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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,	)	Erin Dunsmore and Melissa Hazelton
	)	for the Crown
- and -	)	
	)	
DEVLIN LANGLOIS,	)	Joshua Rogala and Kim McGinnis
offender.	)	for the offender
	)	
	)	Judgment Delivered:
	)	October 23, 2026

GRAMMOND J.

INTRODUCTION

[1] Devlin Langlois (the "Offender") pleaded guilty to acting as an accessory after the fact to the murder of Diego Moscoza (the "Victim").

[2] Pursuant to s. 240 of the ***Criminal Code***, R.S.C., 1985, c. C-46, a conviction for accessory after the fact carries a maximum sentence of life imprisonment. The issue before me is what constitutes a fit and appropriate sentence for the Offender in this case.

THE FACTS

[3] At the time of the offence on March 17, 2025, the Offender was 24 years of age and was a regular user of hard drugs.

[4] The agreed statement of facts filed in evidence reflects, *inter alia*, that:

a) on the offence date the Offender was residing with her boyfriend, Melvin Traverse ("Traverse") and another roommate, Marina Coates ("Coates") in a house on Selkirk Avenue in Winnipeg (the "House");

b) Traverse was a member of the Bloodz street gang;

c) Taylor Linklater ("Linklater"), was also a member and/or associate of the Bloodz street gang and was regarded as Traverse's "street son";

d) in 2024, Traverse and Linklater assaulted the Offender, and more specifically, stabbed her in the back, as a result of which the Offender was fearful of Traverse and Linklater;

e) on the offence date:

i) Linklater and Noreen Thomas ("Thomas") attended at the House together with the Victim and another individual;

ii) each of the Offender, Traverse, and Coates were present at the House;

iii) Linklater provided the Offender, Traverse, and Coates with fentanyl, and directed them to stay in their respective bedrooms, and out of the basement of the House;

iv) this was not the first occasion on which Linklater told the Offender to stay out of the basement while he was at the residence;

v) the Offender remained in her bedroom as directed, and fell asleep;

vi) when the Offender awoke, Linklater and Thomas had left the House and she could hear moaning in the basement, coming from the Victim, who had been stabbed by Linklater and Thomas with a knife at least 16 times, centralized around his upper body;

vii) emergency services were not called because the Offender, Traverse, and Coates were fearful of Linklater and Thomas, and the Victim died from the stab wounds;

viii) when Linklater and Thomas were made aware that the Victim had died, they returned to the House "to deal with cleaning up" (Agreed Statement of Facts at paragraph 13);

ix) upon their return, Linklater and Thomas directed the Offender to leave the House and procure a shopping cart;

x) while she did so, Linklater and Thomas placed the Victim's body in a hockey bag, and when the Offender returned to the House, they placed the bag containing the body into the shopping cart;

xi) Linklater and Thomas then directed the Offender to move the cart, and threatened to kill her if she did not do so;

xii) the Offender left the House with the shopping cart containing the Victim's body, and left it in a nearby back lane; and

xiii) several hours later, the Victim's body was discovered.

POSITION OF THE PARTIES

The Crown

[5] The Crown submitted that, after taking into account all of the circumstances of this case and considering the primary sentencing objectives of denunciation and deterrence, I should impose a sentence of three years of incarceration, followed by two years of supervised probation. The Crown noted that the Offender interfered in the administration of justice, failed to report the Victim's murder, and transported his remains.

[6] The Crown advised that the Offender has been in custody since December 17, 2025, such that her pre-sentence custody as at the date of the sentencing hearing was 429 days with enhanced credit, or approximately 14 months. The Crown sought, therefore, an additional 22 months in custody going forward. The Crown noted that if the Offender's go-forward sentence gave rise to incarceration in a provincial institution, her family members would be able to visit and support her.

[7] The Crown also requested a DNA order pursuant to s. 487.01(a) of the ***Criminal Code***, and a weapons prohibition pursuant to s. 109 of the ***Criminal Code***. These orders were not contested by the defence.

The Defence

[8] The defence submitted that the Offender should be sentenced to time served, followed by two years of supervised probation.

[9] The defence argued that the Offender's involvement in the offence was secondary and reactive to the situation, and was driven by a credible threat of violence, which is one of the key factors for consideration that should reduce the need for deterrence. The defence also noted that while the Offender is vulnerable given ***Gladue*** [1] factors, the severe trauma that she has suffered, and her drug addiction, she has made positive progress while she has been in custody.

