

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: R. v. Alphonse,
2018 BCSC 2045

Date: 20181003
Docket: 84116-3
Registry: Kelowna

Regina

v.

Chad Colton Alphonse

Before: The Honourable Madam Justice Murray

Oral Reasons for Sentence

Counsel for the Crown:

D.F. Grabavac
K.J. Dodds

Counsel for the Accused:

T.E. La Liberté, Q.C.
K. Cronin

Place and Date of Trial/Hearing:

Kelowna, B.C.
October 2 - 3, 2018

Place and Date of Judgment:

Kelowna, B.C.
October 3, 2018

- [1] **THE COURT:** On March 23, 2018, a jury found Mr. Alphonse not guilty of the second degree murder of Waylon Jackson, but guilty of the lesser and included offence of manslaughter.
- [2] This is his sentencing.
- [3] The Crown seeks a sentence of 4 to 8 years, urging me to consider the higher end, 6 to 8 years. Defence seeks a suspended sentence and probation for three years with stringent conditions to assist Mr. Alphonse with his recovery from substance abuse issues.
- [4] I will begin by setting out what led to the untimely death of Waylon Jackson.
- [5] Before I do so, I wish to state that what happened was tragic. Ms. Whiskeyjack, the mother of Waylon Jackson, delivered her victim impact statement personally in court and she read a poem that she wrote for her son. The other victim impact statements were read by the Crown. It is an understatement to say that they are heartbreaking. Waylon's death has left a hole in their lives that will

never be filled. His parents, who have been here throughout a good portion of this trial, have lost a son. Waylon Jackson's young daughter lost a father.

[6] I know from being involved in the justice system for over 30 years that whatever happens in this courtroom will not bring any of you sitting here in pain any peace or solace. Nothing I do here will bring your beloved Waylon back. No verdict or sentence will ever fill the void in your hearts or in your lives.

[7] It is my responsibility to take into account all of the circumstances and the law in imposing a fair and just sentence. I have come to the conclusion I did based on the evidence and the law, as that is my duty and obligation. I do hope in time that you, Ms. Whiskeyjack, and the rest of your family members will understand that and be able to come to some peace with the verdict, as found by the jury, and the sentence that I am about to impose.

The Facts

[8] Section 724(2) of the Criminal Code, R.S.C. 1985, c. C-46, sets out the duty of a sentencing court following a jury trial. It reads as follows:

724 (2) Where the court is composed of a judge and jury, the court

(a) shall accept as proven all facts, express or implied, that are essential to the jury's verdict of guilty; and

(b) may find any other relevant fact that was disclosed by evidence at the trial to be proven, or hear evidence presented by either party with respect to that fact.

[9] The Supreme Court of Canada in *R. v. Ferguson*, 2008 SCC 6, set out the procedure for the finding of facts by a judge following a jury trial:

[16] . . . unlike a judge sitting alone, who has a duty to give reasons, the jury gives only its ultimate verdict. The sentencing judge therefore must do his or her best to determine the facts necessary for sentencing from the issues before the jury and from the jury's verdict. This may not require the sentencing judge to arrive at a complete theory of the facts; the sentencing judge is required to make only those factual determinations necessary for deciding the appropriate sentence in the case at hand.

[17] Two principles govern the sentencing judge in this endeavour. First, the sentencing judge "is bound by the express and implied factual implications of the jury's verdict" . . . The sentencing judge "shall accept as proven all facts, express or implied, that are essential to the jury's verdict of guilty" . . . and must not accept as fact any evidence consistent only with a verdict rejected by the jury . . .

[18] Second, when the factual implications of the jury's verdict are ambiguous, the sentencing judge should not attempt to follow the logical process of the jury, but should come to his or her own independent determination of the relevant facts . . . In so doing, the sentencing judge "may find any other relevant fact that was disclosed by evidence at the trial to be proven" . . . To rely upon an aggravating fact or previous conviction, the sentencing judge must be convinced of the existence of that fact or conviction beyond a reasonable doubt; to rely upon any other relevant fact, the sentencing judge must be persuaded on a balance of probabilities . . . It follows from the purpose of the exercise that the sentencing judge should find only those facts necessary to permit the proper sentence to be imposed in the case at hand. The judge should first ask what the issues on sentencing are, and then find such facts as are necessary to deal with those issues.

