

# *R. v. Raugust*

Alberta Judgments

Alberta Court of Justice  
Judicial Centre of Calgary

Dinkel J.

September 14, 2023.

Action No.: 230200826P1

**[2023] A.J. No. 1196**

Between His Majesty the King, and Aleeta Anne Raugust, Accused

(977 paras.)

## **Counsel**

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R. Greenwood, For the Crown.

M. McAvoy, For the Accused.

A. Acevedo-Torres, Court Clerk.

O. Slade, Court Clerk.

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## **Discussion**

**DINKEL J.**

1 THE COURT CLERK: Calling the matter of Aleeta Raugust.

2 MS. MCAVOY: Thank you, madam clerk. Mr. Sheriffs just bringing her in.

3 And, Sir, this is Ms. Raugust before you. I'm counsel, Moira McAvoy.

4 Just before we proceed, I just wanted to confirm one thing that we had just discussed before you went upstairs. With respect to Count 4, we had discussed that there was eight counts that involved the intentional killing of an animal. Count 4 is a guilty plea to 445(1)(a), but that was to maiming an animal, for breaking its legs and -- and doing some other acts. But it wasn't an intentionally killing act.

5 THE COURT: Yes, I mean, the kitten was not dead.

6 MS. MCAVOY: Correct, yeah, it was abandoned, essentially.

7 THE COURT: So is that more properly a 445.1(1)(a)?

8 MS. GREENWOOD: Honestly, Sir, it -- they're interchangeable sections.

Tara Dobec

9 THE COURT: But does not one specifically say

10 MS. GREENWOOD: Kill, yes, that's true --

11 THE COURT: -- kill -

12 MS. GREENWOOD: -- Sir.

13 THE COURT: -- and the other says harm?

14 MS. GREENWOOD: That's -- that's true. All the animals where it's "kill" are under the -- that particular section.

15 THE COURT: Yes. I mean, I -

16 MS. GREENWOOD: But, again, Sir, we're sentencing on the facts, so in terms of -THE COURT: I agree. It is not going to change it a whole lot in terms of that, but are you inclined to clean up the charge itself and amend it and allow the plea to be maintained to the new charge?

17 MS. GREENWOOD: I'm fine with either.

18 THE COURT: You okay with

19 MS. GREENWOOD: Sir, I don't

20 THE COURT: -- that?

21 MS. GREENWOOD: -- I don't think it makes a difference, but

22 THE COURT: At the end of the day it does not, but somebody is going to look at this one day and go, Why was that charged instead of this and

23 MS. MCAVOY: I have no issue with that, Sir, if we change it to a 445.1, which would be Count 4, Sir.

24 THE COURT: Now, 4 will be amended to a 445.1(1)(a), and that is harm only to Sammy (phonetic) the kitten, okay?

25 Madam clerk, do you need the wording on that, or can you take the wording from Count 5?

26 THE COURT CLERK: I can switch the wording, Sir.

27 THE COURT: Yes, you are okay with that?

28 THE COURT CLERK: Yes, Sir.

29 THE COURT: Okay. Okay.

30 MS. GREENWOOD: And just a few housekeeping matters, Sir. The first is I have a copy of the Crown brief that you received a few weeks ago, just to mark

31 THE COURT: Sure.

32 MS. GREENWOOD: -- so it's part of the file.

33 THE COURT: Madam clerk, what is the next exhibit?

34 THE COURT CLERK: It would be S-4, Sir.

35 THE COURT: S-4, then.

**EXHIBIT S-4 - Crown Brief**

36 MS. GREENWOOD: And then we have the victim impact statement of Ms. Raugust's mother. That has been redacted. There's two copies there, one for the Court and one to mark.

37 THE COURT: If I remember correctly, I released it to you guys last time. You have reviewed it. Now that you have redacted certain things, it is appropriate to be released to me, correct?

38 MS. MCAVOY: Yes, and Ms. Raugust is aware of the one before you, Sir.

39 THE COURT: Yes, it satisfies the provisions of the *Criminal Code*, in other words. Do you mind if I take a moment to read it?

40 MS. GREENWOOD: I -- I was going to read it out loud, Sir, if you'd like. But if you'd like to read it

41 THE COURT: Well, I guess that is the better question, is how does it -- how do you want to present it? If you want to read it out loud or --

42 MS. GREENWOOD: That was my intent, Sir, and that -- that's what I communicated

43 THE COURT: Let us do that.

44 MS. GREENWOOD: -- with her mother. She -- she did want to be here today, but she's unable to be here. So would you like me to read that in now, Sir?

45 THE COURT: And this is her mother, right?

46 MS. GREENWOOD: Yes.

47 THE COURT: Mom did not own any of the cats, right?

48 MS. GREENWOOD: No, Sir. But in terms of the -- the -- the breadth of the *Criminal Code* in terms of victim impact statements, they do extend to -- broadly to PV impact statements now, somebody who has been impacted by a crime.

49 THE COURT: Yes. Well, I am fine with it from that point of view. So go ahead.

**50 Victim Impact Statement of Cassandra Raugust Read by Ms. Greenwood**

51 MS. GREENWOOD: Her mother writes: Dear Judge Mike Dinkel. I am left with utter sadness and remorse to write you in regard to my daughter, Aleeta Anne Raugust. I thank you in advance for considering my words.

52 I take responsibility that Aleeta didn't have a picture-perfect life. I was a young mother, having her at the age of 20 years old. I grew up with my daughter. However, I assure you, Aleeta's life was full of love, opportunity, and hope. I understand it takes a village to raise a child, and I accepted all family, friends, and the resources available to me to raise her.

53 From a young age it was clear Aleeta was different from other peers. She had more difficulty fitting into everyday life and activities and required extra support. Although through this difficulty, Aleeta was also a top scholar, with literally the -- the ability to do anything she chose. We, her family, consistently sought out external resources to support her. These efforts were always met with resistance and struggle. We were always left with a sense of dissatisfaction and disappointment that we couldn't meet her needs. I as her mother am searching for a reasonable explanation to offer this Court, to you, to defend her crimes. I have none. I am horrified, full of shame and guilt, my community, and to the Calgary Police Service. I witnessed two Calgary Police officers with tears in their eyes as they shared with me the true horrific nature of her crimes. I feel absolutely terrible that they had to investigate and handle this.

54 After calling the Calgary Police Service, reporting what I knew of, I have personally been faced with much vitriol, hate, threats, and abuse online that has made me at times fear for my own safety. How can I ask the general public to understand the horrific nature of her crimes when I myself cannot? I understand why the community is so angry, and they have every right to be.

55 Before I left town on a two-weeks vacation that I am on writing to you, out of the country, I decided to go and see Aleeta. I had expected, since I had not seen her in months, that I would see some remorse from her, a cry for help, and apology. There was none of this. I saw only darkness in her eyes. The only thing Aleeta was concerned about was where she would sleep if she was released. I fear that if she was released, she will commit more horrific crimes, stepping up her game to ensure she has a home, which is gaol, and seems to be where she finds comfortability.

56 For this reason, I beg of this Court to remand my daughter Aleeta to prison where she can access the help she require -- clearly requires. Our family cannot handle another crisis. The cleaning up of this mess is already a huge challenge. I am currently seeking therapy twice a week for the last seven months, attempting to reconcile what has taken place. While I've come to accept this isn't my fault, the healing has not even truly began. I thank you for allowing me the opportunity to speak with you.

57 And it's signed her mother.

58 THE COURT: Good. Thanks.

59 MS. MCAVOY: No issue.

60 THE COURT: We want to mark that?

61 MS. MCAVOY: Yes, Sir.

62 THE COURT: Yes, okay. And, to be clear, this is my copy?

63 MS. GREENWOOD: That's correct.

64 THE COURT: Yes.

#### **EXHIBIT S-5 - Victim Impact Statement**

65 MS. GREENWOOD: And the next document would be the Crown's position on sentence that I provided last court date. I just have -THE COURT: Sure.

66 MS. GREENWOOD: -- one copy there for madam clerk to mark.

67 THE COURT: Let me just pull that up. Hang on.

68 MS. GREENWOOD: And then the final documents would be the Crown comments with respect to the defence brief, Sir. I don't intend to repeat those again since you've already seen my comments on the point.

69 THE COURT: Yes. Okay. So you are marking your Crown sentencing submissions.

70 MS. GREENWOOD: No, Sir, just the -- the Crown position on sentence, so that was just a document outlining counts

71 THE COURT: Yes.

72 MS. GREENWOOD: -- and a brief -THE COURT: I

73 MS. GREENWOOD: -- description.

74 THE COURT: -- I only have that in -- on paper. I do not have it electronically, but

75 MS. GREENWOOD: Oh, okay, sorry, yes, I did provide you -- to you

76 THE COURT: Yes.

77 MS. GREENWOOD: -- on paper. I can provide you the electronic

78 THE COURT: Yes.

79 MS. GREENWOOD: -- copy as well if you need. And then -- so that would be Exhibit 6. And then 7 would be the Crown comments with respect to the defence materials, which you have electronically.

80 MS. GREENWOOD: You good with all that?

81 MS. MCAVOY: I'm good with all that, Sir.

82 THE COURT: Okay.

#### **EXHIBIT S-6 - Crown Position on Sentence**

#### **EXHIBIT S-7 - Crown Comments With Respect to the Defence Materials**

##### **Submissions by Ms. Greenwood**

83 MS. GREENWOOD: So I'll begin with the Crown's submissions, Sir. As you know, the Crown's position on sentence is a significant penitentiary term after applying totality, of eight to ten years in custody, along with a lifetime animal prohibition. Now, I appreciate this is a very high sentence in particular for someone with no criminal record until now, and today I will set the foundation as to why an eight- to ten-year sentence is appropriate in this case.

84 THE COURT: Can I ask you this? I did a bit of checking on my own, and I am guessing, even on the defence's suggested sentence, this would be the highest sentence for animal abuse in Canada.

85 MS. GREENWOOD: That's right.

86 THE COURT: What was the highest before, four years?

87 MS. GREENWOOD: Three years after applying totality. That was the *R. v. Geick* decision that you were provided.

**88** THE COURT: Yes, okay. So, to be clear, you are asking for three times that on your high end, and -- but you have broken it down specifically count by count. And each one of those individual sentences is within a range that has been seen before

**89** MS. GREENWOOD: Correct.

**90** THE COURT: -- if I can put it that way. So there is nothing unusual about what you are asking. You are then caught up in the totality argument at the end of the day and whether the eight to nine is satisfactory in terms of totality and unduly harsh punishment.

**91** MS. GREENWOOD: That's right.

**92** THE COURT: I think that is the crux of this, really.

**93** MS. GREENWOOD: Yes, Sir.

**94** THE COURT: You agree?

**95** MS. MCAVOY: I don't disagree with you, Sir. I think that's fair.

**96** THE COURT: Okay. You know, I am not trying to tell you what to talk about. I just want you to know what I am thinking. And, look, I will tell you off the top, I -- the sentences both of you are suggesting are within the range for whatever count you might refer to. So there is some room to move on some of those. There is a big difference between the two of you. And, again, totality and the unduly harsh nature of the punishment for a youthful offender -MS. GREENWOOD: Yes, Sir.

**97** THE COURT: -- that is a big deal. Nine years on the top end, you are going to have to tell me at some point how that is not unduly harsh.

**98** MS. GREENWOOD: Yes, Sir.

**99** THE COURT: And one of the things they described in the case law is that it is so crushing as to remove all hope. Again, that is hard to imagine a sentence of nine years does not do that for a first offender of this age.

**100** MS. GREENWOOD: Yes, Sir. And I -- I will go through my argument that I know you've already

**101** THE COURT: Yes, yes, and I

**102** MS. GREENWOOD: -- received, but --

**103** THE COURT: -- just

**104** MS. GREENWOOD: -- it -- it comes down to the prospects of -- well, the gravity of the offence and the moral blameworthiness of the offender

**105** THE COURT: For sure.

**106** MS. GREENWOOD: -- obviously, but it really comes down to prospects of rehabilitation here

**107** THE COURT: It is sure bleak

**108** MS. GREENWOOD: -- being bleak and

109 THE COURT: -- but that -MS. GREENWOOD: -- protection of the public.

110 THE COURT: -- and -- correct. But I cannot keep her in gaol forever. I mean, she has been diagnosed as a psychopath. That is the problem, is that maybe she should be in gaol forever because she is a psychopath, would be one school of thought. We cannot do that. But I cannot sentence her for fear of committing crimes in the future when she gets out. Do you see what I am saying?

111 MS. GREENWOOD: Yes, I guess it's not a -- an actuarial sentence, but there -- there is an aspect of -- I mean, 718, the first -- first principle that's mentioned is protection of the public. So

112 THE COURT: Absolutely.

113 MS. GREENWOOD: -- you're dealing with, according to the Alberta Court of Appeal in *R. v. Chen*, denunciation, deterrence being paramount principles

114 THE COURT: No problem

115 MS. GREENWOOD: -- but given

116 THE COURT: -- with that.

117 MS. GREENWOOD: -- given the bleak prospects of rehabilitation here, public safety is -- is a significant aspect of the sentence.

118 THE COURT: And I agree. But I cannot say because she is a psychopath, I have got to keep her in gaol forever. I can only sentence her for her crimes, not the fact that she may commit future crimes because she is a psychopath. I can say, What you have done is very bad, and give her a proportionate sentence.

119 MS. GREENWOOD: And, Sir, with respect to the other case law I've provided, that's where the case here gets separated from the other ones, is that there were prospects for rehabilitation, which in turn lowered the gaol sentence

120 THE COURT: Yes

121 MS. GREENWOOD: -- imposed. So if

122 THE COURT: -- well, and -MS. GREENWOOD: -- if -- if

123 THE COURT: -- and some of those people expressed great remorse and

124 MS. GREENWOOD: They did, and if things had been different, you'd be dealing with higher sentences there. And -- and I'll just point to -- I said I wasn't going to review the Crown comments with respect to the -- my friend's materials. I'm only referring to what Justice Stirling refers to at paragraph 56 of that decision when he's addressing rehabilitation and the fact that the Alberta Court of Appeal in both *Wesslen*, [2015 ABCA 74](#), and *Knott*, [2012 SCC 42](#), address where rehabilitation is an applicable sentencing principle, the gaol sentence will go down when lengthy probation is added. And the

125 THE COURT: You got that

126 MS. GREENWOOD: -- Crown's

127 THE COURT: -- you got that from the *Chen* case.

128 MS. GREENWOOD: Pardon me, Sir?

129 THE COURT: I used that in *Chen*.

130 MS. GREENWOOD: Yes. And so the Crown's position is we don't have that here, and that's why the sentences are higher.

131 THE COURT: Yes.

132 MS. GREENWOOD: And when you add the sentences of the -- of the Crown

133 THE COURT: Well

134 MS. GREENWOOD: -- with each case, we're -- we're into significant double digits. As such, the Crown's position with respect to totality being eight to ten, so that's reasonable.

135 THE COURT: It is like you said to me about -- in your argument about *Chen* being really a sentence where I, as the Court at that time, was looking to impose 12 months. And then I took into account *Knott*, *Wesslen*, and other factors, reduced it, and ended up with the intermittent time. So the three months at first blush appears like a -- makes a low sentence in some respects. It was a gaol sentence, but the reality is that it was worth 12 months. So I agree with you on that kind of thing. There is higher sentences to be had. And Stirling's case was brought down significantly by *Knott* and *Wesslen* and by the prospects for rehabilitation

136 MS. GREENWOOD: Right.

137 THE COURT: -- for sure.

138 MS. GREENWOOD: And the other -- other thing I -- I will add, recognizing the totality is -- is a necessary thing to impose, but we also need to keep in mind that crime shouldn't become cheaper by the dozen -THE COURT: Oh, yes

139 MS. GREENWOOD: -- either.

140 THE COURT: -- yes. You know, it is the concept of the free ride. The more you commit, the less you pay per crime.

141 MS. GREENWOOD: Right.

142 THE COURT: Yes. But that is not an either/or. That is a balancing act. And that is what each of you try and achieve in your submissions, and I try and achieve in my sentence. But it is -- we just cannot escape the idea that it is a balancing act. It is not an absolute, right? Okay.

143 MS. GREENWOOD: Agreed, Sir.

144 So, Sir, I'll just touch on some highlights with respect to the Crown's written brief. In this brief I've provided you with argument on why the Supreme Court of Canada's direction in *Friesen* that sentences for child sexual assault need to go up, and the underlying sentencing principles backing up why, that those equally apply to offences of animal cruelty.

