In the Court of Appeal of Alberta

Citation: R v Allen, 2026 ABCA 380

Date: 20261125
Docket: 2603-0087A
Registry: Edmonton

Between:

His Majesty the King

Respondent

- and -

Stavon Maurice Allen

Appellant

The Court:

The Honourable Justice Michelle Crighton
The Honourable Justice Kevin Feehan
The Honourable Justice Joshua B. Hawkes

Memorandum of Judgment

Appeal from the Sentence by
The Honourable Justice L.K. Harris
Sentenced and Filed on the 19th day of January, 2026
(2026 ABKB 41, Docket: 220407043Q1)

Memorandum of Judgment

The Court:

I. Overview

[1] Stavon Allen appeals his sentence of 11 years, less time served, for manslaughter, pursuant to s 236(1)(b) of the *Criminal Code*, RSC 1985, c C-46.

[2] Mr Allen's appeal is allowed in part, but only as to the calculation of credit given for time served. His sentence is reduced by 60 days.

II. Background

[3] On April 26, 2022, at approximately 3:30 am, Mr Allen and a companion checked into a motel and consumed illicit drugs, including methamphetamine. Mr Allen's companion telephoned a friend, the eventual victim, Mr Calder, asking for a ride home. Mr Calder arrived at the motel at approximately 9:25 am, leaving at approximately 9:54 am, with Mr Calder driving, and Mr Allen and his companion as passengers.

[4] At some time after they left the motel, Mr Allen stabbed Mr Calder, who was seated in the driver's seat, approximately 50 times to his head, neck, chest, side, leg, and hands. A deep stab through the heart was fatal. A second deep stab to the carotid artery was also fatal, but if it had been treated immediately may have been survivable. Neither Mr Allen nor his companion sought medical attention for Mr Calder's wounds. Instead, Mr Allen placed the victim in the trunk of the Calder vehicle, drove him deep into a wooded area south of Stony Plain near the North Saskatchewan River, where he and his companion abandoned the vehicle and continued on foot. Mr Allen removed his outer clothing and discarded it in a wet, swampy area. At around 12:35 pm, Mr Allen and his companion called a taxi, returned to Spruce Grove, visited a pharmacy and then an A&W.

[5] Two days later, on April 28, 2022, at approximately 7:25 am, Mr Allen attended the emergency department of the Westview Health Center in Stony Plain, complaining of having consumed methamphetamine, cocaine, and alcohol "all night" and experiencing hallucinations. He was diagnosed by the emergency physician as suffering from drug-induced psychosis, either as a result of the repetitive use of crystal methamphetamine or some adulterant.

[6] On April 28, Mr Allen's companion gave a statement to the police and on April 29, with the assistance of a police helicopter, the victim's vehicle and body were recovered. Mr Allen was

arrested on May 1, 2022, and charged with first degree murder. On the first day of trial, September 9, 2024, Mr Allen pleaded guilty to manslaughter.

[7] He was sentenced on January 19, 2026, and this appeal came on before this Court on November 17, 2026.

III. Reasons of the Sentencing Judge

[8] The sentencing judge reviewed the facts, set out above, largely from an agreed statement of facts. She then reviewed Mr Allen's social history. He was 42 years old at sentencing, 38 years old at the time of the offence. He was born in Jamaica and came to Canada at age 15. He did not experience family violence or exposure to substance misuse in the home, but left home in grade 12. He attended Red Deer College for carpentry. He began using marijuana at 14 and drinking alcohol at 17. This evolved into the use of cocaine, crack cocaine, methamphetamine, morphine, oxycodone, heroin, Percocet, ecstasy, and MDMA.

[9] In his twenties, Mr Allen began an on-again, off-again relationship with his companion, with whom he shares three children. Their relationship involved heavy substance abuse by both, and domestic violence. A few months prior to this offence, Mr Allen was convicted of breaching a condition that required him to have no contact with his companion. At the time of this offence, he was again in breach of that condition.

[10] At the time of the incident, Mr Allen was homeless, not working, and had only recently been released from jail. After his arrest, and while he was in jail, he took courses for substance abuse, life management, prevention of family violence, employment skills, and faith-based programs. He expressed a strong desire to remain sober, find employment, and be part of his children's lives. He expressed a deep regret for his actions, which the sentencing judge found genuine.

