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(Winnipeg Centre)
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COURT OF KING'S BENCH OF MANITOBA

B E T W E E N:

HIS MAJESTY THE KING,	)	Marnie E. Evans
	)	Jenna Robinson
	)	for the Crown
- and -	)	
	)	
CALIANNA GRACE KEEPER,	)	Scott B. Newman
	)	Omri G. Plotnik
- and -	)	for Keeper
	)	
CHERILYN ASHLEY CARMEN DUMAS,	)	Candace A.D. Olson
accused.	)	for Dumas
	)	
	)	
	)	Judgment Delivered
	)	June 20, 2025

MARTIN J.

INTRODUCTION

[1] Calianna Grace Keeper and Cherilyn Ashley Carmen Dumas were jointly charged with second-degree murder for the beating death of Derek Stevenson on October 30, 2023, in Winnipeg.

[2] Based on their gross intoxication, the Crown accepted guilty pleas to manslaughter. This decision deals with the fit and appropriate sentence for each accused. The circumstances of Mr. Stevenson's death and the personal backgrounds of Ms. Keeper and Ms. Dumas are dreadful, yet not uncommon to the Court.

[3] The Crown seeks a sentence of 9 years for Ms. Dumas and 7 years for Ms. Keeper, less time-in-custody credit of 30 months, for go-forward sentences of approximately 6½ years and 4½ years respectively, which means custody in a federal penitentiary.

[4] On the other hand, Ms. Keeper seeks a go-forward sentence of 12 – 18 months incarceration, or an overall sentence of about than 42 – 48 months, plus 3 years probation. Ms. Dumas seeks a go-forward sentence of less than 2 years, 54 months overall, plus probation. Thus, each would remain in provincial custody and have the benefit of probation after release to the community.

[5] As a bit of a roadmap, I will set out the facts, concisely outline each of the accused's backgrounds, sentencing principles, followed by my analysis and conclusion.

FACTS

[6] Counsel jointly submitted an Agreed Statement of Facts.

[7] Ms. Dumas, Ms. Keeper and Mr. Stevenson all knew each other; Ms. Dumas described Mr. Stevenson as her best friend.

[8] On October 30, 2023, the three of them got drunk together at Ms. Dumas's home. For some reason, which nobody recalls, Ms. Dumas and Mr. Stevenson began to fight. She hit him several times with her fists and multiple times in the head with a frying pan. Ms. Keeper kicked him several times while he was on the floor trying to get up.

At some point, Ms. Dumas and Ms. Keeper passed out in the bed, while Mr. Stevenson passed out on the floor. Ms. Dumas says Mr. Stevenson was breathing then. As everyone was sleeping or unconscious, Mr. Stevenson bled to death from various lacerations to his head caused by the hits with the frying pan. He also had a broken nose but no skull fractures or brain bleeds.

[9] The next morning, Ms. Dumas and Ms. Keeper realized Mr. Stevenson was dead. Ms. Keeper left. Ms. Dumas covered Mr. Stevenson and started drinking again. When his body began to smell, she went to her mother's home and told her. After getting more alcohol, she and her mother returned to Ms. Dumas's. They drank there and attempted to clean-up the blood. Another relative called the police. They attended and found Mr. Stevenson and Ms. Dumas. She was cooperative. Both Ms. Dumas and Ms. Keeper gave statements to the police describing what happened and outlining their roles.

MS. DUMAS'S AND MS. KEEPER'S BACKGROUNDS

[10] Extensive sentencing materials were provided for Ms. Dumas and Ms. Keeper, which are critically important to understand each individual; their characters, thinking processes, limitations, capacities and motivators. I do not mean to convey a short-shrift evaluation, but I will be very brief - - I have reviewed and considered all the material and counsels' submissions.

[11] There are striking similarities between Ms. Dumas and Ms. Keeper. At the time of the offence, both were 20-year-old Indigenous women, with terribly impoverished family, community, social, education and employment histories. They both experienced and suffered from childhood trauma, Child and Family Services (CFS) interventions and foster

homes. Each has significant psychological, intellectual, cognitive and addiction challenges. *Gladue* factors abound.