THE LAW AND ANALYSIS

[10] Section 718 of the ***Criminal Code*** provides that the fundamental purpose of sentencing is to contribute to respect for the law and the maintenance of a just, peaceful and safe society by imposing sanctions that have one or more of the following objectives: the denunciation of unlawful conduct; deterrence of the offender and others from committing offences; separating offenders from society where necessary; assisting in rehabilitating offenders; providing reparations for harm done to the victims or the community; promoting a sense of responsibility in offenders; and the acknowledgment of the harm done to victims and the community.

[11] Section 718.1 of the ***Criminal Code*** provides that the fundamental principle of sentencing is that the "sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender".

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[1] See ***R. v. Gladue***, [1999] 1 S.C.R. 688

[12] In addition, s. 718.2 of the ***Criminal Code*** reflects that the court must also apply a number of principles, including that:

> (a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender . . .;
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> (b) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;
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> . . .
>
> (d) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and
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> (e) all available sanctions, other than imprisonment, that are reasonable in the circumstances . . . should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.

[13] The leading case in Canada relative to sentencing for the offence of accessory after a murder is ***R. v. Wisdom***, [1992] O.J. No. 3110 (ONCJ), where Watt J. stated:

> [27] Accessoryship after the fact to a crime is an offence which constitutes an interference with the administration of justice. An offence has been committed by a principal offender, in this case the crime of murder. It is the purpose of the accessory, as it was of this accused, to enable, indeed to facilitate, the principal offender to escape detection and/or punishment for his or her criminal conduct. By the means adopted, whatever they may be, the accessory interferes with the investigation of crime and the detection of offenders. Serious crimes may go unsolved and dangerous criminals left at liberty only to re-offend. The resourceful accessory stifles the investigation and deflects attention from the true principal, as much as the suborned witness' perjury seeks to avoid successful prosecution. The due administration of justice is defeated in the event of success, as much in the one case as it is in the other.
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> [28] Accessoryship after the fact frustrates the legitimate investigation of crime. It is as much a part of such investigation to clear the innocent, as it is to convict the guilty. To the extent that accessories deflect the investigation and investigators from their proper or true course, the attendant risks are obvious.
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> [29] As it would appear to me, it is of the utmost public importance that all who are knowingly in touch with criminals and who might be minded, for whatever reason, to offer or furnish their assistance, ought to be alive to and fully cognizant of the fact that should they receive, comfort or assist them in order to enable the or a principal to escape, then they, the accessories, themselves run a substantial risk of losing their own liberty for a very significant period of time. In this respect, see, for example, ***R. v. Kerrigan***; ***R. v. Panayiotou*** (1972) 57 Cr. App. R. 269 (CA-CD). It is a *fortiori* where the offence of the principal is itself grave. See, ***R. v. Morgan*** (1971) 56 Cr. App. R. 181 (CA-CD).

> [30] The factor or principle of superordinate importance in cases such as at present, in my respectful view, is that of general deterrence. The courts, whose task it is to ensure the due administration of justice, must devoutly set their face against and display their denunciation of any conduct, whether during the investigation or upon the trial of alleged offenders, that seeks to or does interfere with it. Put shortly, we shall brook no interference, actual or attempted, with the proper investigation of crime, as well the proper trial of alleged offenders. Those who set out with such a purpose shall be punished, and severely.
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> . . .
>
> [32] It would be idle to endeavour a complete catalogue of the factors whose presence or absence may inform a determination of the nature and/or the quantum of sentence to be imposed. Relevant factors or considerations may include, however,
>
> (a) the nature, extent and duration of the accessory's involvement;
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> (b) the age and experience of the accessory;
>
> (c) the nature, extent and duration of the relationship, if any, between the accessory and the relevant principal;
>
> (d) the presence or absence of any coercion of or threat to the accessory or others to obtain the accessory's participation;
>
> (e) the nature of the accessory's assistance; and,
>
> (f) the antecedents, present status and realistic prospects of the accessory.

[14] Although counsel provided me with a number of cases in which offenders were sentenced for accessoryship after the fact, they did not submit any Manitoba cases, nor did I locate any relevant Manitoba cases during my deliberations. In addition, I note that in several of the cases filed by counsel the offender was sentenced pursuant to an agreement for a joint recommendation, which in my view diminishes the weight of those decisions given the vagaries of plea negotiations and the absence of a true analysis of the appropriate sentencing range by the court.

