

CANADA / JUDGMENT

R. v. Monteith

2025 BCSC 1160

COURT

Supreme Court of British Columbia

DECIDED

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IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Monteith,

2025 BCSC 1160

Date: 20250512

Docket: X083817

Registry: New Westminster

Rex

v.

Carlos Nathaniel Monteith

Before: The Honourable Mr. Justice Verhoeven

Oral Reasons for Sentence

Counsel for the Crown:

R. Flannigan

S. Currie-Roberts

Counsel for the Defence:

G.M. Ng

A. Vo

Place and Date of Hearing:

New Westminster, B.C.

May 12, 2025

Place and Date of Sentence:

New Westminster, B.C.

May 12, 2025

- [1] THE COURT: On March 14, 2025, after a multi-week trial, the jury found Mr. Carlos Nathaniel Monteith, (Mr. Monteith), guilty of the first degree murder of Kristijan Coric.
- [2] Section 235(1) of the Code mandates that in these circumstances Mr. Monteith is to be sentenced to life imprisonment. Section 745(a) of the Criminal Code, R.S.C., 1985, c. C-46 [Code] sets parole eligibility for a conviction for first degree murder at 25 years. So the basic parameters of the sentence are fixed, and mandatory. So the Crown's position is that Mr. Monteith is to be sentenced to life imprisonment without eligibility for parole until he has served 25 years of his sentence. In the circumstances the defence cannot take a different position, and does not do so.
- [3] The Crown also seeks certain ancillary orders such as a firearms and weapons prohibition and a DNA order. I will address these later on.
- [4] The first matter to address are the circumstances of the offence. As this was a jury trial, there are no reasons for judgment. However, the Code sets out in s. 724(2) that where the court is composed of a judge and jury, the court shall accept as proven all facts, express or implied, that are essential to the jury's verdict of guilty; and may also find, pursuant to s. 724(2)(b), any other relevant fact that was disclosed by the evidence at the trial to be proven, or can hear evidence presented by either party with respect to that fact. The Crown cites the leading decision in that respect, which is R. v. Ferguson, 2008 SCC 6, and also refers to a recent British Columbia Court of Appeal authority, R. v. Berry, 2025 BCCA 14.
- [5] Where the factual implications of the jury's verdict are ambiguous, the sentencing judge must make his or her own independent determination of the facts. The sentencing judge should first ask what the issues on sentencing are, and then find such facts as are necessary to deal with those issues.
- [6] In relation to an aggravating fact, the sentencing judge must be convinced of the existence of the fact beyond a reasonable doubt. To rely on other relevant facts the sentencing judge must be persuaded on a balance of probabilities. Part of the considerations when determining the facts after a jury verdict is the basis on which the case was left with the jury.
- [7] I accept the Crown's submissions with respect to the essential facts that relate to the jury's verdict of guilty of first degree murder. Those facts are as follows:

- 1) Mr. Monteith was the person who shot and killed Mr. Coric on Saturday, September 28, 2019, at the Mobil gas station in Surrey, B.C., shortly after 6:00 p.m.;
 - 2) Mr. Monteith shot Mr. Coric at close range with a firearm, multiple times;
 - 3) Mr. Monteith caused the death of Mr. Coric by this unlawful act of assault with a weapon;
 - 4) When Mr. Monteith shot Mr. Coric, he had the intent for murder; and
 - 5) The Coric murder was planned and deliberate, as is required for a finding of first degree murder.
- [8] The Crown also contends that it is implicit from the verdict of the jury and the surrounding facts that the killing of Mr. Coric was done for money. In other words, this was a paid or contracted murder or hit on Mr. Coric.
- [9] In relation to circumstances of the offender, the Crown states that it is unaware of any mitigating circumstances. None have been suggested to me on this sentencing hearing.
- [10] There is no presentence report, but as defence counsel points out, there are some facts relating to Mr. Monteith's personal history that are pertinent.
- [11] He was born in Mississauga, Ontario, in August of 1995. He advises counsel that his parents have been separated for as long as he can remember. He grew up in the area of Toronto known as Jane and Finch. At the trial I heard evidence from a Toronto police officer, Constable Duerden, who was called as an expert in slang, that that area is known to be a high crime area, where there is a lot of poverty.
- [12] Mr. Monteith is one of 13 siblings. His father is described as an unsupportive person who struggled in his own life. Although I was not provided with details about this, I am told that Mr. Monteith suffered from physical and emotional abuse as a young child, and had what is described in general terms as a tough upbringing. I am told that he has a learning disability and that he struggled at school. I do not have details regarding his learning disability. He completed grade eight in school, but has no further education. I am told he suffered from a number of mental health challenges while in custody in British Columbia for the past few years, including depression and anxiety, and it is said that a diagnosis of schizophrenia was made.
- [13] I am told that Mr. Monteith has had difficulty accessing needed mental health treatment for his condition. He feels that he has been disrespected by correctional staff, and that his Charter rights have been breached. I understand this allegation relates to access to services, facilities or other things while in custody. He relates this, at least in part, to his status as a member of a minority community, and in particular, as a black person in British Columbia.
- [14] Mr. Monteith has an extensive criminal record. According to the records, his offences began when he was 13 years of age. On March 16, 2009, at age 13, he was convicted of assault, and given probation for 12 months. Other youth offences followed, including breaking and

entering, theft, and many instances of failure to comply or other breaches of court orders. At age 16 he was convicted of breaking and entering, uttering threats, aggravated assault, and failure to comply with a recognizance. At age 17 he was convicted of possession of a weapon, two drug possession offences, and compliance offences. At age 18 he was convicted of obstruction of a peace officer, another break and enter, possession of proceeds of crime, uttering threats, and further compliance offences.

- [15] At age 19, in 2014, he was convicted of assault with a weapon, and extortion, which I take it may have been a related offence. At age 20, he was convicted of another drug possession offence.
- [16] At the age of 21, at Brampton, Ontario, he was convicted of a number of offences including possession of a prohibited or restricted firearm with ammunition, possession of drugs for purposes of trafficking, and possession of a firearm or ammunition contrary to a prohibition order, and several compliance offences. He was also convicted of carrying a concealed weapon. He received a global sentence of 30 months for these offences.
- [17] Mr. Monteith moved to British Columbia. His offences continued. On April 13, 2019, so a few months before the offence that is before the court today, he was again convicted of uttering threats. I am told that this relates to threats against jail guards. Soon after that, June 7, 2019, he was convicted of assault of a peace officer, which was again a corrections officer.
- [18] He has now been convicted of the first degree murder of Kristijan Coric at Surrey, B.C. occurring on September 28, 2019, the offence that is before the court today.
- [19] Subsequent to that offence, he was convicted of discharging a firearm with intent to wound or disfigure, and possession of a prohibited or restricted firearm with ammunition. These offences occurred on November 17, 2019, at New Westminster. These offences relate to the person who I referred to as D.D. in previous court rulings.
- [20] There was another offence on October 28, 2022, of assault against a correction officer.
- [21] His criminal record sets out approximately 22 youth convictions, and 16 adult convictions, plus this one, so in total 17 adult convictions.
- [22] In summary, as I said, Mr. Monteith has an extensive criminal record. He has been in prison for much of his life.
- [23] Mr. Monteith exercised his right to speak to the court on sentencing. He states that his trial was unfair, and he maintains that he is innocent of the offence.
- [24] In relation to impact on the victim and the community. I have a victim impact statement from the victim's brother, Daniel Coric. His victim impact statement has been read into the record, and the written version is an exhibit on this sentencing hearing.

