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Docket: CR24-15-01361
(Thompson Centre)
Indexed as: R. v. Menow
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COURT OF KING'S BENCH OF MANITOBA

B E T W E E N:

HIS MAJESTY THE KING,)	<u>Jonathan H. Mays</u>
)	<u>Brendan Roziere</u>
- and -)	for the Crown
)	
ALICIA LYNN MENOW,)	<u>Kaitlynn A. Porath</u>
)	<u>Bradley Erratt</u>
accused.)	for the accused
)	
)	ORAL JUDGMENT DELIVERED:
)	January 26, 2026

HUBERDEAU J.

INTRODUCTION

[1] Alicia Lynn Menow pled guilty to one count of manslaughter. The Crown seeks a seven-year term of incarceration while the defence seeks a term of five years, followed by three years of supervised probation. My judgment will address the facts of the offence, the offender's background and personal circumstances, the applicable sentencing considerations, my analysis, and conclusion.

[2] Based on this background, my reasons are as follows.

THE FACTS

[3] A detailed summary of the facts is set out in the Agreed Statement of Facts filed by the parties. I adopt those facts in determining a fit and proper sentence for Ms. Menow, however, for the purposes of my judgment, I provide the following summary.

[4] Ms. Menow and the deceased victim, Karretta Linklater, are sisters. On January 13, 2023, Ms. Menow, her partner Priscilla Budd, Ms. Linklater, and other members of Ms. Menow's family were consuming alcohol together at an apartment complex in Norway House, Manitoba. During the gathering, Ms. Menow observed Ms. Linklater flirting with Ms. Budd and became angry. Ms. Menow then retrieved a knife from the kitchen, went into the common hallway where Ms. Linklater was, and stabbed her in the lower left abdomen. She then punched Ms. Budd, stating it was her fault that Ms. Linklater had been stabbed.

[5] Both police and emergency medical technicians ("EMTs") arrived shortly thereafter. As EMTs transported Ms. Linklater to the hospital, police located Ms. Menow and the knife used in the stabbing. Once arrested, Ms. Menow admitted to stabbing Ms. Linklater, expressed remorse, and stated that she acted out of jealousy. In a subsequent statement to police, Ms. Menow reiterated that she stabbed Ms. Linklater in anger after retrieving the knife from the kitchen.

[6] Sadly, shortly after arriving at the hospital, Ms. Linklater was pronounced deceased. A postmortem examination determined that she died from a stab to her lower left abdomen that caused her to bleed to death.

BACKGROUND

[7] Ms. Menow is a 31-year-old Indigenous offender from Norway House First Nation and the mother of a 9-year-old son who is currently being cared for by her mother. Her history is fragmented and at times difficult to piece together given the inconsistent or contradictory information contained in the various court documents that have been filed. This is made worse given the destruction of her child welfare records documenting her time in care between the ages of eight and 21.

[8] Despite these gaps, the available information indicates that Ms. Menow's background was shaped by significant intergenerational trauma arising from colonization including a family exposure to the residential school system. Her childhood was highly adverse, characterized by parental substance abuse, domestic violence, family separation, neglect, and prolonged involvement with the child welfare system, during which she experienced repeated placements, emotional, verbal, physical, and sexual abuse. In addition to a tragic upbringing, she presents with multiple cognitive and mental health diagnoses, which include partial complex seizure disorder, attention deficit hyperactivity disorder (ADHD), post-traumatic stress disorder (PTSD), alcohol-related neurodevelopmental disorder (ARND), cluster B personality disorder, fetal alcohol spectrum disorder (FASD), and a mild to moderate intellectual developmental disorder (IDD). These various diagnoses are compounded by chronic substance abuse issues, social marginalization, and a long-term dysfunctional domestic relationship that appears to have contributed to the circumstances of the stabbing.

SENTENCING CONSIDERATIONS

[9] Section 718 of the *Criminal Code*, R.S.C., 1985, c. C-46, establishes the fundamental purpose and objectives of sentencing, namely promoting respect for the law and maintaining a just, peaceful, and safe society through the imposition of fair sanctions. These objectives include denunciation, deterrence, separation where necessary, rehabilitation, reparation, and fostering responsibility. Section 718.1 requires that sentences be proportionate to the seriousness of the offence and the offender's degree of responsibility, while section 718.2 sets out additional principles, including consideration of aggravating and mitigating factors, parity in sentencing, and the requirement to consider reasonable alternatives to imprisonment, with particular attention to the circumstances of Indigenous offenders.

