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R. v. Sayid Ahmed Abdullahi
Arraignment

WEDNESDAY, MAY 19, 2021

...

5 CLERK OF THE COURT: Sayid Ahmed Abdullahi, you stand charged on or about the 14th day of May in the year 2020, at the City of Toronto in the Toronto Region, did wilfully destroy a computer or a storefront window, the property of Popeye's Louisiana Kitchen, the value of which exceeded \$5,000, you thereby commit mischief, contrary to s. 430(3) of the Criminal Code of Canada.

10 And furthermore, you stand charged on or about the 26th day of May in the year 2020, at the City of Toronto in the Toronto Region, did wilfully damage the rear window of a motor vehicle at [REDACTED] **Address**, the property of Ahmed Ali, the value of which exceeded \$5,000, and thereby commit mischief, contrary to s. 430(3) of the Criminal Code of Canada.

15 And furthermore, you stand charged on or about the 26th day of May in the year 2020, at the City of Toronto in the Toronto Region, did in committing an assault on Hassan Nur use a weapon, namely a cane, contrary to s. 267(a) of the Criminal Code of Canada.

20 And furthermore, you stand charged on or about the 26th day of May in the year 2020, at the City of Toronto in the Toronto Region, did being at large on a release order, failed without lawful excuse to comply with the condition of that

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release order, namely, do not possess any weapons as defined by the Criminal Code, for example but not restricted to, a pellet gun, a firearm, imitation firearm, crossbow, prohibited or restricted weapon or device, ammunition or explosive substance, or anything designed to be used or intended for use to cause death or injury, or to threaten or intimidate any person, contrary to s. 145(5) (a) of the Criminal Code of Canada.

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And furthermore, you stand charged on or about the 31st day of May in the year 2020, at the City of Toronto in the Toronto Region, did assault Saled Mahmoud, contrary to s. 266 of the Criminal Code of Canada.

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And furthermore, you stand charged on or about the 11th day of March in the year 2021, at the City of Toronto in the Toronto Region, did commit an assault on Anisa Jama, contrary to s. 266 of the Criminal Code of Canada.

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And furthermore, you stand charged on or about the 26th day of March in the year 2021, at the City of Toronto in the Toronto Region, did without lawful excuse, authority, and knowing that another person, namely, Ibttesam Isabhai, was harassed or recklessly as to whether that person was harassed, engaged in besetting or watching the workplace where that person worked and caused the said Ibttesam Isabhai to reasonably

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fear for their personal safety, contrary to s. 264(2) (a) - sorry (c), of the Criminal Code of Canada.

5 And furthermore, you stand charged on or about the 29th day of March in the year 2021, at the City of Toronto in the Toronto Region, did commit an assault on Faud Mohamed, contrary to s. 266 of the Criminal Code of Canada. Where there is an
10 election how does the Crown proceed?

MR. COUGHLAN: The Crown, we are proceeding summarily.

CLERK OF THE COURT: Thank you. And how do you plead to the charges as read, guilty....

15 THE COURT: Just before you do that, sorry, Mr. Coughlan, I was just following along and the charge you said....

MR. COUGHLAN: Yes, I can barely hear.

20 THE COURT: I didn't see that there was criminal harassment, it was a cause a disturbance as it relates to Mr. Isabhai.

MR. COUGHLAN: Yes, I think it's on that same information which is information....

THE COURT: Is that 229?

25 MR. COUGHLAN: Yes, it should be the cause disturbance count and not a criminal harassment count.

THE COURT: Okay.

30 MR. COUGHLAN: Which I think is maybe count three.

THE COURT: Oh, sorry, I did read that wrong, so we will reread that.

THE COURT: Okay, thank you.

MR. COUGHLAN: The next relating information 0921, where Mr. Abdullahi pleaded guilty to an assault against Ms. Jama, on Thursday, March 11th, 2021, at 9:07 a.m. Mr. Abdullahi was in No Frills grocery store parking lot at 316 McLevin Avenue, M-C-L-E-V-I-N, in the City of Toronto. He approached a lone unknown female dressed in a black traditional Muslim hijab. There were other people entering and exiting the busy grocery store, but Mr. Abdullahi appeared to be fixated on this female. He approached her from the rear and sprayed an unknown liquid on the backside of her traditional hijab dress. She....

THE COURT: He sprayed an unknown liquid?