145 This is consistent with parliament's intent when it raised the maximum sentences for animal cruelty. And this approach is affirmed by the ABCA in *R. v. Chen*. And this is where the Court discusses what it refers to as the enforcement gap in animal cruelty cases following parliament's increase of the maximum available sentence.



**146** In particular, the Alberta Court of Appeal notes that the criminal law recognizes the offence, but the sentence imposed often fails to reflect the gravity of that conduct. And as I already indicated -THE COURT: But that is kind of a you-are-all-talk kind of argument, right? It is saying, I think this is a really bad case, but I am not going to impose a high sentence in reality.

**147** MS. GREENWOOD: That's right.

**148** THE COURT: But even if I impose five years, that is, again, two years higher than the highest sentence that has ever been imposed in Canada. I get there is multiple victims here and really bad facts, really bad facts, but there is a concern there, right?

**149** MS. GREENWOOD: And I -- I will hopefully address that in my oral submissions, Sir.

**150** So, as -- as I indicated, the prospects for rehabilitation in this case are bleak, so in terms of the ordering of how -- how you apply the sentencing principles, rehabilitation does not play a significant role in this sentence.

**151** THE COURT: I do not -

**152** MS. GREENWOOD: A Court's --

**153** THE COURT: -- I do not ignore it, though.

**154** MS. GREENWOOD: No. No, Sir. As -- again, as he indicated, there is another significant sentencing principle here, and that is the protection of the public, which is the first enumerated aspect of 718 of the Code.

**155** So I'd like to turn to the risk assessment. First off, the discussion of her cognition and intellectual functioning, specifically at page 17, the report addresses her cognitive function and notes that she's "grossly cognitively intact" which is essentially doctor speak for meaning she -- she's -- cognitively speaking, she's normal. And at page 20 the report goes into her intellectual functions, into her reading, sentence comprehension, verbal comprehension, abilities, her measure of general cognitive abilities, and, again, she's average. She's normal.

**156** THE COURT: Interesting. That is sort of reflected in mom's victim impact statement.

**157** MS. GREENWOOD: Right.

**158** THE COURT: She had a good childhood. She was given every opportunity, love, and support. She was an odd kid, but there is no mental deficits in terms of cognitive ability or intellectual function.

**159** MS. GREENWOOD: That's right, Sir, that's what the report reflects.

**160** So turning to psychosis or PTSD or previous trauma. At page 18 of the report Ms. Raugust denies any history of psychosis, thought insertion, delusions, or hallucinations. We're not dealing with someone who has symptoms of PTSD. She does refer to some trauma in her life and said it was a barrier. But the -- the doctor noted that she was superficial in her responses as to how and provided minimal detail about this trauma. What she did discuss with that -- was that she had difficulty with -- her father left the family when she was 4 years old, as well as the passing away of her grandfather when she was 10.

**161** Now, her mother and father-in-law (sic) both admitted to consuming alcohol on a daily basis as Ms. Raugust was growing up. Not -- both denied any physical altercation with Ms. -- or physical abuse of Ms. Raugust other than one time where the father-in-law slapped her in response to Ms. Raugust calling her mother a derogatory name.

**162** THE COURT: I have no desire to minimize her trauma, but I think at the end of the day, the report said it is not consequential.

**163** MS. GREENWOOD: Right. And that is the position of the Crown here with respect to the trauma she's referring to, it's -- it's really not a significant trauma that's -- that's outside of the ordinary of what most people deal with in their lifetimes. And with respect to the instances of -- of sexual touching she refers to with other children, this, quite frankly, doesn't sound like something outside of what could be normal child play. So overall -THE COURT: Well, that is a little bit minimizing, though.

**164** MS. GREENWOOD: Well, I can go through it with you if -- if you like, Sir. She indicates

**165** THE COURT: Well, there is not a lot of detail on it, but, I mean, some of the things she describes are not good, and some are worse.

**166** MS. GREENWOOD: Well, it -- there is the incident with the babysitter when she was 4, where she -- she self-reported that her babysitter climbed on top of her and replicated sex, but she didn't report any other incidents of sexual assault herself. It was her mother who told the doctor about the -- the other two incidents, one when she was 7 or 8 and replicated sex with another girl on -- at sex simply by laying on top of each other, rubbing each other. And, again, this is unclear whether this -- I mean, they were both children engaging in -- in potential curiosity about -- about sex.

**167** THE COURT: Yes. Again, I do not want to minimize it, but I think it is more important to look at the conclusion that, as a whole, the trauma consequential.

**168** MS. GREENWOOD: Fair enough, Sir.

**169** THE COURT: I mean, the -- it is like minimizing what any victim goes through, be it sexual assault, or anything. I mean, you cannot do that. It is tough to do when we do not have much background on it. She does not reveal a lot of information. Nothing is ever reported. It is just -- there is not a lot there. So I will leave it at that.

**170** MS. GREENWOOD: My -- again, my point at the end of the day is the same as yours, Sir, that there -- while she discusses these -- these -- these incidents that occurred in her childhood, they don't have a bearing on what you're sentencing on today.

**171** THE COURT: That, I -- well, according to the report, that I agree with, yes.

**172** MS. GREENWOOD: I'll turn to remorse, page 19. She says to the doctor, Sometimes I regret it, and sometimes I do not. At the conclusion of her time at SAFPC, Raugust was provided with information about the findings and her diagnosis, and the doctor noted she -- (as read):

She noticeably displayed limited emotion.

**173** And when asked directly about how she felt about the diagnosis of antipersonality disorder, psychopathic features, and substance use disorders, Raugust simply replied, "It's fine."

**174** And then at page 21

**175** THE COURT: But that is just perfectly consistent with somebody who is a psychopath, right? So none of that is surprising, but it is consistent

**176** MS. GREENWOOD: Right.

**177** THE COURT: -- right?

**178** MS. GREENWOOD: So at page 21, halfway down, second paragraph, in terms of the personality assessment, and I will just read this in for the benefit of the -THE COURT: Sure.

**179** MS. GREENWOOD: -- record, Sir: (as read)

**180** She describes a history of antisocial behaviour and may have manifested a conduct disorder in childhood, adolescence. She may have engaged in criminal acts and is likely to be egocentric with little regard for others and may take advantage of others in order to satisfy her own impulses. Although she may report feelings of guilt, she likely feels little remorse of any lasting nature. She is likely to engage in reckless behaviours that are potentially dangerous to herself and others. She reports experiencing intention and recurrent suicidal thoughts which should be considered a significant warning sign for the potential for suicide. She also describes considerable problems with her temper and associated aggressive behaviour. Her responses suggest she is easily angered, has difficulty controlling the expression of her anger, and is perceived by others as having a hostile, angry temperament and may engage in verbal and physical aggression at relatively low levels of provocation. Those around her may be intimidated by her temper -- temper and her potential for displays of verbal abuse or physical violence. Her risk for aggressive behaviour is further exacerbated by the presence of other features such as limited capacity for empathy and her ability -- affect lability and impulsivity, features that have found to be associated with an increased potential for violence. Although she acknowledges having important problems and expresses an interest in making changes in her life, her treatment may be challenging due to the defensiveness and reluctance to discuss personal problems and due to difficulties placing trust in a treating professional and in viewing the treating professional as an authority figure.

**181** And so on the point of lack of remorse, again, I'm -- I refer to her mother's victim impact statement and -- and what she indicated she experienced when she last visited her at the Remand Centre.

**182** THE COURT: But let -- there were indications of remorse along the way. I think it was Zeus (phonetic) -- she felt terrible about killing Zeus, and that was the one cat she really cared about. And -MS. GREENWOOD: Well

**183** THE COURT: -- there is comments about that along the way. I am not saying they

**184** MS. GREENWOOD: She certainly didn't stop, Sir.

**185** THE COURT: Of course not. Of course not. No, but it is - you know, remorse is about feeling bad afterwards, not feeling bad before you do it, right? So it is not like there is no remorse. There is some. It is hard to find, but

**186** MS. GREENWOOD: And -THE COURT: -- it is there in really small doses.

**187** MS. GREENWOOD: Yes, Sir. As the report indicates, I'll just quote again: (as read)  
She -- she likely feels little remorse of any lasting nature.

**188** Is

**189** THE COURT: Yes

**190** MS. GREENWOOD: -- what the doctor

**191** THE COURT: -- yes.

**192** MS. GREENWOOD: -- says.

**193** Turning to the measure of psychopathy, two instruments were used, the Psychopathic Personality Inventory-Revised, or PPI-R, which is a self-reporting instrument, and a Psychopathy Checklist-Revised, or the PCL-R, which is measured by a third party. So in terms of the PPI-R, the self-reporting, at page 22, the report notes that the results

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are valid but should be interpreted with caution in terms of soft reporting, which is often the case. Ms. Raugust scored in the 85th percentile for Psychopathic Personality Inventory-Revised, meaning that she had a moderately level -- moderately high level of global psychopathic traits.

**194** She scored in the significantly elevated range on the Machiavellian Egocentricity Scale of -- at the 97th percentile, suggesting a willingness to manipulate others for selfish goals, and a cynical and harsh instrumental view of human natures. For example, a tendency to bend the rules, take advantage of others, lie for her own advantage, and see herself as superior to other people.

**195** She also scored in the 99th percentile for Carefree Nonplanfulness Scale which suggests a nonchalant lack of forethought and a willingness to forego careful consideration of alternative solutions to problems, meaning a tendency to act before thinking, failing to learn from one's mistakes, and little thought to long-term goals.

**196** Finally, she scored in the 99th percentile on the Coldheartedness Scale which suggests an absence of deep feelings of guilt, empathy, and loyalty, and lack of enduring attachments to others. For example, the absence of tender social emotions, and a callous failure to sympathize with the suffering of others.

**197** Overall, Raugust's results on the Psychopathy Personality Inventory-Revised indicate that she is a moderate -- has a -- moderately high levels of psychopathy.

**198** And then at the top of page 23, the report goes on, her PPI-R scores paint a portrait of an individual who describes herself as emotionally callous, willing to manipulate others for personal gain, prone to blame others for her problems, and to see herself as the victim of other's hostile intentions, and is unafraid of physical risks, and with a tendency to act before thinking and failing to learn from mistakes.

**199** And then moving on to the PCL-R

**200** THE COURT: Well, going back to the -- that one, the first one, the PPI-R, the short answer is, she is in the top of her class in every possible test, even the one where she self-reports, she's found to be moderately high for global psychopathic traits. But -- well, and you will go on to the third-party stuff which seems -- they seem to suggest it is more accurate. But she is off the charts.

**201** MS. GREENWOOD: Yes, Sir.

**202** So the PCL-R, or the Psycho -- Psychopathy Checklist-Revised, which is a widely accepted -- or is widely accepted as the most reliable and valid method for assessing psychopathy, Ms. Raugust was assessed at a moderate level of psychopathy compared to other female offenders in that her PCL-R score does not exceed the cut-off of 30. However, the doctor cautions in the report that the literature recommends lowering the cut-off score to 23 for differentiating women with psychopathy from those without. And then when that is done, Ms. Raugust has a moderately high and may even have a high level of psychopathy, taking into account the standard of there for measurement.

**203** So as for psychopathy, the other thing that must be noted is people who score high are notoriously difficult to treat and are well -- also well-known for manipulating the people that are attempting to treat them.

**204** Turning to re

**205** THE COURT: That just repeats what we were saying earlier, she is -- her prospects for treatment are bleak, right?

**206** MS. GREENWOOD: That's right.

**207** THE COURT: Yes. Treating a psychopath is

208 MS. GREENWOOD: It's difficult.

209 THE COURT: -- not only difficult but almost impossible. Once a psychopath, always a psychopath, is what I seem to take from that. But she is young. That is encouraging.

210 MS. GREENWOOD: Well, youth is a factor where rehabilitation is a factor, Sir. And

211 THE COURT: Yes, yes.

212 MS. GREENWOOD: -- in -- so I -- I don't think her youth is -- I mean, she's not that young. She's in 20 -- she's 27 years old now?

213 MS. MCAVOY: Still 26.

214 MS. GREENWOOD: 20 -- 26 years old right now. So -- but, again, youth is considered a factor when we're addressing rehabilitation, which usually we're -- we are addressing rehabilitation, Sir. But it does not appear to be the case here

215 THE COURT: Well, it is

216 MS. GREENWOOD: -- it's -- it's a very

217 THE COURT: -- certainly less hope -- there is less hope for it.

218 MS. GREENWOOD: It's a very unique case, if I can put it -

219 THE COURT: Yes, yes.

220 MS. GREENWOOD: -- that way.

221 THE COURT: How many times have you guys come across psychopaths? I have been doing this for over three decades, and I do not have a lot of psychopaths in my career. This is very unique.

222 MS. GREENWOOD: So I will turn into rehabilitation, Sir, and I -- I won't go through the psychiatric history. You have my comments on point there. I will just address the one entry from February of 2020, when they were addressing when she could be in dialectical behaviour therapy. And a referral was made, and in the referral she described herself to the person doing the referral that she was "serial killeresque" with animals, describing having a longstanding history of animal cruelty, including torturing a rabbit at 20 and -- and strangling a kitten almost to death at 22. She described a "sick joy" after described a desire to get her own place so that she could do this. She expressed relief, she had -- had abortions as she recognizes all the things she may have done to the children, and it was determined that Raugust was: (as read)

Unlikely to tolerate DBT as she is not invested in relationships with people, believing that they are simply a means to an end.

223 So

224 THE COURT: Well, just looking at that, you could say she has got some insight into herself. She even understands she is a -- she describes herself as a serial killer of animals.

225 MS. GREENWOOD: So in terms of the medical history there, Sir, there have been efforts to put her into programming and address some longstanding personality dysfunctions and emotional regulation, coping skills, and

anger management and relationship skills. And it also shows that there's a history of her not following through with the treatment.

**226** Turning to recidivism at page 24, Raugust was estimated -- or is estimated to be in the high-risk category for general criminal recidivism, and at page 26, the -- the doctor notes her risk for future violent behaviour is assessed at being in the high-risk category. Of note under the risk management factors outlined on page 25, the doctor notes: (as read)

Future problems of treatment or supervision response, that there are past compliance problems, no improvement in adjustment despite past treatment, past responsiveness problems without any objective indications, that responsiveness will not be problematic in the future.

**227** Turning to Lockwood's Checklist for Factors in the Assessment of Dangerousness in Perpetrators of Animal Cruelty, at page 28 as for where Raugust falls in this assessment, the report notes that she may be at a high risk of violently offending against vulnerable and -- individuals such as children, the elderly, and the disabled. The report makes particular emphasis of her comments with respect to the abortions that I just mentioned. The report notes: (as read)

Ms. Raugust perpetrated animal violence against victims that are small, harmless, and non-threatening by virtue of species and size, suggesting that Ms. Raugust may gain a sense of power and control through violence against those least likely to retaliate.

**228** Also of particular emphasis in the report is her selection of a pregnant cat to kill mere days after she was arrested and charged for other instances of animal cruelty. The report says that this suggests a greater potential for uncontrolled violence.

**229** Also placing her at higher risk, and these are detailed at paragraph 30 of the report in the Crown's position, is these go-to aggravating factors: The fact that she inflicted multiple blows and kicks; that she inflicted two or more forms of injury, such as beat and strangled; direct physical contact or restraint and obvious opportunity to witness the victim's response; binding or otherwise rendering the animal incapable of escape such as crippling the animal, as with the case of Sammy, whose legs were broken, is suggestive of a higher degree of intentional premeditated violence; acts of prolonged maltreatment or, in other words, torture is more predictive of the potential for repeated violence against others; that she adopted the cats on kijiji with the intention of killing them, suggesting premeditation; the very long-term planning in this case in terms of the length of time over which she planned and killed her victims suggests the possibility of psychopathic thought processes as a contributing factor; that the abuse involved risk effort of overcoming obstacles to initiate or complete the abuse such as pursuing her victims after the initial attack is indicative of highly motivated behaviour and is in -- an indicator of greater risk for future violence; that the act was rewarding to Raugust by itself, which is supported not just by what Raugust admitted to the police in terms of -- she said "wanting to feel this animal suffer because it made me feel good" but that she took videos of the acts of cruelty in the case of two or three of the cats, which she reported having watched repeatedly over several months before deleting the videos; the memorialization or documentation of cruelty, indicating that acts of violence are a continuing source of pleasure for the perpetrator, which is a serious indicator that such violence is strongly rewarding and very likely to be repeated and/or escalated; returning to observe one of the deceased kitten's eyes being picked out by birds, suggesting the continuation of the emotional arousal experienced during the perpetration of cruelty, and is an indicator of significant likelihood of repetition or escalation of the violence to reach the same rewarding emotional state; deliberately placing the deceased kitten on the neighbour's picnic bench in order to see what would happen when someone found it. This can be indicative of the use of violence to gain feelings of power, control, and domination or to alarm or intimidate others, something that Lockwood considers a serious warning sign for potential for escalated or repeated violence. And, finally, violent acts accompanied by strong positive affect such as descriptions of a rush or exclamations of generalized excitement, which indicate that such violence is being strongly reinforced and is likely to be repeated and/or escalate.

