Date: 20250205
Docket: CR 23-01-39899
(Winnipeg Centre)
Indexed as: R. v. Singh
Cited as: 2026 MBKB 22

COURT OF KING'S BENCH OF MANITOBA

B E T W E E N:

HIS MAJESTY THE KING,	)	Nick J.T. Reeves
	)	for the Crown
- and -	)	
	)	Saul B. Simmonds, K.C.
SUKHBIR SINGH,	)	Seth Lozinski
accused.	)	for the accused
	)	
	)	
	)	Judgment Delivered:
	)	February 5, 2026

PERLMUTTER A.C.J.

INTRODUCTION

[1] Following a trial, the accused Sukhbir Singh was convicted of dangerous operation of a motor vehicle, causing death contrary to s. 320.13(3) of the ***Criminal Code***.

[2] The Crown seeks a sentence of 18 months incarceration. Defence counsel suggests a conditional sentence order of 12 months up to two years less a day.

CIRCUMSTANCES OF THE OFFENCE

[3] The facts giving rise to this offence are outlined in my reasons delivered May 14, 2025 (***R. v. Singh***, 2025 MBKB 66). Accordingly, I will not go into them in detail at this time. Suffice to say that on February 28, 2020, while operating a semi-trailer truck as a professional driver, Mr. Singh failed to stop at a stop sign at the intersection of two highways, resulting in the death of Andrew Labossiere. Mr. Labossiere was the driver of a pick-up truck that entered the intersection and struck Mr. Singh's semi-trailer truck.

CIRCUMSTANCES OF THE OFFENDER

[4] Mr. Singh is age 34, with a grade 10 education. At the time of the offence, he was age 29, and had been working as a commercial truck driver for approximately seven months. He is now employed full time as a diesel mechanic, working towards his "red seal" certification, a trade he has practised for approximately five years.

[5] Mr. Singh has no history of criminal involvement either prior to or since this offence.

[6] In January 2019, Mr. Singh emigrated from India, joining his spouse who arrived about one year earlier. Mr. Singh has been married for 10 years, with two sons, ages 4 and under a year. The Crown concedes that Mr. Singh is a devoted son, husband, and father, as well as being a hard-working contributing member of society.

[7] As a result of this conviction, there will be significant immigration consequences. According to Crown counsel, Mr. Singh will almost certainly be deported from Canada. According to defence counsel, if Mr. Singh is deported, as the provider for his family, his deportation would likely also impact his family's status.

[8] In a mental health and criminal risk assessment authored by Dr. Kent Somers, who is a registered psychologist, Dr. Somers reports as follows:

- Mr. Singh meets the diagnostic criteria of major depressive disorder and post-traumatic stress disorder ("PTSD"), which developed in response to the offence. He experiences profound and persistent guilt and helplessness and has associated anxiety;
- Mr. Singh has personal aspirations that are pro-social, and he maintains relationships that are supportive;
- Prognostically positive are his continued engagement in his work, being active in his family life, and maintaining his community supports. His faith is a central part of his life. Mr. Singh does not drink alcohol or use other recreational drugs and does not abuse prescription drugs;
- Mr. Singh's remorse regarding this offence is genuine, validated by those around him. Mr. Singh carries an intense emotional burden but does not mistake himself as being a victim or present as being aggrieved. He feels shame, regret, and real grief; and
- Mr. Singh is of very low risk to reoffend.

[9] A pre-sentence report ("PSR") by Probation Services dated September 2, 2022, following the previous trial of this matter, is generally consistent with Dr. Somers's opinion. The PSR assessed Mr. Singh as a low risk to reoffend and noted there were no significant risk factors to address. The report also noted that Mr. Singh is pro-socially oriented and remained positively connected to his family. He surrounded himself with

positive companions and reported no concern with alcohol consumption or abuse. The writer of the PSR assessed Mr. Singh as a suitable candidate for community supervision.

[10] Mr. Singh provided over 50 character references with indications of support from family, friends, neighbours, community members, employers, past and present co-workers, and customers of his employer. All these references speak of Mr. Singh's good character and his deep remorse, as well as his close connection to his family, friends, and community.

