my Sentencing Reasons. Are there any matters that arise out of the Reasons, that need to be addressed?

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MS. GOLDLIST: I'm wondering if Your Honour - certainly Your Honour cannot order Corrections Canada to send Mr. Wilson to different facilities, but I have been speaking with Mr. Wilson, and given the amount of time he has left, with a recommendation from Your Honour, he's entitled to consideration for a rehabilitation facility. It's still within Corrections Canada. They still have a remand centre, but it will afford him the opportunity to attend courts similar to what's available to a penitentiary, such as making better life choices, anger management, drug rehab, things of that nature that he would have access to in a penitentiary, but he will not have access to at a typical remand centre such as Niagara.

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As Your Honour heard, he's exhausted every available program to him at the Niagara Detention. And he advised me that with a recommendation from

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Your Honour that he attend a facility, the jail will consider that recommendation from Your Honour. Again, it's not an order but it is a request that we would be making so that Mr. Wilson can receive the rehabilitation programs that I think everyone would like to see him attend.

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THE COURT: So, Ms. Goldlist, your request is that there be a recommendation to a correctional facility that includes rehabilitation programs?

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MS. GOLDLIST: That's right. So, there's OCI, for example. There's various rehabilitation facilities within the remand programs. Thank you.

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THE COURT: Thank you. Mr. Shuster, do you have any - or, Mr. Leach, any comment on that?

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MR. LEACH: We would support that request.

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THE COURT: Thank you. Just a moment. Based on the request made by counsel and supported by the Crown, there will be a recommendation to Correctional Services, by me, to consider the placing of Mr. Wilson in a rehabilitation facility for the balance of the period of his incarceration. In making that recommendation, obviously I cannot bind Correctional Services, but to the extent that that recommendation will be of assistance, then I am happy to make that.

Anything further?

MS. GOLDLIST: No. Thank you, Your Honour.

MR. LEACH: No. Thank you.

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THE COURT: Thank you. Then, Madam Registrar, we can adjourn court for the day. Thank you to the staff for sticking with us.

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Sentence

...WHEREUPON THESE PROCEEDINGS WERE CONCLUDED.

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R. v. Duran Wilson  
Certification

Form 2

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(Date)



Signature of Authorized Person

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