MR. COUGHLAN: Unknown liquid, that's correct. She didn't appear to be aware of what was happening as she continued on, but this was viewed by one of the employees of the No Frills. Mr. Abdullahi walked through the parking lot on foot and in the direction of the nearby A&W. While at the A&W, which is located at 1390 Neilson Road, Mr. Abdullahi became upset and threw his cellular phone at the window of the A&W, damaging the window.

He then observed another female who was visibly and readily then filed as a Muslim woman wearing a traditional Muslim hijab dress. She was preparing to cross the intersection at Neilson Road and Tapscott Road, T-A-P-S-C-O-T-T, when Mr. Abdullahi approached her from behind and he

5 grabbed her hijab headdress and pulled in an aggressive and violent manner. In doing so the complainant who was Ms. Jama, is her hair was pulled and she screams alerting passers-by. Unfortunately, they did not intervene. Mr. Abdullahi let go of Ms. Jama, allowing her to locate a nearby police officer which was parked on the other side of the restaurant. She told the officers what had happened, and officers were able to locate Mr. Abdullahi immediately and arrest him for the assault. He was transported to 42 Division and held for a show cause. Ms. Jama did not suffer any injuries but had some pain from her hair having been pulled.

15 THE COURT: So the one at the No Frills where he threw the unknown liquid, that's a different one?

MR. COUGHLAN: That is a different one.

20 THE COURT: Okay. All right, Mr. Wilton, are those allegations acknowledged as being correct?

MR. WILTON: They are accepted as substantially correct, yes, Your Honour.

25 THE COURT: Okay, thank you. So, again, Mr. Abdullahi, based on your plea of guilt, I will find you guilty. Yes?

30 MR. COUGHLAN: Thank you. In relation to information number ending in 1182, the complainant in that matter is Mr. Faud Mohamed. He does not know Mr. Abdullahi and nor has he ever seen him before the incident, which was on Monday, March 29th, 2021, at approximately 11:25 a.m. Police were dispatched to Morningside Avenue and Sheppard Avenue East in the City of

5 Toronto. They had been advised that a male,
which was known as Mr. Abdullahi, was walking
around, and assaulting random people, including a
female and ripping the hijab off of her head.
The police arrived and met with Mr. Faud Mohamed.
He advised that at just before that at 11:20 a.m.
he had been sitting on a curb eating his lunch
with a food tray on his lap. Mr. Abdullahi
walked up to him and asked him if he knew him.
10 Mr. Faud Mohamed said no and offered him some
water. Mr. Abdullahi then asked Mr. Mohamed if
he was East African, when Mr. Mohamed replied,
yes, Mr. Abdullahi kicked the tray off of Mr.
Mohammed's lap and causing food to spill on his
15 face and then walked away. Mr. Mohammed called
the police and proceeded to follow him. This is
when he observed Mr. Abdullahi approach an
elderly female, put her in a headlock and ripped
the hijab off her head. She was able to cover
20 herself and walk inside the store and appeared to
be uninjured. Mr. Abdullahi continued....

THE COURT: Sorry, then he approached an elderly
female and what?

25 MR. COUGHLAN: Put her in a headlock and ripped
the hijab off of her head.

THE COURT: And, sorry, go ahead.

MR. COUGHLAN: She was able to get away
uninjured. There Mr. Abdullahi then approached
another random male and knocked a coffee cup out
30 of his hands. He did not, that male did not
appear to have any injuries either. The police
arrived and located Mr. Abdullahi and both the

5 elderly female and the male with the coffee had already left prior to the police arriving and had not been identified. Mr. Abdullahi was transported to 42 Division, and he got held for a show cause.

THE COURT: Okay, and those are the facts that are being read in as part of the context or aggravating factors on the sentence, Mr. Coughlan?

10 MR. COUGHLAN: Yes, it is part of the context.

THE COURT: Okay, thank you. Mr. Wilton, are those allegations acknowledged as being correct?

MR. WILTON: Yes, accepted as substantially correct again, Your Honour.

15 THE COURT: Okay, thank you. All right, Mr. Abdullahi, I will find you guilty of those offences.

MR. COUGHLAN: All right, and then in relation to the final information, the caused disturbance - sorry, there is a Walmart store located at 799 20 Milner Avenue in the City of Toronto, that's M-I-L-N-E-R. Mr. Abdullahi had gone to that store on a number of occasions. The individuals who you are going to hear about in a moment were all of Middle Eastern ethnicity and at least four of 25 them were wearing hijabs. There are also the various employees and customers in the store, but Mr. Abdullahi seemed to be focussed on women of a particular ethnic background wearing hijabs. For instance, on Friday, March 29th, 2021, Mr.