[11] Mr. Singh's prior employer described him as reliable, responsible, and conscientious. Mr. Singh's present work supervisor described him as having a strong sense of responsibility, not only towards his work but also towards his family. Another long-time acquaintance interviewed by Dr. Somers described Mr. Singh as a family-oriented individual, deeply caring, and responsible towards his wife and children. He indicated that Mr. Singh maintains strong relationships with friends and extended family often going out of his way to assist others. In Mr. Singh's extended community, he is viewed as a person of strong character. Another source who has known Mr. Singh for over seven years, described him as a genuinely good human being. He too reported that Mr. Singh feels significant remorse for the loss of life from this offence and is cognizant of the suffering experienced by Mr. Labossiere's family. He reported that Mr. Singh remains engaged with his support network.

[12] In a statement that Mr. Singh read in court, which is also clearly reflected in Dr. Somers's report, Mr. Singh expressed deep sorrow and that he is deeply impacted by his involvement in this offence and by the death of Mr. Labossiere, for whose family

he can only imagine the emotional pain. As a father of two children, he expressed his understanding of the hurt and adverse effects of the loss of Mr. Labossiere on his young son.

VICTIM IMPACT STATEMENTS

[13] Mr. Labossiere's wife, mother, son, and friend each presented victim impact statements.

[14] Kelsey Labossiere, Mr. Labossiere's wife, described the dramatic impact of being told of Mr. Labossiere's death. She described the trauma and shock. She was diagnosed with PTSD and described the difficulties managing her PTSD in the context of the court proceedings. She described the devasting impact of the loss of Mr. Labossiere on herself and her son. She does not believe that words can explain the pain and trauma she has had to deal with and feels this will be a scar she will carry for the rest of her life, wondering of the life she would have had if Mr. Labossiere had not died at such a young age.

[15] Wendy Luyten, Mr. Labossiere's mother, also described the adverse impact of the court proceedings. She too described the emptiness and emotional struggle resulting from Mr. Labossiere's death, with the loss of his laughter, hugs, and conversations. She noted that losing Mr. Labossiere has not only affected her but her whole family.

[16] Dyson Labossiere, Mr. Labossiere's son, who was eight years old at the time Mr. Labossiere passed away, explained how he has been affected by not having a father in his life who can teach, love, and support him. He lost out on a lot of time to

get to know his father and finds it hard that his father will not see how much he accomplished and will accomplish in his life. He will always miss and love his father.

[17] Joe Stronciski, Mr. Labossiere's best friend, described his life growing up with Mr. Labossiere, including their years of work together and the fun they had. He noted that Mr. Labossiere was family to him and to Mr. Stronciski's own family. He described how his world shattered with Mr. Labossiere's death and how this tragedy destroyed a family's future and left a permanent emptiness that will never fully heal.

PARTIES' POSITIONS

[18] It is the Crown's position that because in 2018, the maximum sentence for this offence was increased from 14 years to life, Parliament signaled the gravity of this offence is more serious and sentences should increase (***R. v. Friesen***, 2020 SCC 9, paras. 96 and 97).

[19] As well, it is the Crown's position that an increase in the required sentence was signaled by Parliament with the related addition in ss. 320.22(d) and (f) of the ***Code*** of the aggravating factors of the offender "being remunerated for operating the conveyance" and "was operating a large motor vehicle". The Crown asserts that because there are too many fatalities resulting from large commercial trucks being driven dangerously, a strong message needs to be sent to commercial drivers operating such trucks as to the need for special care.

[20] The Crown submits that the range of sentence for similar cases in Ontario (relied upon by the Crown) is two to six years. With respect to the defence suggestion of a conditional sentence order, it is the Crown's position that such a sentence would not

adequately address the sentencing principle of denunciation. The Crown submits that a conditional sentence order cannot be appropriate given that courts have imposed conditional sentence orders of two years less a day without the presence of the statutorily mandated aggravated circumstances previously mentioned. As well, Crown counsel submits that Mr. Singh's deportation ought not to be given disproportionate weight and cannot make appropriate what would otherwise be an inappropriate sentence.

