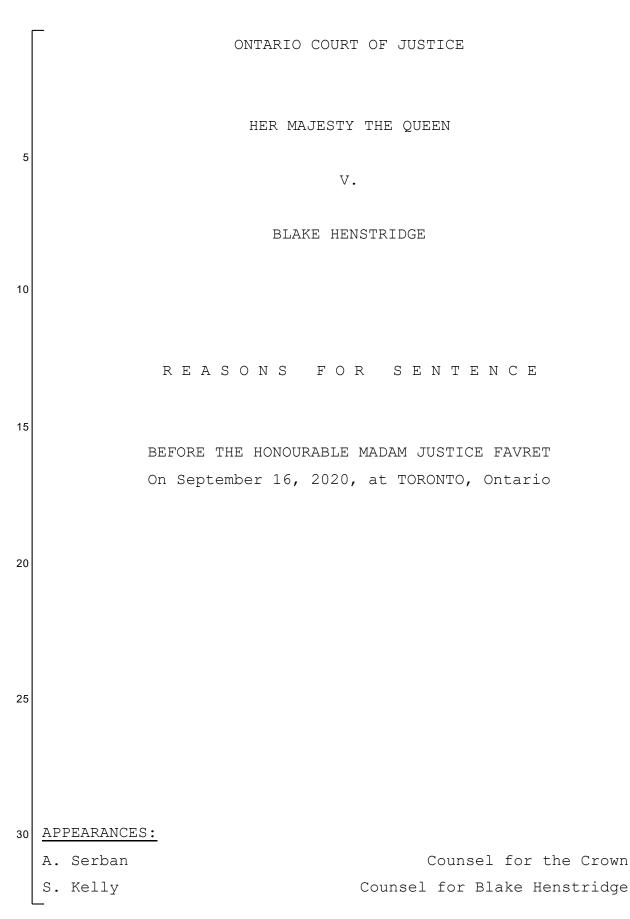
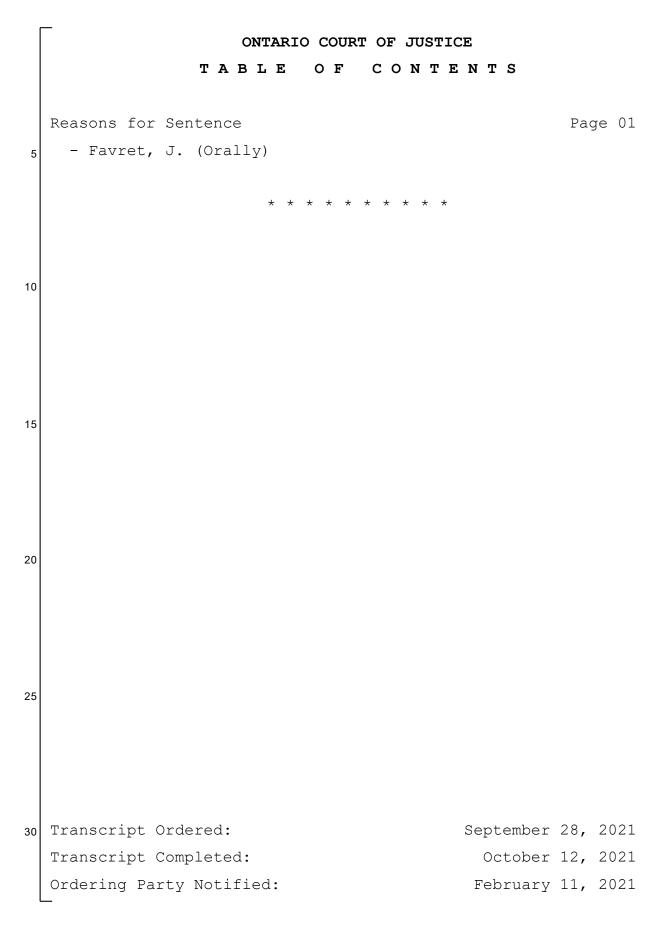
Information No. 4811-998-20-12000249-00, 4811-998-20-15001852-00 4811-998-20-15003264-00 and 4811-998-20-15004318-00