[12] Ms. Dumas has a full-scale IQ score of <70 and shows significant compromise on other relevant testing scales, including a reading comprehension of grade three. She has been diagnosed with an Intellectual Disability (a lifelong condition), Major Depressive Disorder, Substance Abuse Disorder, Complex Trauma and possibly Reactive Attachment Disorder. She has required significant support throughout her life including after "aging out" of the CFS system. A 2018 psychological report noted at page 17:

> … Cherilyn does not cope well, cannot self-soothe, and struggles attaching to others. It is not surprising with her history and poor language skills that she acts out and fails to attach to adults. She has learned not to trust and now believes she is not worthy of love. She has been significantly hurt by her family. Here she experienced neglect and abandonment by her birth parents, she was abused by her maternal grandmother, and her absent father on recently reconnecting sexually assaulted her. She has, by all accounts, been emotionally traumatized. Without trust in others, with repeated foster home breakdowns [15 placements], and without language skills needed to self-reflect and to acquire the skills necessary to self-regulate and protect Cherilyn remains highly vulnerable, as was her mother. She is in need of much support and protection.

Counsel advise Ms. Dumas qualifies for funding and support as an adult living with an intellectual disability under the provincial statute (formerly a vulnerable person under ***The Vulnerable Persons Living with a Mental Disability Act***, C.C.S.M. c. V90). She does not work and is not partnered, although she has one young child who is not in her custody. Finally, she has a criminal record, including previous assaults.

[13] Ms. Keeper has a full-scale IQ score of <50 and also shows significant compromise on other relevant testing scales. She is noted to have Fetal Alcohol Syndrome Disorder, moderate Intellectual Disability, Post-Traumatic Spectrum Disorder, Attention Deficit Hyperactivity Disorder, Reactive Attachment Disorder and Intermittent Explosive

Disorder. A 2019 FASD report noted that she "cannot consistently connect cause and effect" and "was described as being very impulsive and can go from 0 to 100 in an instant" (page 5). Both her parents had problems with substance use. While in CFS care, she was abused by caregivers. She was also sexually assaulted at age 12, suspended from school numerous times and has no employment or romantic history to speak of. She was diagnosed with kidney failure at age 18 due to alcohol use. She too has had access to funded support, albeit at a lesser level than apparently is warranted, based on recent funding classifications. Finally, Ms. Keeper has an extensive criminal record, mainly for assaultive behavior.

[14] Not surprisingly, I note that each are assessed as high risk to reoffend.

SENTENCING CONSIDERATIONS

[15] A sentence imposed by a judge for a serious crime should be tailor-made in the sense that, mindful of principles of sentencing, it responds appropriately to the circumstances of the offence and the particulars of the offender. The ***Criminal Code*** articulates the fundamental purpose of sentencing and mandates that a judge consider a number of principles, including sections:

- 718.1: a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender;
- 718.2(a): a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender;

- 718.2(b): the parity principle that a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances; and
- 718.2(e): the restraint principle, with particular attention to the circumstances of Aboriginal offenders.

To this statutory list are a number of common law principles that have developed over many decades of jurisprudence.

[16] As to manslaughter sentences generally, Freedman C.J.M., in ***R. v. Sinclair***, 1980 CanLII 3097 (MB CA) at p. 257, made a common observation:

> [2] The offence of manslaughter presents the widest possible range for sentencing among all the offences in the *Criminal Code*. A sentence of life imprisonment may in one set of circumstances not be too much, and a suspension of sentence may in a different set of circumstances not be too little."

Critically, the facts and circumstances of a specific manslaughter situation are key to a fit sentence.

[17] Counsel provided numerous manslaughter precedent cases to support their respective positions. The real value of the precedents is to demonstrate (i) how sentencing considerations are taken into account in a given manslaughter case as a judge balances all the factors in determining a fit sentence and, (ii) a non-binding array of sentences for a certain kind of manslaughter. I will refer to several helpful precedents in my analysis.

[18] Taking all this into consideration, I turn to my analysis.

ANALYSIS

[19] The aggravating circumstances of the offence include that the crime was essentially a 2-on-1 fight, in which a frying pan was used as a weapon.