[21] It is the accused's position that a conditional sentence order is appropriate having regard to Mr. Singh's low moral culpability and the many mitigating factors. As mitigating factors, defence counsel points to the adverse impact of this offence on Mr. Singh, Mr. Singh's genuine remorse and empathy for the impact of Mr. Labossiere's death on his family, and the broad-based support from many. The defence also points to the clear evidence that Mr. Singh is a low risk of reoffending.

PRINCIPLES AND OBJECTIVES OF SENTENCING

[22] Section 718 of the ***Code*** sets out the objectives of sentencing as including denunciation of unlawful conduct; deterrence of the offender and other persons from committing offences; separation of offenders from society, where necessary; assistance in rehabilitating offenders; provision of reparations for harm done to victims or to the community; and promotion of a sense of responsibility in offenders and acknowledgment of the harm done to victims or to the community. Section 718.1 of the ***Code*** provides that a sentence be proportionate to the gravity of the offence and the degree of responsibility of the offender. Section 718.2 of the ***Code*** provides that

the court shall also take into consideration other sentencing principles including that a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender including those enumerated therein. A sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances. As well, ss. 718.2(d) and (e) of the ***Code*** provide an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders.

[23] The primary focus of sentencing involving dangerous driving causing death is denunciation and general and specific deterrence.

AGGRAVATING AND MITIGATING FACTORS

[24] Section 320.22 of the ***Code*** provides that a court imposing a sentence for an offence under s. 320.13 shall consider in addition to any other aggravating circumstances those enumerated therein. Of these, the following are applicable to the case at hand:

> (d) the offender was being remunerated for operating the conveyance;
>
> …
>
> (f) the offender was operating a large motor vehicle…

[25] The mitigating factors are:

- As acknowledged by Crown counsel in his submissions, aside from this offence, Mr. Singh is an exemplary member of society;

- Mr. Singh has no previous criminal record or record under ***The Highway Traffic Act***, C.C.S.M. c. H60;
- He has been, and remains, a contributing member of society. He is gainfully employed and is community minded;
- Mr. Singh is extremely well regarded by the many people who filed letters of reference. These letters reflect that he has significant and extensive family and community support;
- He is very supportive of his young family, both as a husband and father. He is also a devoted son;
- Mr. Singh is deeply remorseful; and
- Dr. Somers notes that treatment specific to the offending behaviour or to mental health is not required to ensure that Mr. Singh continues to maintain very low risk of future offending.

ANALYSIS

[26] As indicated by Crown counsel in his submissions, there is nothing that will undo the loss that was suffered because of this fatal collision. No sentence will satisfy Mr. Labossiere's family because no sentence will bring Mr. Labossiere back. As reflected in Mr. Singh's statement to the court and to others, Mr. Singh will carry the impact of his conduct with him for the rest of his life.

[27] I agree with Crown counsel's submission that a very serious consideration is that at the time of the offence, Mr. Singh was working as a professional driver of a large commercial vehicle. Without a doubt, the responsibility that comes with the operation

of such a vehicle is enormous given the danger these vehicles present for others due to the potential risk of devasting consequences resulting from their dangerous operation. This is reflected in the statutorily mandated aggravating circumstances I mentioned.

[28] The ***Code*** provides the following regarding the availability of a conditional sentence:

> 742.1 If a person is convicted of an offence and the court imposes a sentence of imprisonment of less than two years, the court may, for the purpose of supervising the offender's behaviour in the community, order that the offender serve the sentence in the community, subject to the conditions imposed under section 742.3, if
>
> (a) the court is satisfied that the service of the sentence in the community would not endanger the safety of the community and would be consistent with the fundamental purpose and principles of sentencing set out in sections 718 to 718.2;
>
> (b) the offence is not an offence punishable by a minimum term of imprisonment;
>
> (c) the offence is not [one of the offences enumerated in s. 742.1(c) or (d)].