MY ANALYSIS

[10] Sentencing is an individualized process that requires consideration of both the offence and the offender, as well as the relevant sentencing principles, to determine a fit and appropriate sentence. The analysis normally begins with a review of the aggravating and mitigating circumstances.

[11] The aggravating factors in this case are significant and include the following:

- i. Ms. Linklater was vulnerable as defined under section 718.04 of the *Code*. On this point I am mindful that Ms. Menow is also a vulnerable Indigenous female;
- ii. the factual circumstances of the offence and Ms. Menow's familial relationship with Ms. Linklater engages section 718.2(a)(ii) of the *Code*;
- iii. the offence was committed using a knife;

- iv. Ms. Menow has at times avoided accountability for the offence by attributing blame to Ms. Budd or Ms. Linklater, and at times has limited insight and minimized the killing by portraying it as an event that simply happened; and
- v. the victim impact statement submitted by Ms. Linklater's foster family describes the profound and long-lasting harm they endured as a result of the sudden and tragic death of their foster daughter. The victim impact statement submitted by Ms. Menow's and Ms. Linklater's biological mother speaks to the profound grief, trauma, and emotional loss endured by her family and the broader community of Norway House as a result of the tragic events of January 13, 2023.

[12] The mitigating factors include Ms. Menow's guilty plea, cooperation with police in that she admitted to the stabbing, her expressions of remorse, participation in programming while in custody, a stated willingness to engage in further treatment and programming, a supportive mother, her *Gladue* background, and her various cognitive and intellectual disabilities and diagnoses, which I will address further in my reasons.

[13] Another key issue for consideration is the identification of the primary sentencing objectives. Given the circumstances of this case, which involved the senseless stabbing death of Ms. Menow's unsuspecting and defenceless sister, denunciation and deterrence, both specific and general are the primary sentencing objectives. However, in light of Ms. Menow's unique personal circumstances, which include her *Gladue* background, her multiple cognitive and mental health diagnoses, and her rehabilitative efforts while in custody, the sentencing principle of rehabilitation must also be considered.

[14] On the issue of moral culpability, both parties accept that Ms. Menow suffers from multiple cognitive and developmental disorders and that a causal nexus has been established between her disorders and her offending behaviour. The central issue in dispute is to what degree those disorders caused or materially contributed to her conduct leading to the killing. The Crown submits that the degree to which Ms. Menow's mental disorders reduce her moral blameworthiness is not significant. In support of this position, it relies on information in the pre-sentence report ("PSR") showing that, just two weeks before the stabbing, Ms. Menow responded far less violently when Ms. Linklater flirted with Ms. Budd. The Crown submits this as evidence that she remains capable of exercising self-control notwithstanding her conditions.

[15] Defence submits that Ms. Menow's disorders significantly contributed to her conduct leading to the killing and that the Crown's reliance on a prior incident from weeks earlier is unpersuasive, given the lack of evidence about the surrounding circumstances, including whether drugs or alcohol were involved.

[16] First, I agree that the Crown's reliance on one prior incident is unpersuasive in the absence of additional and meaningful factual and contextual information. Second, although Dr. Kent Somers, a clinical psychologist, does not expressly address the issue of degree, his report does confirm that Ms. Menow's disorders, including her FASD and IDD diagnoses, predispose her to impulsivity, poor self-control, and decision-making focused on immediate circumstances rather than long-term consequences.

[17] The facts and circumstances of the offence are consistent with these clinical findings. The nature of the attack reflects impulsiveness, limited emotional regulation,

and failure to appreciate the consequences of her actions. This assessment is reinforced by the offender's comments in the PSR, in which she acknowledged acting out of anger without thinking and without understanding her emotional state. When these diagnoses are considered together with her level of intoxication at the time, *Gladue* factors, and the overall context of the offence, they support a conclusion that her moral culpability is diminished. However, the reduction will not be so significant as to render a meaningful custodial sentence unjustified, particularly considering her ongoing risk factors and the need for a carefully structured and monitored rehabilitation plan, which I will address next.