(i) Table of Contents



1. R. v. Blake Henstridge Reasons for Sentence - Favret, J. WEDNESDAY, SEPTEMBER 16, 2020 . . . REASONS FOR SENTENCE FAVRET, J. (ORALLY) 5 [1] All right, Mr. Henstridge entered a plea of guilt on September 3, 2020 admitting the following offences: 10 First in relation to information ending in 1852, that on March 21, 2020 he assaulted Officer Thomas Kwon, contrary to s. 270(1)(a) of the Criminal Code; 15 Secondly, in relation to information 0249, that between April 22, 2020 and May 11, 2020, while bound by an order of probation made by this 20 court, he failed or refused to comply with a condition, without reasonable excuse to report in person to a probation officer on March 19, 2020, and then as required 25 by the probation officer, contrary to s. 733.1(1), and I pause there just to place on the record that I did canvass with counsel whether Mr. Henstridge had any hesitation in 30 entering that plea before me as that was an order I imposed, he, through

Ms. Kelly, advised he was prepared to proceed on that basis;

Three, in relation to information 3264, all occurring on June 9, 2021 that 1 he uttered a threat to cause death to Nick Baricevic, contrary to s. 264.1(1)(a), he assaulted that person using a weapon, a large stone, contrary s. 267(a), and he wilfully destroyed a window at a fire station at 132 Belleview Avenue in Toronto, the property of the City of Toronto, the damage not exceeding \$5,000, causing mischief, contrary to s. 430(4); and,

Four, and in relation to information 4318, the following two offences were admitted, both occurring on July 31, 21020, (1) that he uttered a threat to Emery Campbell to cause his death, contrary to s. 264.1(1)(a) and, as well, he assaulted that person, contrary to s. 265 of the Criminal Code.

I have taken into account all of the [2] submissions made by counsel. I have reviewed all of the exhibits. I considered all of the law, the cases that were referred to. Correction: 'did' replaced with 'that'

5

10

15

20

25

The Crown's position is that I should impose [3] a global sentence of 10 months less pre-sentence custody, followed by a concurrent term of probation of 18 months. The Crown proposed the period of incarceration to be shown on the informations as follows, doing them chronologically: information 1852 which occurred on March 21, three months; information 0249 which relates to the fail to comply with² the order of probation between April and May 2020, two months; information 3264, relating to June 3, 2020, three months, concurrent on each count on the information. Just to be clear, the period of time on information 0249, the Crown's position is it should be consecutive to three months on information 1852; the period of time on information 3264, relating to the firefighter, three months concurrent on each of the counts, that time consecutive to the other two periods of custody; and lastly, information 4318, relating to Mr. Campbell, occurring on July 31, four months concurrent on each of the counts on the information, consecutive to the other periods of custody.

Noting that the prior orders of probation, [4] and the Crown referred to them today, one relating to robbery and another imposed recently, that those two shall continue to be in place and valid at the time this probation order will be in place, the Crown has suggested to me that there Correction: 'of' replaced by 'with'

5

10

15

20

25

is no need, in the circumstances, to impose a condition that he attend counselling and an assessment as directed by the probation office for alcohol abuse and mental health as he is already subject to two orders requiring that. Ms. Kelly does not disagree with that.