[11] In reviewing the legal framework for manslaughter, the sentencing judge set out the provisions of sections 718, 718.1, and 718.2 of the *Criminal Code*. She said the imposition of a sentence was a discretionary exercise based upon a fair, fit, and principled sanction, and the organizing principles of proportionality, parity, and individualization. She said the gravity of the offence is directed to what the offender did wrong and includes the harm or likely harm to both the victim and society and its values.

[12] The sentencing judge considered the ***Laberge*** ladder: ***R v Laberge***, 1995 ABCA 196, paras 6-11, 165 AR 375. She said cases of manslaughter could be described as near accident on one hand to “near murder” on the other because of disparity in degrees of moral culpability, the nature and quality of the unlawful act, and the method and manner in which it was committed.

[13] The sentencing judge said the gravity of the offence and Mr Allen’s moral culpability placed him in the most serious of the three ***Laberge*** categories, an unlawful act likely to put the

victim at risk of, or cause, life-threatening injury. Crown counsel argued that Mr Allen should be placed in that third ***Laberge*** category and the appropriate sentence should be 12 to 14 years. Defence counsel placed Mr Allen in the second ***Laberge*** category, likely to put the victim at risk of, or cause, serious bodily injury, and submitted that an appropriate sentence would be five years or five to seven years. This submission was changed on appeal to place Mr Allen in the upper ***Laberge*** category, but now at seven to nine years' incarceration.

[14] The sentencing judge considered the opinion of an expert doctor of pharmacy with expertise in psychopharmacology and neuropharmacology. She qualified the expert's opinion in the effects associated with the ingestion of methamphetamine, cocaine, and alcohol, and the impairment of information processing and judgment, decreased thoughtfulness and reflectiveness associated with advanced intoxication, the observed psychological symptoms associated with use of methamphetamine, cocaine, and alcohol, the combined effects of those substances, the potential impacts on memory resulting from the use of those substances, and the likely physical and psychological symptoms observable in an individual with the pattern of consumption by Mr Allen.

[15] The sentencing judge accepted the defence expert opinion that the use of crack cocaine, methamphetamine, and alcohol "would have likely impacted Mr Allen's decision making and would likely have caused increased aggressive and violent behaviour to a certain degree". She also accepted that those substances would have affected his executive functioning and that the effects of those substances would have affected his decision-making capacity and his inhibition.

[16] However, the sentencing judge rejected the expert's opinion, that at the time of the stabbing, Mr Allen suffered from a drug-induced psychosis to a degree that would reduce his moral culpability. She said the quality of the underlying information provided to the expert caused concern with her opinion. The diagnosis of drug-induced psychosis made by the Stony Plain Hospital's emergency physician occurred two days after the stabbing of the victim, and during the intervening period Mr Allen continued to consume crack cocaine, methamphetamine, and alcohol. She also noted Mr Allen was a poor historian, as indicated in the hospital medical records. She noted that the defence expert had not interviewed Mr Allen personally and had relied only upon an interview of him conducted by his defence counsel, which was not in evidence before the Court.

[17] The sentencing judge concluded that the defence expert's opinion was "of limited assistance" and she "put very little weight on any opinion which goes beyond a general description of the effects of long-term, chronic use of the substances used".

[18] The sentencing judge concluded that the gravity of the offence committed by Mr Allen "is very high", and his moral culpability was also "very high". The sentencing judge reviewed the cases put to her by counsel in the highest ***Laberge*** category and concluded that the appropriate range of sentence was between 8 and 12 years.

[19] The sentencing judge found that Mr Allen's guilty plea, even though it only came on the first day of trial, was mitigating, as was his significant remorse and efforts at rehabilitation. She

said Mr Allen acknowledged responsibility for the victim's death and his remorse was genuine. For these mitigating factors, the sentencing judge reduced her original determination of a fit and proper sentence by one year.

[20] As to aggravating factors, the sentencing judge found that Mr Allen had a significant criminal record, which included a history of violence and breach of conditions, of which he was in breach at the time of this offence. She said the facts of the victim's death were aggravating, considering the length of time it would have taken to stab the victim 50 times, the clear brutality of the act, and that Mr Allen had taken multiple steps to attempt to conceal his actions.