**230** So I'll turn to the case

**231** THE COURT: Okay, well, let us just talk about that.

232 MS. GREENWOOD: Sorry, Sir?

233 THE COURT: I want to ask you something here.

234 MS. GREENWOOD: Sure.

235 THE COURT: In terms of the nature of all this being prolonged or over a long time period, I note the counts are not in chronological order

236 MS. GREENWOOD: No.

237 THE COURT: -- but the earliest one goes back to 2018, if I recall correctly.

238 MS. GREENWOOD: That's right.

239 THE COURT: And then the most recent was 2023, after she gets released. So that is five years, pretty much. So from my reading of it, though, it seems that there is a little bit of a start -- and so much happens in 2022. But is it your position that the time period is an extended or prolonged one, or the period of the killings from 2018 to 2023?

240 MS. GREENWOOD: Yes.

241 THE COURT: Seems obvious, yes.

242 MS. GREENWOOD: Yes, Sir. And in terms of what -- the case law I provided, and I don't intend to go into detail, I -- I'll provide you with -- with my -- my discussion on point. What sets Ms. Raugust apart from those cases, the first is the number of victims, and I will note -- and while I can't ask you to use this as an aggravating factor, but it does show potential risk of Ms. Raugust is the fact that she's admitted to many more than what she's pled guilty to.

243 THE COURT: Yes, I have -MS. GREENWOOD: It does

244 THE COURT: -- got to be careful

245 MS. GREENWOOD: -- it does speak to her ongoing risk in the --

246 THE COURT: I have -

247 MS. GREENWOOD: -- public.

248 THE COURT: -- got to be careful about -

249 MS. GREENWOOD: And I take your point on that. I'm not asking for it to be considered an aggravating factor, but it does go to the perception of ongoing risk which

250 THE COURT: I acknowledge

251 MS. GREENWOOD: -- the Court needs

252 THE COURT: -- it is in

253 MS. GREENWOOD: -- to consider.

254 THE COURT: -- the report, but she is not charged with it, I cannot give her -- give any of that much weight other than say, Look, I agree, you know, it is another block or a brick in the wall about risk, yes

255 MS. GREENWOOD: Right

256 THE COURT: -- sure.

257 MS. GREENWOOD: -- and it puts -- pushes rehabilitation prospects even

258 THE COURT: Yes

259 MS. GREENWOOD: -- even

260 THE COURT: -- yes.

261 MS. GREENWOOD: -- further. But the -- the number of victims is one that -- that's -- does set Ms. Raugust's

262 THE COURT: Yes.

263 MS. GREENWOOD: -- crimes apart --

264 THE COURT: Yes, well, that is why we are talking on your end three times of the highest, is because she has got -- I think you have one case that had five victims, though, right?

265 MS. GREENWOOD: That's

266 THE COURT: Animal

267 MS. GREENWOOD: -- *Ehbrecht*.

268 THE COURT: -- victims.

269 MS. GREENWOOD: Right.

270 MS. MCAVOY: Which case, sorry, with the five victims?

271 MS. GREENWOOD: *Ehbrecht*.

272 THE COURT: Yes, that was yours.

273 MS. MCAVOY: That was the case I provided, yes. That's judge -- Justice Stirling's case.

274 THE COURT: Yes, right.

275 MS. MCAVOY: Yes.

276 MS. GREENWOOD: Yes, Sir. And I do -- as you know, I've outlined

277 THE COURT: Yes.

278 MS. GREENWOOD: -- why that case on the Crown's position is not on all fours with



279 THE COURT: Right.

280 MS. GREENWOOD: -- with what we're dealing here.

281 THE COURT: But in terms of the killings themselves, are you describing those as being prolonged, the actual killings?

282 MS. GREENWOOD: Some of them are, Sir, yes.

283 THE COURT: Yes.

284 MS. GREENWOOD: Yes.

285 THE COURT: I mean, she -

286 MS. GREENWOOD: And -

287 THE COURT: -- she talks about going from zero to killing -

288 MS. GREENWOOD: Right. THE COURT: -- she escalates to that point. But still, that is not really true because even when she is doing that, these animals are suffering for a period of time

289 MS. GREENWOOD: Right. And

290 THE COURT: -- and

291 MS. GREENWOOD: -- and even -- even the -- the animals that did not -- that she did not personally kill, for instance, the cat whose legs -- she snapped the front and back legs of the cat

292 THE COURT: That is Sammy?

293 MS. GREENWOOD: -- and then was ultimately taken to the vet by the police.

294 THE COURT: Yes, that is Sammy, yes -

295 MS. GREENWOOD: That's right.

296 THE COURT: -- the kitten.

297 MS. GREENWOOD: Which I don't think you need to be an -- a - hear expert evidence to understand that breaking your leg would be incredibly painful. And in -- in that instance, we -- I'll remind you what the Alberta Court of Appeal says in *Chen*, is just cause the animal didn't die shouldn't make it any -- any less egregious.

298 THE COURT: Which explains why you want 24 months on that.

299 MS. GREENWOOD: Right.

300 THE COURT: Yes.

301 MS. GREENWOOD: So there's first the number of victims, second is the premeditation involved here, that we do not have in any of those other cases.

**302** THE COURT: No.

**303** MS. GREENWOOD: It -- it truly sets Ms. Raugust on an island of her own here.

**304** THE COURT: What about this idea of displaying the kills? She has got the one where she puts it on the neighbour's table to freak out the neighbour, and then watches the eyes get plucked out the next day by the birds. And then she has got another one, she puts in a bag and drops it on the porch, a cat food bag.

**305** MS. GREENWOOD: Right. And

**306** THE COURT: Am I

**307** MS. GREENWOOD: -- absolutely

**308** THE COURT: -- the only one that thinks that is weird?

**309** MS. GREENWOOD: Absolutely aggravating, Sir. And I believe I list that in the Crown's written materials in terms of aggravating factors. And -- and the reason that's aggravating is because it's -- it's that she's deriving pleasure

**310** THE COURT: Yes.

**311** MS. GREENWOOD: -- from -- from seeing other people discover what she's done.

**312** THE COURT: Yes. So --

**313** MS. GREENWOOD: So in terms of whether she had a fleeting instant of remorse for some of them, it's -- acts like that suggest if there was any, it shouldn't be taken into consideration because the -- the fall-out of -- of -- of her positioning of the animals makes it quite clear that she's -- she's interested in the reaction of others and

**314** THE COURT: Yes

**315** MS. GREENWOOD: -- a -- a

**316** THE COURT: -- yes

**317** MS. GREENWOOD: -- negative

**318** THE COURT: -- she

**319** MS. GREENWOOD: -- reaction.

**320** THE COURT: -- derives some kind of pleasure from it, yes.

**321** MS. GREENWOOD: Right.

**322** THE COURT: But it is interesting, on Count 16, where she puts the cat on the picnic table, you are looking for 18 months. Then Count 17, where she puts the cat in the food bag, you are asking for 24 months.

**323** MS. GREENWOOD: And that's due to the level of harm caused to the animal prior to its death, Sir. And with respect to -- sorry, I just want to make sure

**324** THE COURT: You think

325 MS. GREENWOOD: -- which -- sorry

326 THE COURT: -- they are that different.

327 MS. GREENWOOD: -- remind me which -- which counts

328 THE COURT: I --

329 MS. GREENWOOD: -- you're looking at again, Sir?

330 THE COURT: 16 and 17. I think they are both bad. But 16 she kicks the cat a lot and

331 MS. GREENWOOD: Right.

332 THE COURT: -- so hard that she puts holes in the wall when the cat hits the wall from her kick. She strangles it to death. 17 she beats and strangles the cat and disposes it on the neighbour's porch in the food bag -- cat food bag, and the same idea, though, blunt force trauma, died by strangulation. I am not sure I see a whole lot of difference there between the nature of the abuse, but I think they are both bad because they are put on display.

333 MS. GREENWOOD: Right.

334 THE COURT: I think -- I am totally in agreement with you, that is -- it is not just weird, it is aggravating.

335 MS. GREENWOOD: Right.

336 THE COURT: Yes. But, anyways, I just -- I noticed the discrepancy there, and I was interested in it.

337 MS. GREENWOOD: And I believe -- I'll -- I'll just double-check the ASF while my friend is making submissions, but I believe it was the level -- the length of the assault. That was the difference that I had there. But I'll -- I'll confirm that, Sir.

338 THE COURT: Yes, sure.

339 MS. GREENWOOD: So in terms of the premeditation, we have the fact that she's adult -- adopting multiple kittens off kijiji with the intention of killing them. By her own admission, she didn't even name them because why -- why would you bother if -- if the only point is to kill them. And her violent acts were in no way opportunistic from the time she began in 2018 through to 20 -- THE COURT: Well, there is

340 MS. GREENWOOD: -- 23.

341 THE COURT: -- no impulsivity here. It is premeditation --

342 MS. GREENWOOD: Right.

343 THE COURT: -- period.

344 MS. GREENWOOD: And then the third aspect I -- I've already addressed it at -- this at some length, that separates what Ms. Raugust has done from -- from the other cases of animal cruelty that we have is the pleasure that she -- she derived from torturing and killing these cats.

345 THE COURT: The -- that is interesting, that is -

346 MS. GREENWOOD: Yeah.

347 THE COURT: -- because she is a psychopath. And how do you teach -- treat the concept of being a psychopath in terms of moral blameworthiness? She derives pleasure from this. Look, I think she had some mental-health problems, and she sought treatment for that, I think that is mitigating, reduces her moral blameworthiness. But when I look at the fact that she is a psychopath, does that reduce moral blameworthiness? No, I do not think so. I think it just goes to admitting to a mental-health issue, but it goes to her dangerousness, the level of her dangerousness.

348 MS. GREENWOOD: Well, she -- she knew exact -- she knew what

349 she was doing -THE COURT: Yes.

350 MS. GREENWOOD: -- and she enjoyed it, and she continued to do it, knowing it was wrong. So it's -- it's -- the Crown's position, it's in no way mitigating, and -- and her moral blameworthiness couldn't be any higher

351 THE COURT: Yes.

352 MS. GREENWOOD: -- in particular when she is arrested, charged of other -- excuse me, other charges of animal cruelty, goes home, finds the cat that she had previously been abusing, and decides to kick it to death, to ensure that all -- and it was a pregnant cat. And she said she kicked it to death to ensure that all the kittens inside the cat died.

353 THE COURT: Yes.

354 MS. GREENWOOD: So, Sir, those are my submissions, subject to questions for the Court. I tried to abridge them somewhat, given we have provided you with a -- all the materials in advance.

355 THE COURT: Yes. In terms of your numbers here, like I said, you guys are all within the range that is accessible to these types of offences, but you go for -- you are asking for, on Count 9, 24 months. That is the highest one you are looking for. Oh, you want 24 for Sammy the kitten as well, Count 4. That is the broken legs. Count 9 you want 24 months. That is the black and white kitten that is stomped, strangled, multiple blows.

356 MS. GREENWOOD: And that cat took at least ten minutes to -- or kitten

357 THE COURT: Yes.

358 MS. GREENWOOD: -- took at least ten minutes to die.

359 THE COURT: Yes. Okay. So, again, it is the extended period of time there that, in your mind, makes it worse.

360 MS. GREENWOOD: Yes, Sir.

361 THE COURT: All right. And I am not sure I have to go to this, but the -- Count 11, the pregnant cat, you want 24 months on that one because it is a pregnant cat, right? Speaks for itself.

362 MS. GREENWOOD: That coupled with the fact that she is doing this after she had already been arrested and charged for

363 THE COURT: Oh, she is

364 MS. GREENWOOD: -- animal

365 THE COURT: -- on release.

366 MS. GREENWOOD: -- cruelty.

367 THE COURT: Yes.

368 MS. GREENWOOD: Right.

369 THE COURT: I do not want to say she is on bail. What was her release?

370 MS. GREENWOOD: I'll have to double-check that, but I'm pretty confident, a animal ban.

371 MS. MCAVOY: I can -

372 THE COURT: She was never charged with breach, though, right?

373 MS. GREENWOOD: No, Sir.

374 THE COURT: No, just new offences.

375 MS. MCAVOY: She was on Form 11 with conditions not to have any animals. She was on house arrest, on probation, report to a probation officer, and I think it was a thousand dollars promise to pay.

376 THE COURT: So there was a promise to pay.

377 MS. MCAVOY: Yes.

378 THE COURT: Yes, okay. Okay. In that sense, that is what I would call bail. She is on bail. She is not on a PTA, which I, like, generally refer to as release. It is all release, but some forms are more serious than others, right?

379 MS. GREENWOOD: Yeah, she was put before a JP

380 -THE COURT: Yes.

381 MS. GREENWOOD: -- in order to be released. Part of the reason for that is undertakings, the *Criminal Code* doesn't allow for animal bans

382 THE COURT: Right.

383 MS. GREENWOOD: -- you have to put them before a JP.

384 THE COURT: Are you going to fix that?

385 MS. GREENWOOD: Trying to.

386 THE COURT: Seriously? Yes? Well, there is another update to the *Criminal Code*, right?  
Let me just see if I have got anything else.

So, I mean, putting aside Count 3 is just the threats, your scale is low end, still serious, 12 months. The next step up is 18 and then 24. That is the ladder I see in yours, right?

387 MS. GREENWOOD: Yes, Sir. And, again, that's -- that's, as you know, following the range in the case law we

388 THE COURT: Right.

389 MS. GREENWOOD: -- currently

390 THE COURT: Yes.

391 MS. GREENWOOD: -- have for -- for guilty pleas.

392 THE COURT: Right. Okay.

393 MS. GREENWOOD: Thank you, Sir.

394 THE COURT: Why do you not just pull your stuff up here.

395 MS. MCAVOY: Certainly.

396 THE COURT: What date was this sent up to me?

397 MS. MCAVOY: I think it was September 9th, Sir, Saturday. Would you like me to send it to you right now?

398 THE COURT: No, no, no, I have got it here. Just fine. I did not have it at my fingertips there. Sorry. Go ahead.

399 MS. MCAVOY: So, actually, just before I start, Sir, I, like my friend, would like to mark my written -- a brief outline to -- before the Court. It's 13 pages. And madam clerk does have a hard copy, I think, for Exhibit 8?

400 THE COURT: Sure. No objection, correct?

401 MS. GREENWOOD: No.

402 THE COURT: No, that is fine. Next exhibit.

#### **EXHIBIT S-8 - Defence Brief Outline**

##### **Submissions by Ms. McAvoy**

403 MS. MCAVOY: Thank you. So, Sir, as you can see -

404 THE COURT: Oh, I see it, I think.

405 MS. MCAVOY: -- in my -- my materials, and as you've already outlined, Sir, my position on sentence is a global sentence is 5 years, 60 months gaol. And -- and I'll go through my reasons for that, but I'm -- I'm asking the Court to sort of exercise its discretion in a few areas. One, looking at the proportionality of each specific offence before the Court, which you and -- and Ms. Greenwood have already discussed.

406 THE COURT: Yes, let us be clear, I have got to figure out a proper penalty for each offence -MS. MCAVOY: Yes.

407 THE COURT: -- total it up, look at that total, and apply totality. This is what I was talking about earlier.

408 MS. MCAVOY: Exactly, Sir.

409 THE COURT: And once I have done that, in theory I come up with a lower number, and then I take one final look at it to see if it is unduly harsh, and then I can reduce it. I -- if I do not find it is unduly harsh, I do not reduce it.

410 MS. MCAVOY: Yes. And, Sir, and in particular I'm asking you to exercise your discretion at -- at mostly Stage 2 and Stage 3 of that analysis that you've gone through, is Ms. Raugust does come before you for the first time. She's -- has no record. She's a first-time offender before the Court.

411 THE COURT: The lack of an aggravating factor.

412 MS. MCAVOY: Lack of an aggravating factor, yes. She is 26 years of age. She's relatively young, and she's taken responsibility, and she has pled guilty before the Court.