[15] Having said that, I found some of the principles in the cases to be instructive. In ***R. v. Steadman***, 2008 BCSC 1613, the court stated:

> [51] From these cases, a number of principles emerge. First, it is not uncommon for offenders to assist in hiding a murder because of threats made against them or their families which do not rise to the level of duress. Such threats were present in

> ***Lowe***, ***Turpin*** and ***Ropchan***, and significantly mitigated the offender's moral culpability. A not uncommon aggravating feature is when the accessory is present for or knew in advance that a murder was going to be committed. That was the case in ***Wisdom***, ***Murdoch*** and ***Campbell***. Further, where the accessory's assistance extends to actually disposing of the deceased's body, that too has been held to be an aggravating circumstance. That was so in three of the cases I have just noted. Next, as in any case, a guilty plea is significant. These cases disclose that a range of sentence for an offender whose involvement is significant and who is not subject to threats of serious harm is between 18 months at the low end and five years at the upper end.

[16] In ***R. v. Bedi***, 2017 BCSC 292, the court stated:

> [132] I was unable to find that Mr. Bedi's acts played any actual specific role in thwarting the police investigation of Mr. Dhaliwal. . . [T]his is not a case . . . in which critical evidence was placed beyond the reach of the investigation by the actions of the accessory.
>
> [133] But it is also important to keep in mind that in order to complete the offence of accessory after the fact, it is only necessary that the acts had the tendency to assist the principal offender, with the critical concern being the risk that they create of an interference with the administration of justice. Obviously the actual thwarting of an investigation makes an offence even more serious, but acts that had that tendency to assist are certainly not rendered trivial matters by comparison.

[17] In each of ***Steadman*** and ***R. v. Crawford***, 2018 ONSC 7582 the court stated that moving a body will generally be viewed as a significantly aggravating factor.

[18] In ***R. v. Mohammed***, 2025 ONCJ 331, the court stated:

> [21] Although the principles of denunciation and deterrence remain paramount in sentencing accessoryship cases, the fact that Ms. Mohammed is a youthful first offender requires me to temper that paramountcy and heed the principles of rehabilitation and restraint. ***R. v. Habib***, 2024 ONCA 830, at para. 31; ***R. v. Ali***, 2022 ONCA 736 at para. 40; ***R. v. Armstrong***, *supra*, at para. 57; ***R. v. Crawford***, 2018 ONSC 7582 at para. 30.

[19] I note that in the cases provided by counsel the offenders sentenced at the lower end of the range generally pleaded guilty, had no criminal record, and acted under pressure or threats, but did not interfere with a deceased's remains or destroy evidence.

I accept, on the basis of the authorities before me, that the generally applicable sentencing range for accessoryship after a murder is 18 months to five years.

Character of the Offender

[20] The Offender has no criminal record and, at 24 years of age at the time of the offence, is a relatively youthful offender.

[21] The pre-sentence report prepared in this matter (the "PSR") reflects that the Offender's parents separated when she was seven years of age, and that for approximately the next five years she spent time with both of her parents regularly. When she was 12 years of age she went to live with her mother on a full-time basis. The PSR reflects that the Offender's father struggled with anger management and had a bad temper.

[22] The Offender's relationship with her mother is currently positive and supportive, in that her mother regularly visits her in custody and is willing to have the Offender reside with her upon release. In addition, the Offender has the support of her father, brother, step-sister, grandmother, and aunts, many of whom have also visited the Offender in custody.

[23] Although the Offender's parents provided her with a generally stable upbringing, she was sexually abused by an extended family member as a child. She later experienced intimate partner violence, including in her relationship with Traverse, as well as instances of violence in the community.

[24] At a young age, the Offender was diagnosed with attention deficit hyperactivity disorder, obsessive compulsive disorder, depression, and dyslexia. Nevertheless, she

completed high school and attended Red River College for approximately six months in the early childhood educator program, including a practicum in a school division. She has since been diagnosed with post-traumatic stress disorder.

[25] The PSR reflects that the Offender first tried alcohol at age 10, marijuana at age 11, cocaine at age 15, crack cocaine at age 18, methamphetamine at age 19 or 20, and later heroin and fentanyl. She overdosed and used naloxone on multiple occasions, and suffered infections due to intravenous drug use that resulted in her hospitalization. On one occasion, she attempted suicide by overdose. She lived in a tent for a period of time and engaged in sex work for money and substances. At the time of the offence she was using drugs on a daily basis.