[21] The sentencing judge also considered that Mr Allen was a racialized offender, which she said, "must be taken into account when addressing a fit sentence", but determined that played little role in the offence and did not mitigate his sentence. She also considered that Mr Allen was not a Canadian citizen and might face a risk of deportation upon conviction, which she said should be considered in the personal circumstances of the offender. However, she had no evidence as to what immigration consequences might follow from a manslaughter conviction and said that any impact would be "purely speculative".

[22] The sentencing judge concluded that a fit and proper sentence founded on the primary criteria of proportionality, the gravity of the offence, and the degree of responsibility of the offender, would be 11 years less credit of 1,935 days spent in custody. That time credited for time in custody was accurate as at the day of the guilty plea but it was short 60 days by the time she delivered her reasons for sentence. This sentence also reflected the sentencing judge's one year reduction for mitigating factors from her original determination of 12 years' incarceration.

IV. Grounds of Appeal

[23] Mr Allen says the sentencing judge erred:

(a) in her assessment of the proportionality principle relative to his moral blameworthiness, by failing to give effect to accepted intoxication and substance use impairment, resulting in an unfit sentence; and
(b) in her calculation of his applicable pre-sentence custody to be deducted from sentence.

[24] The Crown concedes the miscalculation of credit for time served of 60 days, and those days are reduced from the sentence.

V. Standard of Review

[25] In ***R v Lacasse***, 2015 SCC 64, paras 41-44, [2015] 3 SCR 1089, the Supreme Court said an appellate court may only interfere with a sentence in one of two situations: where the sentence imposed by the sentencing judge is demonstrably unfit, or where the sentencing judge commits an

error in principle, fails to consider a relevant factor, or erroneously considers an aggravating or mitigating factor, and such error has an impact on the sentence imposed. See also ***R v Proulx***, 2000 SCC 5, paras 123-126, [2000] 1 SCR 61; ***R v Friesen***, 2020 SCC 9, paras 25-28, [2020] 1 SCR 424; ***R v Vinje***, 2026 ABCA 332, para 31.

[26] Appellate courts cannot interfere with sentencing decisions lightly, as trial judges have "broad discretion to impose the sentence they consider appropriate within the limits established by law": ***Lacasse***, paras 11, 39-46, 51; ***R v Suter***, 2018 SCC 34, paras 23-25, [2018] 2 SCR 496; ***R v Parranto***, 2021 SCC 46, paras 29-30, 118-122, 129-230, [2021] 3 SCR 366; ***R v Sheppard***, 2025 SCC 29, paras 38-42, 451 CCC (3d) 417; ***R v Potts***, 2026 ABCA 147, para 29; ***Vinje***, para 32.

[27] This Court can intervene, however, where there are material errors of law or principle that resulted in a sentence that was disproportionate to the degree of responsibility of the appellant and exceeded the discernible range of sentences imposed in similar cases: ***R v Dichrow***, 2022 ABCA 282, para 23, [2023] 6 WWR 225; ***R v Morgan***, 2024 ABCA 345, paras 3, 4; ***Vinje***, para 33.

[28] A sentence will not be varied only because another result might be preferred or because this Court would have weighed the factors differently. The assessment and weighing of mitigating and aggravating factors, including the placement of the sentence within a range, fall within the sentencing judge's discretion: ***Friesen***, para 25; ***Lacasse***, paras 39-41, 51; ***R v Walton***, 2023 ABCA 208, para 30; ***R v Beaver***, 2022 ABCA 333, para 5. Where intervention is warranted, this Court must sentence afresh, applying the governing principles without deference to the original decision, while relying on the sentencing judges untainted factual findings: ***Friesen***, paras 27, 28; ***Sheppard***, para 41; ***Vinje***, para 34; ***R v Barron***, 2026 ABCA 270, para 12.

VI. Analysis

[29] Mr Allen says the sentencing judge erred in principle by effectively treating proof of drug-induced psychosis at the time of the offence, which she rejected, as a prerequisite to any reduction in his moral culpability, rather than considering, independently, the effects she accepted of substance-abuse impairment and addiction related-factors on his moral culpability. He says this was ultimately an improper "all-or-nothing" threshold.