[29] The Crown seeks a sentence of imprisonment of less than two years. There is no suggestion that service of the sentence in the community would endanger the safety of the community. The offence is not an offence punishable by a minimum term of imprisonment. As well, neither rehabilitation nor specific deterrence are issues. Dr. Somers opined that Mr. Singh will likely continue to independently maintain a pro-social lifestyle that is not contingent on any interventions. There is also no doubt Mr. Singh is deterred by his conduct, and the risk of reoffending remains very low in the future. Accordingly, the Crown concedes, and I agree, that the only aspect of the eligibility requirements for a conditional sentencing order at issue is whether the sentencing principles of denunciation and general deterrence would be met.

[30] Like the court in ***R. v. Beedawia***, 2024 ONSC 3247, I acknowledge the Crown's position that with the 2018 legislative amendments, including the increased maximum sentence and the addition of aggravating factors, Parliament signaled that the range of sentence for this offence is to increase. However, I agree with Justice A.K. Mitchell's observation in ***Beedawia***, "had Parliament intended to remove the availability of a conditional sentence altogether, it would have done so expressly" (para. 45). In fact, in 2022, Parliament repealed s. 742.1(e) which prohibited conditional sentence orders in offences resulting in bodily harm. In my view, this indicates that Parliament accepts that conditional sentence orders may be appropriate. As well, in ***Rioux c. R.***, 2025 QCCA 350, the Quebec Court of Appeal recently indicated as follows:

> 45 Un facteur aggravant codifié, pas plus qu'un facteur aggravant que le juge identifie au prétoire dans un cas donné, ne saurait influer de façon déterminante sur l'exercice d'individualisation de la peine au regard de l'ensemble des circonstances, des principes de détermination de la peine et du principe fondamental selon lequel cette dernière doit être proportionnelle à la gravité de l'infraction et au degré de responsabilité du délinquant…

This quotation translates to:

> Neither a codified aggravating factor, nor an aggravating factor identified by the judge in court in a given case, can decisively influence the individualization of sentencing in light of all the circumstances, the principles of sentencing, and the fundamental principle that the sentence must be proportionate to the seriousness of the offence and the degree of responsibility of the offender…
>
> (see CanLII English version)

[31] As such, a conditional sentence remains available where fit and appropriate.

[32] As also referenced in ***Beedawia*** (para. 48), in ***R. v. J.L.***, 2000 CanLII 15854 (ON CA), [2000] O.J. No. 2789 (para. 3), in commenting on blameworthiness, the Ontario Court of Appeal indicated that the "more that the conduct tends towards

demonstrating a deliberate endangerment of other users of the road and pedestrians, the more serious the offence and the more likely that a lengthy prison term will be required".

[33] Here, Mr. Singh's conduct did not demonstrate a deliberate endangerment of other users of the road. While Mr. Singh's failure to perceive and react to all the warnings was a marked departure from the standard of care expected of a reasonable person in the circumstances, he was not speeding nor had he been drinking or using drugs. As such, in my view, Mr. Singh's moral blameworthiness is at the low end.

[34] The Supreme Court of Canada made it clear in ***R. v. Proulx***, 2000 SCC 5, that a conditional sentence can provide a significant degree of denunciation and deterrence, noting the following:

> 22. …Because it is served in the community, it will generally be more effective than incarceration at achieving the restorative objectives of rehabilitation, reparations to the victim and community, and the promotion of a sense of responsibility in the offender. However, it is also a punitive sanction capable of achieving the objectives of denunciation and deterrence…
>
> [emphasis in original]
>
> …
>
> 105 The stigma of a conditional sentence with house arrest should not be underestimated. Living in the community under strict conditions where fellow residents are well aware of the offender's criminal misconduct can provide ample denunciation in many cases. In certain circumstances, the shame of encountering members of the community may make it even more difficult for the offender to serve his or her sentence in the community than in prison.

