

THE PROVINCIAL COURT OF MANITOBA

BETWEEN :

HER MAJESTY THE QUEEN

-and-

JESSE KEIFFER YOUNG

Accused

TRANSCRIPT OF PROCEEDINGS before The Honourable Judge McDonald, held at The Pas Provincial Court, 300 - 3rd Street East, in the town of The Pas, Province of Manitoba on the 20th day of September, 2016.

APPEARANCES :

MR. K. HUTCHINSON, for the Crown

MR. J. SKINNER, for the defence

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1 SEPTEMBER 20, 2016

2

3 MR. HUTCHINSON: Good afternoon Your Honour. Sorry --
4 we had some technical difficulties with the TV, it doesn't
5 appear to turn on anymore. The screen might be burnt out.
6 So we do have to play the video on the projector --

7 THE COURT: All right.

8 MR. HUTCHINSON: -- projected onto the wall. But we'll
9 deal with the pleas first.

10 MR. SKINNER: Yes and so we're just reviewing
11 elections. Have there been elections taken?

12 MR. HUTCHINSON: If there has not, summary
13 proceedings.

14 MR. SKINNER: Thank you. Your Honour -- Mr. Young I'm
15 going to invite you to stand up please. Thank you. Your
16 Honour Mr. Young has given me instructions to waive reading
17 of all of the informations that are before the court. And
18 there's going to be pleas of guilty as follows. At count -
19 - at number 5 there's a count alleging the offence of, it's
20 described as injuring an animal from February 19th, 2016.
21 Mr. Young would like to plead guilty to that. Mr. Young,
22 do I have that right? You'd like to plead guilty to the
23 one charge for killing the cat belonging to Angie Thomas on
24 February 19th of this year?

25 MR. YOUNG: Yeah.

26 MR. SKINNER: Thank you. At number 7, Mr. Young will
27 waive reading of that information and offer a plea of
28 guilty to the count of assault causing bodily harm. That
29 occurring in Thompson. Mr. Young you'd like to as well to
30 plead guilty to assault causing bodily harm, that was
31 against the, I believe the nurse or para-medical in the
32 hospital in Thompson?

33 MR. YOUNG: Yeah.

34 MR. SKINNER: Thank you. And finally Your Honour

1 there will be a guilty plea to the single count -- or it's
2 actually count number 1 at number 8 from July 26th 2016.
3 For basically cruelty to animals, causing unnecessary pain
4 and suffering to a dog. You'd like to plead guilty to that
5 as well Mr. Young, is that right?

6 MR. YOUNG: Yeah.

7 MR. SKINNER: Thank you. Now Mr. Young you and I have
8 talked about what's happening here and you know that by
9 pleading guilty you're giving up your right to have a trial
10 on those charges?

11 MR. YOUNG: Yeah.

12 MR. SKINNER: Is anyone forcing you into pleading
13 guilty?

14 MR. YOUNG: No.

15 MR. SKINNER: And I've made you aware of the fact that
16 the Crown attorney is going to be asking for a jail
17 sentence of six months with credit for your dead time and
18 other orders after that. And I've explained to you that
19 I'm not going to be agreeing with that. But you know that
20 it's the decision of the judge what happens in court not
21 the lawyers, right?

22 MR. YOUNG: Yeah.

23 MR. SKINNER: You understand that? Thank you Mr.
24 Young. Your Honour Mr. Young is aware of his right to a
25 Gladue report. I believe a number of the issues were
26 covered in the extensive forensic report that we have.

27 THE COURT: Um-hum.

28 MR. SKINNER: So he would like to proceed today
29 without a Gladue report. And I'm going to be relying on
30 the forensic report and not seeking a presentence report as
31 well.

32 THE COURT: All right. First of all I'm satisfied
33 this individual appears to understand the nature and
34 consequences of the guilty pleas that he has entered. And

1 the remaining count then?

2 MR. HUTCHINSON: Stay of proceedings.

3 THE COURT: So the mischief will be a stay of
4 proceedings at number 6. I'm also satisfied that this
5 individual has waived his right for a preparation of a
6 presentence report before the court can consider a
7 disposition, including a custodial portion, under the Youth
8 Criminal Justice Act. So what going to happen now Mr.
9 Young is we're going to have a sentencing hearing. First
10 of all I'm going to hear from the Crown attorney Mr
11 Hutchinson. Then I will hear from Mr. Skinner on your
12 behalf. Then I will ask you if there's anything you wish
13 to say before I pass sentence. But while counsel are
14 making their submissions, you can have a seat on the bench
15 behind you.