[26] The Offender has been connected to the Community Emergency Department Violence Intervention Program ("CEDVIP") since October 2023. CEDVIP staff believe that she is open to connecting with them and presents as someone who wants to lead a pro-social life. In addition, CEDVIP staff have opined that the Offender's involvement in this matter was due to influences around her, rather than her own criminal motivation.

[27] While in custody, the Offender's behaviour has been largely positive. According to the PSR, she was employed in the kitchen of the institution for several months and held a second job as a unit cleaner. Although she was terminated from employment in the kitchen due to negative behaviour and failure to follow direction, she has since accepted responsibility for that behaviour, and has returned to the unit in which she was housed previously.

[28] In addition, while in custody the Offender has completed a variety of workbooks pertaining to, *inter alia*, substance abuse, anger management, attitude/orientation, stress and anxiety, and healthy thinking, and she has been given a workbook on criminal attitude.

[29] She has also attended church, Alcoholics Anonymous, and Teen Challenge, and has completed a variety of group programs, including Reclaiming Our Identity, Introduction to Healthy Relationships, and Coming to Terms. She was noted to have participated actively in the programs, to have engaged in the work and discussions, and to have completed assignments. She was described as "a great addition" to one of the groups (PSR at page 4). The Offender has also met with the institutional psychiatrist and is taking prescription medication.

[30] The PSR reflects that the Offender expressed regret relative to the offence before me, that she wished she had the courage to contact police or get other assistance for the Victim at the time, and that she has acknowledged and continues to be affected by the loss of the Victim's life and the loss suffered by his family members. The Offender made similar comments at the sentencing hearing, including a sincere apology for her actions, which she recognized were disrespectful, and that her apology would not suffice for the loss of the Victim's life. She also stated that she takes full accountability for her conduct, which she will carry for the rest of her life, and that moving forward she intends to maintain her sobriety and work on herself, with the support of her family, in the hope of having a positive impact on the community.

[31] With respect to ***Gladue*** factors, the PSR reflects that the Offender's paternal grandmother was Indigenous, and that the Offender recalled her smudging when the Offender was young. The Offender's father identified himself as French-Canadian, noting that his great-grandmother appeared to be Indigenous and that many people did not want to self-identify as such. The Offender has stated that she feels connected to Indigenous culture and would like to continue learning more about it in the future. She has participated in smudging and beading while in custody. The Crown noted that there is no information in the PSR relative to the impact of colonialism, if any, upon the Offender or her family members.

[32] It is clear that the Offender's life circumstances have been difficult in a number of ways. Although she appears to have made some progress in custody, her prospects after release are unknown, and I expect will depend, in large part, upon her ability to maintain sobriety. I accept, as submitted by the defence, that the Offender's living arrangement with Traverse and presence at the scene of the murder were related to her vulnerability, caused in large part by her very serious addiction issues.

Nature and Circumstances of the Offence

[33] I accept that the Offender became involved with the Victim at the behest of Linklater and Thomas and that she had no advance knowledge of the murder. Rather, she was given drugs and told to stay in her room and she did so. She later procured the shopping cart as directed, given her fear of Linklater and Thomas, and thereafter they directed her to move the Victim's body under a threat of death.

[34] I accept that the threat posed to the Offender by Linklater and Thomas was credible given the previous stab wound inflicted upon the Offender and the fact that Linklater and Thomas had brutally killed the Victim by the infliction of many stab wounds. I also accept that the Offender was fearful of Linklater and Thomas given their gang affiliations and Linklater's gang connection to Traverse, who had also inflicted violence upon the Offender.

[35] Having said that, threats and duress are a common theme in the case law, and I note that neither Linklater nor Thomas resided with the Offender, which is a distinguishing factor from some of the cases. Having said that, the extent to which the Offender could have escaped Linklater and Thomas is unclear, particularly given Linklater's connection to Traverse as his "street son".

[36] I appreciate that the Offender's involvement as an accessory on the offence date was not prolonged, given that she procured a shopping cart and transported the Victim's body within a short time. Having said that, the nature of the assistance that she provided deflected attention away from Linklater and Thomas and was egregious because it involved the movement of the Victim's remains.

[37] Moreover, after the Offender had moved the Victim's body, she did not call the police, even on an anonymous basis, and instead elected to remain silent about the murder, save for admissions made later on to her mother and to Coates. Ultimately, the Offender spoke the truth to police approximately six months after the murder.

