

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

V.

EARL HERMANUS

E X C E R P T   O F   P R O C E E D I N G S  
P L E A   O F   G U I L T

BEFORE THE HONOURABLE MR. JUSTICE LATIMER

On April 22, 2021, at MILTON, Ontario

APPEARANCES:

L. Muller

D. Hayward

Counsel for the Crown

Counsel for Earl Hermanus

(i)  
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1.  
R. v. Earl Hermanus  
Arraignment

THURSDAY, APRIL 22, 2021

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CLERK OF THE COURT: Mr. Hermanus, could you state your full name for the record, please?

5 EARL HERMANUS: Earl Mark Hermanus.

CLERK OF THE COURT: Thank you. Earl Hermanus, you stand charged that on or about the 13<sup>th</sup> day of June in the year 2020, at the Town of Oakville in the said Region, did commit an assault on Junior Turner, that's T-U-R-N-E-R, contrary to s. 10 266 of the Criminal Code. How does the Crown elect to proceed, please?

MS. MULLER: Summarily, please.

CLERK OF THE COURT: Thank you. Having heard 15 this charge, sir, how do you plead, guilty or not guilty?

EARL HERMANUS: Guilty.

CLERK OF THE COURT: Thank you. Please listen to the facts.

20 MS. MULLER: Yes, Your Honour, on June the 13<sup>th</sup> of 2020 at approximately 7:40 p.m. the police received a call for service to 1004 Elizabeth Place in the Town of Oakville, in regards to an assault that had just occurred. Officers 25 attended and were greeted by the complainant in the matter, Junior turner, as well as a witness and the girlfriend of the complainant, Holly Nonis, N-O-N-I-S, Holly, H-O-L-L-Y. Both parties advised that they were having an argument 30 regarding their relationship near the front door for a short time. During the argument there was no physical aspect, they were simply having a

5 verbal argument. Following the argument Mr. Turner then walked to his vehicle, which was parked in front of the residence at Elizabeth Place, and he made a phone call to a friend to discuss the argument.

10 Approximately 15 minutes later the accused exited his home and approached Mr. Turner, who was sitting in his car, and began to yell about him treating Ms. Nonis poorly. Mr. Turner advised Mr. Hermanus that it did not concern him. Mr. Hermanus then began to tell Mr. Turner that no one on the street likes him and he continuously said but I'm not racist. Mr. Turner asked Mr. Hermanus where racism comes into play and Mr. Hermanus began to get extremely worked up and was punching his fist.

20 Mr. Hermanus then advised Mr. Turner that he has already assaulted a Chinese man on the street. Mr. Hermanus continuously asked Mr. Turner where he came from, saying that he does not belong there. Mr. Turner then advised Mr. Hermanus that he is not interested in continuing the conversation, so he was going to get out of the car and return to the house. When Mr. Turner stepped out of the vehicle, he observed Mr. Hermanus lift his right hand and turn his head to shield himself, so at this time Mr. Hermanus struck Mr. Turner in the side of the head with his right, and also his upper body, body area. I believe there were approximately three strikes.

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Mr. Turner returned to the home and told Ms. Nonis what had happened. Ms. Nonis then went to Mr. Hermanus' door and asked why he hit Mr. Turner, which Mr. Hermanus said he was protecting her and kept saying, I don't know why you're with someone like that. Just after, officers arrived at the home. Ms. Nonis expressed her concern as she believed that the incident had a lot to do with the fact that Mr. Turner is black. Ms. Nonis advised that Mr. Hermanus kept saying no one likes him around here, he doesn't belong here. Then he had also indicated - racist - sorry, it's just blocking my page here, I'm sorry. Sorry, Your Honour.

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Ms. Nonis advised that Mr. Hermanus kept saying I'm not racist, you are going to think I'm racist. It was the perception of Ms. Nonis that the situation was hate driven. Mr. Turner expressed his concern in that regard as well. Then after they spoke with Mr. Hermanus he immediately advised; you're going to think this is because he is black.

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At approximately 7:28 p.m. Mr. Hermanus was placed under arrest and transported to central lockup. He was interviewed and during that inculpatory statement, during the statement Mr. Hermanus was asked why he believed that the other residents don't like Mr. Turner, to which he responded, "Well I know my neighbour had two

white daughters and I don't think he likes a black man looking at his white daughters."

5 Further, Mr. Hermanus was asked why he believed he needed to stand up for Ms. Nonis, to which he responded, "She shouldn't be spoken to that way, for god's sake especially by a black man." Due to the utterances made by Mr. Hermanus during the interview it was the officer's belief the incident was motivated in part by hate and (indiscernible) so was the perception of the complainant and the witness in the matter, Your Honour.

10 THE COURT: So he was told during the pre-trial and it's noted in Mr. Hayward's documentation as well that the supplementary occurrence report indicates that Mr. Turner said that this conduct was out of character from his perspective and that he had a previously polite relationship with Mr. Hermanus, is that correct, Ms. Muller?

15 MS. MULLER: Yes, those additional facts can be provided, Your Honour.

20 THE COURT: Mr. Hayward, are the facts substantially correct?

MR. HAYWARD: They are.

25 THE COURT: There will be a finding of guilt. I understand there is no prior criminal record. Is there an impact statement, Ms. Muller?

30 MS. MULLER: There is not, Your Honour. I did speak to the investigating officer last night, he advised that he did leave messages for the complainant asking him if he wished to provide a victim impact statement, but he never received a

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Submissions by Mr. Hayward

return call from the complainant, so as a result there is no victim impact statement to hand in, Your Honour.

THE COURT: Mr. Hayward, why don't you go first?

MR. HAYWARD: Sure.

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[REDACTED]

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11.  
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 April 22, 2021, in the  
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February 3, 2022

Date

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Elaine Paquette

Authorized Court Transcriptionist

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