16 MR. HUTCHINSON: With respect to the forensic report,
17 Your Honour has had a chance to review that?

18 THE COURT: Yes I have.

19 MR. HUTCHINSON: With respect to the facts I can go
20 through them in time. March 90th, 2016 the complainant
21 Angie Thomas attended the Easterville detachment where she
22 stated that this accused had just killed her cat. Police
23 obtained a statement from her. She indicates that Jesse
24 had been at her residence, address on Amber Drive in
25 Easterville. During that time it had been disclosed to
26 Angie that the accused had grabbed her cat by the hind legs
27 and was hitting an individual with the cat. Ms. Thomas and
28 her boyfriend then started looking for the cat. The cat
29 was found dead underneath a bed mattress. Officers
30 obtained photos of the cat. The accused was then arrested,
31 released on a promise to appear. February 22nd, 2016
32 approximately 12:30, key fob panic alarm at the Thompson
33 General Hospital was activated in the psychiatric ward.
34 Security attended as well as police. Found nurse Melissa

1 Debackere, who alleged that she was punched by this accused
2 at the time he was a patient, admitted for psychiatric
3 issues. He was administered medication to calm him down.
4 Placed in isolation. Nurse did not sustain severe injuries
5 but did seek medical attention at the hospital. Statement
6 was obtained from her which she had disclosed that she had
7 been telling the accused to do something in the common
8 area. That got him angry, he lashed out which resulted in
9 her being assaulted. Punched. She crouched down, called
10 for help and other patients intervened to stop the accused.
11 Once other staff had arrived, he was removed and isolated.
12 Officer could see redness on her neck and facial area.
13 Statement was obtained from another nurse on duty at the
14 time who witnessed the aftermath of the incident. She was
15 not present during that assault but heard the call for help
16 by the other nurse. Arrived to separate -- to help
17 separate the accused and to make sure the nurse, Debackere,
18 was safe. Because he was in the psychiatric unit at that
19 time, under mental health issues he was not arrested.
20 Immediately following RCMP sought a Crown opinion with
21 respect to the charges given the mental health issue. He
22 was then arrested later, processed and released. Then on
23 July 26th, 2016 off duty members got a knock on the door at
24 their residence. Derrick Packo (phonetic) one of the band
25 constables showed members a video that was posted on Ferris
26 Young's facebook site. The video showed Jesse Young
27 calling himself a dog killer and then throw a German
28 shepherd puppy into the air and it fell onto the pavement
29 yelping in pain. With respect to that Crown is going to
30 playing that video.

31 THE COURT: Um-hum. No objections?

32 MR. SKINNER: No, Your Honour.

33 THE COURT: All right. You know what, can you just
34 put it on hold a second. I'm going to go back and get my

1 glasses. This is -- with my glasses I can't read but I
2 need it for this kind of (inaudible) not seeing very well.
3 All right. All right. The record can reflect I'm back
4 out here.

5

6

(DIGITAL VIDEO PLAYED)

7

8 MR. HUTCHINSON: That's the extent of the video that's
9 shows the accused throwing the dog in the air. The off
10 duty member knew that -- or had witnessed Mr. Young walking
11 past her residence roughly 20 minutes prior to the video
12 being uploaded onto facebook. She indicates that he was
13 wearing the same clothes at the time when she observed him
14 walking past her residence as was on the video. The
15 incident happened on Northside Road in Easterville. The
16 member knew this accused as the previous history of killing
17 the cat. Patrol -- the area was patrolled, the dog was not
18 located at that time. Mr. Young was located at the
19 Easterville nursing station. Was seen by a doctor with
20 respect to a health issue. Member spoke to the doctor who
21 advised that he was cleared mentally both by himself and
22 The Pas hospital on the previous Sunday and there was no
23 mental issue but there was a behavioural issue. He was
24 arrested at that point in time for cruelty to animal.
25 Information we've received today from the unit who had
26 taken care of the dog, is the dog has now recovered fully.
27 Not that it was a quick recovery. And has been fostered
28 out of the community. Upon arrest --