- [25] Daniel Coric states that when Kristijan Coric was killed he was on his way to a family celebration, to celebrate Daniel's daughter's third birthday. The family were all gathered and looking forward to the event. Daniel Coric advises that Kristijan Coric has a young son who was nine years of age when his father was murdered. His son will grow up without the love and support of his father. Daniel Coric speaks of the loss to the family, including Kristijan Coric's parents, his son, and the rest of the family, who have all suffered a devastating loss.
- [26] In terms of the impact on the community, this was a cold-blooded, calculated murder of an individual, in a busy public place, a gas station, when there were many people nearby or in the immediate vicinity. Several of these persons testified at the trial as scene witnesses. A member of the public was just a few feet away on the other side of the pump island where Mr. Coric's vehicle was parked at the time of the killing. Seventeen shots were fired from a handgun, 16 of which were fired into the vehicle in which Mr. Coric was seated.
- [27] The Crown submits, and I agree, that this was a paid contracted murder. Mr. Monteith was paid to kill Mr. Coric, by persons unknown.
- [28] Although the Lower Mainland has been plagued by many such murders in the last several years, nevertheless this is a crime that shocks the community, and causes all members of the public to fear for their own safety, as well as the safety of others, at all times, and at all places. I agree with the Crown that denunciation and general deterrence, by which I mean deterrence of others, are the overwhelming or paramount sentencing considerations, in the circumstances.
- [29] I referred previously to the legal parameters as outlined by the Code in relation to the mandatory nature of the sentence required for a crime of this nature. It is nevertheless worthwhile to refer to the purpose, objectives, and fundamental principles of sentencing as set out in the Code.
- [30] Section 718 of the Code provides that:
- The fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:
- [31] I will not list them all in detail, but the objectives include, as one would expect, denouncing unlawful conduct and the harm done to victims or to the community that is caused by the unlawful conduct.
- [32] The fundamental principle of sentencing is set out in 718.1. That section provides that:
- A sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.
- [33] Of course it goes without saying, but I will say it anyway: this offence is extremely grave, and the degree of responsibility of Mr. Monteith as the offender is very high.

[34] Section 718.2 provides that in imposing a sentence a court shall take into consideration a number of principles. Subsection (a) provides that:

- (a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, . . .

and without limitation, a number of specific factors are set out which are deemed aggravating circumstances in some cases.

[35] The Crown submits that there are a number of aggravating circumstances. I accept all of them as set out by the Crown in its submissions. Those aggravating factors are: (1) Mr. Monteith used a firearm in a public place; (2) he was masked when he shot Mr. Coric multiple times with a firearm at close range; (3) Mr. Monteith was at the time in possession of a firearm contrary to prior court prohibitions; (4) this was a killing for money; (5) this was a planned and deliberate killing; (6) Mr. Monteith's shooting of Mr. Coric in a public place shortly after 6:00 p.m. on a Saturday night exposed many people in the area to a risk of harm; and lastly, (7) he has a prior criminal record including a record for violence.

[36] The only question in issue on this sentencing hearing is whether it has been established on the evidence that the killing was in fact a killing for money.

[37] I instructed the jury that motive is not part of the essential elements that the jury must find in order to determine that the murder was planned and deliberate, or that Mr. Monteith had the intent required for murder.

[38] The jury found first degree murder. They found the intent required for murder, and they found that the murder was planned and deliberate.

[39] In my view, the evidence relating to the fact that it was a planned and deliberate murder, while necessarily circumstantial, was virtually overwhelming. I have no difficulty in concluding to a point of near certainty that the murder was committed in exchange for the payment of money.

[40] In support of this conclusion, the Crown points to various portions of the jury charge, and the evidence that was referenced in the jury charge. That evidence included a number of factors relating to the question of how and also why the killing occurred.

[41] Mr. Monteith received tens of thousands of dollars at the time of the murder. His digital communications and bank records show that he was short of money just prior to the murder. In the jail calls that the Crown relied upon as part of its case, Mr. Monteith said that he received a substantial amount of money just a couple of days after finishing parole, which coincided with the day of the murder, for doing only 10 seconds worth of work. The day after the murder he was able to purchase expensive items including expensive shoes at a high-end store in Downtown Vancouver, Holt Renfrew, which items he then flaunted on social media, and flaunted and bragged about to other persons, one of whom was a witness at trial.

