

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

V.

MICHAEL CHRISTIAENS

R E A S O N S F O R S E N T E N C E

BEFORE THE HONOURABLE MR. JUSTICE HORTON
On December 23, 2020, at CHATHAM, Ontario

APPEARANCES:

S. Renaud

Counsel for the Crown

G. Mueller-Wilm

Counsel for Michael Christiaens

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WEDNESDAY, DECEMBER 23, 2020

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R E A S O N S F O R S E N T E N C E

5 HORTON, J. (ORALLY):

10 [1] Mr. Christiaens, it is always difficult when
the Court tries to balance the acts of someone
versus their mental health. You have, apart from
the damage that you have caused other people, it
is taking money out of their pocket, you know,
15 taking money away from their children I suppose
is a possibility as well, but the comments that
you make are extremely aggravating, and they have
been for a very specific reason codified in the
Criminal Code. As Canadians we do not stand for
any form of prejudice or statements of hate being
made, or threats being made against individuals
of a different race. You highlighted your
20 actions by making those comments that were so
negative and race related.

25 [2] I find that the sentence that is being
proposed is appropriate and I will be following
the joint proposal that has been presented to the
Court. In particular I note the following
sentence: In relation to information 20-1496,
count one, there shall be a custodial sentence of
40 days. In relation to information 20-1496,
30 count three, there will be a - oh, I am sorry,
it's a 60 day sentence, is that right?
MS. MUELLER-WILM: Actually it's a 60 day

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sentence already served, so one day being served based on the time served.

5 THE COURT: So there will be a 60 day sentence to count three as well. The pre-sentence custody is noted as 40 days, enhanced by one point five brings us to 60 days, therefore there will be one day deemed served, that sentence is concurrent on each count, and there will be a further 18 month probation order running concurrent to those charges.

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25 [4] In relation to the probation order, sir, I am going to review the terms of your probation order, I want you to listen carefully, if you have any questions this would be the time to address them. You are required to follow this order, it is a court order. That means that you cannot pick and choose what terms you follow, you must follow all of them. If you do not you face the risk of further charges, and if convicted you could face further periods of incarceration. Do you understand that?

30 MICHAEL CHISTIAENS: Yes.

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5 [5] Okay. So the terms of the probation order will be as follows: You will keep the peace and be of good behaviour. You will appear before the court when required to do so by the court. You will notify the court or the probation officer in advance of any change of name or address, or promptly notify the court or the probation officer of any change in employment or occupation.

10 [6] You will report in person to a probation officer on December 24th, 2020 and after that at all times and places as directed by the probation officer or any person authorized by a probation officer to assist in your supervision. You will cooperate with your probation officer. You must sign any releases necessary to permit the probation officer to monitor your compliance, and you must provide proof of compliance with any condition of this order to your probation officer on request. You will live at a place approved of by the probation officer and not change that address without obtaining the consent of the probation officer in advance.

25 [7] Do not associate or communicate in any way, by any physical, electronic or other means, or be in the company of Keron, that's K-E-R-O-N, Forbes, F-O-R-B-E-S. You will not be within 25 meters of any place where you know Keron Forbes to live, work, go to school, except for required court attendances.

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5 [8] Do not possess any weapons as defined by the Criminal Code, for example, a BB gun, pellet gun, firearm, imitation firearm, crossbow, prohibited or restricted weapon, ammunition or explosive substance, or anything designed to be used or intended for use to cause death or injury, or to threaten or intimidate any person.

10 [9] You will attend and actively participate in all assessment, counselling or rehabilitative programs as directed by the probation officer, and complete them to the satisfaction of the probation for including but not limited to psychiatric or psychological issues. You shall sign any releases of information forms as will enable your probation officer to monitor your attendance and completion of any assessments, counselling or rehabilitative programs as directed. You shall provide proof of your attendance and completion of any assessments, counselling or rehabilitative programs as directed. You will report immediately upon your release from custody to the Chatham-Kent branch of the Canadian Mental Health Association and be under their care and direction and follow all recommendations as to counselling and therapy.

25 [10] You will make restitution of \$500 to Keron Forbes to be paid in full no later than March 30th, 2021. All restitution payments are to be made by cash or certified cheque or money order, payable to the Minister of Finance through any

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criminal court office for payment to the victim or grieved party. Mr. Christiaens, do you understand the terms I have just reviewed, sir?