29 THE COURT: Did it break bones or something like that
30 or what was its condition?

31 MR. HUTCHINSON: The only information I was provided
32 is that the -- it's recovered.

33 THE COURT: All right.

34 MR. HUTCHINSON: The accused did provide a statement.

1 THE COURT: Um-hum.

2 MR. HUTCHINSON: Playing a copy of that statement.
3 For the record, I can advise the court. This is the
4 warned statement of Jesse Young taken after he was
5 arrested, charted and warned. It's just an audio statement
6 so Your Honour doesn't his glasses.

7 THE COURT: Don't need my glasses, all right.

8 MR. HUTCHINSON: Just over 12 minutes.

9

10 (AUDIO PLAYED)

11

12 THE COURT: Well the TV that allegedly has a -- has a
13 display on it now.

14 MR. HUTCHINSON: Um-hum. Just needs to warm up for a
15 half an hour I guess.

16 THE COURT: Don't know what the reason for that is but
17 (inaudible). All right.

18 MR. HUTCHINSON: It should continue.

19 THE COURT: Oh, we haven't finished.

20

21 (AUDIO CONTINUES)

22

23 THE COURT: I must confess I can't hear what's being
24 said.

25

26 (AUDIO CONTINUES)

27

28 MR. HUTCHINSON: That's the end of the statement.

29 THE COURT: All right.

30 MR. HUTCHINSON: I can advise the court with respect
31 to the statement and the video, the doctor, Doctor Fisher I
32 believe it was -- or Doctor Oswald, did have a copy of that
33 video and the accused's statement. And the forensic report
34 dated September 15th, 2016, the doctor address that.

1 Starting on page 15, from the facts (inaudible), dealing
2 with the accused account of events, indicating he -- going
3 to page 16 at paragraph 2, right at the end of the
4 paragraph he describes it that he legitimizes the behaviour
5 both in terms of symptom reduction and emotional
6 disregulation as, I was so mad. With respect to the video
7 at the next paragraph of willfully wounding a dog, he
8 reduces his behaviour, initially admitting that he felt bad
9 but as described by the doctor that feeling -- his feelings
10 lessened over time. The concerning part of the whole thing
11 is not only does he appear before the court with respect to
12 the two charges against, one the cat and one the dog. In
13 descriptions from his foster parent the report -- previous
14 reports is that he killed a cat previously to that,
15 although not criminally charged with that, there is that
16 issue. So now he's before the court on killing the cat
17 belonging to Angie Thomas, and now Your Honour has
18 witnessed him with respect to the dog. I can advise the
19 court the accused does not have a criminal record. That's
20 apparent in the forensic report as well. The only charges
21 he's had are those charges appearing before the court
22 today. But based on his actions with respect to the
23 animals and the nurse, Crown is seeking six months jail,
24 less time in custody. We are seeking two years probation,
25 supervised probation. He report to probation services as
26 directed. Keep the peace, be of good behaviour. Have no
27 contact with the named nurse. Mrs. Debackere. Have no
28 contact or communication with Angie Thomas, not to attend
29 either of their residence. I'm going to be seeking a term
30 that he have no -- not be in possession of any domestic
31 animal.

32 THE COURT: Okay, was Angie Thomas he's not to attend
33 the residence of, and who else?

34 MR. HUTCHINSON: The nurse, Debackere.

1 THE COURT: And nurse Debackere.

2 MR. HUTCHINSON: Melissa and I'll spell her last name,
3 D-E-B-A-C-K-E-R-E. Attend, participate and complete any
4 counselling as directed by probation services. And I know
5 with respect to mental health, mental health normally is a
6 voluntary aspect, but I am asking the court that he attend,
7 participate and complete with mental health counselling.