- [42] Although he said the killing occurred in downtown Vancouver, he bragged to D.D. that he had killed someone for money, and that he was a hitman.
- [43] Mr. Monteith also told D.D. that he stole the hit job from Dave, or D. He said he was paid thousands of dollars for the killing. As noted, his bank records show that he had no money just prior to the killing.
- [44] On his social media and in electronic messages he said that he committed a hit for money. He bragged about being a killer in the jail calls.
- [45] I accept that Mr. Monteith committed the murder in the place of another person who went by the name of D. or Dave or Jahrel Frederick, when this person was unable to do the job, because he went to jail for breach just prior to the killing.
- [46] He made statements in his jail calls about his accomplice, who he referred to as Smitty. On the evidence at trial it is quite clear that Smitty was the driver who accompanied Mr. Monteith when Mr. Monteith killed the victim, and that "Smitty" was Trion Castello. Trion Castello accompanied Mr. Monteith on the shopping spree at Holt Renfrew the day after the killing.
- [47] So based upon the evidence I just referred to, and all of the evidence in the trial, I conclude that the killing was planned and deliberate, as the jury found, but more than that, that the killing was conducted pursuant to a specific plan, and that plan was a paid killing, a hit, or in other words an assassination of Mr. Coric, carried out on behalf of unidentified others, in exchange for money.
- [48] So, Mr. Monteith, would you please stand.
- [49] For the reasons I have given, Mr. Monteith, I sentence you to life imprisonment with no opportunity for parole for a minimum of 25 years.
- [50] Thank you. You may sit down.
- [51] In relation to the ancillary orders that the Crown seeks, the defence took no position except with respect to the victim fine surcharge. So let me deal with that point first.
- [52] There is victim fine surcharge applicable for this case of \$200. The amount seems trifling in the circumstances, and pointless to impose. However, those are not grounds to not impose the charge. The ground set out in the Code is that it would cause undue hardship to impose the charge, in which case the court can either eliminate the charge or reduce the charge. Undue hardship is defined in s. 737(2.2) to mean that:
- ... the offender is unable to pay a victim surcharge on account of the offender's precarious financial circumstances, including because of their unemployment, homelessness, lack of assets or significant financial obligations towards their dependants.

- [53] As I mentioned earlier, Mr. Monteith has been in prison for a number of years. While the circumstances disclosed at trial showed that he obtained a lot of money at the time of the killing, they also showed that soon thereafter he had little or no money left, and was reduced to asking members of his family for money in order to pay for rent, just before he was arrested for the shooting of D.D. So I have no reason to believe that Mr. Monteith has any assets whatsoever, nor any means to pay any money. I expect that he will have no means to satisfy the fine at any point in the future.
- [54] So while it is somewhat peculiar to speak of undue hardship for an offender in circumstances like this, with specific reference to the question of a fine, I find that the test is met, and that the victim fine surcharge should be waived.
- [55] In terms of the other ancillary orders, the Crown seeks orders pursuant to s. 109(1) and (3) of the Code, that Mr. Monteith be prohibited from possessing any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, firearm part, ammunition, prohibited ammunition and explosive substance for life. I make that order.
- [56] I also make the DNA order sought by the Crown. Murder is a primary designated offence under s. 487.04(a)(ii) of the Code, and pursuant to s. 487.051(1), an order is made authorizing the taking from Mr. Monteith of a number of samples of bodily substances that are reasonably required for purposes of forensic DNA analysis and inclusion in the National DNA Databank.
- [57] Finally, I order that, pursuant to s. 743.2 of the Code, a copy of the reasons for sentence, the Crown's book of materials on sentencing, which has been marked, and the Crown's submissions on sentencing, which has also been marked, be forwarded to the Correctional Service of Canada, as well as any other information relevant to administering the sentence.
- [58] Is there anything else?
- [59] CNSL R. FLANNIGAN: Nothing further from the Crown, Justice.
- [60] CNSL G. NG: Nothing further, thank you.
- [61] THE COURT: All right. Thank you. We will adjourn.

"Verhoeven J."

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