

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

V.

MACKENZIE CARROLL

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

BEFORE THE HONOURABLE MR. JUSTICE PETER FRASER
On November 15, 2021, at 2201 Finch Avenue West,
TORONTO, Ontario

APPEARANCES:

A. Rajan

Counsel for the Crown

G. Igbokwe

Counsel for Mackenzie Carroll

ONTARIO COURT OF JUSTICE
T A B L E O F C O N T E N T S

Reasons for Sentence

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- Fraser, J. (Orally)

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1.
R. v. Mackenzie Carroll
Reasons for Sentence
- Fraser, J.

MONDAY, NOVEMBER 15, 2021

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

5 FRASER, J. (ORALLY):

[1] Mackenzie Carroll has pled guilty before me to a single count of mischief under \$5,000 arising out of an incident in the Metro South Detention Center in which a black history month poster was defaced in a way that was highly offensive, deeply troubling and motivated in my view by racial undertones.

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[2] The aggravating factors in this case are clear. As started by the Crown, Mr. Carroll has a significant criminal record containing entries for very serious offences of almost every kind spanning approximately 20 years. It is a significant aggravating factor. I do not see anything in the record that would suggest any offence motivated by racism or hate and I acknowledge that, but the record is nonetheless serious. The other significant aggravating feature is the one contained in s. 718.2(e)(i) of the Criminal Code, which holds that a sentence ought to be increased if an offence was motivated by bias, prejudice or hate based on amongst other things race, which this offence clearly was.

[3] The significant mitigating factor, however, in this case is the guilty plea by which Mr.

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Carroll has acknowledged responsibility for his actions, and he has spared the court the time and expense of conducting a trial against him, which during the Covid 19 pandemic takes on added significance, as there is as we all know a significant backlog of cases and court resources are limited. I take that to be a meaningful mitigating factor.

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[4] With respect to the principles of sentence, denunciation is a principle that is contained in the Criminal Code and we often it pay lip service to, but in this case in my view it is perhaps the most important principle of sentencing. The sentence in this proceeding must denounce in the clearest of terms the content of the damage and offending content that was placed upon the posters and convey to Mr. Carroll and to the community how deeply offensive, troubling and inappropriate they were. The sentence must also deter Mr. Carroll or others from community similar offences.

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[5] Taking into account all of the circumstances, I am of the view that the joint submission for 30 days does sufficiently address the principles of sentencing in this case. I will accede to the joint submission. Mr. Carroll will be given credit for his 15 real days in custody at a rate of one and a half to one. The record will note that credit for 23 days of pre-trial custody. I will impose a further sentence

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to seven days as of today's date. There is a victim surcharge of \$100, subject to hearing from you, that will be imposed.

5 MS. IGBOKWE: Your Honour, I would ask that that be waived, Your Honour. Mr. Carroll's circumstances, he is on ODSP and he is anticipated to be in custody for some time.

THE COURT: Ms. Rajan?

10 MS. RAJAN: I have no submissions, Your Honour, on that point.

THE COURT: Given the amount of time that Mr. Carroll has spent in custody and given his record, the fact that he has been in since May and apparently he has other matters he needs to resolve, I am prepared to waive the victim surcharge. There will be no fine, sir, but you will serve the seven days. Anything else?

15 MACKENZIE CARROLL: Thank you, Your Honour.

MS. IGBOKWE: I believe that completes this matter, Your Honour, and I thank you, and I thank my friend as well.

20 THE COURT: Thank you, Ms. Igbokwe.

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4.
Certification

Certificate of Transcript
Evidence Act, Subsection 5(2)

5 I, Elaine Paquette, certify that this document is a true and
accurate transcript of the recording of November 15, 2021, in
the Ontario Court of Justice held at 2201 Finch Avenue West,
Toronto, Ontario taken from Recording 4815-201-20211115-092156-
6-FRASERPET which has been certified in Form 1 by N. Saikali.

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June 25, 2022

Date

Elaine Paquette
Authorized Court Transcriptionist

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