8 THE COURT: All right.

9 MR. HUTCHINSON: Crown is seeking DNA on the ACBH,
10 would be a secondary. Those are my comments.

11 THE COURT: All right. Mr. Skinner.

12 MR. SKINNER: Yes thank you Your Honour. The facts
13 are obviously not in dispute and therefore the guilty pleas
14 from Mr. Young. You've heard that he is only 19 years of
15 age with no previous involvement criminally whatsoever.
16 You also are aware of the fact that Mr. Young suffers from
17 significant deficit. There's an indication in the
18 presentence report about his personal situation. The fact
19 that he had limited exposure to his biological parents, who
20 by the way Your Honour I can advise I've known for many
21 years, represented both of them. A number of Mr. Young's
22 family members are well known to me. And it's probably not
23 a surprise to the court to know that Mr. Young would in all
24 likelihood been exposed to significant abuse as a child.
25 There's also an indication that, while not completely
26 established but similar to the last case that, strong
27 indication that there was potentially fetal alcohol
28 syndrome issues at play here. So, that's what Mr. Young
29 brings to this. I would submit to the court that Mr. Young
30 is -- because of his deficit and then compounding the
31 personal background that he brings to this, there now
32 appears to be a psychiatric diagnosis in all likelihood
33 schizophrenia. I don't think Mr. Young is making that up.
34 That he does have a long clinical history of psychiatric

1 issues and has received treatment for it. Mr. Young tells
2 me that he currently is being treated. It would be my
3 respectful submission to the court though that in this --
4 in the circumstances of this, Mr. Young has been custody
5 since his arrest on July the 27th. That a period of -- or
6 a sentence reflecting time in custody, I am asking the
7 court to impose one and a half credit for Mr. Young, but
8 that a period of probation with a number of conditions that
9 would assist Mr. Young in getting the help that he so
10 obviously needs. I discussed with him what his immediate
11 plans are for the future. He tells that when -- if he were
12 to be released from custody today for example, or whenever
13 he's released from custody, it is his intention to go the
14 psychiatric hospital here in The Pas. He feels that he
15 needs to see a psychiatrist. Longer term though Your
16 Honour he, you'll see from the report that his step-mother
17 lives in Dawson Bay. She is willing to have him come back
18 and stay with her. And that would be the plan would be for
19 him to move to Dawson Bay. There is band council
20 resolution in place keeping him from Easterville so he
21 wouldn't be going back to Easterville in the near future.
22 Your Honour, the dog case inspired significant response on
23 social media, some of which has been disclosed to me, other
24 which was pointed out to me through other sources and as
25 the police officer in interviewing Mr. Young indicated, it
26 actually got some national attention and the vitriol that
27 you see in the response in social media is beyond the pale
28 in terms what people would like to see happen to Mr. Young.
29 And I guess it's easy to say that a strong message should
30 be sent to Mr. Young, I probably would be one of the last
31 people in the world that would advocate doing harm to
32 animals. On the hand, Mr. Young with his cognitive
33 deficit, the background that he brings to this, if you look
34 at the social signals that are sent to not just Mr. Young

1 but everybody in the world, we have a meat culture, we have
2 the -- we have a notion that animals can be killed for our
3 own consumption any time we want. We have aboriginal
4 culture where Mr. Young is told that his heroes, his idols,
5 the men that he should emulate are those that go out and
6 achieve their cultural background by killing animals.
7 Again, I'm not here to put society on trial, but sometimes
8 those distinctions, why it's okay in an abattoir and why
9 it's not okay for a dog on the street, are hard to
10 understand for a number of people and I would think that in
11 Mr. Young's case with his cognitive deficit, he is and
12 ought not to be held to the same moral standard as other
13 individuals in society. He obviously needs help. And I
14 would submit to the court that a period of probation going
15 forward is something that would be the appropriate
16 disposition here. Mr. Young advises that if it were part
17 of a court order he would be willing to comply with a
18 requirement that he take medication and fill his
19 prescriptions, see a psychiatrist as required. But in the
20 end after all of the material on the social media --
21 happily the dog, the female puppy we know has, and glad to
22 hear from Mr. Hutchison, is now adopted out and apparently
23 fine and that's great to know. The poor cat didn't do so
24 well in this instance and neither did the nurse at the
25 hospital in Thompson. But none of that is going to change
26 the background that Mr. Young brings to this. The court
27 can lock him up for six months. The court could lock him
28 for a year, there's a number of sentences that are
29 available to you. But in the end Mr. Young is going to
30 walk out of the jail and I would submit that a
31 rehabilitative sentence would be appropriate here. I think
32 what says it all is the questioning in between the officer
33 and Mr. Young, why animals? And his response is, because
34 animals can't hurt me. Likely Mr. Young is the subject of

1 significant abuse of a child and I think that's probably
2 that same notion that -- why you see pedophiles abusing
3 children, it would be the same idea that he's been hurt so
4 many times before, the animal can't do anything back to
5 him. So a period of jail would certainly hurt him. But I
6 would submit in this case, the rehabilitative sentence
7 would be the (inaudible) disposition. Thank you.

