

CBC: The Current

Black Canadians need pre-sentencing cultural assessments, says lawyer

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In February, Kale Leonard Gabriel was found guilty in the 2010 shooting death of Ryan Matthew White (pictured). Gabriel faces an automatic life sentence for the murder, and a Nova Scotia judge will determine when he is eligible to apply for parole. Before Gabriel's sentencing, the judge will consider a cultural assessment, examining how circumstances related to his background led to Gabriel's criminal actions. (novascotia.ca)

A Halifax judge is considering if the history of discrimination against African Canadians in Nova Scotia should be a mitigating factor in the sentencing of a black man convicted of murder.



Last February 27-year-old Kale Leonard Gabriel was convicted of second-degree murder for the 2010 shooting of Ryan White. Last week, a Nova Scotia Supreme Court judge delayed Mr. Gabriel's sentencing, to allow the defence time to prepare a cultural assessment, a report which looks at a defendant's racial and cultural heritage.

Gabriel faces an automatic life sentence for the murder, and a judge will determine when he is eligible to apply for parole.

Advocates say Canadian courts should make wider use of cultural assessments, particularly for black Canadians, whose prison population has seen an 80 per cent increase the last ten years.

The Current investigates the value these pre-sentencing reports may have in mitigating future crime.

"It's about time we recognize that we have to appreciate the full context and background of an individual so judges can shape fair and just sentences."

Anthony Morgan, lawyer

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- Robert Wright, is a social worker, who wrote a cultural assessment for an African Nova Scotian youth who had been convicted of attempted murder.
- Anthony Morgan, is a lawyer at Falconers LLP and author of the United Nations' *"The Blackening Margins of Multiculturalism: The African Canadian Experience of Exclusion from the Economic, Social and Cultural Promise and Prosperity of Canada"*.