[35] I have considered the case law filed by counsel respecting dangerous driving causing death, including ***R. v. Romano***, 2021 ONCA 211; ***R. v. Mbachu***, 2016 ABCA 270; ***R. v. Dunford***, 2017 SKCA 1; ***R. v. Singh***, 2021 ONSC 3586; ***R. v. Gill***, 2023

ABKB 639; ***R. v. Linton***, 2022 ONCJ 197; ***R. v. Bakker***, 2025 ONCJ 264; and, as mentioned, ***Beedawia***.

[36] In my view, the circumstances in the case at hand are analogous to those in ***Beedawia***. In ***Beedawia***, the accused commercial driver of a tractor trailer unit failed to stop at a stop sign and collided with a vehicle entering the intersection at the same time resulting in fatal injuries to one passenger of this other vehicle and serious injuries to another. The accused was travelling the posted speed limit, it was dark, he had a clear view of traffic at the intersection, and he was not intoxicated. The court found dangerous driving which included the failure to adjust the speed at which he was travelling to account for fog conditions and reduced visibility; his failure to heed the warning of an upcoming stop sign and a controlled intersection; the failure to observe the movements of other motor vehicles; his failure to detect rumble strips; and his failure to apply the brakes. The accused was of similar age to Mr. Singh and also with a young family. He too had no prior criminal or driving record and had broad family, employer, and community support. Also, in ***Beedawia***, like in the case at hand, rehabilitation was not the focus and risk of recidivism was extremely low. Specific deterrence was not a focus. Like Mr. Singh, the accused in ***Beedawia*** had a deep sense of remorse and continued to have feelings of overwhelming guilt. A conditional sentence order was imposed of two years less a day.

[37] Dr. Somers notes a concern about the impact of custody on Mr. Singh's mental health. Dr. Somers opines that should Mr. Singh remain in the community, he is highly likely to succeed in his educational plans and with any employment opportunities that

he pursues. He is likely to improve his vocational standing, to maintain contact with his family, and to build a social support community given the assurance of stability of residency. There is every likelihood that he will be a productive, contributing, and valuable member of his community, without any discernable risk of repeated criminal involvement.

[38] I find it would be counterproductive for Mr. Singh to be incarcerated given his current situation. In my view, in the circumstances of this case, it would not be in the long-term interests of society at large to take Mr. Singh, who Crown counsel concedes is an exemplary member of society, and incarcerate him. In my view, this would not be in the public sense of justice. Deterrence and denunciation can be accomplished through the restrictions that are imposed as part of a conditional sentence order.

[39] Finally, I have taken into consideration Crown counsel's indication of the strong likelihood that, with his conviction, Mr. Singh will be deported. With this consequence in mind, the conditional sentence order that I am imposing is proportionate to the gravity of the offence and Mr. Singh's degree of responsibility.

CONCLUSION

[40] Having regard to all the circumstances, I am imposing a sentence of two years less a day to be served in the community. In addition to the compulsory conditions set out in the ***Code***, as part of this conditional sentence, Mr. Singh will abide by the following conditions:

- He will be under a 24-hour absolute curfew at his home except when he is working and for whatever time it takes to get to and from the location

where he is working. He is to submit his work hours to his supervisor one week in advance;

- He will also be exempted from complying with his house arrest to attend to the health needs of his children as may be pre-approved in writing by his supervisor; attend to necessary personal business on Saturdays from noon to 4:00 p.m. and as otherwise pre-approved in writing by his supervisor; attend temple as pre-approved in writing by his supervisor; and attend to emergencies involving the health or safety of Mr. Singh or members of his household;
- He is to attend, participate in, and complete any counseling or other programs directed by his supervisor; and
- He is prohibited from operating a motor vehicle.

[41] In addition, I am ordering a 10-year weapons prohibition pursuant to s. 109 of the ***Code***. As well, I am ordering that the items seized are to be returned to their owners.

[42] Finally, I would note that the Crown is not seeking a driving prohibition beyond the term of the conditional sentence order that would have been sought had Mr. Singh not already completed a five-year driving prohibition that was part of his bail order. I agree that no further driving prohibition beyond the conditional sentence order is required after he has served his sentence.

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A.C.J.