[10] In reaching the verdict of manslaughter, the jury rejected the defence of self-defence, but found that Mr. Alphonse did not have the intent to murder Waylon Jackson. In this case, given all of the evidence, the logical inference is that the jury found that Mr. Alphonse was too intoxicated to form the intention to kill. I make that finding beyond a reasonable doubt.

[11] I will now set out the events that led to Mr. Jackson's death.

[12] By way of background, Mr. Jackson and Mr. Alphonse had known each other for some time. They spent a fair amount of time together as their partners were sisters and had, along with their partners, lived in the same house for approximately five months at one point. Apparently the two men got along fine, save for arguing when they drank. In fact, Mr. Alphonse told police that he considered Mr. Jackson to be like a brother.

[13] On March 11, 2016, Mr. Alphonse and his partner, Phillisede Foureyes, were at the home of Mr. Jackson and his partner, Naomi Foureyes, Phillisede's sister. For the remainder of these reasons, I will refer to the Foureyes sisters by their first names for convenience and clarity and not out of any disrespect.

[14] The plan was to decorate for a baby shower they were having the next day for Naomi and Waylon Jackson's new daughter and to have a few drinks. What actually happened was they had a lot of drinks and no decorating was done.

[15] Phillisede and Naomi had started drinking earlier that day. Mr. Jackson arrived home in the early afternoon. Mr. Alphonse joined the party later that afternoon after work. During the night, the four consumed a considerable amount of alcohol and smoked marijuana. At some point, their friends, Tyson Berry and Kelsey Watts, came over for a while and joined in the drinking and the marijuana smoking.

[16] By all reports, all, save Naomi, were intoxicated. Mr. Alphonse was highly intoxicated.

[17] During the night, Mr. Alphonse and Mr. Jackson argued intermittently. Just before Mr. Jackson went up to bed, he and Mr. Alphonse fought.

[18] After Naomi and Mr. Jackson retired for the night, Mr. Alphonse and Phillisede started arguing downstairs. Mr. Jackson went downstairs to see what was happening. The two men began to fight again. They were fighting with their fists, then both of them picked up chairs and were trying to hit each other with them. Naomi went back downstairs when she heard the commotion.

[19] The fight moved from the kitchen into the living room. There Mr. Jackson had Mr. Alphonse on the ground and was beating him with a chair. Mr. Alphonse was able to get up and run toward the kitchen in an attempt to get away. Mr. Jackson pursued him.

[20] In the kitchen, Mr. Jackson once again got Mr. Alphonse on the ground. He was leaning over him, punching him with his fists. He then grabbed a chair and was striking Mr. Alphonse with it with

such force that Naomi, who was standing nearby, yelled, “Stop, you are hurting him” and “Stop, you are going to kill him.”

[21] She testified that she said those things because Mr. Jackson was hitting Mr. Alphonse so fiercely. Naomi told police that she did not want Waylon Jackson to end up killing Mr. Alphonse.

[22] Mr. Jackson stopped hitting Mr. Alphonse and tossed the chair toward him.

[23] He then moved towards the kitchen counter in the direction of where Naomi was standing and where his machete knife was sitting on the kitchen counter. There is no evidence that he said anything.

[24] Mr. Alphonse immediately got up from the floor and, using his own knife, slashed Mr. Jackson on the back and stabbed him twice in the left side. Naomi testified that the stabbing occurred immediately.

[25] Mr. Jackson fell to the ground.

[26] Mr. Alphonse then left the house. He was found by police a short time later, strolling down the road. The officer that found him testified that Mr. Alphonse had a strong odour of liquor about him and had blood on his face and hands. He was wearing only socks on his feet, no shoes. His bloody knife was in his back pants pocket in a closed position.

[27] The side of Mr. Alphonse’s face was swollen and he had bleeding around his nose and mouth. He complained to police that his fingers hurt.

[28] When he was interviewed by police, Mr. Alphonse had no recollection of what had happened. When he was later advised by police that he was being arrested for the murder of Waylon Jackson he could not believe it. He did not believe that he was capable of committing such a horrific act.

[29] According to the pathologist, Mr. Jackson did not have any defensive wounds. He had some bruising on his knuckles most likely caused by him punching something or someone.

