

Manitoba high court alters judge's decision to issue 'illogical' consecutive sentence

By **Terry Davidson**

Law360 Canada (July 23, 2026, 2:56 PM EDT) -- Manitoba's Appeal Court has intervened in a sentencing judge's decision to hand a convicted murderer an additional 33 months for drug and weapons offences in prison — on top of the life sentence he is already serving.

The Appeal Court's recent ruling in *R. v Marjanovic*, 2026 MBCA 61 involves Matthew Marjanovic, who in late 2019 was convicted of second-degree murder and sentenced to life in prison with no chance of parole for 18 years.

According to past court documents, Marjanovic was convicted of murder along with three others. Marjanovic was found guilty of second-degree murder, while the others were guilty of first-degree murder.

Marjanovic's conviction was based on his involvement in the beating, torture and strangling of a man in a Winnipeg Airbnb.

In September 2024, while serving his sentence in Rockwood's Stoney Mountain Institution, Marjanovic was charged with possessing methamphetamine for the purpose of trafficking and with having a weapon — specifically, a "jail-made stabbing weapon."

According to the Appeal Court's decision, Marjanovic pleaded guilty to both offences. Interestingly, lawyers at the time jointly recommended a sentence of 33 months in prison and asked this punishment to be "consecutive to the life sentence [Marjanovic] is currently serving."

The sentencing judge agreed, and so such a punishment came to be.

But Marjanovic turned to the province's Appeal Court, arguing the sentencing judge involved in the prison offences committed a material "error in principle that impacted the sentence or where the sentence is demonstrably unfit."



Chief Justice Marianne Rivoalen, Court of Appeal of Manitoba.

Appeal Court Chief Justice Marianne Rivoalen, with Justices David Kroft and Anne Turner in agreement, granted Marjanovic's appeal and adjusted the sentence so that he will serve the 33 months "concurrent" to his life sentence. (In other words, it will be served parallel to his life sentence.)

Chief Justice Rivoalen called it "illogical" to tack a 33-month consecutive sentence onto a life sentence, where parole is not necessarily a certainty.

"A life sentence means what it says: imprisonment for life," writes the Chief Justice. "While most people are released on parole at some point, it does not alter the sentence. It follows that a sentence, consecutive to life, is illogical because it does not operate until the accused dies. ... Because the sentencing judge imposed a sentence consecutive to the accused's life sentence, a legal error was made and no deference is owed."

Chief Justice Rivoalen spoke of the appropriateness in the Appeal Court's altering of Marjanovic's sentence for the prison offences.

"It is noted that a concurrent sentence will still have the necessary deterrent impact, as it will bear upon eligibility for parole," she said.

Marjanovic's Appeal lawyer, Lisa Miclette, was unavailable for comment.

Crown prosecutor Janna Hyman had little to say about the Appeal Court's ruling.

"As a matter of practice, the Public Prosecution Service of Canada does not comment on judicial decisions or provide legal analysis of court rulings," said Hyman in an email. "In this case, the appeal

resulted in the correction of a sentencing error by consent of the parties. Beyond the public court record and the Court's reasons, we have no further comment."

Hyman refused to answer a series of typed questions, including why a consecutive sentence for the prison offences was asked for by the parties, rather than a concurrent sentence.

If you have any information, story ideas or news tips for Law360 Canada, please contact Terry Davidson at *t.davidson@lexisnexis.ca* or 905-415-5899.