[18] Another relevant consideration is the extent to which Ms. Menow is seen as a danger to re-offend. On this point I note that Ms. Menow's risk of reoffending has been assessed as high, based on information in the PSR. Factors contributing to this assessment include antisocial pattern, pro-criminal attitude, substance use issues, negative peer associations, and limited involvement in prosocial activities. The institutional psychologist noted that Ms. Menow functions at a low level and would require intensive, well-coordinated supervision to manage risk in the community. Dr. Somers observed that due to Ms. Menow's intellectual impairment, she is particularly vulnerable to manipulation and deterioration in mental health, and that successful reintegration would depend on consistent structure, guidance, and ongoing formal and informal support.

[19] Ms. Menow's institutional record also reflects ongoing risk. Since 2023, she has accumulated 72 misconducts, including mental-health-related incidents, rule violations,

and disrespectful, threatening, or abusive conduct, including a conviction for assault causing bodily harm against another inmate. Although the frequency of incidents has declined, suggesting some recent improvement, her overall behaviour in custody continues to raise concerns.

[20] I further find that Ms. Menow's proposed reintegration plan of living with her mother in Norway House, working with a local probation officer, and accessing services through the local Wellness Centre with a longer-term goal of residential treatment is largely aspirational at this stage. The reality is that her reintegration plan will require significantly more time and coordination than her counsel suggests.

[21] Another important issue for analysis is the principle that similar offenders should receive similar sentences in comparable circumstances.

[22] The Crown relied on the following cases:

- a) In ***R. v. Nicholas Andrew Abraham et al.***, 2014 MBQB 242, both offenders plead guilty to manslaughter arising from a prolonged and brutal assault in which the victim was beaten, bound, and left overnight without medical assistance. Both offenders were Indigenous and had severely traumatic backgrounds, including substance abuse, violence, and in Starr's case, significant cognitive impairment and FASD. Each had prior violent records, and Abraham was on probation at the time of the offence. The primary mitigating factors were *Gladue* considerations, guilty pleas, and remorse. The Court imposed a nine-year sentence, with credit of four years

and nine months for pre-trial custody, resulting in four years and three months to serve.

This case is distinguishable given the severity of the unlawful act was far more egregious, with a very high risk of life-threatening injury and pre-dated *R. v. Friesen*, 2016 MBCA 50.

- b) In *R. v. McKay*, 2010 MBQB 56, the offender, a 24-year-old Indigenous man, pleaded guilty to manslaughter after originally being charged with second degree murder. The offence arose from an alcohol-fueled family dispute that ended when the offender stabbed his cousin in the heart. The victim was significantly larger than the offender and had a prior manslaughter conviction. The offender carried a knife due to recent threats, had a youth record including violence and weapons offences, and expressed remorse. The court imposed a seven-year sentence, with four and one half years credit for pre-trial custody, resulting in two and one half years imprisonment to be served.

This case is distinguishable given the offender had no cognitive deficits, and the stab was to the victim's heart, which is far more egregious.

- c) In *R. v. Belyk*, 2021 MBQB 99, the offender, while in a self-induced psychotic state, stabbed a stranger as she was driving her vehicle. He had a limited criminal history, strong community supports, a highly positive pre-sentence report, and he expressed genuine remorse. He was sentenced to eleven years' imprisonment.

This case is distinguishable given the offender was convicted after trial, was on probation at the time, and the severity of the unlawful act, namely 14 stab wounds, was far more egregious with a very high risk of life-threatening injury.

- d) In ***R. v. Thompson***, 2025 MBKB 37, the offender stabbed her partner during a domestic dispute. The incident occurred after a day of substance abuse by the offender, leading to a 911 call where she falsely claimed the victim had choked her. The victim, a First Nations Safety Officer, died from the injuries, leaving a significant impact on his family and community. The offender was sentenced to ten years of incarceration, with credit of just over three years, resulting in just under seven years to serve.

Although the severity of the unlawful act is the same, this case is distinguishable because it arose from a domestic relationship and the offender had no cognitive deficits.