Discussion

[30] There are many aggravating and mitigating factors to be considered on this sentencing hearing. I will start with the aggravating factors.

Aggravating Factors

[31] The first is that Mr. Jackson was killed too young.

[32] Second, his was not the only life shattered. As I mentioned at the outset, the many victim impact statements on this sentencing hearing show that Mr. Jackson was much loved. All of the statements were read out. I will not repeat them, except to say that the lives of many have been shattered.

[33] Third is that a knife was used. This is tempered somewhat in the circumstances of this case as chairs were being brandished as dangerous weapons, but as can be seen from the result, knives are deadly. Mr. Alphonse's knife had a sharp tip and a good edge. The pathologist testified that while it would require more than trivial force, it would not have taken a large degree of force to stab the victim with that knife. I will return to the knife later in these reasons.

[34] The fourth aggravating factor is that Mr. Alphonse was so intoxicated that his judgment was skewed. He was incapable of making good decisions. There is no doubt that had Mr. Alphonse not been so intoxicated, this tragic death would likely not have occurred. Again, this factor is tempered as Mr. Jackson was intoxicated as well. The result was a vicious battle between two angry people that were not thinking straight. Clearly a dangerous combination.

Mitigating Factors

[35] Turning now to the mitigating factors.

[36] First, while the jury clearly rejected self-defence, the stabbing was done in the heat of the moment, in the course of a highly charged, hard fought battle in which Mr. Jackson was not only a willing participant, he was the main aggressor. The evidence is clear that Waylon Jackson was beating Mr. Alphonse so viciously with a chair that Naomi Foureyes thought he was going to seriously hurt or kill him. Mr. Alphonse stabbed Mr. Jackson immediately after he stopped beating him with a chair.

[37] Second, implicit in the jury's finding is that Mr. Alphonse did not intend to kill Mr. Jackson or intend to cause him harm that he knew could cause death. As I said earlier, Mr. Alphonse did not know that he had killed Mr. Jackson until hours later at the police station when he was placed under arrest. He still to this day has trouble believing that he could have done something like this. Having said that, he accepts responsibility for the death of Mr. Jackson. In fact, he was prepared, I learned today, to plead guilty to manslaughter. The Crown, in its discretion, did not accept that plea. Mr. Alphonse carries a great deal of shame and remorse. He thinks about Waylon all the time and is devastated by what he did to Waylon and to Waylon's family. It is a burden that he will have to carry with him for the rest of his life.

[38] Third, as part of taking responsibility Mr. Alphonse has pledged to stay away from alcohol. He stopped drinking right after the offence and has not had a drink since. It is by far his longest period of sobriety since he started drinking at the age of 15. At the time of the offence, Mr. Alphonse was, according to his self report, drinking heavily daily. Not only has he stopped drinking, he has stopped associating with people that drink. He has the support of his partner Phillisede. Both are committed to maintaining an alcohol-free life.

[39] Fourth, Mr. Alphonse was in custody for almost six months before he was released on bail September 1, 2016. He went directly from jail to VisionQuest, a residential treatment program. He lived at the facility as a condition of his bail. He was essentially on house arrest at the facility, only allowed to leave with the prior written permission of his bail supervisor. That continued until March 2018 when

he was permitted to live in Kelowna at the DuBretts' home with Phillisede during the trial, still virtually on house arrest. According to the manager of VisionQuest, Mr. Alphonse did exceptionally well at the facility. He tackled his addiction with willingness and hard work. He completed all programs. He took on many roles at VisionQuest including camp monitor and support staff. The manager reports that Mr. Alphonse became a vital part of the program and played a major part in the recovery of other people. Mr. Alphonse reports feeling grateful for the opportunity to have been at VisionQuest and says that he has learned many skills that he will carry with him moving forward. He recognizes that his battle with alcohol is far from over and he plans to continue to address it through Alcoholics Anonymous and the supportive group of friends and family that surrounds him.

[40] Fifth, Mr. Alphonse has been on bail with stringent conditions since September 1, 2016, over two years. He has been on virtual house arrest throughout. As stated, he was on house arrest at VisionQuest. In March 2018, his bail supervisor allowed him to live with Phillisede at her grandparents, the DuBretts' home in Kelowna in order to attend the trial. Following that, he has been between VisionQuest and the DuBretts. Since June of this year, he started working again, something he was not permitted to do while at VisionQuest, and is living with the DuBretts I understand. Other than going to work, he is on house arrest. His bail supervisor reports that there have been no problems. The manager at VisionQuest also reports that there were no incidents while at their facility. Rather, to the contrary, at VisionQuest, Mr. Alphonse exceeded expectations with respect to successfully completing programs and accumulating community hours.