[20] Given the intoxicated state of each accused, I do not agree with the Crown that Mr. Stevenson being left to bleed to death, or that help was not called, are aggravating factors per se, but rather are part of the factual milieu of the killing itself. Everyone passed out right after the fight and Mr. Stevenson was alive at that time. Further, their conduct the next day is of questionable relevance. Ms. Keeper left the suite, which is not unusual. Ms. Dumas kept drinking, and later lamely tried to clean some blood, but also told her mother and others, which led to the police being alerted. I also do not agree that there is sufficient evidence of personal circumstances to demonstrate Mr. Stevenson was a vulnerable person for purposes of invoking s. 718.4 of the ***Criminal Code***, other than his Indigenous background. Certainly, if Ms. Dumas or Ms. Keeper were victimized, they would fall under this classification.

[21] As to mitigating factors, while violent, and despite using the frying pan, the fight was not as severe as many. There were no skull fractures or injuries, rather, serious lacerations of the head and bruises. The death by blood loss was unusual. They cooperated with police. Appropriately, both pled guilty and both are remorseful. Further, both accused were relatively young, Indigenous women affected by numerous personal psychological, and cognitive issues and addictions.

[22] Neither Ms. Dumas's nor Ms. Keeper's criminal records are aggravating factors per se. Their records, particularly for violence, disentitle them to some leniency.

Here though, I also bear in mind Ms. Dumas was the main assailant but has a lesser record, while Ms. Keeper had a far lesser role but a much greater record, particularly for violence.

[23] No one from Mr. Stevenson's family attended court to speak on his behalf, and no victim impact statements were provided. Nonetheless, the Crown indicated his family was impacted by his death and obviously, the death itself is very serious.

[24] All in, as to moral blameworthiness for either Ms. Dumas's or Ms. Keeper's role in this offence, it is moderated by their individual and peculiar psychological, intellectual and cognitive challenges and by extreme *Gladue* factors, all of which I find is connected to their actions or behavior and Mr. Stevenson's death. Ms. Dumas was the main protagonist and acquired the frying pan as a weapon. Ms. Keeper has a history for unregulated violent offending but had a far lesser role in this offence and personally did not use any weapons. Moral culpability is different for each. Each are young, Indigenous women, who are severely compromised in numerous ways in their day-to-day functioning. The underlying fight leading to the death was spontaneous, arising out of some offence taken during a drinking event with Mr. Stevenson and the two accused.

[25] ***R. v. Laberge***, 1995 ABCA 196, has been cited for an analytical framework to assist in determining blameworthiness in one manslaughter compared to another (paras. 6 – 17). In sum, "[u]nlawful acts may be divided into three broad groups: those which are likely to put the victim at risk of, or cause" (i) bodily injury, (ii) serious bodily injury, or (iii) life-threatening injuries (para 9). Further, at para. 14:

> [14] Despite the fact that the Crown need not prove that an offender knew or intended that his conduct would put his victim at risk of injury in order to ground

> a conviction for manslaughter, whether this additional level of subjective intent has been established is important in assessing the offender's blameworthiness for sentencing purposes. That is because our criminal justice system is based on the premise that, all other things being equal, the more an offender's "intention" or "awareness" approaches the point that he knew or was willfully blind to the fact that his unlawful act was not only likely to put the victim at a risk of death, but indeed to cause death, the more culpable he is. Similarly, even absent proof of subjective mens rea, the more that the offender's conduct, on an objective basis, approaches the point where it can be said that he ought to have known, had he proceeded reasonably, that his unlawful act would be likely to cause life-threatening injuries as opposed to simply putting the victim at risk of bodily injury, the more culpable he is. In other words, the offender's moral blameworthiness and in turn the gravity of the offence are functions of the degree of fault.
>
> [emphasis added]

[26] More recently, in ***R. v. McLeod***, 2016 MBCA 7, the Manitoba Court of Appeal restated:

> [17] In *R v Laberge* … Fraser CJA wrote (at para 6):
>
> > All unlawful act manslaughter cases have two common requirements - conduct which has caused the death of another; and fault short of intention to kill. However, despite these common elements, the offence of unlawful act manslaughter covers a wide range of cases extending from those which may be classified as near accident at the one extreme and near murder at the other: **R. v. Cascoe** ..; **R. v. Eneas**, … . Different degrees of moral culpability attach to each along a continuum within that spectrum. It is precisely because a sentence for manslaughter can range from a suspended sentence up to life imprisonment that the court must determine for sentencing purposes what rung on the moral culpability ladder the offender reached when he committed the prohibited act. The purpose of this exercise is to ensure that the sentence imposed fits the degree of moral fault of the offender for the harm done.
> >
> > [citations omitted]

[27] All in, I would assess Ms. Dumas's moral blameworthiness for this beating death as moderate and Ms. Keeper's somewhat less.

[28] In any sentencing, especially for a serious crime such as manslaughter, various principles and purposes of sentencing come into play to a greater or lesser extent. There is no doubt denunciation and deterrence are important factors. However, in these unique circumstances, similar to other cases, I find that an appropriately balanced

sentence must account for potential rehabilitation, and hence long-term safety of the community, as a primary consideration. In this respect, the Manitoba Court of Appeal confirmed in ***R. v. Friesen***, 2016 MBCA 50:

> [36] Rehabilitation is not limited to the traditional view of correcting the accused's attitude to prevent him from recidivating. It can also deal with finding a way to control and modify behaviour. …

This can mean setting up a situation that maximizes an accused's chances of success within the community through structure, support and supervision, particularly for individuals suffering from permanent intellectual or cognitive challenges, whether FASD or otherwise.

[29] I find that a sentence akin to that suggested by defence counsel appropriately accounts for the circumstances of this offence, the circumstances of these offenders and sentencing principles. Notably, sentences similar to those suggested have been imposed in other manslaughter situations such as:

- ***R. v. Okemow***, 2016 MBQB 240, where Mr. Okemow received a go-forward sentence of 2 years less a day, in addition to 20 months time-in-custody credit, for a total effective sentence of 44 months, plus 3 years supervised probation for his involvement in a 2-on-1 beating death.
- ***R. v. Anderson***, 2018 MBQB 13, where Mr. Anderson received a go-forward sentence of 2 years less a day, in addition to a time-in-custody credit, for an effective sentence of 4 years, followed by 3 years probation for his participation in a 2-on-1 beating death.

- ***R. v. McKay***, 2020 MBQB 106, where Mr. McKay received a go-forward sentence of 24 months less one day, in addition to 26 months time-in-custody credit, for an effective sentence of 50 months, plus 3 years supervised probation for the beating death of his mother.

[30] Ultimately, I find that Ms. Dumas and Ms. Keeper, and in turn, the community, is best served by a go-forward provincial sentence. A federal sentence would be adverse by geographically removing them from whatever limited family or known acquaintance support they have in this community. Further, while parole may address some of the underlying issues I have referenced, a long term of 3 years probation would likely be more advantageous in facilitating their specific historical, local and established institutional supports to be more fully accessed, thereby increasing their chances of having their future behavior positively impacted.

CONCLUSION

[31] In the end result, balancing all of the factors I must, I sentence the accused as follows:

- Ms. Dumas: as the main protagonist, a sentence of 4 years and 6 months (54 months), comprised of 30 months' time-in-custody credit, and a go forward sentence of 24 months less one day, plus 3 years supervised probation; and
- Ms. Keeper: for her lesser role, a sentence of 4 years (48 months), comprised of 30 months' time-in-custody credit, and a go forward sentence of 18 months, plus 3 years supervised probation.

For each accused there will be the mandatory order of providing a DNA sample within 14 days and a lifetime s. 109 ***Criminal Code*** weapons prohibition.

[32] As to conditions of a probation order, I impose the mandatory conditions under s. 732.1(2)(a), (b) and (c). As to discretionary conditions pursuant to s. 732.1(3):

a) report to probation officer upon release of custody and thereafter as directed by the probation officer.

b) remain within the jurisdiction of the court unless written permission is obtained by the court or probation officer.

d) abstain from owning, possessing or carrying a weapon, including any knife, except for domestic purposes.

h) attend and participate in any counselling or treatment as directed by probation services.

_____ J.