

**IN THE COURT OF APPEAL OF MANITOBA**

*Coram:* Chief Justice Marianne Rivoalen  
Mr. Justice David J. Kroft  
Madam Justice Anne M. E. Turner

***BETWEEN:***

	)	<b><i>L. S. Miclette</i></b>
	)	<i>for the Appellant</i>
	)	
<b><i>HIS MAJESTY THE KING</i></b>	)	<b><i>J. Hyman</i></b>
	)	<i>for the Respondent</i>
	)	
<i>Respondent</i>	)	<b><i>Appeal under rule 45 of the</i></b>
	)	<b><i>Manitoba Criminal Appeal</i></b>
<i>- and -</i>	)	<b><i>Rules and rule 37.3 of the</i></b>
	)	<b><i>Court of Appeal Rules (Civil)</i></b>
<b><i>MATTHEW MARJANOVIC</i></b>	)	
	)	<i>Joint written submissions filed:</i>
	)	<b><i>June 4, 2026</i></b>
<i>(Accused) Appellant</i>	)	
	)	<i>Judgment delivered:</i>
	)	<b><i>June 22, 2026</i></b>

**RIVOALEN CJM**

[1] The accused seeks leave to appeal and, if granted, appeals to vary his sentence and asks this Court to convert the consecutive sentence imposed to a concurrent sentence. The Crown agrees that the accused should not have received a consecutive sentence in this case.

[2] The accused and the Crown consented to the appeal proceeding on the basis that the sentence imposed was illegal. Further, the parties agree, under rule 45 of the *Manitoba Criminal Appeal Rules*, SI/92-106 and rule 37.3

of the MB, *Court of Appeal Rules (Civil)*, Man Reg 555/88R, that the appeal can be determined based on the written materials filed, without an oral hearing.

[3] The following facts are relevant to this appeal.

[4] After a jury trial, the accused was found guilty of second degree murder. On December 18, 2019, a judge of the Court of Queen’s Bench (now the Court of King’s Bench) sentenced the accused to life imprisonment with no possibility of parole for eighteen years (see *R v Marjanovic*, 2019 MBQB 183).

[5] On September 8, 2022, while incarcerated at Stony Mountain Institution, the accused was charged with possessing methamphetamine for the purpose of trafficking and possessing a weapon (a jail-made stabbing weapon) for a purpose dangerous to the public peace.

[6] On March 21, 2024, the accused pled guilty to both offences before a judge of the Provincial Court (the sentencing judge). The parties jointly recommended, and the sentencing judge accepted, that the appropriate sentence was thirty-three months for the drug offence, and eighteen months concurrent for the weapons offence. The parties asked that the thirty-three-month sentence be consecutive to the life sentence the accused is currently serving.

[7] The standard of review on sentence appeals is well-known. Appellate intervention is only justified where the sentencing judge has committed a material “error in principle that impacted the sentence or where the sentence is demonstrably unfit . . . . Errors in principle include an error of

law, a failure to consider a relevant factor, or an erroneous consideration of an aggravating or mitigating factor” (*R v Sheppard*, 2025 SCC 29 at para 39, citing *R v Friesen*, 2020 SCC 9 at para 26; see *R v Arac*, 2025 MBCA 54 at para 6; *R v Lacasse*, 2015 SCC 64 at paras 41-44).

[8] While the standard of review is deferential on sentence appeals, the sentence imposed here was incorrect at law. A life sentence means what it says: imprisonment for life. While most people are released on parole at some point, it does not alter the sentence. It follows that a sentence, consecutive to life, is illogical because it does not operate until the accused dies (see *R v Camphaug*, 1986 CanLII 1164 (BCCA); *Regina v Sinclair* (1972), 6 CCC (2d) 523, 1972 CanLII 1297 (ONCA)). Because the sentencing judge imposed a sentence consecutive to the accused’s life sentence, a legal error was made and no deference is owed.

[9] In the circumstances, it is appropriate for this Court to vary the sentence to one permitted by law and acceptable to the parties. The sentence is therefore varied to be concurrent to the life sentence.

[10] It is noted that a concurrent sentence will still have the necessary deterrent impact, as it will bear upon eligibility for parole. The thirty-three-month concurrent sentence will extend the accused’s date for eligibility to apply for parole by eleven months.

[11] The parties agree, as do I, that leave to appeal the sentence should be granted and the appeal allowed, such that the sentence is converted to being concurrent to the life sentence.

[12] Accordingly, leave to appeal the sentence is granted and the appeal is allowed. The sentence is varied to a concurrent sentence.

Rivoalen CJM

I agree: Kroft JA

I agree: Turner JA