8 THE COURT: All right. Mr. Young would you please
9 stand up. Is there anything you'd like to say on your own
10 behalf before I pass sentence?

11 MR. YOUNG: No.

12 THE COURT: All right. You can have a seat then.
13 Well the background of this young man is no doubt a very
14 sad one. He is the victim himself of a situation where he
15 was undoubtedly exposed to alcohol while he was in the womb
16 of his mother, which has almost certainly led to him having
17 cognitive deficits and obviously behavioural issues arising
18 out of that. To add to the mix there appears to be no
19 doubt that he is, at least some -- in the early stages of
20 schizophrenia. And may be hearing voices that direct him
21 to do certain things. Although there is some concern on
22 the part of the doctor who prepared the forensic report
23 with respect to whether or not he was criminally
24 responsible in this matter, that there's some lingering in
25 that regard, an over-exaggeration of the auditory
26 hallucinations that he referred to in a number of his
27 interviews. So where the level of his mental illness is at
28 exactly isn't entirely clear but there's no doubt that
29 there is significant mental illness issues. And cognitive
30 issues that this young man suffers from. However, there
31 also appears to be a real fascination with doing physical
32 harm and a real lack of concern about the harm that is done
33 to others including defenceless animals. Now we can have a
34 debate about society endorsing the killing and abuse of

1 animals in its industrial meat production and sometimes in
2 traditional lifestyles but that kind of activity doesn't
3 usually spill over into criminal behaviour by the people
4 who practice that. And too often we find in cases of this
5 wanting harm to domesticated animals, that that is the tip
6 of a psychotic iceberg. And is this particular case
7 there's reason to be concerned that this individual poses a
8 threat to not only to domesticated animals but a threat to
9 other persons, things, living creatures that can't hurt
10 him. There appears to be a reason to have this society
11 protected from this individual. And I take it, in saying
12 that I take into account the numerous Gladue factors. And
13 the fact that he hasn't been previously involved. But the
14 nature of his involvement, his attitude to his involvement
15 is extremely concerning. In this court's view there needs
16 to be a further period of time in custody for this
17 individual to hopefully be stabilized and for society to be
18 protected against his -- against him when he is in a
19 condition where he feels he can act in the manner that he
20 demonstrated on July 26th, and then earlier on February
21 22nd and then earlier on February 19th of this year. There
22 will be a six month jail term. It will be broken down as
23 follows. With respect to the killing of the cat in
24 February of 2016, that's going to be three months jail.
25 With respect to the assault on a nurse, I note that bodily
26 harm in that particular case was fairly minimal, there will
27 be one month jail. With respect to the July 26th, cruelty
28 to an animal, the German Sheppard puppy, there will be two
29 months jail. Those are consecutive to one another. He
30 will be given credit for the period of time that he's been
31 in custody awaiting the disposition of this particular
32 matter. I calculate that that is 56 days. And is there --
33 there's no reason that he's not to -- one point five to one
34 is not available is there in this case, Mr. Hutchinson?

1 MR. HUTCHINSON: I reviewed the jail reports. There's
2 nothing indicating abusive behaviour.

3 THE COURT: All right. So that would result in a
4 total credit with the one point five to one enhancement of
5 84 days. That will be deducted from the sentence at number
6 5. So that means that's six days going forward with
7 respect to that particular sentence. A total of three
8 months and six days going forward. After the period of
9 jail has been served, there will be a period of probation
10 for two years. The conditions of which will be as follows.
11 He's to keep the peace and be of good behaviour. You're to
12 report back to this court when required to do so Mr. Young.
13 You're to notify the court or your probation in advance of
14 any change name or address and you're to promptly notify or
15 your probation officer of any change of job or occupation.
16 You're not to have any contact or communication with Ms.
17 Debackere. You're not to attend at the residence of Angie
18 Thomas or Ms. Debackere. You are not to possess or own any
19 domesticated animal during the course of this probation
20 order. You are to attend participate and complete
21 counseling as directed by your probation officer. If he's
22 living in Dawson Bay, Manitoba, is there any mental health
23 counselling facilities available in that community?