413 THE COURT: Well, let us get this one out in the open, then.

414 MS. MCAVOY: M-hm.

415 THE COURT: I think one of the biggest things you have got going for you is the fact that she was cooperative in the investigation, and a number of these offences could not have been proven but for her admissions.

416 MS. MCAVOY: Absolutely, Sir. I think you've hit the nail on the head there. Her -- but for her statements to the police, and there were multiple statements to the police, these offences may not have even made their way into a courtroom.

417 THE COURT: Yes. But that is the nature of these types of offences sometimes. I cannot remember what the Crown said, something about happening in silence or behind closed doors, or something, in their brief. Came from maybe *Friesen* or *Chen*, or something like that. But that is the problem with these things; you do not see what I do with my dog at home, and I do not see what you do with your dog at your home, and these things happen behind closed doors. And it certainly did in this situation. She was not abusing these animals out in the middle of the street. So but for her own words, her confession, her admissions, this might have been a much tougher case for the Crown. There is nobody else who has given a statement here, as I recall. There is somebody in the room one time when the cops are there, and said something to the effect, Oh, well, I would have taken the cat to the vet, or something like that.

418 MS. MCAVOY: That's the very first, 2018 matter, yes, the roommate, I think.

419 THE COURT: Yes, yes, there you go.

420 MS. MCAVOY: M-hm.

421 THE COURT: So that is it.

422 MS. MCAVOY: M-hm.

423 THE COURT: Nobody else.

424 MS. MCAVOY: There's a few -- there -- to be fair, there is a -- a few statements in the disclosure from neighbours who see the cats around or --

425 THE COURT: I saw two, and then I saw one.

426 MS. MCAVOY: Yeah, so there's -- there's some, but

427 THE COURT: Would you

428 MS. MCAVOY: -- I think the

429 THE COURT: -- want to prosecute that?

430 MS. MCAVOY: No. I think the Court is correct, that her willingness to cooperate with the police at a very early stage. What -- what occurs on January the --

431 THE COURT: Well

432 MS. MCAVOY: -- 6th

433 THE COURT: -- you have got to be careful about that too, though. This has been going on from 2018 to 2023. And so that is five years

434 MS. MCAVOY: M-hm.

435 THE COURT: -- give or take, and it is not until she is caught that she is cooperative, though. It is not like she is volunteering information before then. But at the

436 MS. MCAVOY: Right.

437 THE COURT: -- first moment she is dealt with by the police, yes, cooperative.

438 MS. MCAVOY: And I want to discuss the timeline with you, Sir, because I -- I sort of -- I -- I do note that the offence dates are over the five years. But I just want to sort of go through because Counts 5 -- the way I've organized the counts in my notes, Sir, are in chronological order. So I see Count 5 being first, that's -

439 THE COURT: Yes.

440 MS. MCAVOY: -- the 2018 matter that we just talked about.

441 THE COURT: I did this late last night too, actually.

442 MS. MCAVOY: Okay.

443 THE COURT: Hang on. I got Count 5 as Number 1.

444 MS. MCAVOY: Yes, followed--

445 THE COURT: I got Count--

446 MS. MCAVOY: -- by Count 4.

447 THE COURT: Yes, Number 2.

448 MS. MCAVOY: Yes. So I -- I see those two -- those are from 2018, and then December 2021. Those two are the two offences where -- those are 40 -45.1s (sic), both of those.

449 THE COURT: Yes.

450 MS. MCAVOY: So the first in time, the first time that she's -- the offences that she's pled guilty to, those are the two oldest. Then we see Count 16 next.

451 THE COURT: Hang on. I have got Count 16, yes.



452 MS. MCAVOY: Yeah. Then 13.

453 THE COURT: You got 13 next. I have got -- well--

454 . MCAVOY: Some of them have ranges --

455 THE COURT: Yes -

456 MS. MCAVOY: -- so I --

457 THE COURT: -- so I have got --

458 MS. MCAVOY: -- either 7 and 13.

459 THE COURT: -- I have got 7, then 13.

460 MS. MCAVOY: Then 15 and 17, those are both December.

461 THE COURT: Yes. There I have got 9 and then 15.

462 MS. MCAVOY: Okay. And 9 is also in December -THE COURT: Yes.

463 MS. MCAVOY: -- as well.

464 THE COURT: Yes. But those are all in 2022, right?

465 MS. MCAVOY: Yes. So what I sort of want to highlight for the Court is that there's Counts 4 and 5, which are five years ago, and then 2021. Those are the -- the 445.1, where there isn't -- there's maiming, there's injuring the cats. Obviously I don't want to minimize that, Sir, but those are not the specific killing cats. It seems that what you have before you is that starting with Count 16 in time and then going forward, is the actual killing of the animals starts in October 2022. So in October, November, December, and January of 2023, this sort of occurs all in those months that all those counts we just went through. And then she's ultimately arrested on January the 6th.

466 THE COURT: So the 2023 offences are --

467 MS. MCAVOY: 11 and 3.

468 THE COURT: Yes.

469 MS. MCAVOY: 3 is the threats.

470 THE COURT: 11 and 3, that is right. Okay. 3 is the threats, that is right. So she did not have much time to do anything in 2023. She got busted and then released and then went back and killed the other cat.

471 MS. MCAVOY: Exactly, Sir. So what I sort of want to get across to the Court is that, yes, there is a date range from 2018 onwards, but the vast majority of these offences happened from October 2022 --

472 THE COURT: Yes.

473 MS. MCAVOY: -- to January 2023, so there's sort of a -- a cluster in that time, I would frame it as.

474 THE COURT: Yes. Yes, it is not a spree, but you are right, it is --

475 MS. MCAVOY: Yeah.

476 THE COURT: -- a cluster.

477 MS. MCAVOY: I -- I can't characterize it as a spree if it's -- they're too distinct, but --

478 THE COURT: Yes.

479 MS. MCAVOY: -- so in terms of -- and perhaps I'll just touch on this first. So with the threats charge, which is Count 3, I note that my friend is seeking a three-month gaol sentence on that. And my position is a fine satisfied by days in custody.

480 THE COURT: Look --

481 MS. MCAVOY: It's all in --

482 THE COURT: -- if she showed up with that as a first offence, she is getting probation, counselling --

483 MS. MCAVOY: Right.

484 THE COURT: -- maybe a fine.

485 MS. MCAVOY: Yes, that's -- I don't think the Court would disagree with my --

486 THE COURT: Likely. That is not one we are terribly worried about. But I see your point on that, yes.

487 MS. MCAVOY: What we're really sort of looking at and -- and sort of where this really occurs is in 2022, October to January 2023. So in terms of Ms. Raugust and -- and what was going on with her at the time, this is -- it is sort of described in the report, Sir, but I'll just highlight it. And it's also articulated in her statement that was marked as the exhibit, her statement from January the 6th. So in that statement Ms. Raugust is quite clear that she's not doing well. She's having a hard time in December, is a hard month for her, she indicates that there's lots of mental-health issues going on. And so the reason why I highlight sort of the timeline is I want to make clear to the Court, and you already did note this, that there was a lot of mental-health issues going on --

488 THE COURT: Sure.

489 MS. MCAVOY: -- at that time, and I think that that's something to really consider here, in my respectful submission, especially with respect to all those counts in 2022.

490 THE COURT: Yes. And I do not think the Crown disputed that --

491 MS. MCAVOY: M-hm.

492 THE COURT: -- at least I did not sense that, but I have got to take these mental-health issues on the one hand and then her psychopathy and balance it out.

493 MS. MCAVOY: Yes, and that's the difficulty with sentencing.

THE COURT: Yes, well, and that is what I think, right? Yes. But the psychopathy is just so overwhelming, even knowing I give her credit for having mental-health issues, it is a mitigating factor, right? But--

494 MS. MCAVOY: Yes.

**495** THE COURT: -- even when I take that into account, just the - just the psychopathy which leads to the level of dangerousness which is, from everything I have read, moderate to high, depending on what test is used and what they are discussing. But I think, was it -- general recidivism was high? Yes.

**496** MS. MCAVOY: Yes.

**497** THE COURT: So when you look at that, it just -- it diminishes the mental-health issues so much that the benefit she gets from that is limited.

**498** MS. MCAVOY: And -- and I would respectfully submit, Sir, that the -- the benefit shouldn't be too limited. I do take the Court's point that there -- there's obviously more than one thing going on here, the -- the psychopathy that the doctors find is significant. But my point, and I -- I think you understand it, and I don't wish to repeat myself, but is that in those months leading up to her arrest, there was a lot going on for her, and she readily admits that to the police.

**499** THE COURT: She was going through a bad time.

**500** MS. MCAVOY: Yes. And I think she even says to the officers when they are putting her under arrest, and this is first discussed, she says, I need help, I can't stop, I need help.

**501** THE COURT: But the -- I mean, she even calls her probation officer from the hospital, right?

**502** MS. MCAVOY: Yes, yeah.

**503** THE COURT: And she says, If I am not hospitalized, I am going to go do bad stuff, right?

**504** MS. MCAVOY: That's -- that's what -

**505** THE COURT: She is--

**506** MS. MCAVOY: -- she says.

**507** THE COURT: -- crying for help.

**508** MS. MCAVOY: She's crying for help, and -- and you even mentioned this before during Ms. Greenwood's submissions, that she's actually quite aware of her situation and her sort of -- what -- what she might need help with or what --

**509** THE COURT: She had some

**510** MS. MCAVOY: -- exact --

**511** THE COURT: -- insight, yes.

**512** MS. MCAVOY: Yeah, some insight. That's the word I'm looking for. Thank you.

**513** THE COURT: Yes. Well, and sadly it is insight into psychopathy, though.

**514** MS. MCAVOY: Yes. And -- but she is asking for help at this point, and -- and she did tell the officers, you know, I -- I feel bad about this, I'm -- I'm having trouble with it. And she said that right away on January --

**515** THE COURT: For sure.

516 MS. MCAVOY: -- 6th. So as of what I've already pointed out, and then I know my friend takes a different position on this, but there -- there is some remorse here.

517 THE COURT: There is a degree of remorse.

518 MS. MCAVOY: Yes, I -- I don't think that--

519 THE COURT: Right. It is not overwhelming.

520 MS. MCAVOY: Yes, Sir, I agree. But I think the remorse is shown in a few ways: First, Ms. Raugust is -- expresses that to the officers on January 6th when she has her interview with Detective Hatch. And then once Ms. Raugust is rearrested and she's taken into custody on January 28 of this year for the second time, she has not left gaol since then. She has not sought to show cause. And I know that's a difficult position to sort of put to the Court, but I --

521 THE COURT: I am not so sure I would let her out.

522 MS. MCAVOY: But I do think that the act of remaining in custody, knowing that she's taking responsibility for these offences and that she's going to be sentenced to gaol, I think, is an expression of some remorse.

523 THE COURT: If you want to tell me she takes responsibility, I agree, hundred percent. If you want to tell me she is sitting in gaol because she takes responsibility, I am not so sure. I just think she is just sitting in gaol. And it is to her benefit to some degree because she gets credit for the time in gaol at a certain rate, and good for her, that is the way it works.

524 MS. MCAVOY: Yes.

525 THE COURT: But I do not see that as a reflection on her acceptance of responsibility so much. But I -- again, I go back to the issue of bail. Based on what I know about this, even taking into account the *Antic* scale, she might have been in the first place lucky to get out. I do not know how much was there. All of this was there on the first bail hearing or what, but --

526 MS. MCAVOY: No -

527 THE COURT: -- was it -

528 MS. MCAVOY: -- it wasn't.

529 THE COURT: -- consent release or -- I do not know. I just was not there. But if I had all of this information and she breached in a manner that she did by killing another cat -- was that the pregnant cat or not? I cannot --

530 MS. MCAVOY: Yes.

531 THE COURT: Yes. So I hate to say it, but not just a cat but a pregnant cat, so it is like there is multiple victims there, I do not know if I would let her out. Just too much of a risk to reoffend. No primary ground, unlikely to be tertiary, but secondary, yes, sure.

532 MS. MCAVOY: And -- and I take the Court's point on that. What I'm sort of trying to relay to you in -- in -- is perhaps just a bit of a finer point of --you know, it's -- it's showing that, you know, she knows that this is wrong, she knows that what she's doing is -- is --

533 THE COURT: But she is --

534 MS. MCAVOY: -- needs to stop.

535 THE COURT: -- she has already effectively done that by (a) accepting responsibility and (b) entering her guilty pleas, which is the same thing, right?

536 MS. MCAVOY: Yes, Sir, I think --

537 THE COURT: Expression of -MS. MCAVOY: -- that those are inter --

538 THE COURT: -- remorse, acceptance of responsibility --

539 MS. MCAVOY: Yes.

540 THE COURT: -- yes, and all that good stuff.

541 MS. MCAVOY: Yes. And I know that this is highlighted in my brief as well, but I just wish to note for the Court, you know, these are very early guilty pleas --

542 THE COURT: Sure.

543 MS. MCAVOY: -- and -- and she expressed to me that she wanted to take responsibility and plead guilty almost immediately. And so -- and I know that this has taken some time to get to sentencing, but --

544 THE COURT: Yes.

545 MS. MCAVOY: -- I think the Court knows that this was early.

546 THE COURT: I am happy to accept that these are early guilty pleas, and she gets full credit for that.

547 MS. MCAVOY: Thank you, Sir. So with respect to Ms. Raugust's mental health, I just wish to touch on a few points that are mentioned, I believe it's at page 8 of the -- this goes back to my earlier point, Sir. But I'll just make sure I'm on the same paint. Yes, so pages 8 and 9 of the FAOS report detail the instances in January, where there was multiple instances where Ms. Raugust sort of went in and out of the care of doctors and she was suicidal at the time. Her mom even, you know, called the police on her and asked them to go and check on her welfare because she was expressing that she was suicidal and attempted suicide. So you can see that she was in hospital then, in and out. And I think that just shows that the mental-health issues that were going on at the time, again, are not overwhelming in the situation, but she was suicidal at the time. She was in a bad place. And that's not just reflected in what I'm telling you today but also in the -- in the report and when they reviewed her medical records as well, Sir.

548 THE COURT: I agree.

549 MS. MCAVOY: With respect to -- I don't wish to go through the particular cases and -- I know Ms. Greenwood as well, we -- we've provided to you our summaries and --

550 THE COURT: Yes. Do whatever you like, though. I am not fussed.

551 MS. MCAVOY: Yes. I -- it -- it's difficult to find cases that are on all fours. I agree with Ms. Greenwood on that and -- but I -- I --

552 THE COURT: You are not going to.

553 MS. MCAVOY: Yes. And the way that the -- the sentences are given in -- in these cases, where there is abuse

or killing of animals, really does start at the 12 -- 12ish-month mark. But the cases that I've provided to you, Justice Stirling's as well as the case from Edmonton, the *Kirkby* case, which I'll mention in a moment, what I wish to show is that, you know, there are some other factors that can be taken into consideration to sort of lower that sentence. I'm not asking for that in this situation. But what I am asking for is the Court to exercise its discretion and -- and really hit this on the 12-month mark for each of the animals, particularly given the acceptance of responsibility and the mitigating factors before the Court. I know that the -- the facts in the case are serious --

554 THE COURT: What --

555 MS. MCAVOY: -- and that they're --

556 THE COURT: -- are we at, eight dead cats; is that right?

557 MS. MCAVOY: Seven, Sir.

558 THE COURT: Seven? So even though I -- and I am just talking out loud here, but thinking out loud, even if I gave a year on each, you are up to seven months -- or seven years.

559 MS. MCAVOY: Yes.

560 THE COURT: And then you apply your totality, and away you go.

561 MS. MCAVOY: Yes, that's where I'm --

562 THE COURT: Okay.

563 MS. MCAVOY: -- deriving my sentence from.

564 THE COURT: Yes, yes.

565 MS. MCAVOY: And so I just wish to note that. And -- and the other thing I wanted --

566 THE COURT: You -- I get the sense that Ms. Greenwood thinks your 12 months is her lower end. Is that fair, Ms. Greenwood?

567 MS. GREENWOOD: Yes, Sir.

568 THE COURT: Yes, okay. Okay.

569 MS. MCAVOY: So I'm actually -- I'm asking you to exercise your discretion, give her the lower end on each of the counts even before applying totality because of some of the mitigating factors in the case.

570 THE COURT: How do I do that with a pregnant cat?

571 MS. MCAVOY: With -- actually, with the pregnant cat, Sir, that's the one where I'm asking for 18 months to be applied.