The Crown asked then, and during the term of [5] probation of 18 months, concurrent on each of the informations, that the following conditions be imposed: One, that Mr. Henstridge does report to probation, the general condition that he report as directed and thereafter as required; Secondly, that he not attend at the fire station at 132 Belleview Avenue in the City of Toronto unless he is accessing emergency services; Next, that he not have any contact with the firefighter, Mr. Baricevic, she has asked no exception; Next, that he have no contact with the person the Crown has mentioned earlier today, Emery Campbell; Next, he have no contact with P.C. Kwon, unless that officer engages Mr. Henstridge while executing his duties as a peace officer; Next, that he not attend the Independent Market located at 301 College Street, including the underground parking; Next, as a condition of probation that he not possess any weapons as defined by the Criminal Code. And, two ancillary orders, a DNA order be imposed and a s. 109 order for life.

[6] Although Ms. Kelly on behalf of Mr.Henstridge acknowledges the Crown's position is

30

5

10

15

20

in the range of sentence, she submitted on behalf of her client that the sentence I should impose is six months custody as pre-sentence custody, followed by the term of probation the Crown proposed and its conditions. Mr. Henstridge through his counsel asked the custodial sentence be reflected as follows:

One, 90 days concurrent on each count relating to Mr. Emery Campbell, information 4318. He agrees, as the Crown submitted, this is the most serious offence;

Two, he agrees in relation to the matters concerning the firefighter, the sentence should be 60 days concurrent on each count, consecutive to the matter concerning Mr. Campbell;

Three, although he does not agree with the Crown regarding the custodial sentences to be imposed on each of the breach of probation and the assault on the peace officer, that is he doesn't agree that they should be consecutive sentences, he submits that the sentence of 30 days in relation to, as the Crown proposed, in relation to those be concurrent on each.

10

5

15

20

25

He acknowledged the time that each of these offences occurred did not overlap. He made the submission relying on the principles of totality and the jump principle. All counsel agree that the principles of totality and the jump principle are relevant in deciding the sentence.

[7] Mr. Henstridge agreed that the most serious offence was that involving Mr. Campbell, followed by the offences he committed at the firehouse. He did not oppose any of the conditions of the order of probation or the 18 month term proposed by the Crown. He made no submissions concerning the ancillary orders requested by the Crown.

[8] Mr. Henstridge, s. 718 of the <u>Criminal Code</u> provides the following:

> "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 at its heart."

Now that is particularly important here, it is important in all cases but I want to emphasize that here, sir, because the offences that you admitted here, one involved an absolute stranger

20

15

5

10

25

and I will speak further about the racial overtone of that conduct, but that is important and that is why I am emphasizing the purpose of a sentence to you. Everyone should be respecting the rule of law and the sentence should be one that ensures that we maintain a society that is just, peaceful and safe, including strangers walking on the street that do not look like us.

[9] As well at the heart of the offences here you have demonstrated repeated conduct that shows a lack of respect for the administration of justice, and that is so when you interacted with the police officer in the underground parking, that is so when you interacted with the firefighter, and that is the case when you breached the order of the court.

[10] The objectives set out in that section are as follows:

"a) to denounce unlawful conduct and the harm done to victims or to the community that is caused by the unlawful conduct;

b) to deter the offender and other persons from committing offences;

c) to separate offenders from society where necessary;

5

10

15

20

25

d) to assist in rehabilitating
offenders;

e) to provide reparations for harm done to victims or to the community; and,

f) to promote a sense of responsibility in offenders and acknowledgement of the harm done to victims or to the community."

[11] I accept that by entering this plea, sir, that you did so sincerely, you were truly remorseful, and that by entering this plea you have satisfied one of the objectives, that is you have taken responsibility for your conduct and you have acknowledged the harm you did to the victims and the community.

[12] S. 718.02 of the <u>Criminal Code</u> provides:

"When a court imposes a sentence for an offence under s. 270(1), the court shall give primary consideration to the objectives of denunciation and deterrence of the conduct that forms the basis of the offence."

And this is important here because one of the offences relates to spitting on Office Kwon.