30 Abdullahi attended the store. He approached Ms. Nayeem who is a Walmart employee and who was

5 engaged in her work duties. He began following her around the store as she worked. She became aware of this and alerted her coworkers. He continued to follow her throughout the store and standing in close proximity to her, sometimes within arm's reach, which was making her feel very uncomfortable. Store security became involved, and Mr. Abdullahi was told to leave the store.

10 He returned to the store on March 29th - sorry, on March 26th, 2021. He went inside the store and then went to the location near McDonald's Restaurant which is located within the front entrance. At approximately 10:43 a.m., as he was consuming a McDonald's coffee, he began staring in the direction of another woman, Ms. Isabhai, who was standing nearby. She is a Walmart employee who was preparing online orders to be delivered to the parking lot. He made eye contact with her and winked at her.

25 She felt uncomfortable, turned her back to him and he continued working alongside her other coworkers. He then approached Ms. Isabhai and stated, "Have you ever fucked a black guy?" Ms. Isabhai did not respond as she was becoming increasingly concerned about his behaviour towards her. One of the other employees challenged Mr. Abdullahi about his behaviour and he replied, "I'm talking to her and not you."

5 Ms. Isabhai proceeded to go to the parking lot to deliver orders and Mr. Abdullahi followed her outside. As she completed the delivery and was walking back towards the entrance he shouted, "Nice legs, keep walking.", to her. She walked back into the store and her fellow employee instructed her to go to the employees only area at the back of the store to get away from his attention to her.

10 At about 10:52 a.m. Mr. Abdullahi re-entered the store and proceeded to the produce section. Another employee, Ms. Ferdous, F-E-R-D-O-U-S, was selecting produce items for customer orders. He approached her from behind and stood within close proximity of her. She felt that she was being watched and turned around to see Mr. Abdullahi standing directly behind her. He was whispering but she was unable to understand what he was saying. She felt uncomfortable and she tried to distance herself from him. He left the produce section briefly but returned a short time later to wander around near her while she was continuing to work, again, getting in within arm's reach of her. He began to waive his hand near her face. She believed he had something in his hand and was feeling increasingly concerned for her safety. She had left the area to alert her manager.

25 Mr. Abdullahi then began to go in close proximity to Ms. Nayeem who was back in the produce section

5 working. She remembered him from the incident on March 19th. Police were then called by Walmart staff. Officers attended and located Mr. Abdullahi in the produce section. He was escorted out of the store by police. They were not initially - sorry, the police were not told about all of the actions, but they directed him out of the store.

10 However, at approximately 12:30 p.m. he re-entered the store and proceeded back into the produce section. The fourth Walmart employee, a Ms. Khatoon, K-H-A-T-O-O-N, was stocking shelves. She became aware of Mr. Abdullahi being directly behind her. Mr. Abdullahi was confronted by a store manager who was aware of what had been going on and he became involved with Mr. Abdullahi. Officers were again called, and that incident was reported. Ultimately Mr. Abdullahi was found to be in custody in relation to other charges after this date and was apprised of these new charges and returned to the custody of the Toronto East Detention Center.

25 THE COURT: Okay, and just to make clear, the offence to which he pled guilty with respect to those allegations is what?

30 MR. COUGHLAN: By his behaviour and in through the store in relation to the employees he was causing those various employees to be disturbed and unable to...

THE COURT: Okay.

MR. COUGHLAN: ...conduct normal employee

functions.

THE COURT: Thank you, okay. Mr. Wilton, are those allegations acknowledged as correct?

MR. WILTON: Again, substantially correct, yes, that's right, Your Honour.

THE COURT: All right, based on what I have heard, Mr. Abdullahi, I find you guilty of the cause disturbance as well. So I guess at this point I will have to break for lunch and we will return at 1:20, okay, Mr. Abdullahi?

SAYID AHMED ABDULLAHI: Okay, at 1:20, okay.

THE COURT: Okay, so make sure you tell the guard there that we are coming back at 1:20, okay?

SAYID AHMED ABDULLAHI: Okay, ma'am.

THE COURT: Thank you very much.

(...THE COURT ADDRESSES OTHER MATTERS ON THE DOCKET...)

R E C E S S

U P O N R E S U M I N G :

(...THE COURT ADDRESSES OTHER MATTERS ON THE DOCKET...)

THE COURT: Hi, Mr. Abdullahi, are you there?

SAYID AHMED ABDULLAHI: Yeah, I'm here, yeah.

THE COURT: Okay, good afternoon.

SAYID AHMED ABDULLAHI: Good afternoon.

