Social Studies

Young Offenders Project

Prepared By: M.O.

Prepared For: Mr. John Ottogalli

Date: Nov 14 2013

**Young Offenders Name**: Nathan Cub

**Age**: 15

**Residence**: 777 Jane Street, Toronto, Ontario, Canada

**Past Record**: One charge of theft, possession of marijuana, and assault & robbery

**Height**: 5”8

**Weight**:125 lbs

**Mothers Name**: Victoria Winter, criminal record for drug and alcohol use

**Father Name**: Douglas Cub, deceased no criminal record

**Background on Nathan and his Family**

Victoria and Douglas Cub moved to Toronto, a few years before Nathan was born. They moved in to what is known as a rough part of Toronto due to the gangs and drug use. Douglas, was working as a city bus driver after serving two years with the Canadian Armed Forces. After Nathan was two years old they planned on moving to a more family friendly neighbourhood when Douglas was struck by a drunk driver and killed.

After Nathan’s father was killed his mother began abusing alcohol and drugs to deal with her loss, and soon became addicted and fell in with the wrong crowd. For the next 13 years Nathan’s mother replaced her deceased husband with one abusive boyfriend after another.

Ever since Nathan’s father’s death his childhood has been full of family violence as well as frequent alcohol and drug use. His mother became addicted to alcohol and drugs, often doing whatever was necessary for her next fix.

Nathan began using alcohol and drugs as a way to spend time with his mother in an attempt to get noticed by her. As a result of his frequent use of drugs and alcohol Nathan began committing minor felonies to support his habit resulting in charges for assault, robbery under 500 dollars, and possession of Marijuana for personal use. It was only a matter of time before Nathan’s lifestyle resulted in more serious crime.

**Nathan’s Activities Earlier That Day**

Saturday July 13/2013 started off no different for Nathan than any other hot summer morning. His mother was passed out on the couch with empty alcohol bottles and a mess of left over food all over from the party last night. As always Nathan helped his mother to her bedroom and began to clean up the house because his mother would be awake in a few hours and be angry if the house wasn’t cleaned up.

While cleaning up the apartment this morning, Nathan came across a small piece of foil under the kitchen table. Nathan was not new to finding alcohol and drugs after the frequent parties and would often try it with his friends or sell it for money. This time when he opened the foil he found a bunch of whitish – yellow powder with fine blue crystals throughout. Nathan had never seen this drug before and put the foil with the powder in his pocket and finished cleaning up the house.

Later that night shortly after dinner Nathan got into a terrible fight with his mothers newest boyfriend and left the apartment hurt and angry. Nathan slipped into one of the boarded up buildings in his neighbourhood to be alone and see how bad he was hurt. His face was bleeding and his side was sore so he removed his shirt to see how bad he was injured. While removing his shirt the piece of foil he had found fell out of his pocket to the ground. In pain from the fight, angry at his mother and her boyfriend; Nathan took the drugs in the foil in an effort to end his life and past out due to the drugs.

Nathan woke a short while later no longer in pain due to being extremely high, unaware of where he was, and feeling very angry. After wondering around for several hours Nathan began to remember where he was, what happened, and was feeling hungry. He didn’t want to go home and had no money so he thought he would try and sell the marijuana he had with him.

**The Actual Assault and Robbery**

At the end of the street was a corner store and a bank machine where Nathan would often sell the drugs he got from home after his mothers parties and hang out at. When he approached the corner, he noticed a middle aged man, with his wife and young daughter. Nathan, still extremely high from the unknown drugs asked the man if he would like to buy some marijuana. The man seeing the guy was clearly high declined saying, “hey kid, I don’t want any of that crap, leave us alone before I call the cops”. Upon hearing this, still high from the drugs and needing the money for food, Nathan flew into a violent rage, assaulting and robbing the man.

After violently assaulting and robbing the injured man, Nathan ran from the scene just as the police arrived however they lost Nathan in the maze of rundown buildings and garbage disposed of over the years in this area.

**Police Investigation**

The police attended to the injured man until the ambulance arrived, secured the scene for the investigation team, obtained witness statements from the two girls, and a copy of the video taken by the camera located on the corner due to the presence of the bank machine and variety store.

Later that day the police identified the assailant captured in the video as Nathan Cub; a known troubled youth offender with a criminal record. The police arrested Nathan the next day at his mother’s house; charging him with Robbery and Assault, taking him to jail.

The blood and toxicology reports on the attacker obtained one day later showed high residual levels of the street drug crystal meth; which would account for the extremely violent and random nature of this attack.

Witness Statement by Two Girls Passing By

The judge asked each witness separately; to recall what they witnessed. Both girls told the judge when they were leaving the variety store they noticed the accused “Nathan” strike the injured man on the back of the head as he was walking away with his family. The attacker continued to strike the man in the head and face violently with his fist and feet while screaming at him uncontrollably. The man’s wife and daughter were yelling for the attacker to stop but he kept on attacking the man even after the injured man fell to the ground unconscious.

