

1.
R. v. Joshua Oliver
Arraignment

TUESDAY, DECEMBER 22, 2020

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CLERK OF THE COURT:

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[REDACTED]

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[REDACTED]

MS. HOW: Thank you, starting with the information ending in 2854, that's the criminal harassment. The background is on the 26th of July 2019 the accused before the court, Joshua Oliver, was convicted of the offence of an assault times three, uttered threats, and fail to comply with probation times two at the Old City Hall Court in Toronto. He was sentenced to two years' probation with conditions that included keep the peace and be of good behaviour.

At the time of the allegations, which took place on the 18th of May 2020, the complainant, Brian De Matos, D-E M-A-T-O-S, rented a one-bedroom condo at [REDACTED] Address [REDACTED] in the City of Toronto. He moved in with his female friend, Sara Ermita, E-R-M-I-T-A, who was the landlady's daughter. De Matos is openly gay, and he slept on the living room couch, so Ermita slept in the bedroom.

The accused met Ermita and soon he started staying at the apartment with her, gradually at first and then every day or every other day. Ermita provided the accused with De Matos' phone number and there was an occasional message between them, but they were not friends. Mr. De

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Matos advised Ermita he did not want the accused staying in the apartment with them and when he still stayed over, he advised the land lady on Mother's Day, May 10th, 2020. Ermita was told to tell the accused to leave and after a week he was still there.

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On the 16th of May 2020 the land lady called the police to have him removed, but when the police arrived he and Ermita had already left. The complainant, Brian De Matos, advised the police that the accused had sent him threatening texts which consisted of the following, "That was not the end of it, the laptop was the start." Brian De Matos noted his laptop had been damaged.
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"Wait till I see you on the street, I'm gonna give you a big hug, was gonna give you one when I woke up, but your bitch fagot ass was outside. I'll be watching close for your trips outside the building. I have a gift for you, goof. You think the police can save you, my nigger. I fucking hate the police and they are not gonna post up with you, a piece of paper gonna do what exactly. Fucking faggot goof, rat, fat ugly
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faggot. Fat tranny got the best beat down. I loved it, I enjoyed thinking about it." This was in reference to have assaulted a gay person in the past. "I imagine myself doing to someone else. I think about it daily now and more so today. Anyway, buddy, see you around kiddo, stay safe. No harm will come to you from me, I have
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nothing but love for you, you are my best friend,

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ha ha ha ha ha. Hey Brian, do you have a laptop I can borrow? Goof in (indiscernible), you are a goof, faggot. Kill yourself. Kill yourself before you see me, or you wish you did. Goof.”

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The police absolutely submitted an incident report according to the complainant on the 18th day of May 2020. The accused returned to the building, standing in the back alley, and looking at Mr. De Matos through the window and waiving at him from the alley. Mr. De Matos said that he saw him waiving at him as he stood inside his apartment and called the police, however, when the police arrived, the accused was not there. It is unclear whether or not it's possible to see the accused standing in the alleyway from this vantage and there is no video of the incident.

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Mr. De Matos advised the officers he feared for his safety and wanted the accused charged. Detectives reviewed the messages and prepared charges, turning the incident report into a charge brief and notified the accused via phone message to surrender himself or a warrant would be sought. Police could not confirm the subscriber information for the phone used to send these messages.

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On the 19th of May 2020 at about 3:30 p.m., Mr. De Matos received a text from Ermita saying she would be attending to pick up some mail. Mr. De Matos saw the accused with her at **Address**

and called 911. The police responded quickly, and the accused was arrested in the building and he was taken to 52 Division where he was held for a show cause hearing. Turning then....

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THE COURT: Perhaps after each count, Ms. How, I will ask if those facts are admitted. Ms. Kumar, does Mr. Oliver admit those facts as substantially correct?

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MS. KUMAR: Yes, Your Honour.

THE COURT: Okay, thank you, there will be a finding of guilt on that charge. Please proceed, Ms. How.

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MS. HOW: [REDACTED]

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Certification

Certificate of Transcript
Evidence Act, Subsection 5(2)

I, Elaine Paquette, certify that this document is a true and
5 accurate transcript of the recording of December 22, 2020, in
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PORTERDAV which has been certified in Form 1 by Alexandra
Creighton.

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February 2, 2022

Date

Elaine Paquette
Authorized Court Transcriptionist

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