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Man acquitted of murder, sentenced 22 months for manslaughter

**By Rob Lamberti, AdvocateDaily.com
Contributor**

A Niagara Falls man who stood trial for first-degree murder was convicted of the lesser and included charge of manslaughter after Toronto criminal lawyer [Jordana Goldlist](#) successfully argued to a jury that her client was duped into his role during a deadly incident

three years ago.

"I do think this is the right result — I think it makes sense in the circumstances," Goldlist tells [AdvocateDaily.com](#).

Her client was [arrested](#) in 2015 with two other men and a woman, and all four were charged with first-degree murder, says Goldlist, principal of [JHG Criminal Law](#). The jury found one man guilty of first-degree murder, another man of second-degree, while it found her client guilty of manslaughter. The woman pleaded guilty to manslaughter.

Goldlist's client was sentenced to 22 months but will serve 14 months.

"He was the driver, but he was not there at the time of the death," she says.

"There was a recommendation that he would receive treatment so it's likely he'll end up at an Ontario correctional institution with a treatment facility so he can get some real skills and life training, and hopefully the kind of programs he needs to be successful when he's released," Goldlist says.

Her client had no criminal record and hadn't ever been arrested prior to this case.

"Having spent almost three years facing a first-degree murder charge as his entrance to the criminal justice system, it's pretty powerful for him," she says.

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Goldlist says the jury reached the right decision for her client despite the Crown presenting a theory to the jury that all the accused played an equal role in the Boxing Day 2014 murder in Niagara Falls.

Murder in Canada is either first- or second-degree; first is planned and deliberate, including whether a death was planned or intended during a kidnapping. Second degree is defined in the *Criminal Code* as "all murder that is not first-degree murder."

Manslaughter is culpable homicide including death by means of an unlawful act, criminal negligence or causing a person to do anything that causes death.

Goldlist says she argued at trial that her client was duped into driving a friend to a location, and was never told it would be an abduction or there was a plan to kill anyone.

Her client was driving the car with the co-accused and the victim when he was suddenly told to stop the vehicle; at this point, the co-accused left the car with the victim, and Goldlist’s client was told to drive up the road, she says.

"Based on everyone's evidence at trial, he was told to drive up the road and come back in a few minutes," she says. "For my client to assume that the victim would be killed was just so far-fetched. It doesn't exist in the evidence. In fact, he was so oblivious that he drove to a store to buy snacks before returning to the crime scene.

"Many of the witnesses testified to my client's character and they never saw him behave in a violent fashion," she says. "That's not the part of his make-up."

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