MICHAEL CHISTIAENS: Yes.

5 MS. MUELLER-WILM: Actually, Your Honour, it is Mueller-Wilm who is speaking, is it Your Honour's intention that he has to move from the building, otherwise I would - with this 25 meter restriction, if something could be added that 10 what Your Honour is referring to is the apartment itself and not the building, because...

THE COURT: Yes,

15 MS. MUELLER-WILM: ...from a plea standpoint, yes, I could see Mr. Christiaens being arrested for even entering the building.

THE COURT: That is a fair comment. I will amend the wording of that term to read, do not be within 25 meters of any place where you know Keron Forbes to live, specific to his apartment unit, work or go to school.

20 MS. MUELLER-WILM: Thank you.

[11] I want to be very clear, Mr. Christiaens, I am allowing you at this time to remain at the [REDACTED]

25 [REDACTED] Address [REDACTED]. I have concerns. I am doing this on the belief that with the help, through the counselling that this probation order is including, that you will be seeking help and assistance in dealing with your issues and that you will not breach any form of 30 this order in relation to Mr. Forbes. If you are back on a breach, I can assure you, you will no

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longer be residing at that residence, do you understand?

MICHAEL CHRISTIAENS: Yes.

5 THE COURT: Mr. Forbes is to be given that respect which means no communication and no contact, not be within 25 meters of his apartment, okay?

MICHAEL CHRISTIAENS: Yes.

10 THE COURT: Very good. I have also given you until March 30th to pay the \$500, that is paid here at the Chatham courthouse. You will bring in either cash or a certified cheque for that purpose, okay?

MICHAEL CHRISTIAENS: Yes.

15 THE COURT: Now, sir, just again I want to very very much stress this fact, you are being given a significant opportunity by this court to live at that residence with your mother, okay, don't abuse that, follow it.

20 [12] In addition, sir, there will be ancillary orders issued. In particular there will be a DNA secondary order concurrent to both counts two and counts three, information 20-1496. Mr. Christiaens, you will be required to attend at the Chatham courthouse no later than December 24th at 3:00 p.m. for the purposes of giving that sample, do you understand?

25 MICHAEL CHRISTIAENS: Yes.

30 THE COURT: That's tomorrow by 3:00 p.m., you have to come and give your sample.

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[13]

In

5 relation to the victim fine surcharge, I do find
that Mr. Christiaens is without the ability to
pay and that ordering such would create an undue
financial hardship to him, I am waiving the
victim fine surcharge on that basis. Ms. Renaud,
10 in relation to count one under information 20-
1496?

MS. RENAUD: Yes, that count can be marked as
withdrawn, please, Your Honour.

15 THE COURT: That count is marked as withdrawn at
the request of the Crown, thank you. Ms.
Mueller-Wilm, is there anything flowing from my
sentencing that you are uncertain of, wish to
confirm?

20 MS. MUELLER-WILM: No, Your Honour, if I might
just address Mr. Christiaens directly. Michael,
tomorrow you have to go to probation, you have to
go to Canadian Mental Health, and you have to go
to the courthouse for DNA, so three things you
have got to do tomorrow, okay? Did you hear me,
25 Michael?

MICHAEL CHRISTIAENS: Yeah. Yeah.

MS. MUELLER-WILM: Okay. Thank you, Your Honour.

30 THE COURT: Okay, very good. Mr. Christiaens, I
truly hope that you will look at this probation
order as giving you some resources to assist you
in dealing with any issues that are outstanding,
anything you need some help with, it is meant as

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a tool to get you through this. You have had a significant period of time without involvement with the criminal court, by my count over 21 years.

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MICHAEL CHRISTIAENS: M'hmm.

THE COURT: I would like to see you go a further 21 years, okay?

MICHAEL CHRISTIAENS: M'hmm. Yeah.

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THE COURT: So, do all you can and take advantage of all of the assistance that is contained in this probation order.

MICHAEL CHRISTIAENS: Thank you.

THE COURT: Thank you very much. Ms. Mueller-Wilm, thank you very much.

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MS. MUELLER-WILM: Thank you, Your Honour, I will be signing off then.

THE COURT: Thank you.

MICHAEL CHRISTIAENS: Thank you, Your Honour.

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THE COURT: Thank you very much.

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