[38] In ***R. v. Nahmabin and Armstrong***, 2024 ONSC 631, the court noted that the offender Armstrong conducted himself in a similar manner, and the court found that his

repeated lies to police about his involvement and his conduct were an aggravating factor. Lying to police was also found to be an aggravating factor in ***Mohammed***.

Aggravating & Mitigating Factors

[39] The aggravating factors in this case are:

a) the Victim was still alive when the Offender awoke and became aware of the attack upon him, but she took no steps to contact emergency services for assistance, despite the fact that Linklater and Thomas were not present at the House at that time and had not yet threatened her;

b) the Offender moved the Victim's body, which constituted an indignity and an affront to him and to society as a whole;

c) after the offence, the Offender lied to the police about what had occurred; and

d) the Offender has been assessed as a high risk to re-offend.

[40] The mitigating factors in this case are:

a) the Offender pleaded guilty to the offence;

b) the Offender has no previous criminal record;

c) the Offender is a relatively youthful offender;

d) the Offender has expressed remorse for committing the offence;

e) the Offender transported the Victim's body under a credible threat of death;

f) the Offender has taken steps towards rehabilitation while in custody; and

g) as referenced above, ***Gladue*** factors apply.

THE SENTENCE

[41] The law is clear that sentencing is a highly individualized process, despite the application of parity as a sentencing principle. As set out in ***Wisdom*** and ***Mohammed***, the most important sentencing principles in this case are denunciation and deterrence, whereas rehabilitation is of less significance, because the offence strikes at the administration of justice. Having said that, the sentence must be proportionate to the gravity of the offence and the degree of responsibility of the Offender.

[42] I am mindful of the six factors referenced in ***Wisdom***, and in particular the fact that the Offender moved the Victim's body, which as I have stated is significantly aggravating, although she did so under a credible threat of death, which serves to reduce her moral culpability.

[43] I also recognize that, as referenced above, the Offender suffered significant trauma prior to the offence, including sexual and physical abuse, and that she was addicted to hard drugs at the material time. I have considered these issues in the context of the ***Gladue*** factors that apply. I note that after her release, the Offender plans to maintain her sobriety, to reside with her mother, to continue with CEDVIP, to participate in outpatient support programs, to participate in trauma counselling, to sever ties with negative peer groups, to stabilize her medical issues, and to continue to access Indigenous supports.

[44] I have also considered the victim impact statement provided by the Victim's domestic partner. At the time of his passing, the Victim was the father of a five-month-old child, and his loss has had a significant emotional impact upon his partner and his

family in the United States. I have considered these impacts within the framework of the other applicable sentencing principles.

[45] In my view, the Offender's moral blameworthiness is significant, particularly given that she chose not to assist the Victim while he was still alive and later lied to the police. I must give appropriate weight, however, to her circumstances and the mitigating factors that I have referenced.

[46] I have concluded that the appropriate sentence in this case is at the lower end of the range, but that to meet the primary sentencing objectives of denunciation and deterrence, a sentence of time served is not sufficient. Not only would that sentence be under the low end of the applicable sentencing range, it would not send the right message to individuals associated with the criminal underworld relative to the consequences that they must face for assisting those who commit violent crimes.

[47] I have concluded that a fit and appropriate sentence is a period of incarceration of two years less a day, less time served, which by my calculation is now 311 days in custody, which equates to 467 days at enhanced credit. The go-forward sentence is therefore 262 days or approximately eight and a half months, followed by a two-year period of supervised probation, on the following conditions:

a) to keep the peace and be of good behaviour;

b) to appear before the court when required to do so;

c) to notify the court or a probation officer in advance of any change of name or address, and to promptly notify the court or a probation officer of any change of employment or occupation;

d) to report to a probation officer as they require;

e) to abstain completely from the possession or consumption of alcohol and drugs not validly prescribed;

f) to attend, participate in, and complete programming and counselling as directed by a probation officer, and to sign any release necessary to enable a probation officer to monitor progress at counselling; and

g) to abstain from contact with Linklater and Thomas.

[48] There will also be a mandatory DNA order pursuant to s. 487.051(1) of the ***Criminal Code*** and a mandatory weapons prohibition pursuant to s. 109(2) of the ***Criminal Code***. The victim surcharge is waived pursuant to s. 737(2.1) of the ***Criminal Code*** given the Offender's precarious financial circumstances.

_____ J.