



## Handout: Case Study: R. v. S.B.

### **The Facts**

S.B. pled guilty to assault and assault with a weapon, theft, and five counts of breach of undertaking. The assault with a weapon charge was the result of a physical altercation, involving S.B. waving a kitchen knife at his older brother. A few days later he and a friend stole a charitable contribution box from a grocery store. For this, S.B. was charged with theft. He was released with conditions but went on to breach his undertakings related to curfew, no contact with his co-accused, and keeping the peace and being of good behaviour. He also pushed a social worker, resulting in the assault charge. Following the breaches and new assault charge he was held in custody until his sentencing, for a total of about 8 weeks.

At the time of the offences he was 14 years old and had no prior convictions. He suffered from fetal alcohol syndrome, ADHD, and social anxiety. In the months leading up to the charges he had experienced the death of a grandmother, younger sister, and close family friend. Family members had indicated he had begun to act out, was argumentative, and possibly suicidal.

### **The Decision**

S.B. was sentenced to probation for two years and 20 hours of community service work. He was also ordered to report to a youth court worker and follow all directions received from the youth court worker, attend counselling or treatment as directed, refrain from consuming alcohol or drugs, not carry or possess any knives, and reside in a location as directed by his youth court worker for the first 60 days of the probation order.

### **The Reasons**

In the case at hand the assault with a weapon was defined as a violent offence under the *Youth Criminal Justice Act*, namely...

- an offence committed by a young person that includes an element of causing bodily harm
- an attempt or threat to commit an offence as described above, or
- an offence where the young person endangers the life or safety of another person by creating a substantial likelihood of causing bodily harm

While the facts indicate that the young person's actions were a threat to cause bodily harm and could result in a custodial sentence, the Court needed to consider all reasonable alternatives to custody. Ultimately the Court found that a period of probation could satisfy the requirements and intent of the YCJA, noting that the young person was only 14 years of age and had no prior record. It was further noted that the public would be best served if the young person was provided an opportunity that was most likely to result in his rehabilitation and reintegration, and to him becoming a productive, law-abiding member of society. Although his mother was experiencing difficulty addressing his behaviour, she was supportive and well-intentioned. Residing with someone other than his mother for a period of time would provide the young person with more guidance and structure before returning home. A probation order with the conditions listed was thought to be the most appropriate sentence.