30

5

10

15

20

[13] S. 718.1 of the Criminal Code provides: "A sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender." S. 718.2 of the Criminal Code provides: [14] "A court that imposes a sentence shall also take into consideration the following principles: a) the sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and without limiting the generality of the foregoing; (i) evidence that the offence was motivated by bias, prejudice or hate based on a racial, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or gender orientation or expression, or any other similar factor." that is relevant in this matter. [15] The Criminal Code provides that a sentence

5

10

15

20

25

should be similar to sentences imposed - sorry, and I should add that what I have just referred to are deemed to be aggravating factors. [16] As well that section of the code provides 5 that sentences should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances. Subsection (c) of that section provides: 10 "Where consecutive sentence is imposed, the combined sentence should not be unduly long or harsh." This relates to the principle of totality which 15 both lawyers referred to. [17] Next the same section provides that: "An offender should not be deprived of 20 liberty if less restrictive sanctions may be appropriate in the circumstances." And what this is about, is that the Court must 25 ensure that it applies the principle of restraint when sentencing someone. [18] Lastly, the section provides: 30 "All available sanctions other than imprisonment that are reasonable in

the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders...", and then adds, "...with particular attention to the circumstances of Aboriginal offenders."

[19] In this case, sir, in addition to general deterrence it is necessary for me to ensure that the sentence also respects and reflects the principle of specific deterrence. Your rehabilitation continues to be an important objective of the sentence and this is why I asked questions that related to the earlier orders and whether they focussed on the need for you to, with the assistance of the probation officer, attend for assessment and counselling that relate to both your mental health and to alcohol abuse. Alcohol abuse because alcohol was a factor that was present when you committed some of these offences. Not the offence in relation, as I understand it, to Mr. Campbell.

[20] The sentence must reflect sir, who you are, taking into account the interest of the victim, victims in this case, as well it must ensure that I take into account the seriousness of the offences. I am going to turn first to the seriousness of the offences.

30

5

10

15

20

by you was the threat you uttered to Mr. Emery Campbell and the assault you committed on him, both on July 31 at about 2:00 p.m. in the afternoon on Spadina Avenue near D'Arcy Street. It is aggravating that Mr. Emery Campbell was 5 unknown to you. Mr. Campbell was a complete stranger. Mr. Henstridge just said, I'm going to F kill you, and then assaulted Mr. Campbell by spitting on him. During this incident Mr. Henstridge, while speaking to Mr. Campbell, 10 called him N-I-G-G-E-R. This is a serious aggravating factor I must consider. I do so taking judicial notice of the times we live in. Mr. Campbell referred to those in his victim impact statement. I take judicial notice of the 15 peaceful protest that occurred in the City of Toronto asserting Black Lives Matter. I take judicial notice of the many articles in the Toronto newspapers over the last year reporting on the subject of these protests that is that 20 Black Lives Matter. I note, as many people do, walking about the City of Toronto that many people have put signs in their windows of their homes, their residences, repeating the words Black Lives Matter. These criminal acts were 25 racialized. S. 718.2(a) I have already referred to. I have applied that principle relying on the word that Mr. Henstridge uttered while making the threat to Mr. Campbell and infer and find that the offences of Mr. Campbell were motivated by 30 prejudice based on either his race and/or his colour.

BLAKE HENSTRIDGE: I was drunk.

5

10

15

20

25

30

[22] The nature of the assault is serious. Spitting is degrading and humiliating. It is a disgusting act, dehumanizing the victim. In totality, considering the word Mr. Henstridge uttered during the incident I infer this assault too was motivated by prejudice based on race and/or Mr. Campbell's colour. I have no hesitation stating violence has no place in our society and that violence motivated by prejudice must be strongly denounced by the courts and generally deterred. It cannot be tolerated. This court does not tolerate such actions.

[23] The next most serious offence admitted by Mr. Henstridge occurred on June 9 at 6:00 p.m. Firefighters and fire stations are important in our community. Firefighters provide essential services to everyone in the community. This includes times when they help someone when in they are in physical distress, called to sidewalks, people have fallen, then they come to their aid. As well it may include something as simple as getting a cat down from a tree. We also see that in many pictures in our society that relate to that.