[23] Defence relied on the following cases:

- a) In ***Friesen***, the offender pleaded guilty to manslaughter and was diagnosed with FASD and a borderline intelligence quotient ("IQ"), with a limited criminal record. The offence arose from an altercation resulting in a fatal head injury. The court held that moral blameworthiness may be reduced where there is evidence of a FASD diagnosis and a nexus between the condition and the offence, emphasizing the need for evidence of both

diagnosis and impact. A four-year sentence was imposed with the court noting the offender's need for a structured, rehabilitative environment.

Although both the offender in *Friesen* and Ms. Menow were diagnosed with FASD and had borderline intellectual functioning, the cases are distinguishable. In *Friesen*, the offender was younger, and the unlawful act, a single punch to the head, was far less serious than a knife attack, posing a significantly lower risk of life-threatening injury.

- b) In *R. v. Keeper and Dumas*, 2025 MBKB 81, both offenders, who were Indigenous women, pleaded guilty to manslaughter arising from a violent, intoxicated altercation in which the male victim died from blood loss caused by head injuries inflicted with a frying pan and kicks. Each suffered from severe cognitive, psychological, and addiction-related challenges, compounded by significant *Gladue* factors, which the court found substantially reduced their moral culpability. Emphasizing rehabilitation and community safety, the court concluded that provincial sentences with probation were more appropriate than penitentiary terms. Dumas received a 54-month sentence, including 30 months' credit for time served, resulting in 24 months less one day, followed by three years' probation, while Keeper received a 48-month sentence, including 30 months' credit, resulting in 18 months imprisonment, also followed by three years' probation.

This case is distinguishable given an attack involving a frying pan and kicks, is far less egregious than a knife attack, presenting a lower risk of

life-threatening injury. Furthermore, the offenders in *Keeper and Dumas* were younger, and that case did not involve any of the statutory aggravating factors present here.

- c) In *R. v. Woods*, 2024 BCPC 183, the offender pleaded guilty to manslaughter after fatally stabbing the victim once in the chest in an elevator. He had no prior criminal record, was diagnosed with FASD, and had significant *Gladue* factors. Although assessed as having a moderate risk of reoffending and a low risk of imminent violence, the court emphasized his cognitive deficits and rehabilitative progress. Despite the Crown seeking a four-year custodial sentence, the judge imposed a conditional sentence of two years less a day, finding it fit with the circumstances notwithstanding that it fell below the usual range.

This case is of little probative value and is nonbinding given it is from a lower court outside of Manitoba, which has yet to be followed. This case is also distinguishable given the offender was deemed a low risk to re-offend and was living successfully in the community while on bail awaiting sentence.

[24] Having reviewed all of the authorities, I am satisfied that while they are of assistance in identifying the applicable sentencing range for manslaughter and the relevant sentencing considerations, none are directly analogous to the factual circumstances of this offence or this offender. As I noted earlier in my reasons,

sentencing is a highly individualized process requiring the exercise of judgment and discretion.

CONCLUSION

[25] Having now completed my analysis, I have determined that the appropriate sentence for Ms. Menow is six years (2,190 days) of custody. After crediting her with 1,664 days of pre-sentence custody (equivalent to 1,109 days using a 1.5 to 1 calculation), she is left with a remaining custodial sentence of 526 days, to be followed by two years' of supervised probation. Such a sentence reflects her diminished moral culpability, provides additional time for her to access institutional resources, and affords the institutional psychologist, probation services, and her case manager the opportunity to properly develop and coordinate a successful reintegration plan.

[26] Ms. Menow is subject to a section 743.21(1) non-communication order with Priscilla Budd.

[27] She is also subject to a mandatory s. 109 weapons prohibition for ten years, a mandatory s. 487.051(1) DNA order (to be taken within 30 days), and a forfeiture order respecting the seized knife.

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

- i. to report to her probation officer within two days of being released from custody and thereafter as described by her probation officer;

- ii. to remain within the jurisdiction of the court unless written permission to go outside that jurisdiction is obtained from the court or her probation officer;
- iii. to abstain from owning, possessing, or carrying a weapon, including a knife, except for domestic purposes;
- iv. to not contact or communicate directly or indirectly with Priscilla Budd; and
- v. to attend and participate in any counselling or treatment as directed by her probation officer.

[29] Given Ms. Menow's current circumstance, I am waiving court costs and surcharges.

J.