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R. v. Kevin DeSousa  
Arraignment

TUESDAY, FEBRUARY 23, 2021

...

CLERK OF THE COURT: [REDACTED]

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Further, you stand charged on or about the 2<sup>nd</sup> day of January in the year 2021, at the City of Toronto in the Toronto Region, did while bound by a probation order made by the Ontario Court of Justice on June 17<sup>th</sup>, 2020, without reasonable excuse failed to comply with such order, namely, keep the peace and be of good behaviour, contrary to s. 733.1(1) of the Criminal Code of Canada. How does the Crown elect to proceed?

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MR. MacADAM: Summarily.

CLERK OF THE COURT: And how do you plead to the charges as arraigned, guilty or not guilty, Mr. DeSousa?

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KEVIN DeSOUSA: Guilty.

CLERK OF THE COURT: Thank you, sir.

KEVIN DeSOUSA: Guilty.

CLERK OF THE COURT: Thank you.

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THE COURT: All right, so, Mr. DeSousa, listen carefully and Mr. MacAdam, the Crown, is going to read in the allegations. Go ahead, Mr. MacAdam.

MR. MacADAM: Thank you. On June 17<sup>th</sup>, 2020, Mr. DeSousa appeared in the Ontario Court of Justice

5 where he was convicted of assaulting a peace officer and uttering threats. He was placed on probation for 12 months with one of the conditions being that he keep the peace and be of good behaviour. On Saturday, January 1<sup>st</sup>, 2021, Constable Daniel Shortt was engaged in his duty as a sworn police officer at the City of Toronto.

10 Officer Shortt was patrolling in a marked police car in a uniformed capacity to the area of Warden Avenue and St. Clair Avenue East. Officer Shortt's attention was drawn to Mr. DeSousa who was standing in the middle of the roadway and appeared to be having interactions with a motorist's vehicle which was stopped on the roadway. Mr. DeSousa's actions were animated, the interaction appeared to be heated. Officer Shortt looked up to Mr. DeSousa who could be overheard yelling and cursing at the motorist. As Mr. DeSousa saw Officer Shortt, he waived to the motorist and the motorist drove away.

25 Mr. DeSousa's attention was then on Officer Shortt, and Mr. DeSousa immediately started berating Officer Shortt. Officer Shortt attempted to deescalate the situation and speak with Mr. DeSousa, and Mr. DeSousa threatened Officer Shortt by stating, "You're gonna make me miss my bus and I'll fuck you up. I'm going to smash you nigger and take your uniform and I'll fuck you up." Officer Shortt placed Mr. DeSousa under arrest after a brief struggle. And Mr.

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DeSousa was transported to 41 Division and held for a show cause and has been in custody since then.

THE COURT: Thank you and, Ms. Shafran, anything to add before I ask Mr. DeSousa about that is correct?

MS. SHAFRAN: No, Your Honour.

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17.  
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 February 23, 2021, in  
the Ontario Court of Justice held at 1911 Eglinton Avenue East,  
Toronto, Ontario taken from Recording 4813-405-20210223-095658-  
6-BLOOMEM which has been certified in Form 1 by Lauren  
10 Kitchener.

15 February 2, 2022

Date

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Elaine Paquette  
Authorized Court Transcriptionist

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