[24] The bottom line is though, a fire station is a place where people go to for help. Everyone should feel safe when they are at a fire station and every firefighter who everyday puts his or

5

10

15

20

25

30

[39] There are very many important mitigating circumstances here. First and foremost is the plea that Mr. Henstridge entered. I accept that he did so sincerely and that he is remorseful. He told me at the end of the hearing that he not he told me, he had made a public apology on the record for having hurt the people that are victims in this matter. He told me he was ashamed, and trying to get back to his relationship with God, and told me and I accept completely that he was reading scripture daily. I accept that that statement was sincere.

It is important that Mr. Henstridge, by [40] entering these pleas, saved the public the cost of trials, in particular at this particular time where it is difficult to have trials during the pandemic. The court is not fully operational at this time. Importantly Mr. Henstridge has ensured that the victims here, a police officer and a firefighter, whose time is better served dealing with issues that relate to the public, need not come to court. Most importantly, I should add that it is important that he ensure that the people who work at the Independent Market need not come to testify so that business is not harmed. And lastly and most importantly, he ensured that Mr. Campbell was not required to come to court to testify about the events that occurred on Spadina Avenue. I give considerable weight to that.

The time in pre-sentence custody is [41] important. It shall be shown on the information as follows, and I will give this exhibit to Madam Clerk now so she can have it: in relation to information ending in 1852, that relates to March 21, 2020, it shall show that he served two days in pre-sentence custody; and in relation to information 0249, relating to June 3, 2020, no time was served in pre-sentence custody; in relation to information 3264, he served 28 days in pre-sentence custody; and lastly in relation to 4318, the total amount of time that he has served in custody is 48 days. The total number of real days is 78, enhanced, that is giving him credit for 39 days in total, the total amount of time he is to be given credit for is 117 days. I will stop to say that I accept that in Mr. Henstridge's circumstances, that this occurred when there was a heightened concern about Covid, it is a factor I take into account, and given his personal circumstances which I am going to relate to now, I accept that it is important that he get credit for the pre-sentence custody. I am going to hand now to Madam Clerk the exhibit and maybe she can make a copy of it and then hand it back to me because I will need that. CLERK OF THE COURT: Yes.

[42] I will speak momentarily about the victims before I refer to who Mr. Henstridge is, that is the information I have about him.

30

5

10

15

20

[43] Officer Kwon experienced anxiety, he put this in a victim impact statement. As I said earlier, this occurred during early times during the emergency measures that were put in place in Toronto. Like others who had this concern, the officer had to socially isolate, but given the timing of this event I accept that he had heightened anxiety for his health and that of his family. The firefighter no doubt he was concerned for his safety given Mr. Henstridge threw the rock after uttering the threat.

Lastly, Mr. Campbell, who filed a victim [44] impact statement, it has been marked as Exhibit one, it was read into the record, by Madam Crown, and I accept that Mr. Campbell⁴ has provided the additional comments through Madam Crown today. He said the events were unsettling and he referred to the rising racial tensions in Canada and around the world. He said Mr. Henstridge approached him aggressively and he believed, with the intention to physically harm him, and when he approached him, he then uttered the threat that he would kill him. At the time Mr. Campbell recalled that Mr. Henstridge uttered the racial slurs, yelling them, on Spadina, following which he then spat on him. Mr. Campbell said this conduct caused a negative mental effect on him and impacted on his level of happiness. He wants Mr. Henstridge to take responsibility for his conduct and having been informed by the Crown I misspoke, 'Mr. Henstridge' was replaced with 'Mr. Campbell'

10

5

20

15

25

30

Correction:

that he did, he has through the Crown told Mr. Henstridge that he appreciates Mr. Henstridge for having done that. He also wants Mr. Henstridge to remember that all persons of colour deserve to live with respect and dignity.

