

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

V.

JOSHUA CHRISTOPHER OLIVER

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

BEFORE THE HONOURABLE MR. JUSTICE DAVID PORTER

On December 22, 2020, at TORONTO, Ontario

APPEARANCES:

H. How

Counsel for the Provincial Crown

A. Martin

Counsel for the Federal Crown

R. Kumar

Counsel for Joshua Oliver

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T A B L E O F C O N T E N T S

Reasons for Sentence

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- Porter, J. (Orally)

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| Transcript Ordered: | September 28, 2021 |
| Transcript Completed: | October 13, 2021 |
| Ordering Party Notified: | October 31, 2021 |

1.
R. v. Joshua Christopher Oliver
Reasons for Sentence
- Porter, J.

TUESDAY, DECEMBER 22, 2020

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

5 PORTER, J. (ORALLY):

10 [1] As counsel indicated this matter has been extensively pre-tried which has been of great assistance in coming to the resolution which has been put forth today. I do accede to the joint submission which I think is a reasonable resolution in the circumstances. I note that the matter of greatest concern to the Court was the criminal harassment allegation which involved
15 homophobic statements and I take into account in accepting the joint submission the aggravating facts that I note that there was an element of homophobia bias against gay persons that was evident in the comments made by Mr. Oliver to the
20 victim.

25 [2] Mr. Oliver has written a very heartfelt apology to the victim in this case, which I have had an opportunity to review, and I accept is a very sincere statement by Mr. Oliver showing true insight into the seriousness of that offence and showing true insight into developing a better understanding of gay persons and understanding the importance of treating gay persons with
30 dignity and respect.

[3] I note that this is an early plea, I note

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5 that Mr. Oliver has arranged employment, which is very much to his credit, and he has taken steps already with the 519 organization which specializes in providing counselling to persons with respect to homophobia to engage with that group with a view to pursuing counselling when he is released.

10 [4] So in the circumstances I accede to the joint submission and in particular the sentence will be a suspended sentence. The time served is noted with respect to the criminal harassment count, which it should be noted is a total of 268 days of pre-sentence custody from the combination of 112 days of actual days served enhanced, which provided an enhanced credit of 168 days, plus 100 days of *Duncan* credit in relation to the 50 days of lockdown, which I accept that he experienced. In addition there will be a DNA order required and a s. 110 order for 10 years.

25 [5] The terms of probation will essentially reflect what was proposed, that he report as required. Counsel, I was proposing to change the wording a little bit to require that the probation require that Mr. Oliver attend culturally appropriate counselling and I think it would be beneficial that in particular in addition he receive LGBTQ sensitivity training with a recommendation that that be with the 519 group with which he has made contact.

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5 [6] And that he has no contact with Brian Demotos, Christopher Radej, Hamaladin Baksh, Cindy Younan and Joe Bolhoes. That he stay a 50 meter radius away from any place where the above individuals live, work or are known to be. That he not attend [Address] or [Address] in Toronto, except for the purpose of retrieving his property from [Address] and that that be in the company of a police officer.

10 [7] That he not possess any identification or instruments of credit not in his own name. And that he possess no weapons and that would be a probation period of two years. And the reporting would be by telephone within 48 hours and reporting thereafter as required. So the pre-sentence custody will be noted on the criminal harassment count and the remaining of the counts will just be noted a suspended sentence and probation. Is there anything I have overlooked or any further comments that counsel have?

15 MS. KUMAR: Your Honour, this is Ms. Kumar speaking. So the criminal harassment count will have the suspended sentence with the entirety of the pre-sentence custody noted...

20 THE COURT: Yes.

MS. KUMAR: ...and the remainder are just suspended sentences?

25 THE COURT: That's right.

30 MS. KUMAR: Okay. Great, thank you, Your Honour.

JOSHUA OLIVER: Does that mean I get out today, Your Honour.

8.
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5 accurate transcript of the recording of December 22, 2020, in
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Creighton.

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15 October 13, 2021

Date

Elaine Paquette
Authorized Court Transcriptionist

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