



Nova Scotia

Judge refers Nova Scotia murderer to restorative justice program in provincial first



Won't change life sentence Brandon Jake Hollohan received for death of Deborah Irene Yorke, judge says

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Nova Scotia Supreme Court Justice Kevin Coady stressed that the referral will have no impact on the life sentence Brandon Jake Hollohan received March 21 when he was convicted of second-degree murder in the January 2018 death of Deborah Irene Yorke. (Anjuli Patil/CBC)

22 comments

A Nova Scotia judge has referred a convicted murderer to a restorative justice program — a first for the province.

In a decision released Tuesday, Nova Scotia Supreme Court Justice Kevin Coady stressed that the referral will have no impact on the life sentence Brandon Jake Hollohan received March 21 when he was convicted of [second-degree murder in the January 2018 death of Deborah Irene Yorke](#).

Coady said any evidence generated by the restorative justice process may be considered at Hollohan's parole eligibility hearing, but it will not dictate an outcome, as the principles of sentencing will apply.

The hearing in September will determine when the 28-year-old man from Dartmouth, N.S., will be eligible to apply for parole, which by law must be between 10 and 25 years.

"The focus of this referral is Mr. Hollohan's rehabilitation and his re-entry into society on completion of his sentence," Coady said in his decision.

Citing protocols developed by the Nova Scotia Justice Department, Coady said judges may use restorative justice after a conviction to "inform sentencing and/or to acquire necessary information to discharge their sentencing responsibilities."

Charges won't be dismissed

The judge said any suggestion that such a referral could allow an offender to avoid the consequences of his sentence is misguided.

In the past, restorative justice initiatives have generally been limited to young offenders and adults charged with less serious offences.

This approach within the criminal justice system focuses on the rehabilitation of offenders through reconciliation with victims and the community at large, often with the assistance of facilitators in a group setting. Typically, plans are made to have the offender take specific actions to address the harms caused.

If the offender successfully completes the program, criminal charges against them are usually dismissed. But that won't happen in Hollohan's case.

Coady's decision says Yorke's relatives have yet to decide their involvement in the restorative justice process.

Nova Scotia's restorative justice program was established for youth across the province in 2001 and was expanded to include adults in 2016.

National significance

Halifax-based law professor Jennifer Llewellyn said the province has been a leader in restorative justice, and the ruling in Hollohan's case has national significance.

"It represents the potential for restorative justice ... to ensure that the goals of sentencing related to public safety and rehabilitation are pursued in ways that pay attention to the contexts, causes and circumstance of crimes," said Llewellyn, director of the Restorative Research, Innovation and Education Lab at Dalhousie University.

"It also ensures meaningful opportunities for those affected and involved to contribute to the justice process."

She said the restorative justice process in this case will provide the judge with information relevant to parole eligibility, which is related to the sentencing goal of rehabilitation.

"In this case the judge also seems to identify the potential ... to engage Mr. Hollohan in a process that will support his accountability by coming to better understand the significance and impact of his actions," Llewellyn said Wednesday in an email.

As for Hollohan, the judge's decision says he is a suitable candidate for restorative justice because he is a young man who has strong family supports, no previous record and no previous history of violence.

History of addiction

The judge noted that Hollohan was addicted to opioids at the time of the offence.

"Mr. Hollohan's history did not suggest a propensity for the kind of violence he inflicted on Ms. Yorke," the decision says.

"I can only conclude that his various addictions robbed him of the ability to avoid such violence. This speaks volumes about the power of addiction to debilitating substances. It does not provide an excuse, and Mr. Hollohan will pay for those actions for the rest of his life."

Hollohan's physician, identified in the decision only as Dr. Saunders, told the court he has been treating Hollohan for opioid use disorder for the past eight years.

"He attended and engaged in recovery meetings throughout this time," Saunders said in a presentence report. "At no time prior to his arrest did Brandon ever display or discuss wishes to harm others. Brandon always displayed a calm and gentle demeanour, even when he was in a bad place with his addiction illness."

Coady said the doctor's comments "are supportive of giving Mr. Hollohan every tool available to maintain sobriety."

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