572 THE COURT: Yes.

573 MS. MCAVOY: And for the factors of the situation of the actual cat itself as well as her being on bail at the time, I do think that that's aggravating and deserves a -- a higher --

**574** THE COURT: Yes. What else did Ms. Greenwood -- she wanted 24 on Sammy the kitten. That is the broken legs.

**575** MS. MCAVOY: Yes, and on that I'm asking for three months.

**576** THE COURT: Yes, that is the one where you guys are just miles apart. What is going on there?

**577** MS. MCAVOY: My rationale there, Sir, is -- is there's -

**578** THE COURT: There is no death?

**579** MS. MCAVOY: The -- is because there is no death, and I'm just going to double-check my notes here. But this is the one where there was some participation with the vet as well as the --

**580** THE COURT: No, she did not seek the veterinary care. Hit with a long stick so kitten could not move, sat on kitten, covered up the mouth so roommates could not hear kitten screaming, sprayed hair spray in kitten's eyes. That's the Crown's summary.

**581** MS. MCAVOY: Right, okay. So with my rationale on that, is obviously that there's some sort of injuries that are caused to the cat and some sort of torture, I would say. But because it's not a death and because the cat wasn't strangled or -as we see in some of the other counts, that's why I would say that the lower -THE COURT: Yes. You heard what Greenwood said, though, right?

**582** MS. MCAVOY: Yes.

**583** THE COURT: Just because the cat does not die...

**584** MS. MCAVOY: I agree, Sir. But I just wanted to note -- just double-check just one thing, if I can.

**585** In -- in -- sorry, she didn't give the cat to the vet, but she did surrender it to the police. That's what I was mentioning there, when they came. But I -- I don't wish to -

**586** THE COURT: Well, the police took it. Yes. But, look, I tell, you know, that is not 3 months, I am not so sure it is 24 either. But it is not 3 months. Yes, I cannot put myself in the position of the kitten, but, wow, those were some pretty horrific moments for that little thing.

**587** MS. MCAVOY: Yes.

**588** THE COURT: Just terrible. And I do not know, I was talking 12 months in *Chen* before I was able to reduce it for various reasons, which I cannot do here. I do not have probation as a tool. So how is that not at least 12 months?

**589** MS. MCAVOY: My position, and -- and perhaps it lies somewhere higher than the three-month mark given the Court's comments, but my rationale is that there wasn't -- the breaking of the legs in itself is -- is obviously bad, but the -- not specifically causing the death of the animal. But I do take Ms. Greenwood's what -- points of, well -

**590** THE COURT: Things can be pretty bad even if you do not kill the animal. Near death? I do not know. It was bad. That is a lot of suffering.

**591** Go ahead.

**592** MS. MCAVOY: So, Sir, with respect to the -- the *Kirkby* case, which I just wish to mention, that's from this year from the Alberta Court of Justice. And -- and what I wanted to highlight in that case, this sort of goes back to my

earlier point, this is summarizing page 8 of my brief, it's sort of a similar circumstance in some ways to Ms. Raugust, where Mr. Kirkby was the cat's -- the one cat did die in his case. And it was released -- or -- or, sorry, it was -- it occurred after he was released from hospital for mental-health issues. There was a lot of mental health sort of challenges going on for Mr. Kirby at the time. And the Court also put significant weight on the mitigating factor of him taking responsibility from the outset, providing the confessions to the police, and really the only evidence supporting the prosecution. So I would submit that although that case is different in terms of the facts of the actual situation -

**593 THE COURT:** Well, the principles are right.

**594 MS. MCAVOY:** The principles, I would submit, are -- are equally applicable to this case with -- with Ms. Raugust. And that's a very recent case. Although in that case Mr. Kirby did get probation, there was some other -

**595 THE COURT:** Yes.

**596 MS. MCAVOY:** -- factors going on. But I just want to highlight that I think that those principles also apply here.

**597 THE COURT:** Sure.

**598 MS. MCAVOY:** With respect to the mental-health aspect of this, I just want to highlight, and again, I did discuss this in my brief, and this is again where the balancing act comes in. But I just want to read the paragraph from *Shevchenko*, which I'm sure the Court is familiar with that case. And I have -

**599 THE COURT:** What page again?

**600 MS. MCAVOY:** That's on page 12 of my brief.

**601 THE COURT:** Go ahead.

**602 MS. MCAVOY:** So this is at paragraphs 27 and 28. So it -- it -and the Court says:

Even in circumstances where the evidence does not disclose that the mental illness was a direct cause of the offence or that it was carried out under periods of delusion, the presence of a mental illness can significantly mitigate sentence.

Put simply, an offender who has a significant mental illness is generally considered to have less moral blameworthiness than someone operating with an unimpaired view of the world. It is therefore imperative that a sentencing judge appreciate the extent and manifestation of the illness and link it to the degree of moral blameworthiness. A further important consideration is the role such illness may have played in the commission of the offence. Rarely do the offence and the mental illness stand entirely apart. The offence must be viewed in the context of the mental illness.

**603** So that's where I'm asking the Court, particularly with the offences that occurred in 2022, and what we have from the report, to exercise its discretion and -- and really -- the -- there was -- there was mental illness here, although it may not be specifically linked to exactly what occurred on those days in October, November, and December, and January, the presence of it is -- is important consideration for the Court. So I just wish to highlight that from the Court of Appeal.

**604 THE COURT:** Has to be.

**605 MS. MCAVOY:** And I don't think you disagree, Sir.

**606 THE COURT:** No. But, again, let us separate it. It is -- her issues with her mental health and then the psychopathy, two different things.



607 MS. MCAVOY: Yes.

608 THE COURT: Yes.

609 MS. MCAVOY: Yes, and I think the psychopathy is what makes this situation so unique, is, as you said before, and -- and this is where the totality comes into place and -- and where, as I -- I think you said it better than anyone, you can't put her in gaol forever.

610 THE COURT: No.

611 MS. MCAVOY: You -- you can't put her in a situation where it's an unduly crushing or harsh gaol sentence. So that's -

612 THE COURT: Right -

613 MS. MCAVOY: -- where -

614 THE COURT: -- having said that, I am concerned about the day she does get out of gaol. She is not pet-sitting for me.

615 MS. MCAVOY: Well, and -- and as I put in my brief, we're not contesting the animal ban for life. That's -

616 THE COURT: Yes, yes, but you know what -

617 MS. MCAVOY: -- going to be -

618 THE COURT: -- I am saying.

619 MS. MCAVOY: -- imposed. Yes. And -- and I did speak to Ms. Raugust about the animal ban and speak to her about, you know, the future and -- and stopping this, and she does advise me, and she wishes for me to express to the Court that she will take that very seriously and that -

620 THE COURT: Good.

621 MS. MCAVOY: -- and that she knows that that -- that she needs that, essentially. And even actually on January 6th in the interview to -- with Detective Hatch, she does mention that she means that, and that she's aware that those are a thing and that that should be imposed on her. So --

622 THE COURT: Insight.

623 MS. MCAVOY: Yeah, it goes back to that, Sir.

624 And so, Sir, I -- I think those are my submissions in terms of the sentencing. I have a few other things like pretrial custody and such to go through. I don't know if you wish me to do that now or if you want to take some time and do that after.

625 THE COURT: Do you have a number?

626 MS. MCAVOY: Yes.

627 THE COURT: Well, you can just give it to me and see where that gets me and -

628 MS. MCAVOY: Okay. So from January 28th of this year, that gets us to 230 actual days, by my math. And if the Court imposes the 1.5 credit, that would be 345 days total -

629 THE COURT: Yes.

630 MS. MCAVOY: -- which, by my calculation, 30 days a month would be 11 and-a-half months. So almost -

631 THE COURT: Yes.

632 MS. MCAVOY: -- a year.

633 THE COURT: Yes.

634 MS. MCAVOY: With respect to where we're going to ask Ms. Raugust just -- I think the Court is going to impose a penitentiary sentence, is what we're both asking for, we would ask that it be considered that she -

635 THE COURT: Well, I can go lower again. You know -

636 MS. MCAVOY: Technically you could, Sir, yes -

637 THE COURT: Yes.

638 MS. MCAVOY: -- but if you were to impose the penitentiary sentence, our -- our ask is for her to go to the Edmonton Institution for Women. In my -

639 THE COURT: If I forget to do that, I am -- let me know. I am -

640 MS. MCAVOY: Yes -

641 THE COURT: -- fine with it.

642 MS. MCAVOY: -- I've got a note of it. And -- and just briefly, the reason for that is I've spoken to some senior counsel. That seems to be the -- the most ideal place for women and programs for mental health. And we could ask that she obviously be part of those programs.

643 THE COURT: I seem to recall us talking about RPC, Regional Psychiatric Centre. Did you look into that?

644 MS. MCAVOY: Oh, I didn't write that one down. RPC, you said?

645 THE COURT: Yes, RPC, Regional Psychiatric Centre. Where is it, Saskatchewan? It is Saskatoon in particular? But...

646 MS. MCAVOY: I did ask about Saskatchewan, and I didn't get an answer when I spoke to it. But that was, I guess, for somebody in -- in Alberta -

647 THE COURT: Yes.

648 MS. MCAVOY: -- in terms of transfers. And they didn't really have -

649 THE COURT: That is the big one I know of. I -

650 MS. MCAVOY: Okay.

651 THE COURT: Let us take a peek here.

652 MS. MCAVOY: And I can certainly inquire too during the break, Sir, further --

653 THE COURT: Yes. No, we brought it up at one of the -

654 MS. MCAVOY: We did, Sir -

655 THE COURT: -- to -

656 MS. MCAVOY: -- and I -- I apologize, I focused on Alberta. I apologize.

657 THE COURT: Well, I can say, I would ask that there would be consideration for those two locations.

658 MS. MCAVOY: Yes, Sir.

659 THE COURT: Regional Psychiatric Centre classifies as a custodial forensic psychiatry facility with multiple security levels and staff at 345 University of Saskatchewan. So that is Saskatoon. Opened in '78. There you go.

660 MS. MCAVOY: Yeah. And, yeah, Prince Albert, okay. So, yes,

661 I -- I think anywhere where Ms. Raugust is going to get some real help and some real tools for when she's released is -

662 THE COURT: Yes -

663 MS. MCAVOY: -- is best for her. I -

664 THE COURT: -- look, even though the prospects of rehabilitation may be bleak, that does not mean that we ignore it and do not send her for help. We -- I do not think we stop trying.

665 MS. MCAVOY: Yes. And -- and bleak doesn't mean nothing. There -- there might still be some room for rehabilitation, although the prospects aren't great. I do agree with the -- with your reading of the report, Sir. It's -- it does have to be a consideration, which I think the Court is aware of.

666 THE COURT: Right. Okay.

667 MS. MCAVOY: I don't believe Ms. Raugust wants to say anything to the Court.

668 THE COURT: That is fine.

669 MS. MCAVOY: Okay. And so if you have any -- unless you have any questions, Sir, those would be -

670 THE COURT: The Crown was going to look at -- if you are okay -

671 MS. MCAVOY: Yes, thank you.

672 THE COURT: -- Crown is going to look at something for me on -- you were going to -- you said, While she is talking, I will look at this -

673 MS. GREENWOOD: Oh, yes, Sir. Sorry, I -

674 THE COURT: -- on Count -

675 MS. GREENWOOD: -- was -

676 THE COURT: -- 17 versus Count 16, whether it was a longer time for the assault on 17? Did you come across that yet? Said you were going to look at the ASF, I think.

677 MS. GREENWOOD: Yes, Sir. Sorry, just give me one moment. I was looking up something.

678 I believe the Regional Psychiatric Centre Saskatchewan is only for men -

679 THE COURT: Oh, great -

680 MS. GREENWOOD: -- I think.

681 THE COURT: -- there you go.

682 MS. GREENWOOD: And sorry, Sir, it was Counts 15 and 16 ?

683 THE COURT: Let me look -

684 MS. MCAVOY: 16 and 17, I think.

685 MS. GREENWOOD: 16 and 17.

686 THE COURT: Yes. No, 16 and 17. Yes. So 16 is the Ragdoll cat, 17 is the kitten in the food bag. You wanted 18 on Count 16, the Ragdoll cat. You wanted 24 on the kitten in the food bag because you suspected that it might be a longer duration for the assault itself on Count 17. I was just noting the discrepancy there, that I thought they were both bad -- equally bad, but they were aggravated by the displaying of the animal's body.

687 MS. GREENWOOD: Yes, Sir. And I believe my positions based on the comments of Dr. Doyle in terms of the length of suffering for the kitten in the food bag, but -

688 THE COURT: Do you have a necropsy on 16?

689 MS. GREENWOOD: There was no -- no, that body was not -- let me see here. I believe that body's -- there was no necropsy on -- when that body was seized by bylaw and didn't end up -

690 THE COURT: No necropsy -

691 MS. GREENWOOD: -- at the forensic -

692 THE COURT: -- on Count 16.

693 MS. GREENWOOD: -- vets for the -- the necropsy on that one. So I don't have -

694 THE COURT: Okay.

695 MS. GREENWOOD: -- as much detail on how -- how bad the suffering was, if I can put it that way.

696 THE COURT: Right.

697 MS. GREENWOOD: Oh, and just one comment I'd like to make, Sir, to make sure we're on the same page. When you asked me the question about the one year being on the lower end for the Crown, when I agreed to that, what I meant was in terms of the lesser serious -

698 THE COURT: Okay.

699 MS. GREENWOOD: -- offences of Ms. Raugust, the -- the bottom for the Crown would be one year, as I've set out -

700 THE COURT: Yes -

701 MS. GREENWOOD: -- in -- in the -

702 THE COURT: -- no, that is the way -

703 MS. GREENWOOD: Yes.

704 THE COURT: -- I took it.

705 MS. GREENWOOD: Okay.

706 THE COURT: And CSC also accommodates women with mental-health needs at the Regional Psychiatric Centre in Saskatoon.

707 MS. GREENWOOD: Oh -

708 THE COURT: Anyhow -

709 MS. GREENWOOD: -- I think that, Sir -

710 THE COURT: It is the internet, it is probably wrong, so...

711 MS. MCAVOY: I can call, Sir -

712 MS. GREENWOOD: Oh, no, sorry -

713 MS. MCAVOY: -- on a break -

714 MS. GREENWOOD: -- I'm reading -

715 MS. MCAVOY: -- and double-check.

716 MS. GREENWOOD: -- I'm reading the same thing, but we'll -- we'll check over lunch.

717 THE COURT: Yes.

718 MS. MCAVOY: Yes, yeah.

719 THE COURT: Yes. Yes. But I encourage you to do that, so - I am just digging a bit deeper here.

720 Oh, I see here, it says the RPC provides both intermediate and acute mental-health care. It has a unit for women

offenders that accommodates all three security levels, and that is from Correctional Service Canada webpage. Got to hope they are right about their own facilities. So I think we can say it is a possibility.

721 Let me just check my notes for a sec.

722 So, it does not matter what, you do not agree with any of the principles the Crown set forward, denunciation, deterrence were primary, et cetera, et cetera?

723 MS. MCAVOY: Oh, no, I do -

724 THE COURT: There is nothing that was said there that caught you off guard, right?

725 MS. MCAVOY: No, that's correct, I do -- I do agree with that, yes -

726 THE COURT: Yes, yes, okay.

727 MS. MCAVOY: -- that that's the primary sentencing consideration -

728 THE COURT: Yes, yes.

729 MS. MCAVOY: -- of course.

730 THE COURT: But generally those sentencing principles that were enunciated by the Crown, I get the impression everybody is on the same page.

731 MS. MCAVOY: Yes, Sir.

732 THE COURT: Okay. One thing we did not talk about, which came up in *Chen*, was whether I am -- a pet owner is in a position of trust. Let me answer that for you: They are. That is what I said in *Chen*, and I am not changing my position. Anybody wants to say otherwise?

733 MS. GREENWOOD: No, Sir, and I believe I have the -- I have that in the Crown's written -

734 THE COURT: Yes, we just -

735 MS. GREENWOOD: -- brief, and so -

736 THE COURT: -- did not talk about it today, yes.

737 MS. GREENWOOD: It's -

738 THE COURT: But it is statutorily aggravating, right?

739 MS. GREENWOOD: Correct.

740 THE COURT: Okay.

741 MS. MCAVOY: Yes, I -- I certainly don't disagree, Sir.

742 THE COURT: Okay. Nobody is disagreeing that we have got to impose consecutive sentences here because of the fact that all of these things happened on different dates. I cannot -- at least I do not think I can use concurrent sentences in any way.