[30] Mr Allen also says the sentencing judge's rejection of a diagnosis of drug-induced psychosis was related by her to the gravity of the offence, rather than its impact on his moral culpability. And Mr Allen says the sentencing judge did not adequately explain how her accepted impairment evidence was integrated, or discounted from, the inferences she made about his subjective intent, planning and strategizing, and appreciation of consequences.

[31] Mr Allen says the sentencing judge's failure to accurately assess his moral blameworthiness led to errors both in categorizing the manslaughter at the higher end of the ***Laberge*** spectrum and in properly applying the principle of proportionality. As a result, he now

says a sentence in the range of seven to nine years is appropriate, having regard to his personal characteristics, which would inform culpability to complete the moral blameworthiness picture.

[32] A person may be impaired at the time of committing a crime and yet be fully morally blameworthy. Here, the sentencing judge did consider impairments to Mr Allen's decision-making capacity, inhibitions, and executive functioning when assessing his fault or moral culpability, but she found it did not diminish the degree of his moral responsibility. She considered the effects of substance-abuse impairment and addiction-related factors when arriving at her conclusion about Mr Allen's moral culpability. She considered the degree to which the impairments affected his blameworthiness and agreed that his decision-making, and a likely increase to aggressive and violent behaviour, were impacted to a degree.

[33] The sentencing judge reasonably concluded that Mr Allen's moral culpability at the time he committed the killing was very high based upon the circumstances of the crime, his activities just prior to the commission of the crime, his post-offence conduct, the evidence of his capacity to plan and strategize, and the finding that he appreciated the consequences of his actions. Her weighing of the expert evidence was reasonable. She found it was of low quality, not all of the evidence relied upon by the expert was before the Court, and it was important that between the time of the killing and the time of hospital admission, two days later, Mr Allen had continued to consume considerable amounts of methamphetamine, cocaine, and alcohol.

[34] The sentencing judge did not say that a drug-induced psychosis was a prerequisite to reduction in moral capability. The defence expert could not diagnose or speak to the functional capacity of an individual who has consumed drugs to a degree that would reduce moral culpability. The little weight the sentencing judge assigned to the defence expert's opinion as to Mr Allen's state at the time of the stabbing is a matter attracting deference.

[35] The sentencing judge considered Mr Allen's personal circumstances and the prolonged and significant force that constituted the attack, which the sentencing judge found was lengthy, brutal, and deliberate. Mr Allen's post-offence conduct accentuated his moral culpability when he put the deceased's body in the trunk, drove the car to a remote location, and disposed of the outer layer of his clothing. The sentencing judge also found that Mr Allen was aware of his increased propensity to use drugs and alcohol more heavily when in the company of his companion and, at the time of the incident, was in breach of conditions not to be in her presence.

[36] Mr Allen's criticism of the sentencing judge's statement that the defence expert's opinion did not persuade her "that the gravity of Mr. Allen's offence should be diminished", rather than that his moral culpability and blameworthiness should be reduced, ignored the larger context in which that statement was made. The sentencing judge spent paragraphs 51 to 60 of her analysis considering whether Mr Allen had a reduced moral culpability or blameworthiness as a result of the effect of his drug intoxication on his decision-making capacity, inhibitions, and executive functioning.

[37] For the purposes of sentencing, overall moral culpability is influenced by numerous factors, the most important of which is the unlawful act itself, the nature and quality of the unlawful act, and the method and manner in which it was committed: ***Laberge***, para 8.

[38] The weighing of factors by the sentencing judge and her determination that the gravity of the offence and Mr Allen's moral culpability were "very high" attract deference. Her conclusions with respect to the defense expert's opinion being of limited assistance also attracts deference. The sentencing judge made no errors in her determination that a fit and proper sentence for the manslaughter committed by Mr Allen was 11 years, less time served.

VII. Conclusion

[39] The appeal is allowed in part; the sentence imposed of 11 years, less time served is upheld, the sentence is reduced by 60 days for appropriate calculation of that time served.

Appeal heard on November 17, 2026

Memorandum filed at Edmonton, Alberta
this 25th day of November, 2026

Authorized to sign for: Crighton J.A.

Feehan J.A.

Hawkes J.A.

Appearances:

R. A. Fata
for the Respondent

J. Grivel
for the Appellant