[41] Sixth, Mr. Alphonse has a good work history. He is, by all accounts, a hard worker. In the future he plans to upgrade his education and pursue a trade.

[42] Seventh, this violent act is out of character for Mr. Alphonse. There is no evidence that he is a violent person.

[43] While he has a criminal record, it is minimal and not related. His only convictions are from February 2014, when he was convicted of three counts of mischief, one count of possession of a weapon, a metal chain, for the purpose of committing an offence, and one count of breach of an undertaking. He was sentenced to a suspended sentence and placed on probation for one year. The offences involved Mr. Alphonse using the chain to break car windshields. The breach was for drinking.

[44] Eighth, Mr. Alphonse remains in a solid, supportive relationship with Phillisede, who quit drinking to help him. He also enjoys close supportive relationships with his parents, his sister, and Phillisede's grandparents, the DuBretts, with whom he and Phillisede live. I note that Phillisede and the DuBretts have been in court for the majority of the proceedings.

[45] He is a young man with what seems to be a bright future ahead of him.

[46] Finally, the Gladue factors. Mr. Alphonse has certainly been impacted by intergenerational trauma. According to the comprehensive Gladue report prepared for this hearing, the first 17 years of Mr. Alphonse's life was in a home that was intermittently impacted by poverty, abuse, both physical

and verbal, instability, criminal behaviour, a lack of education, and the normalization of substance abuse, particularly alcohol and marihuana. That is corroborated by his parents.

[47] Mr. Alphonse's family lived on the Anahim Reserve, where his parents grew up, for one year when Mr. Alphonse was six. Mr. Alphonse recalls never feeling safe there and said that although they were just there for one year, "it left an impression on him".

[48] Mr. Alphonse's parents moved the family off the Anahim Reserve as they believed it was an unhealthy place for their children. Following that, the family moved frequently as the Alphonse searched for better neighbourhoods in which to raise their children. Mr. Alphonse's mother reports that she and Mr. Alphonse's father wanted their children to grow up in a better place than they did. As a result of the moves Mr. Alphonse was always the new kid and never really fit in at school. He reports facing racism, including threats, throughout middle school and high school.

[49] Through these first 17 years of his life Mr. Alphonse was exposed to many family members, friends, and acquaintances who were struggling with mental health issues and abused substances to self-medicate in an effort to address the impacts of their trauma. Until they stopped drinking in 2006, this included his parents, who used marihuana and alcohol daily to address stress, sadness, and grief. Mr. Alphonse recalls people gathering at his house, drinking to the point of intoxication, then arguing, verbally abusing each other, and engaging in violent confrontations.

[50] Mr. Alphonse's parents corroborate this history, acknowledging that Mr. Alphonse and his brother, in their words, "saw all of it".

[51] According to Mr. Alphonse, while his parents were never rich, they always worked hard and provided for him and his siblings. He describes that his relationship with his parents improved when they stopped drinking and he describes them now as great supports.

Principles of Sentencing

[52] The duty of a sentencing judge is to fashion a just and appropriate punishment that addresses the principles of sentencing and is proportionate to the culpability of the offender.

[53] Section 718 of the Criminal Code sets out the fundamental principles of sentencing as follows:

718 The fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:

- (a) to denounce unlawful conduct and the harm done to victims or to the community that is caused by unlawful conduct;
- (b) to deter the offender and other persons from committing offences;
- (c) to separate offenders from society, where necessary;
- (d) to assist in rehabilitating offenders;
- (e) to provide reparations for harm done to victims or to the community; and
- (f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims or to the community.

[54] The paramount considerations on this sentencing are denunciation, deterrence, and rehabilitation of the offender.

[55] The statutory range of sentences for manslaughter is the widest possible, with no minimum sentence and a maximum of life in prison. A custodial sentence is generally required for manslaughter because the loss of a life is the most serious of crimes.