[45] At this point in the sentence I want to remind Mr. Henstridge, if it is not clear to him already by the words I have already spoken, that his conduct that day sent a completely different message to anyone else in the middle of the afternoon on Spadina Avenue that may have seen these events, and that is that it was okay in the City of Toronto to utter that word and to spit on someone of colour. Your actions sent a different message than the purpose of a sentence, the fundamental purpose of sentence, which were referred to at the beginning.

[46] Now I am going to deal with information I have received about you, Mr. Henstridge, and I thank Ms. Kelly for the very thorough way in which she presented it. A pre-sentence report was filed as exhibit four. Ms. Kelly told me and the pre-sentence report supports that Mr. Henstridge has an underlying addiction issue, that he receives ODSP because some time ago he injured his back, although it has healed physically, this injury has had a great impact on his sense of worth and his ability to be employed. I accept that and I am concerned that your rehabilitation, Mr. Henstridge, focus on

10

5

15

25

20

5

10

15

20

25

30

improving your own view of your self-worth, that is something that the rehabilitation should focus on.

Mr. Henstridge has been in Toronto for nine [47] years. He has taken strides in moving himself forward. According to Ms. Kelly, and I accept, by connecting to himself to St. Steven's Home in Kensington Market Area in Toronto, she said and I accept that that agency has at times been able to assist Mr. Henstridge with housing. As well it is important that Mr. Henstridge has been able to connect with a doctor in the Kensington Market Area in the City of Toronto, that is Dr. Svoboda, S-V-O-B-O-D-A. That doctor has been assisting him with dealing with his mental health issues. This shows that Mr. Henstridge has important insight into challenges he faces. These challenges are not easy. I accept that completely.

[48] As well, Ms. Kelly stated and I accept that Mr. Henstridge as well has been receiving counselling through St. Stephen's. Those resources will continue to be available to him. Ordinarily, I want to make it absolutely clear, ordinarily I would impose a condition of an order of probation in a circumstance like this, requiring that Mr. Henstridge seek counselling and that he attend for counselling and assessment for the issues that I have already referred to, and I would include that he attend at St.

Stephen's and Dr. Svoboda to ensure that he is reconnected to those services.

It is particularly important for a court to [49] be mindful of the need for persons who have mental health afflictions to get the services that they need and regrettably that they are obliged by a court order to comply with the condition to at least connect them at first instance with the assistance they require. The pre-sentence report refers to the mental health difficulties that Mr. Henstridge experiences. In addition it speaks on page seven of the report about Mr. Henstridge originally, from Newfoundland, until he was 29, a great province, great people from that province, but that in the last seven years he has lived in the Greater Toronto Area.

[50] It spoke about the difficulties he faced growing up and these cannot be disregarded. He grew up with⁵ a father, who was an alcoholic, physically and emotionally abused him, his mother and his sister, and that he experienced difficulties with peer people he was placed in a foster care home with. I am not going to repeat them, I have read this report, Mr. Henstridge, and I see that this experience must be with you still and it must be very difficult for you to overcome. People choose all kinds of ways to cope with these types of emotional,

⁵ Correction: `where' replaced by `with'

5

10

15

20

25

psychological, internal struggles. Through the probation officer I urge you, sir, to seek other ways to cope with these, what I will refer to as scars that you wear.

(...THE COURT BRIEFLY ADDRESSES ANOTHER MATTER ON THE DOCKET...)

[51] All right, it also refers to Mr. Henstridge's education. He finished high school. And at the time he was diagnosed with attention deficit disorder. He went to special ed classes. In page seven of the report Mr. Henstridge was open and he spoke about his use of drugs with the probation officer. I note this because it is important that he has shown insight into that conduct. He described himself, when he spoke with the pre-sentence report, as an alcoholic. He explained he consumed alcohol and his use increased significantly when he moved to Ontario. I infer that this was stressful moving to Ontario. He confirmed his level of alcohol use prior to his incarceration was daily. He reported he resorted to drinking rubbing alcohol and Listerine if he could not afford beer or liquor.