The police had to wait almost a month to speak with the recovering injured man as he was placed in a drug induced coma to treat the brain swelling due to severe head trauma. The police informed Kyle his attacker was apprehended and he may be required to identify his attacker in court when he was released.

**Court Proceedings**

1. Honourable Judge Jessica O’Meara residing over this Innocent or guilty plea hearing
2. Prosecutions Attorney representing the crown outlines their findings including the evidence involving two eye witnesses, blood and hair samples found on Nathan Cubs cloths and boots; belonging to the victim, and the bank machine video tape clearly identifying Nathan Cub as the attacker.
3. Defense attorney assigned to represent accused Nathan Cub pleads guilty to the charges of robbery and assault causing bodily harm in light of all the evidence against his client.

**Sentencing Considerations**

1. Victim Impact Statement

Kyle’s wife described how she screamed and pleaded with the attacker to stop as he kicked and punched her husband in the head face and stomach. She also talks about the challenges her husband has in recovering from his extensive injures and the families ongoing challenges with anxiety attacks.

Kyle’s daughter explains how she still has nightmares of the violent attack and has seen her father age years since the attack, and go from being an outgoing community involved active leader to no longer participating or attending any community activities.

Kyle Wain, the man attacked by Nathan described the reoccurring nightmares his wife and daughter have of the event. They used to take part in many of Toronto’s events but are so traumatised they get anxiety attacks whenever they try, making them all prisoners in there own homes because of this attack.

Kyle has been off work since the attack recovering from his injuries and attending physiotherapy due to the extent of damage to the neck and head area. They have also incurred significant financial burden not covered by government and company insurance programs.

Finally Kyle describes the manner in which all there lives have been forever changed due to this attack and he wants his attacker to be sentenced to prison for this violent crime.

1. Defence Lawyer Plea or Leniency

The defense lawyer asks the judge for leniency because of Nathan’s family tragedy involving his father’s death from a drunk driver and his mother’s subsequent use and abuse of both alcohol and drugs.

The defense lawyer further identifies the years of family violence committed against both Nathan and his mother from numerous boyfriends as well as the fact Nathan was under the influence of Crystal Meth as extenuating circumstances for leniency.

Finally the defense lawyer asks the judge to sentence Nathan as a minor instead of as an adult.

1. Prosecutions Argument to Sentence Nathan as an Adult

The prosecutions lawyer requests the judge sentence Nathan as an adult due to the extremely violent nature of this assault and robbery. He points to the repeated pleas to stop by the victims family as well as the doctors need to put the victim in a drug induced coma to save his life or prevent brain injury. Kyle is lucky to be alive given the extremely violent nature of this attack; which could have resulted his death, much like the drunk driver who killed Nathan’s father some 13 years ago.

The prosecutions lawyer asked the judge not to grant leniency due to the use of alcohol, drug’s and a history of family violence. As tragic as this case is for all parties it should not be used as an excuse to commit crimes as a minor or an adult.

**Sentencing**

The Honourable Judge Jessica O’Meara reconvenes the sentencing hearing after considering the extenuating circumstances, victim impact statement, as well as both prosecutors and defences sentencing considerations.

The Honourable Judge Jessica O’Meara’s sentence findings are as follows:

1. While it is important to understand how the use of alcohol and drugs can influence our behaviour while under the influence we must be carful not to use this as an excuse as to why someone might commit such a vicious attack and robbery on another human being. In this case the extreme violent nature of the attack could have resulted in the death of the victim, causing a ripple effort for all his loved ones and the community.
2. While the attackers family tragedy and subsequent family violence, alcohol and drug abuse must be recognized as an influence in shaping Nathans life it should not be viewed as a get out of jail free card. We must take this opportunity to provide Nathan with structured support programs combined with appropriate application of our sentencing guidelines for the violent nature of this assault and robbery.
3. The guidelines intended to support the Youth Criminal Justice Act provide for sentencing as a minor or an adult. In this case the injuries inflicted by Nathan were so severe the injured party had to be placed in a coma to assist in his recovery. Clearly, the consequence of this assault, and robbery were not considered by Nathan, as the victim could have died.
4. Finally this is not the first offense Nathan has been committed, and in fact is a clear escalation in the violent nature of his crimes. To not appropriately address this escalation would be a fundamental failure on the part or our judicial system to act, and therefore this court has determined Nathan Cub will be sentenced as an adult.
5. Nathan Cub after pleading guilty of Assault and Robbery causing serious injury is to be sentenced to 3 years in an adult institution minus time spent in custody.
6. During incarceration Nathan will attend both anger management as well a substance abuse programs as part of his rehabilitation program.
7. Upon release Nathan will be placed on parole with the following conditions:
8. Life time ban on the use of any weapons such as firearms or knives
9. Not to posses and/or use alcohol or drugs
10. Serve 3 years community service
11. If found in violation of his parole will be sentenced to 10 years minus time served prior to parole.