[56] Mr. Justice Macaulay, in *R. v. Huth*, 2014 BCSC 570 at para. 6, outlined the sentencing principles for manslaughter as follows:

[6] The maximum sentence for manslaughter is life imprisonment. There is no statutory minimum sentence. Maximum sentences are reserved for the worst offenders who commit the most aggravated offences. Sometimes those cases are referred to as near-murder on a sliding scale of moral culpability. Understandably, manslaughter sentences of lesser severity are generally reserved for offenders with good backgrounds and rehabilitative prospects who commit manslaughter in the least morally blameworthy of circumstances. These are cases, which at the low end of the scale, begin to approach accident, which, if reached, would amount to a complete legal defence. Cases at the lower end of the sliding scale are sometimes referred to as near-accident . . .

[57] In *R. v. Marchand*, 2014 BCSC 2554 at para. 48, Smith J. wrote that “a noncustodial sentence for manslaughter is fit only in exceptional circumstances at or near the accident end of the spectrum”.

[58] This was not an accident, nor is it at the top end close to a murder.

[59] This was an alcohol fuelled, chair wielding, fists flying, adrenaline pumping battle. A battle that Mr. Jackson was clearly winning. Crown asks the court to find that the fight was over when Mr. Jackson threw the chair down. I am unable to do that. The fight had been going on for some time. The men moved from the kitchen to the living room and back to the kitchen. Mr. Jackson had Mr. Alphonse down in the living room and was beating him with a chair. Again in the kitchen, he had him down on the ground and was again beating him with a chair. When he stopped, he immediately started walking the short distance towards Naomi, but also toward his knife.

[60] The Crown further asks me to find that a knife is a more dangerous weapon than a chair. I am unable to do that as in the circumstances of this case both were capable of doing serious harm. In all of these circumstances, while a knife is obviously an inherently dangerous weapon, particularly a knife as sharp as Mr. Alphonse’s as I noted earlier, in this particular case it was not markedly out of line with the metal chair that was being used by Mr. Jackson to beat Mr. Alphonse with – primarily around his head, I must add.

[61] The jury rejected self-defence as a defence but implicit in that finding is not a finding that the fight was over. Referring back to Mr. Justice Smith’s comment in *R. v. Marchand*, I am satisfied that this was not a situation of near accident, but rather one of near self defence which significantly reduces Mr. Alphonse’s level of moral blameworthiness.

[62] This is a very challenging sentencing. On the one hand, it is difficult to comprehend that a man could kill another and not go to jail. On the other hand, I find beyond a reasonable doubt that Mr. Alphonse acted in the heat of the moment in a near self defence situation. In addition, he has accepted responsibility, is extremely remorseful, and has gone above and beyond to take control of his issue with substances as he believes that this would not have happened if he had not been drinking.

[63] Section 718.2(e) of the Criminal Code instructs me to consider all available sanctions other than imprisonment that are reasonable in the circumstances and consistent with the harm done to victims or to the community for all offenders, with particular attention to the circumstances of aboriginal offenders.

[64] After much consideration of all of the circumstances and having regard to the law, the cases put before me by counsel, and the principles of sentencing, I am satisfied that the principles of sentence are satisfied in this unusual case by a suspended sentence and probation.

[65] This conclusion is in no way a reflection on the value of Waylon Jackson's life. He was a good man whose life mattered. Sending Mr. Alphonse to jail for a further period will not bring Waylon back, nor will it heal the wounds left behind on those who care about him.

[66] As Mr. Justice Macaulay said in R. v. Huth:

In considering a just and fit sentence, I remind myself that criminal offences resulting in the loss of a life are among the most serious possible. It is for that reason that the maximum penalty is life imprisonment although, in very rare circumstances, the penalty for manslaughter might not include any imprisonment. It follows from all of the above that it would be wrong for anyone to expect that the application of the purpose and principles of sentencing to the circumstances here somehow reflects a translation of the value of a life lost into some equivalent years of imprisonment for the offender. That is not a goal of sentencing. As another judge stated: "No sentence will ever breathe life into the deceased person, nor restore him or her to his or her family and/or friends" . . .

[67] Mr. Alphonse, having regard to the time you served in custody, the period you have served on bail on virtual house arrest, I am suspending the passing of sentence and placing you on probation for three years.