743 MS. MCAVOY: I -- I looked into that, Sir, and I -- I agree, given the -- the way that the -- the events unfolded, that you've heard my submissions -

744 THE COURT: Yes, no -

745 MS. MCAVOY: -- on totality.

746 THE COURT: -- I think I take care of that in the -- in dealing with totality and the unduly-harsh issue.

747 MS. MCAVOY: Yes.

748 THE COURT: And did you want to comment on the fact that not only does parliament think these penalties should go up, and they have done that by increasing the maximums in 2008, I believe, which is now 15 years ago, then they did it again in 2019, right, they raised the summary?

749 MS. GREENWOOD: That's right.

750 THE COURT: Yes, okay. So there is a suggestion out there that the Canadian public wants these sentences to go up. That is -- animal abuse is a bad thing. You know, that is the basic, right? But parliament thinks it is bad. *Friesen* and *Chen* think it is bad. Penalty has got to go up. But also the public -- there is a public interest here that the penalties go up. Did you want to comment on that?

751 MS. MCAVOY: My only comment, Sir, would be that the -- the amendments that were made to the *Criminal Code*, like you indicated, were sometime ago. And think that the cases now that we're seeing -- you have some cases before you from the last two, three years, even post 2019, I would say that those are reflective of the sentences having gone up, and so -

752 THE COURT: Yes, yes, I agree. There is a lot out there now -

753 MS. MCAVOY: Yes.

754 THE COURT: -- unfortunately. There is a lot out there. There is a lot to compare. But what about the public interest?

755 MS. MCAVOY: I think that's a difficult thing to balance, of course, with what parliament wants. But in -- in what you have before you, I would suggest that public interest was taken into consideration in these very recent cases, where the sentences have already gone up -

756 THE COURT: Yes -

757 MS. MCAVOY: -- and -

758 THE COURT: -- what about the concept of restraint? Public wants to hang somebody, and we do not have hanging in Canada, so I am not going to let them hang the guy.

759 MS. MCAVOY: Yes, I think that goes to restraint as well as proportionality of -

760 THE COURT: Yes.

761 MS. MCAVOY: -- the offences. I think that the -- the *Criminal Code* is -- is clear about that in 718. Proportionality is the -- the most important sentencing principle, and -- and this Court is well-aware of that. And there -- there is public outcry and -- about situations like this, and there's public interest. That's -- that's not disputed by the defence. But

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what is before you are -- is someone that needs to be sentenced proportionate to what they did as well as cases that are before you that have been decided in recent years where the -- the sentencing ranges are -- have already gone up from what they were in 2008 and even post 2019. So I would say that -- you know, that that's where the principle of restraint also applies, is the cases that you have before you, and also of course keeping in mind someone that -

**762** THE COURT: I do not -

**763** MS. MCAVOY: -- doesn't have a record.

**764** THE COURT: -- just sentence people to keep the public happy, is what it amounts to.

**765** MS. MCAVOY: Right.

**766** THE COURT: I look at the law. I take into account the facts, the person's background. In this case we have got factors related to the psychiatric report. But I always say I bake a cake, right? I put all those ingredients in. I come up with an answer. But I apply the law at the end of the day. As much as I respect the voice and the opinion of the public, the law is what guides my decision.

**767** MS. MCAVOY: Yes, Sir.

**768** THE COURT: And I think that is crucial. Okay? Give me a sec.

**769** Oh, the kitten in Count 17, that is also aggravated by the fact she is on release. Is that something that played in your decision? It is not in your note, but I am assuming it is.

**770** MS. GREENWOOD: Sorry, it -- it would -- would be cause it's -

**771** THE COURT: Yes, yes -

**772** MS. GREENWOOD: -- all the way release.

**773** THE COURT: -- yes. Okay.

**774** MS. MCAVOY: Sorry, Sir, but Ms. Raugust was only on release at the time she committed Counts 11 and 3. 17 was, by my notes, December 2022 before arrest.

**775** THE COURT: No, good point. She is not on release. Thank you for clearing that up. So let us go back and confirm where she was on release?

**776** MS. MCAVOY: Just Counts 11, which was the pregnant cat -

**777** THE COURT: Yes.

**778** MS. MCAVOY: -- and 3, which is the uttering threat.

**779** MS. GREENWOOD: Right. That's correct, Sir.

**780** THE COURT: Sorry about that. So you said -- so I just figured Count 11. What was the other one?

**781** MS. MCAVOY: 3, Sir.

**782** THE COURT: Oh, is that the threats?



783 MS. MCAVOY: Yes.

784 THE COURT: Okay. Sorry to throw you off there.  
Okay. Anything else from anybody else?

785 MS. MCAVOY: No, Sir.

786 THE COURT: No? Okay. What time do you guys want to come back?

787 MS. GREENWOOD: I have a couple things to do over the lunch hour, Sir. Is 2:00 okay?

788 THE COURT: 2:00 is fine. I have got a lot -

789 MS. GREENWOOD: Work-related, I promise.

790 THE COURT: -- I have got lots of editing to do --

791 MS. GREENWOOD: Okay.

792 THE COURT: -- so, you know, part of me was hoping for 2:30, but -

793 MS. GREENWOOD: I'm fine with that, of -

794 MS. MCAVOY: 2:30 is fine for me, Sir.

795 THE COURT: Yes, let us go 2:30.

796 MS. GREENWOOD: Okay.

797 THE COURT: And that will maybe give me a chance to have a little snack or something too. But we are adjourned to 2:30. Thank you.

PROCEEDINGS ADJOURNED UNTIL 2:30 PM

#### Certificate of Record

I, Olivia Slade, certify that this recording is the record made of the evidence in the proceedings at Alberta Court of Justice, held in Courtroom 1107 at Calgary, Alberta, on September 14th, 2023, and that myself and -- or that I was the court official in charge of the sound-recording machine during the proceedings.

#### Certificate of Transcript

I, Jill Williams, certify that

- (a) I transcribed the record, which was recorded by a sound-recording machine, to the best of my skill and ability and the foregoing pages are a complete and accurate transcript of the contents of the record, and
- (b) the Certificate of Record for these proceedings was included orally on the record and is transcribed in this transcript.

Jill Williams, Transcriber  
Order Number: TDS-1042423  
Dated: October 12, 2023

**798** THE COURT CLERK: Calling Aleeta Raugust.

**799** MS. MCAVOY: Thank you. And Ms. Raugust is now before you, Sir.

**800** THE COURT: Thank you.

**801** Before I get into this, are -- any questions, comments, concerns?

**802** MS. MCAVOY: No. The only comment I have is I was able to get into the Saskatchewan Institution over lunch. They do take female inmates.

**803** THE COURT: Okay. When we get to that point, remind me -

**804** MS. MCAVOY: Yes.

**805** THE COURT: -- okay?

**806** And I will warn everybody who is here, this is going to be a while. This is going to take about an hour and 15 minutes, and it is just me reading. So this is pretty boring stuff. A lot of it is just pure law. A lot of it is pretty horrific stuff because it is a description of the events. So if anybody gets bored or if anybody does not like what is being talked about because of the content, I am fine if you want to get up in the middle of it and leave. I do not have a problem with that. So feel free. But otherwise, bear with me.

**807** And I apologize for not being able to publish this decision, because I think it is important. But I will ask Mr. Clerk to prepare a transcript for me -- 30 days is fine, Mr. Clerk -- on the understanding that I will think about it, and I may publish it. But when I can do that, I do not know because I am not back at work until 2024.

**808** MS. GREENWOOD: I've never done this myself, Sir, but I -- I know of others who have provided transcripts that are subsequently published to Westlaw, I believe.

**809** THE COURT: Yes. We will see.

**810** MS. GREENWOOD: Okay.

### **Sentence**

**811** THE COURT: We will see. But if anybody ever wants to use this, they can pull a transcript and do what they want with it. And I will leave it at that.

**812** But the last thing before I get into this, as much work of I -- as I have put into this, which was a lot in the last couple of days, in particular, I know that the lawyers have, and I want to thank you both because this is a difficult case, and you both provided what I think was excellent briefs on this stuff. And it allowed me to do what I am going to do today, which is deliver a decision. So thank you very much for that.

**813** So let us get going.

**814** So this is the introduction. Aleeta Raugust, now 26 years of age, has entered guilty pleas -- or a guilty plea to one count, uttering threats, and nine counts of killing, maiming, and/or causing unnecessary pain and suffering to eight kittens and a pregnant cat on Information ending 826P1. The offences occurred over a period of five years, between 2018 and January 2023.

### The Facts

**815** So the facts were set out in detail in an agreed statement of facts that has been entered as an exhibit in these proceedings. I think it is important that I review them briefly, as briefly as I can, in this decision to give everyone a sense of what I am relying on. First of all, Count 3. And I will go through the facts pursuant to each count. So this is between -the threats between January 19th, 2023 and January 23, 2023. Raugust was admitted to the Peter Lougheed Hospital with suicidal ideation on January 29th, 2023. At the time she spoke to her probation officer by phone and said that if she was not admitted to hospital, she was going to set fire to her former residence at 515-20th Avenue Southwest and hoped there would be people inside so she could watch them burn. The probation officer called the police as he felt the threat was real. Raugust was then interviewed by police and stated that, and I quote here:

I'm getting so angry, and I'm starting to fantasize about hurting people when I get angry. I don't want to fantasize about that but I have a plan if I'm released from here, and that's why the doctors won't let me go. It's all because I want to do -- all I want to do is go buy a bunch of weed and smoke that, get an extra large pizza and eat that. And then I want to go get some kerosene and a box of matches and set my building on fire and be in the room when the boiler explodes.

**816** And that is the end of the quote.

**817** Next, Count 4. This is December 15th of 2021. It is the one known as Sammy, the Siamese kitten. Raugust admitted that she tortured her Siamese kitten Sammy by spraying its eyes with hair spray and breaking two of its legs. She lied to the vet about her ownership of the cat and never took it in for treatment. The kitten survived. She said:

I was hitting it, but I would -- I would take a long stick, and I would sit on it, and I would hit it so that it couldn't move. And it would -- and it would -- it would sit there, screaming, and I would -- I would cover up its mouth so that my roommates couldn't hear. I haven't been the same since.

**818** And that is a quote.

**819** She goes on to say in the interview:

I snapped one night and broke its legs, and that was when I called the police, because it couldn't even walk. And I was sitting there, crying, and just wanting to die because what I did. I am -- even to that day, I can't unhear what I did. It haunts me. I don't know how to get past the guilt.

**820** More, she says:

I don't even know why I did it. I -- I -- I don't know why. I just know -I distinctly remember being so angry and wanting to feel this animal suffer because it made me feel good.

**821** It goes on:

And all of a sudden when I heard its cries and I heard the bones, that traumatized me in a whole other kind of way.

**822** She then says:

When I broke his legs, I realized that when I hurt the animals and they were then afraid of me, that -- that made me even angrier, and it made me want to hurt them more. So -- and -- so instead I just stopped torturing item. Instead, I just went from zero to you're dead.

**823** That is the end of the quote.

**824** Count 5, this is between January 1st, 2018 and December 31st, 2018, another cat, of course. Raugust went on to admit in her police interview that in 2018 she broke up with her boyfriend and took her frustration out on her adopted cat. She said:

Every time I saw this cat, I saw the reason that the man I loved didn't want me anymore, and so I would have -- so I would go to work, and I would stuff its carrier with so many blankets that it couldn't move. And I

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would get angry. And when I came home to discover that it had been moving in the cage, and every time I would hurt it, and it would still sit there and come back and cuddle me. And I can't even describe what that feels like. It's something along the lines of power and total destroying yourself, guilt. And that was first time I really choked a cat, but I didn't kill it. But that was the first time I did that.

**825** And that is the end of the quote.

**826** The cat survived and was abandoned in a park at night in December of 2018.

**827** Count 7, this is the tortoiseshell kitten, November of -- November 12th of 2022. Raugust also admitted to killing a kitten, that was found deceased in a back alley in November of 2022. She had adopted the kitten from kijiji. The cause of death was massive head trauma. She said:

The day I stomped on its head pretty bad, and the blood went all over the side of the house.

**828** She goes on to say:

I was strangling it beforehand, then I took it outside cause I wanted to dispose of it. Then I realized it was still alive, so I threw it in the snow and stomped on its head.

**829** End of that quote.

**830** Here is another one:

Sometimes I maim them, but most of the time I didn't cause I was adopting cats in order to kill them, so I didn't see the point.

**831** Count 9, this is the black and white kitten. Raugust also admitted in a police interview to killing this kitten. The kitten was found in a strip of snow next to the sidewalk near a neighbour's home. The kitten's face appeared to be pushed into the snow. Raugust said:

It was probably just the same as everything else. I strangled it, and then I was feeling particularly ballsy, and I just threw it -- threw him out into the snow.

**832** This kitten was also adopted off of kijiji. The kitten suffers blunt force trauma to the head, chest, and limbs. The cause of death was pulmonary contusions. These injuries were caused when the offender stomped on the kitten at least two times before killing it.

**833** Count 11, this is January 10th of 2023. This is the pregnant cat. In January 28th, 2023 police interview, Raugust admitted to killing a pregnant cat that she was caring for when it escaped, and she lost control and had a breakdown. Prior to the cat escaping, she had hit it on the head with her hand and sprayed cleaning supplies in its eye. She told police that she:

...took it into my apartment, and I was so angry, I kicked it to death. And I kicked it cause I wanted to make sure that her babies were dead, and I put her in a black bag. And I sent it to the garbage bin, and that's the last I saw of her.

**834** That is the end of that quote.

**835** She got this cat for free off of kijiji from a family that had developed an allergy to the pet. She only had that cat for a week.

**836** Count 13, this is October 1st of '22 to November 30th of '22. It is referred to as Zeus the kitten. In a police interview Raugust admitted that in June of 2023 -- I am guessing that is the wrong date. What date is that?

**837** MS. MCAVOY: So, sorry, Sir, which count are you on, 13?

**838** THE COURT: I am on Count 13. So that would be '22, right?

839 MS. MCAVOY: Yes.

840 THE COURT: Okay, thank you.

841 She bought a -- I see you are paying attention.

842 MS. MCAVOY: Yeah. Sorry, I was typing from the last one.

843 THE COURT: On I go.

844 In a police interview Raugust admitted that in June of 2022 she bought a 4-week-old kitten for \$400 off kijiji. She named it Zeus and kept it for four or five months before she strangled the cat to death and threw him in one of the trash cans outside her basement. She said:

I didn't want him to be afraid of me after I hurt him. I couldn't live with that. So instead I just killed him because it was easier. But I've never had another cat like Zeus. I miss him.

845 That is the end of that quote.

846 Count 15, this is the orange kitten, between December 1st and December 31st of 2022. In her January 6, 2023 interview, Raugust admitted she strangled an orange 8-week-old kitten to death and threw it in the back alley behind her basement suite two or three weeks later. Kitten was found on January 25th, 2023, when police searched the back alley. The necropsy showed the kitten had suffered blunt force trauma to multiple areas of its body, compression of the body caused a puncture of the lungs by broken ribs. There were massive contusions to the lungs and bruising to the liver. The injuries caused significant pain and suffering prior to death, which took at least ten minutes.

847 Count 16, this is October 9th, known as the -- October 9th, 2022, known as the Ragdoll cat. Again, in her January 23rd, 2023 interview, Raugust admitted to purchasing this cat for 2 00 to \$300 off kijiji, keeping it for a month, and then killing it. She placed the dead body of the cat on her neighbour's picnic bench. She said:

I kicked her a lot. There's actually holes in the walls in my apartment from where I kicked her. And once I was able to get a hold of her, I strangled her.

848 She cuddled the cat's body until the cat's body started to go hard and cry -- and she cried. She stated:

I kept apologizing, and then I couldn't control myself, and then I just threw her on the picnic table nextdoor like she was trash.

849 Raugust says she left the dead cat on the neighbour's picnic table or bench deliberately, and I quote here:

Because I wanted to see what happened when someone found the dead cat. And I distinctly remember sitting in my yard the next day, just staring at that dead cat, watching the birds pick its eyes out.

850 End of that quote.

851 Count 17, this is between December 1st and 31st of 2022. This is known as the kitten that is found in the cat food bag. On the morning of January 6, 2023, Raugust's mother called police, expressing concern that Raugust was having a mental breakdown and recently killed a cat. The police attended Raugust's residence and met Raugust, who said she was suicidal and had taken all of her Prozac medication. Raugust was apprehended under a Form 10 mental health warrant and taken to the hospital. As she was being taken to the police vehicle, Raugust stated that she had a -- and this is a quote.