[52] This is distressing, Mr. Henstridge and, again, I urge you, sir, to speak to the probation officer to deal with your rehabilitation so you can learn other ways to cope with the struggles that you are carrying with you each day. You told the probation officer, that is you admitted

~~

25

5

10

15

20

to the probation officer, you were violent and aggressive when you were drunk and expressed you were ashamed of yourself. I accept that, sir. I accept that. And I am going to urge you, again, Mr. Henstridge, to look at that and remind yourself this is why you need to move yourself forward in a different way with the help of professionals. You told the author that you had never been treated but said you were willing to attend, that is the first step towards moving yourself forward, and I urge you to do that.

[53] During the interview that was conducted you told the author that you had been diagnosed with bipolar disorder, and I want to emphasize as well, Mr. Henstridge, because it is important that I say this publicly, while you did this report with the author you were polite and fairly cooperative during the interview, this makes it seem like there are two different people, one when he drinks, who acts in a violent and an aggressive way that he knows occurs and that people have observed and certainly some of the victims here encountered, and of someone who can be polite and cooperative and speak intelligently to the probation officer about his challenges, showing he understands what they are. That shows that you have the ability to have rehabilitation, Mr. Henstridge.

[54] You spoke to the pre-sentence report author about your struggles with post-traumatic stress

30

5

10

15

20

disorder and that you were on medication while
you were in custody, and during that period of
time that medication proved to have positive
results. Again, I am not going to refer to what
that was because I don't want to embarrass you.
I am reading page eight of the report under the
heading character when I make that comment.
[55] You told the report you jumped out of a
window in 2014 and you shattered your pelvis, and
you said that in a previous time in your life,
not at this time, you had attempted suicide in
the past. You had engaged in self-harm
BLAKE HENSTRIDGE: Yes.
THE COURT:behaviours and while in
custody
BLAKE HENSTRIDGE: It wasn't suicide, I was
getting away from a friend who tried to kill me.
THE COURT: Yes, that is okay, I am just reading
the report, sir, just listen please.
BLAKE HENSTRIDGE: Okay.
THE COURT: I am just reading the report, the
report says
BLAKE HENSTRIDGE: Sorry.
THE COURT: That is okay. The report says he has
engaged in self-harm behaviours and was placed on
suicide watch while incarcerated. After he
banged his head so hard on the metal bars he has
a permanent indented scar at the forefront of his
head. There is information on page eight about a
diagnosis of adjustment disorder with depressed
mood made at the Niagara Detention Center Health

5

10

15

20

25

30

Care Unit, substance use disorder, antisocial personality disorder with bipolar disorder, and post-traumatic stress disorder. It is clear that you mental health struggles, sir, and it is clear that these require attention from a professional and you know you have these challenges and you have in the past, most recently taken medication for them which helped you, and I urge you to continue doing that.

[56] You told the author that you were homeless and spent time walking around the streets with the occasion trip to the library. Again, the probation officer is someone who can assist you with connecting with community resources. St. Stephen's House is a good place to connect with such resources as well.

[57] Page nine of the report refers to your response to the community supervision and on that report it says, "It is the opinion of Mr. Cain...", a probation officer, "...that you have little control over your emotions and did not appear capable of addressing conflict without resorting to violence." This is something you have to work on, sir. You have a history of assaultive behaviour, I have already referred to that. Mr. Cain said that you showed noncompliance with court orders. He does not believe you are a suitable candidate for community supervision. I disagree, you have shown insight into your mental health challenges