[68] The probation will be stringent. For the first year, it will be akin to house arrest, much like you have been on for the past two years. The conditions are designed to assist you to continue with the hard work you have done to address your issues.

[69] Be aware that a suspended sentence is just what it is called. The sentence is postponed. If you breach any of the conditions of this probation, it is open to the Crown to apply to have you brought back to court before me and sentenced as if this sentence had not been suspended.

[70] The terms of the probation will be as follows:

1. You must keep the peace and be of good behaviour.

2. You must appear before the court when required to do so.
3. You must notify the court or the probation officer in advance of any change of name or address, and promptly notify the court or your probation officer of any change of employment or occupation.
4. You must report in person to a probation officer at 1355 Water Street, Kelowna, B.C. by 3:00 p.m. October 4, 2018 and thereafter as and when directed by the probation officer.
5. You must reside at a residence approved of in advance by your probation officer. You must provide your probation officer with your phone number and you must not change your residence or your phone number without the prior written permission of your probation officer.
6. For the first 12 months of this order, you must obey a curfew by being inside your residence between the hours of 9:00 p.m. and 6:00 a.m. each day.
7. You must present yourself immediately at the door of your residence or answer the phone when any peace officer or probation officer attends at your residence or calls to check your compliance with the curfew condition of this order.
8. You may be away from your residence during the curfew hours with the prior written permission of your probation officer. Such permission is to be given only for compelling reasons. You must carry the written permission when you are outside of your residence during the curfew hours. You may also be away from your residence during the curfew hours:
 - (a) while in the course of your employment or at school or a job training course, or when travelling directly to, or returning directly from same. If requested, you must provide your probation officer with details of your employment, school, or job training course, including location and hours;
 - (b) in the event of a medical emergency and then only while at a healthcare facility, or when travelling directly to or returning directly from the facility. If requested, you must provide your probation officer with written confirmation that you went to the facility, signed by a representative of the healthcare facility to which you went; or
 - (c) for counselling appointments or Alcoholics Anonymous meetings.
9. You must not possess or consume alcohol, drugs, including marihuana, and/or any other intoxicating substance, except in accordance with a medical prescription.
10. You must not enter any liquor store, beer and wine store, marihuana store, bar, pub, lounge, nightclub, beer garden or any other business from which minors are prohibited at

any time.

11. You must not reside at any place where any other resident has illegal drugs or marihuana or alcohol in his or her possession, or permit any of these items to be brought into your residence.
12. You must attend, participate in, and successfully complete any intake, assessment, counselling, program, treatment, or residential treatment program as directed by your probation officer. Without limiting the general nature of this condition, the intakes, assessments, counselling, or programs may relate to anger management and alcohol or drug abuse.
13. You must sign any waiver of confidentiality or release of information forms as will enable your probation officer, counsellors, or treatment providers to monitor your attendance and completion of any intake, assessment, counselling, or treatment programs, and to collaboratively discuss your treatment needs. You must sign any release of information forms as will enable your probation officer to monitor your attendance and completion of any assessments, counselling, or rehabilitative programs as directed. You must provide proof of your attendance and completion of any assessments, counselling, or rehabilitative programs as directed by your probation officer.
14. You must not possess, either personally or through another person, any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, or explosive substance, anything that resembles a weapon or firearm, any weapon as defined in s. 2 of the Criminal Code, or any related authorizations, licences, or registration certificates.
15. You must not reside in any residence in which any other person keeps or stores any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, or explosive substance.
16. You must not possess any knives, except for the immediate preparation or consumption of food, or for the purposes directly and immediately related to employment.
17. You are to have no contact directly or indirectly with Christine Whiskeyjack except with the written consent of the probation officer.

[71] You are subject to all of those terms, save the curfew, for all three years of your probationary period. The curfew is just for the first year.

[72] In addition, I make the following ancillary orders:

1. A firearms prohibition pursuant to s. 109 of the Criminal Code for ten years.

2. I order that a sample of DNA be taken from you pursuant to s. 487.051 of the Criminal Code.
3. I order that the victim fine surcharge of \$200 be paid within one month.
4. Finally I am ordering that the knife that was seized from you be forfeited.

[73] In closing, Mr. Alphonse, I congratulate you on the work that you have done to date. You have worked hard. You have enjoyed much success and I have no doubt that you will continue to do so in the future.

“The Honourable Madam Justice Murray”