...killed a cat earlier and placed it in a bag on my neighbour's porch.

852 The officer involved found a deceased small black and white kitten inside a purple bag of cat food on the neighbour's porch. The kitten had suffered significant blunt force trauma to the head and limbs. The necropsy report stated, and I quote here:

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A minimum of three incidents would be required to produce the pattern seen. Point of impact was definitively in the caudal aspect of the right side of the skull, causing fracture of the parietal bone, a second over the left dorsal skull between the eye and the ear, a third to the base of the neck and occipital region. There was profound suffering and distress caused by strangulation. This caused breathlessness, which is considered one of the most distressing negative effective states for animals.

**853** Raugust admitted to the officer, the quote is:

I have a problem with hurting animals, and you need to do something about it.

**854** In the police interview January 23rd, 2023, she said she killed all of the cats in generally the same way:

I did it all in the exact same manner, if not, a little bit differently. Sometimes I would snap their necks, and I would do it one at each wrist. And sometimes that didn't kill them, so I ended up hitting their head against something really hard.

**855** She said in the summer she would throw the bodies of cats she killed in the river. She'd put the bodies in her backpack, ride her electric scooter, and toss them into the river as she was riding over the bridge on her way to work.

**856** So those are the agreed statement of facts. That is my rendition of them.

**857** The issue today for this Court was to determine what is a fit and appropriate sentence for this particular offender in all the circumstances.

#### The Positions of the Parties

**858** The Crown seeks a sentence in the range of eight to ten years plus a lifetime prohibition for preventing Raugust from ever owning or having custody or control of or residing in the same premises as an animal or bird.

**859** The defence seeks a sentence of five years and concedes the lifetime prohibition.

**860** So we are going to talk about the law.

#### The Fundamental Purpose and Principles of Sentencing

**861** The primary sentencing objectives are set out in Section 718(a) to (e) of the *Criminal Code of Canada*. Pursuant to Section 718, the fundamental purpose of sentencing is to protect society and to contribute to respect for the law and the maintenance of a just, peaceful, and safe society by imposing sanctions that consider the objectives set out in 718(a) to (e) of the *Criminal Code*. These include denunciation and deterrence. In addition, offenders must be separated from society where necessary. Rehabilitation is also a consideration.

**862** Pursuant to Section 718.1, the fundamental principle of sentencing is that the sentence must be proportional to the gravity of the offence and the degree of responsibility of the offender.

**863** Pursuant to 718.2(a)(iii), abusing a position of trust or authority is a statutorily aggravating factor.

**864** Pursuant to 718.2(b) and (c), the sentence imposed should be similar to the sentence imposed on similar offenders for similar offences committed in similar circumstances, and where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh.

**865** So let us talk about case law.

**866** Case law on the subject of animal abuse has been unfortunately growing at a rapid pace over the past several years. Society and the courts have come to realize that animals are sentient beings who are capable of feeling pain and suffering and can be the victims of violence. Parliament increased the maximum penalties for these types of

offences in 2008 to 5 years gaol for indictable offences and 18 months for summary conviction offences. The summary conviction maximum was increased again in 2019 to two years gaol. Sentencing decisions in this area have gradually increased over time to reflect the abhorrence and lack of tolerance society has for these types of crimes involving vulnerable animals.

**867** I was provided a great deal of case law from both Crown and defence. The decisions I reviewed from the Crown included -- I am asking to say *Geick*, G-E-I-C-K. I am not going to cite them all. *Geick*, *Miller*, *Edwards*, *Camardi*, *Helper*, *Alcorn*, and *Morgan*. Those decisions ranged from 2014 to 2022 and involved sentences in the range of 12 months gaol with a lengthy probation of up to 36 months gaol coupled with animal prohibitions from 25 years to life. So they range from 12 months gaol and up to 2 years, I believe -- or 3 years on that. Yes, 3 years. Thanks. With lengthy prohibitions of up to 36 months, coupled with animal prohibition from 25 years to life.

**868** All the cases were guilty pleas except *Geick*. The Crown also relied on *Friesen* and *Chen*. In *Friesen*, the Supreme Court of Canada gives directions as to, and I quote here.  
...how to impose sentences that fully reflect and give effect to the profound wrongfulness and harmfulness of sexual offences against children.

**869** The Crown asserts that the same principles set out in *Friesen* apply equally to animal cruelty offences. That is, sentences must go up for both child abusers and animal abusers because the serious nature of the offences and the need to protect defenceless children and animals. Wilfully inflicting unnecessary pain and suffering on animals is deserving of significant punishment.

**870** The sentencing principles in *Friesen* were referenced by the Alberta Court of Appeal in *Chen*, where the Court emphasized the need for all Courts to adequately reflect the gravity of offences in sentencing, including violence against animals.

**871** The Crown's position is that when parliament's 2008 increase in sentencing for animal cruelty, it is combined with comments of *Friesen* and *Chen*, the answer is clear: Society's treatment of animals has evolved, and the Canadian public wants to see tougher sentencing for this kind of case.

**872** The decision in *Chen* also confirms certain principles that apply to this case. First, youthful first-time offenders who commit violent offences against animals will not necessarily receive the most lenient sentences. Second, deterrence and denunciation in animal abuse cases are paramount. Third, animals acting out by urinating, defecating, behaving badly does not diminish the moral blameworthiness of the offender. Fourth, when an offender is in a position of trust in relation to the animal, it is an aggravating factor.

**873** Other cases submitted by the Crown were instructive in terms of penalty. *Geick*, again, 2022 Alberta King's Bench. There, a sentence of three years was imposed where the offender violently beat his common-law wife's two dogs to death three days apart. That sentence was imposed after trial. As I understand it, this was the previous high watermark for sentencing in animal abuse cases. And that is three years.

**874** *Miller*, [2020 ABPC 92](#), a 20-year-old male with borderline IQ videotaped himself beating his girlfriend's kitten. At the request of his girlfriend, he took the battered, injured kitten to the vet, where it had to be euthanized. An 18-month sentence was found to be appropriate but was reduced to 12 months because of a guilty plea, unfortunate personal circumstances, and no related record.

**875** *Edwards*, 2022 Alberta Provincial Court -- or Court of Justice, I guess, at that point. On a guilty plea, a sentence of 18 months was imposed on a 25-year-old male who severely burned his girlfriend's 10-week-old kitten. The kitten survived but required extensive intervention and veterinary care.

**876** *Camardi*, the -- that is [2015 ABPC 65](#). The Court imposed a 22-month gaol sentence and 3 years of probation on the 18 -- and 19-year-old offender subjected a cat and dog to horrendous gratuitous violence. The dogs died of

starvation, and the cat was eventually strangled. Of note were the offender's high risk to reoffend violently, his troubled background, and his severe drug addiction.

**877** *Helfer*, 2014 Ontario Judgments Number 2984. The accused, who was in his early 20s, beat the family dog with a shovel and a rake, despite the attempts of others to stop him. When the dog was thrown in the dumpster, it had life-threatening injuries but still survived. The offender received a sentence of two years gaol when taking into account his youth, a guilty plea, remorse, difficult background, and low IQ.

**878** *Alcorn*, [2015 ABCA 182](#). 27-year-old offender purchased a cat from kijiji, two days later strung it up in the rafters of his garage, and slit the cat's throat. He then placed a tarp over the floor and let the cat bleed on him and his girlfriend while they were engaged in a sexual ritual. The Court found a high degree of moral blameworthiness, while the psychiatric report diagnosed him with antisocial personality traits including psychopathic traits and polysubstance abuse. The sentence was 20 months and 3 years of probation.

**879** *Morgan*, 2019 ABPC. 22-year-old offender received two years gaol and two years of probation for killing a kitten while repeating -- repeatedly slamming it into a wall or holding her tail and then strangling the kitten, after which he then took a blow torch to the kitten's fur and whiskers. In mitigation, the Court considered guilty pleas to two counts, remorse, and a minor reliance on a brain injury.

**880** Those are the Crown's cases.

**881** The defence also provided a number of cases which suggests a range of sentence of 12 months or less was possible, where there is -- where there has been animal cruelty or death. The first one is *Chen*, [2020 ABPC 35](#). In my own decision of *Chen* from 2020, the offender beat a 10-month-old puppy for 20 minutes. The prolonged beating, which others tried to stop, caused a broken foot, abdominal injury, internal bleeding, and a head injury. Defence Crown quite rightly notes that I imposed a sentence of only 90 days gaol. However, the Crown correctly counters that by saying that I stated in that decision that the appropriate sentence was 12 months, which was significantly reduced for a number of reasons, including the application of the principles employed by not from the Supreme Court of Canada in *Wesslen*, from our own Court of Appeal, which allows a sentence to be slightly shorter when additional probation is added and the principles of sentencing are otherwise satisfied.

**882** Next one is E-H-B-R-E-C-H-T, *Ehbrecht* I am going to say, [2022 ABPC 141](#). The offender beat five kittens so severely that they had to be euthanized. My brother Justice Stirling describes the harm to the kittens as profound and the offender's moral blameworthiness as high, and noted that the kittens would have been in distress for several weeks. There was also a criminal record for violence. The Court took into account the offender's remorse and actions prior to sentencing. A sentence of 12 months gaol and 3 years of probation were imposed. Crown notes that Justice Stirling applied the same principles from *Knott* and *Wesslen* that I had in *Chen*, bringing the sentence down to 12 months.

**883** *Kirkby*, [2023 ABCJ 171](#). A suspended sentence with a period of probation for two years was imposed on this offender for hitting a cat's head against a wall six times, thereby causing death. The offender had just recently been released from hospital in the last month and was overdue for his antipsychotic medication injection. He was also cooperative in that he provided a confession in a video statement for police. The only evidence against the offender was his own admission. The vulnerable offender also had several *Gladue* factors present and a serious mental-health diagnosis. Defence counsel notes Raugust's cooperation and mental-health issues as being similar to *Kirkby*.

**884** *Purvis*, [2023 ABPC 29](#). And another case, multiple victims. The offender killed one cat and caused pain and suffering to four others. There was also a charge of arson. The offender attempted to overdose when he lit a fire in a house. One cat died from carbon monoxide poisoning, and four others required oxygen for 24 to 48 hours. The offender had a substance abuse -- had substance-abuse and mental-health issues, which reduced his moral blameworthiness. 18 months on each charge was imposed. Defence counsel suggests this is similar to Raugust, as she has a complex mental-health history.



**885** Next is *Knuff*, K-N-U-F-F, [2023 ONCJ 73](#). The offender killed the family dog after arguing with his partner about their financial difficulties and the cost of care for a dog. The offender was cooperative in admitting that he hung the dog, but he -- but the added aggravating factors of the offence happening in the context of a domestic relationship, in the presence of a *Criminal Code*, were obvious. The offender received six months gaol and one year probation. Defence counsel notes the penalty was less than 12 months gaol for killing an animal, and Raugust has neither of those aggravating factors.

**886** *Zhu*, Z-H-U, [2022 BCPC 153](#). Zhu caused a cat to be euthanized after he kicked it, swung it by its tail against some concrete. The psychiatric report found Zhu was suffering from an adjustment disorder rather than a major mental illness and was at low risk to reoffend. He received a sentence of four months gaol.

**887** Let us talk about the FAOS psychiatric report. Having reviewed the report in detail, I find it to be one of the most comprehensive and detailed psychiatric reports I have read in my 34 years of practice in the area of criminal law. I will review some of the findings from the report.

**888** As I understand it, the writer of the report found Raugust to have normal cognition and to be of average intellectual functioning. This is consistent with her mother's comments in the victim impact statement where she stated, and I quote here:

Aleeta's life was full of love, opportunity, and hope. She was always a top scholar with literally the ability to do anything she chose.

**889** She had no history of psychosis, thought insertion, delusions, or hallucinations. She did have some trauma in her background. She self-reported varying degrees of sexual assault when younger, ranging from replicated sex to digital penetration. However, she said she had moved past it. Both her parents were drinkers but did not engage in any physical violence. Her self-reported trauma was not consequential.

**890** She expressed little to no remorse during the preparation of the report, stating, and I quote:  
Sometimes I regret it, and sometimes I don't.

**891** In addition, the author stated that, and I am quoting here again:  
Although she may report feelings of guilt, she likely feels little remorse of any lasting nature.

**892** This is again consistent with her mother's comments in the victim impact statement where she hoped to see some remorse from her daughter when she visited her in custody, but she saw no remorse, only darkness in her eyes.

**893** The report goes on to say:  
She is likely to engage in reckless behaviours that are potentially dangerous to herself and others. She can also be provoked to aggression with low levels of provocation. Her risk for aggressive behaviour is further exacerbated by the presence of other features such as a limited capacity for empathy and an affect lability and impulsivity, features that are found to be associated with an increased potential for violence.

**894** Although she acknowledges having important problems and expresses an interest in making changes in her life, her treatment may be challenging due to defensiveness and reluctance to discuss personal problems and due to difficulties placing trust in a treating professional and in viewing the treating professional as an authority figure.

**895** She reported experiencing suicidal thoughts. She described considerable problems with her temper and associated aggressive behaviour. She was diagnosed as having antisocial personality disorder with psychopathic features and substance use disorders.

**896** Two instruments were used to measure her psychopathy: The Psychopathic Personality Inventory-Revised, or PPI-R, which is a self-reporting instrument, and the Psychopathy Checklist-Revised, or the PCL-R, which is a

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measure by a third party. She scored in the 85th percentile on the PPI, meaning she has a high level global psychopathic traits.

**897** She scored in the significantly elevated range on the Machiavellian Egocentricity Scale. She was in the 97th percentile, suggesting a willingness to manipulate others for selfish goals, and a cynical and harshly instrumental view of human natures. For example, a tendency to bend the rules, take advantage of others, lie for her own advantage, and see herself as superior to other people.

**898** She also scored in the 99th percentile for the Carefree Nonplanfulness Scale, suggesting a nonchalant lack of forethought and a willingness to forego careful consideration of alternate solutions to problems, meaning a tendency to act before thinking, failing to learn from one's mistakes, and little thought to long-term goals.

**899** Finally, she scored in the 99th percentile on the Coldheartedness Scale, which suggests an absence of deep feelings of guilt, empathy, and loyalty, and a lack of enduring attachment to others. For example, the absence of tender social emotions and a callous failure to sympathize with the suffering of others.

**900** Overall, Raugust's results in the Psychopathic Personality Inventory-Revised indicate she has moderately high levels of psychopathy. Her PPI-R scores paint a portrait of an individual who describes herself as emotionally callous, willing to manipulate others for personal gain, prone to blame others for her problems, and to see herself as a victim of other's hostiles -- other's hostile intentions, and as unafraid of physical risks and with a tendency to act before thinking and failing to learn from mistakes.

**901** On the Psychopathy Checklist-Revised, which is widely accepted as the most reliable and valid method for assessing psychopathy, Raugust was assessed at a moderate level of psychopathy compared to other female offenders, in that her PCL-R score does not exceed the cut-off of 30. However, the doctor cautions the literature recommends lowering the cut-off score to 23 for differentiating women with psychopathy than those without. When that is done, Raugust has a moderately high and may even have a high level of psychopathy, taking into account the standard of error for measurement.

**902** As for psychopathy, it must be noted that people who score high for psychopathy are notoriously difficult to treat and have been known to manipulate the very people trying to treat them.

**903** Her psychiatric history involves some counselling and the prescribing of medications. In one session in February of 2020 she described herself as, and I quote here, "serial killeresque" with animals -- specifically with animals, describing having a longstanding history of animal cruelty, including torturing a rabbit at age 20, and strangling a kitten almost to death at age 22. She described a "sick joy" after these acts, described a history of fantasizing about harming other animals, and described a desire to get her own place so that she could do this. She expressed relief she has had abortions, as she recognizes all the things she may have done to children -- to those children. She is estimated to be in the high-risk category for general criminal recidivism and a risk for future violent behaviour, was assessed as being in the high-risk category.

**904** On Lockwood's Checklist for Factors in the Assessment of Dangerousness and Perpetrators of Animal Cruelty, the report notes that she may be at high risk of violently offending against vulnerable individuals such as children, the elderly, and the disabled. The report makes particular emphasis of Raugust's comment regarding relief she had -she has had abortions as secondary to recognizing all the things she may have done to the children. She perpetrated animal violence against victims that are small, harmless, and non-threatening by virtue of species and size, suggesting that Raugust may gain a sense of power and control through violence against those least likely to retaliate.