THE COURT: Okay, so, we had just finished reading in all the facts and you have been found guilty...

SAYID AHMED ABDULLAHI: Okay.

THE COURT: ...of the offences and, okay, Mr. Coughlan, is there a record being alleged?

MR. COUGHLAN: No record is being alleged.

THE COURT: Okay. I take it from the documents that you had forwarded earlier that there are victim impact statements that are being tendered.

MR. COUGHLAN: Yes, I've reached out through the officers in charge and as well to the various people who have been mentioned, three of them did return victim impact statements. They did not wish to read them but ask that they be filed as exhibits.

THE COURT: Sorry, they didn't wish to read them?

MR. COUGHLAN: They didn't wish to read those.

So the three - sorry, there is the statement from Jannatul Ferdous, if that could be exhibit one, please.

THE COURT: Okay, could I just have a moment to look at this. And you have read all of these, Mr. Wilton, and your client read them?

MR. WILTON: Yes, yes, I have read them, and I did tell Mr. Abdullahi that the complainants in the case had made victim impact statements as well.

THE COURT: And you have no issue that they be filed as exhibits?

MR. WILTON: No, they could be marked as exhibits, Your Honour.

THE COURT: Okay, sorry, so is Mr. Abdullahi familiar with the contents of them?

MR. WILTON: I didn't read them in detail, Your Honour, I told him in general what they'd said,

so he is aware that the complainants have made some input.

5 THE COURT: Okay. So with respect to Ms. Ferdous - I mean just for Mr. Abdullahi's benefit, it's really just a two sentence impact, so I will just read it here so Mr. Abdullahi can hear it. He said, "I am concerned about my security all the time. I am in fear if the offender gets released and comes back again and attacks or assaults are just more planned crime and targeted people like us who is wearing a hijab."

10 SAYID AHMED ABDULLAHI: Okay.

EXHIBIT NUMBER 1: Jannatul Ferdous' Victim Impact Statement - produced and marked.

15 THE COURT: And the next one, Mr. Coughlan?

MR. COUGHLAN: That would be the statement written by Nuzhat Nayeem and if Your Honour wishes I can read that.

20 THE COURT: You know what, yes, thank you.

MR. COUGHLAN: All right, so she writes, "Since the initial incident it has been difficult to open up about the emotional harm I had experienced to anyone. At first, I thought of it as another spectacle of working in retail and not something that could potentially harm in any shape or form. I treated it as a joke like some of my coworkers did. Looking back in the aftermath all I could think was why didn't I take my own wellbeing more seriously? Why wasn't I more angry and disgusted? I felt ashamed and embarrassed like I was an attention seeker (indiscernible) what happened. Now it was hard

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to not constantly look over my shoulder,
wondering if someone was following me,
compromising my safety and security in my
workplace where I should feel (indiscernible),
but I didn't. I didn't realize how privileged I
was as a woman to not have that type of anxiety
in my life after the initial incident. At work
it is incredibly difficult to interact with
customers, having to constantly think whether or
not this person, especially male, is looking at
me in a way that makes me think I need to see if
this person is a danger to me or not, constantly
watching their body language to see if they would
approach. I would flinch and feel a
(indiscernible). I know it's simply crazy. I am
actually terrified to be near a man who is bigger
than me (indiscernible) was. I shouldn't be
afraid to go to work and leave my place of
employment but I am."

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EXHIBIT NUMBER 2: Nuzhat Nayeem's Victim Impact
Statement - produced and marked.

MR. COUGHLAN: And the third - I what I would be
asked to be marked as exhibit three is the victim
impact statement from Azmat Khatoon and hers is
relatively brief. She indicated, "After this
incident I started feeling insecure. Now I'm
starting to be more cautious when outside.
Whenever on the sales floor I am always alert now
of who is coming near me." So that could be
exhibit three.

THE COURT: Okay, thank you.

EXHIBIT NUMBER 3: Azmat Khatoon's Victim Impact

21.
Submissions by Mr. Coughlan

Statement - produced and marked.

[REDACTED]

5 [REDACTED]

10 [REDACTED]

15 [REDACTED]

20 [REDACTED]

25 [REDACTED]

30 [REDACTED]

34.
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 May 19, 2021, in the
Ontario Court of Justice held at 1911 Eglinton Avenue East,
Toronto, Ontario taken from Recording 4813-406-20210519-075720-
6-DOORLYK which has been certified in Form 1 by Catherine Boyle.

March 17, 2022

Date

Elaine Paquette
Authorized Court Transcriptionist