and your abuse of alcohol and the reasons why. It is important that you work on those reasons in order to be successful in the community. It is still not too late for you to do that, sir. 5 Now I say this noting that on page nine, [58] when you were asked by the probation officer about your community supervision, you said, I am just quoting the report, sir, "I think probation -...″ 10 BLAKE HENSTRIDGE: I know. THE COURT: "...I think probation is a waste of time." That is the end of the quote. BLAKE HENSTRIDGE: No, I do not. THE COURT: Sir, just let me finish. And that is 15 the quote. The officer said you showed little regard for staying out of trouble with the law and said that you expressed that his life is a daily struggle, I accept that, Mr. Henstridge, and show little faith in your ability to be 20 rehabilitated and not to reoffend. Now, Mr. Henstridge, I am telling you this as a judge of the Ontario Court of Justice, it is not too late for you to get help. I am confident given that you have showed insight into your conduct, sir, 25 that you can do better for yourself and not - let me finish now by saying that it is not necessary to cope with the stress that you experienced to harm yourself or attempt to harm yourself in the manner in which you did at the fire station, 30 throwing yourself through a window. The probation officer made some suggestions with

In all of the circumstances, Mr. [61] Henstridge, I accept the Crown's position with respect to the sentence. It is important that the sentence I impose ensure that there are consecutive sentences imposed for each of these delicts which are different and which occurred at different periods of time. I want to make it clear to you, Mr. Henstridge, that I have taken into account the principle of totality. I know that I must consider the sentence that would be appropriate for the most serious of these offences. I have done so. Given your criminal record, in my view the period of 10 months requested by the Crown as the global sentence would be appropriate as a sentence imposed on that assault against Mr. Emery Campbell and concurrent on the threat you uttered to him. Ι take that into account and impose the following sentence.

[62] I did not ask either counsel to comment on this and I am going to make it clear that that is the sentence that I would ordinarily impose on that offence alone, and the period of time for each of the others would be concurrent. As I did not ask counsel, relying on the principle of totality, that is the sentence I would have imposed. However, since I did not ask counsel to make submissions on that, and I did not have an opportunity to do so, I am going to impose the sentence as suggested by the Crown and I have explained why....

15

5

10

20

25

(...THE COURT BRIEFLY ADDRESSES ANOTHER MATTER ON THE DOCKET...)

[63] For the first information ending in 1852, the sentence is three months. The total amount of time credited, he served two real days, but the total amount of time credited, I am sorry, Madam Clerk, that should be shown on the information is the 90 days. That sentence will be a suspended sentence and 18 months' probation.

[64] The next information, 0249, the fail to comply with the order of probation, the sentence is two months custodial sentence. Of the 117 days to take into account, having applied the 90 days credit, there are 27 days credit remaining, those 27 days are credited against the two month sentence on information 0249. From 60 days, those two months, subtracting 27 days, is 13 days. There shall be a further 13 days to serve on information 0249, followed by a period of probation of 18 months concurrent on information 1852.

[65] On information 3264, the sentence shall be 90 days. No more time to be credited being available, it shall be consecutive to the further 13 days to serve on 0249. This shall be followed by 18 months' probation concurrent to the period of probation on 0249 and 1852.

[66] The last information 4318, the sentence

10

5

15

20

25

5

10

15

20

25

30

there is four months. No further time in presentence custody being available to be credited, there will be 120 days to be served consecutive to the time on 3264, with 18 months' probation concurrent to the time on probation on information 3264, 0249 and 1852.



43. Certification

Certificate of Transcript Evidence Act, Subsection 5(2)

I, <u>Elaine Paquette</u>, certify that this document is a true and accurate transcript of the recording of <u>September 16, 2020</u>, in the <u>Ontario Court of Justice</u> held at <u>60 Queen Street West</u>, <u>Toronto, Ontario</u> taken from Recording <u>4811-M1-20200916-120342-6-</u> <u>FAVRETL</u> which has been certified in Form 1 by Paolo Evangelista.

October 12, 2021

15

10

Date

Elaine Paquette Authorized Court Transcriptionist

25

20