**905** Also of particular emphasis in the report was Raugust's selection of a pregnant cat to kill just days after being arrested and charged for animal cruelty. This suggests a greater potential for uncontrolled violence.

**906** Also placing her at high risk were the following factors:

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- (1) The fact she inflicted multiple blows and kicks.
- (2) That she inflicted two or more forms of injury, including beats and strangling.
- (3) Direct physical contact or restraint and obvious opportunity to witness the victim's response.
- (4) Binding or otherwise rendering the animal incapable of escape such as crippling the animal, as was the case with Sammy, whose legs were broken. And this is suggestive of a higher degree of intentional premeditated violence.
- (5) Acts of prolonged maltreatment, in other words, torture. It is more predictive of the potential for repeated violence against others.
- (6) That she adopted the cats on kijiji with the intention of killing them, suggesting premeditation.
- (7) The very long-term planning in this case in terms of the length of time over which she planned and killed her victims, suggests the possibility of a psychopathic thought process as a contributing factor.
- (8) That the abuse involved risk/effort of overcoming obstacles to initiate or complete the abuse. For example, pursuing her victims after the initial attack, is indicative of highly motivated behaviour as an indicator of greater risk for future violence.
- (9) That the act was rewarding to Raugust by itself, supported not just by what Raugust has admitted to the police, and I quote, "wanting to feel this animal suffer because it made me feel good," but that she took videos of the acts of cruelty in the case of two or three cats, which she reported having repeatedly watched over several months before deleting the videos.
- (10) The memorialization or documentation of cruelty, indicating the acts of violence are a continuing source of pleasure for the perpetrator, which is a serious indicator that such violence is strongly rewarding and very likely to be repeated and/or escalated.
- (11) Returning to observe one of the deceased kitten's eyes picked out by birds, suggesting that the continuation of the emotional arousal experienced during the perpetration of cruelty is an indicator of significant likelihood of repetition or escalation of the violence to reach the same rewarding emotional state.
- (12) Deliberately placing the deceased kitten on the neighbour's picnic bench in order to see what would happen when someone found it, can be indicative of the use of violence to gain feelings of power, control, and domination, or to alarm or intimidate others, something that the Lockwood Test considers a serious warning of potential for escalated or repeated violence.
- (13) And, finally, violent acts accompanied by strong positive effect such as descriptions of a rush or exclamations of generalized excitement, indicate that such violence as being strongly reinforced and is likely to be repeated and/or escalated.

**907** In the end, Raugust was found to be a psychopath and a sociopath with bleak prospects for rehabilitation and an overall moderate to high risk to reoffend. Her risk of general criminal recidivism was high. This is consistent with her mother's comments in the victim impact wherein she states, and I quote here:

I fear that if she is released, she will commit more horrific crimes.

#### Mitigating and Aggravating Factors

**908** The mitigating factors are as follows:

- (1) The offender has entered a number of very early guilty pleas. However, they are in the face of what the Crown has described as overwhelming evidence. She receives full credit for her guilty pleas.
- (2) This leads into the second mitigating factor, and that is the offender's cooperation from the outset by way of admissions to the police during her multiple conversations with various officers. Without the admissions of Raugust, the vast majority of the charges would have been difficult to prove. I find that the

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offender's cooperation and acceptance of responsibility is significant. However, I do not find that her decision to remain in custody to be of any significance. Raugust reoffending while on bail was the most likely reason she remained in custody. The likelihood of her receiving bail was remote.

- (3) The offender was suffering from mental-health issues, including anxiety, depression, and suicidal intent at the time of the offences during the period from October 2022 to January of 2023. This reduces her moral blameworthiness and can, in certain circumstances, significantly mitigate sentence. However, that must be balanced against the very concerning diagnosis of psychopathy and sociopathy and finding -- and the finding of moderate to high likelihood to reoffend.
- (4) Raugust is a youthful first offender.
- (5) At times during her dealings with the police and during the preparation of a FAOS psychiatric report, Raugust expressed a degree of remorse.

**909** The aggravating factor are as follows:

- (1) The violence occasioned by Raugust on her animals was prolonged. It occurred over a period of five years on multiple occasions.
- (2) The torturing and killing of each individual animal was also prolonged. In some cases cats were left to suffer for ten or more minutes.
- (3) There were multiple cats that were the victims of Raugust's violent actions.
- (4) Raugust was in a position of trust with respect to all of the vulnerable cats she harmed or killed.
- (5) The sheer brutality of each offence is encompassed by the charge itself. And I remind myself that I should not double-count that factor.
- (6) There is a great degree of premeditation in that the offender purchased animals off the internet for the sole purpose of killing them.
- (7) The pain inflicted on those individuals who are selling the cats to Raugust and thinking the cats were going to a good home and would be protected.
- (8) Weapons were used but in very limited fashion.
- (9) She failed to seek veterinary care at any time, therein allowing the cats to suffer.
- (10) The staging of dead cats for her neighbours to find.
- (11) Reoffending while on release from custody by killing the pregnant cat.
- (12) The degree of callousness in which Raugust often disposed of her victims.
- (13) She took videos of the harm she was inflicting on the cats and revisited those videos for the purpose of self-gratification.

**910** Other factors that can be considered include the following:

- (1) The offender has no criminal record, which is merely the absence of an aggravating factor.
- (2) Provocation by any of the cats cannot be considered as a mitigating factor.
- (3) Disciplining the cats -- that was 3. Apologies.

**911** So where does that get us? It is time for my decision. So here we go.

**912** In coming to my decision as to a fit sentence for this offender, I must consider the factors I have discussed in the course of my earlier comments. Deterrence and denunciation are primary. The seriousness and gravity of Raugust's offences require that she be separated from society by way of incarceration. Rehabilitation, although secondary, is still a consideration, although the prospects appear bleak pursuant to the FAOS psychiatric report.

**913** Knowing that a sentence must be proportional to the gravity of the offence and the degree of responsibility of the offender, I find these offences against defenceless and vulnerable cats to be grave. I also find that Raugust's moral blameworthiness is very high based on the results of the psychiatric report which conclude that she was a psychopath with moderate to high likelihood to reoffend.

**914** Pursuant to Section 718.2(a) (iii), abusing a position of trust or authority is statutorily aggravating. Raugust was in a position of trust with respect to all of the cats as they were her own pets.

**915** Pursuant to Section 718.2(b) and (c), the sentence should -- imposed should be similar to the sentence imposed on similar offenders for similar offences committed in similar circumstances.

**916** I have reviewed a great number of recent cases provided by counsel, and I find that the majority of the eight counts related to Section 445(1)(a), which is an animal abuse resulting in death, are really of significant sentences similar to the range suggested by the Crown's cases.

**917** I also find that the sentences all arise out of different events and therefore must be consecutive to one another. However, I am well-aware that where consecutive sentences are imposed, I must consider the principle of totality. In addition, the combined sentence should not be unduly long or harsh. On that basis, I must calculate the total sentence and reduce it on the basis of totality, then I must take one last look at the sentence to be sure that it is not crushing in nature to a youthful offender. I must also bear in mind that parliament has increased the maximum sentences available for animal cruelty cases and sentence the offender accordingly.

**918** I note the disposition is supported by the decisions of *Friesen* and *Chen*. I have no doubt that the Canadian public wants to see tougher sentencing with respect to these types of cases. I understand and accept that certain members of the public will find any sentence I impose inadequate. However, I must not be swayed by such thinking. As much as I may personally find the actions of Raugust to be abhorrent and unconscionable, my duty is to focus on the need for denunciation and deterrence and balance that with the principle of restraint and the need to impose a fit and appropriate sentence in all the circumstances. Simply put, I must apply the law.

**919** I have set out the mitigating and aggravating factors, and I find that Raugust's guilty pleas and cooperation with the investigation to be significant. Without her cooperation, I am satisfied it would have been very difficult for the Crown to prove a number of these offences. I appreciate that she was going through a difficult time with her mental health and the suicidal and crying out for help in late 2022 and early 2023, when most of the offences occurred, and that must mitigate her sentence as per the decision in *Kirkby*. She also expressed a small degree of remorse at times throughout the process but was not a significant factor.

**920** The aggravating factors are many. She abused and killed multiple cats with incredible callousness and brutality while in a position of trust. Her actions were premeditated. She purchased cats, most typically kittens, for the sole purpose of killing them. On some occasions she subjected her neighbours to the staging of dead animals, all of which was for her own personal satisfaction and was evidenced by her comment where she said, and I quote:

I distinctly remember being so angry and wanting to feel this animal suffer because it made me feel good.

**921** I accept that Raugust's mental-health issues were a factor in her offending, while I remain more concerned about her diagnosis of psychopathy and her future risk of reoffending.

**922** To use the offender's own words, she is, and I quote, "a serial cat killer." More specifically, she is a diagnosed psychopathic serial cat killer. That is incredibly disturbing and merits a significant gaol sentence in all the circumstances so as to separate the offender from society and protect the public for a significant period of time.

**923** Therefore, I impose the following sentences, bearing in mind that counts do not appear in chronological order: Count 3, this is the threats, between January 19th and January 23rd, 2023. This is the threat to burn, destroy, or damage real or personal property when she threatened to burn the house down while on release and in declining

mental health in the hospital. Based on those facts, with no record, she would have likely received a suspended sentence with probation that included counselling or perhaps a fine. I accept the defence position and impose a sentence of \$500, or it is in 4 days to satisfy the deemed days in default, leaving the offender with 1 day, no warrant of committal. By approaching this count in this way, the report will not reflect a period of incarceration.

**924** Count 4, this is December 15th, 2021, the Siamese kitten. This count, which is second in time, involves a brutal torturing of a cat in various ways, and in breaking one front and one rear leg, the cat survived. Even though there was no death in this situation, the cat endured significant suffering that merits a penalty that reflects that. I impose 18 months gaol.

**925** Count 5, this is between January 1st of 2018 and December 31st of 2018. This count is first in time. It is the only count pursuant to Section 445.1(1)(a), which relates to causing suffering to an animal rather than death. The events occurred in 2018 when Raugust breaks up with her boyfriend. She strangled a cat and then abandoned it in the park. I impose three months gaol, as for the defence submission.

**926** Count 7, this is the tortoiseshell kitten from November 12th, 2022. This count involves stomping the tortoiseshell kitten to death and dumping it in the back alley. I impose 15 months.

**927** Count 9, December 28th, 2022, the black and white kitten. This is a kitten that was purchased on kijiji, and beaten, stomped, and strangled to death, and then tossed out in the snow. I impose 15 months.

**928** Count 11, this is the pregnant cat that was purchased off kijiji and was kicked to death and then disposed of in the garbage. She was on release. I impose 24 months as per the Crown's submission.

**929** Count 13, this is Zeus the kitten, October 1st of 2022 to November 30th of 2022. Zeus was a 4-week-old kitten who was strangled to death and tossed in the trash. She expressed remorse about killing Zeus. I impose 15 months.

**930** Count 15, this is the orange kitten between December 1st and December 31st of 2022, an 8-week-old kitten was beaten and strangled and thrown in the snow in the back alley. I impose 15 months.

**931** Count 16, this is October 9th of 2022, the Ragdoll cat. The cat purchased on kijiji was kicked and strangled and displayed on the neighbour's picnic bench. The staging of the cat is especially aggravating. I impose 20 months.

**932** Count 17, the last count, this is December 1st to December 31st of 2022, the kitten who was found in the cat food bag. The cat was beaten and strangled, placed in a cat food bag, and then placed on the neighbour's porch. The staging of the cat is again especially aggravating. I impose 20 months.

**933** The total sentence, according to my calculation, is 145 months, or 12 years and 1 month. Taking totality into account, I reduce the sentence to a global sentence of 96 months, or 8 years. I must then take one final look to make sure I do not impose a sentence to a youthful offender such as Raugust that would remove all hope and be crushing in its effect. With that in mind, I reduce the total global sentence to one of 77 months, or 6 and-a-half years, less time in custody, which I understand to be 230 actual days. Giving her credit at the rate of 1 and-a-half to 1, she has 345 days, or 11 and-a-half months available to her. That leaves a net sentence of time left to serve of 65.5 months, which is nearly 5 and-a-half years.

**934** That is my sentence. I know the Crown sought a prohibition for life. The defence did not -- did concede that, did not argue that point, quite rightly. There is a lifetime prohibition.

**935** What else am I missing? Recommendation. There is a recommendation that she serve her time either at the Edmonton Women's Institution or at the Regional Psychiatry Centre in Saskatoon, Saskatchewan, which I understand is able to take women -

**936** MS. MCAVOY: That's correct.

- 937 THE COURT: -- and deals specifically with mental-health problems.
- 938 There should be a number of counts to withdraw?
- 939 MS. GREENWOOD: I believe those were done already when we entered -
- 940 THE COURT: Let us check that.
- 941 MS. GREENWOOD: -- the guilty pleas, but if not, the Crown applies to -
- 942 THE COURT: I turn to the -
- 943 MS. GREENWOOD: -- remain the -
- 944 THE COURT: -- Crown at the end usually, but let us check.
- 945 THE COURT CLERK: I don't see that they've been withdrawn, Sir.
- 946 They have not been withdrawn yet.
- 947 MS. GREENWOOD: Have not? If -- if we could withdraw the balance -
- 948 THE COURT: Whatever -
- 949 MS. GREENWOOD: -- please.
- 950 THE COURT: -- charges are left are withdrawn.
- 951 The victim fine surcharge would be inappropriate as it would be a hardship because she is in custody. Therefore, it is waived.
- 952 What else?
- 953 MS. GREENWOOD: With respect to the prohibition, Sir, you are still here tomorrow? You are not here tomorrow?
- 954 THE COURT: No.
- 955 MS. GREENWOOD: Okay. I will -- while there's no -- no necessarily return on that, I'll prepare the order, and we'll have it signed -
- 956 THE COURT: I will be -
- 957 MS. GREENWOOD: -- when you're available to.
- 958 THE COURT: -- back to drop in, and I can sign it when it shows up, or they could email it to me.
- 959 MS. GREENWOOD: There's no rush, Sir.
- 960 THE COURT: There is a way to do it, I am sure.
- 961 Any other questions about the sentence, anything at all?

962 MS. MCAVOY: No, Sir.

963 THE COURT: No? Mr. Clerk, did any of that make sense to you?

964 THE COURT CLERK: Yes, Sir.

965 THE COURT: I am happy to stay and go through it again with you if you like. I think what you need to know is that the global penalty after time in custody is 65.5 (sic) months. You can calculate the whole thing in months, and that keeps it consistent, I think. Again, I will go over that with you if you like, okay?

966 I believe that concludes this matter. Ms. Raugust, the prognosis for you is not great. Feel free to prove them wrong. Good luck.

967 THE ACCUSED: Thank you, Your Honour.

968 THE COURT: Okay. We are done. We are adjourned. Thank you both -

969 MS. MCAVOY: Thank you, Sir.

970 THE COURT: -- for all your hard work. And feel free to go about your business. Thank you.

971 MS. GREENWOOD: Thank you, Sir.

972 (ADJOURNMENT)

973 THE COURT CLERK: Recalling Aleeta Raugust.

974 THE COURT: Just to clarify, the final total global sentence, I will say the following: I reduce the total global sentence to one of 78 months, or 6 and-a-half years, less time in custody, which I understand to be 230 actual days. Giving her credit at the rate of 1 and-a-half to 1, she has 345 days, or 11 and-a-half months. That then leaves a net sentence of time left to serve of 66.5 months, which is nearly 5 and-a-half years. I mistakenly said, I believe, 65 and-a-half months. That was incorrect. The correct remaining total is 66.5 months.

975 Everybody good with that?

976 MS. GREENWOOD: Yes. Thank you, Sir.

977 THE COURT: Okay. We are done.

PROCEEDINGS CONCLUDED

### **Certificate of Record**

I, Travis McCrae, certify that this recording is a record made of evidence in the proceedings in Alberta Court of Justice, held in Courtroom 1107 at Calgary, Alberta, on the 14th day of September 2023, and that myself, Adriana Acevedo-Torres, and Olivia Slade were court officials in charge of sound-recording machine during the proceedings.

### **Certificate of Transcript**

I, Jill Williams, certify that



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- (a) I transcribed the record, which was recorded by a sound-recording machine, to the best of my skill and ability and the foregoing pages are a complete and accurate transcript of the contents of the record, and
- (b) the Certificate of Record for these proceedings was included orally on the record and is transcribed in this transcript.

Jill Williams, Transcriber

Order Number: TDS-1042423

Dated: October 12, 2023

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