24 MR. SKINNER: I doubt that.

25 THE COURT: The closest would be Swan River I expect.

26 MR. SKINNER: I think so yes, Your Honour.

27 THE COURT: And his step mother I take it probably is
28 not a probably a person of financial means, is that
29 correct?

30 MR. SKINNER: I don't believe she would be Your
31 Honour.

32 THE COURT: As much as I would like to order that he
33 attend and participate in mental health counselling, given
34 those realities, I don't see how I can. I can't order a

1 person to probationary conditions where the facilities in
2 the community don't support being able -- to be able to
3 comply with the conditions there. So I'm not going to
4 order it. Unreluctantly, not going to order it. There
5 will be a order that he provide a sample of his DNA to the
6 Royal Canadian Mounted Police as soon as such sampling can
7 be arranged by the correctional in which he's incarcerated.
8 There will also be an order -- Crown proceeded summarily
9 with respect to the assault causing bodily harm. Are you
10 seeking any other ancillary orders besides the DNA?

11 MR. HUTCHINSON: Nothing further.

12 THE COURT: All right. Is there any additional
13 conditions that you're seeking?

14 MR. HUTCHINSON: No contact with Angie Thomas?

15 THE COURT: Yes there will also in addition to no
16 contact with Nurse Debackere, also no contact with Angie
17 Thomas as well.

18 MR. HUTCHINSON: And not to attend to her residence.

19 THE COURT: And I indicated that he was not to attend
20 either one of those victim's residences. Do you understand
21 the conditions I've imposed upon you?

22 MR. YOUNG: Yeah.

23 THE COURT: You understand -- and you're prepared obey
24 those conditions are you?

25 MR. YOUNG: Yeah.

26 THE COURT: All right. In addition to all the
27 foregoing, there's victims surcharges in each case of a
28 \$100.00. That'll be a total of \$300.00 in victim
29 surcharges. I take it there was -- I see there's -- there
30 was a second count at number 8, that was a stay of
31 proceedings is that correct?

32 MR. HUTCHINSON: The breach?

33 THE COURT: The breach of undertaking by failing to
34 keep the peace and be of good behaviour?

1 MR. HUTCHINSON: Yes. Stay of proceedings.

2 THE COURT: And so \$300.00 you're going to owe once
3 you're released from jail Mr. Young. I'm prepared to give
4 you time to pay that. You can work it off through fine
5 option program. Which do you choose?

6 MR. YOUNG: What was that?

7 THE COURT: All right, \$300.00 you're going to owe in
8 victim surcharges. You can pay it off through the fine
9 option program -- you can pay it off in cash or cheque or
10 money order. Or you can work it off through the find
11 option program? Which do you choose?

12 MR. YOUNG: (Inaudible).

13 THE COURT: All right. And how long will you need to
14 pay \$300.00 once you're released from jail?

15 MR. YOUNG: (Inaudible).

16 THE COURT: All right. Well I'm not quite so
17 optimistic. I'm going to give you till March 30th of 2017
18 to pay the victim surcharge. There's nothing else
19 involving Mr. Young before he's excused?

20 MR. SKINNER: No Your Honour.

21 MR. HUTCHINSON: Crown is seeking order under 743(2.1)
22 that he have no contact with those same named persons.

23 THE COURT: There will be an order under section
24 743(2.1) that he not have any contact or communication with
25 Angie Thomas and Ms. Debackere while he's in custody
26 serving his sentence.

27 MR. SKINNER: Thank you, Your Honour that complete my
28 matters. Good afternoon.

29 THE COURT: All right. Good afternoon.

30

31 (PROCEEDINGS COMPLETED)

32

CERTIFICATE OF TRANSCRIPT

I hereby certify the foregoing pages of printed matter, numbered 1 through 15, are a true and accurate transcript of the proceedings, transcribed by me to the best of my skill, ability and understanding.

BONNIE GIBSON
COURT TRANSCRIBER