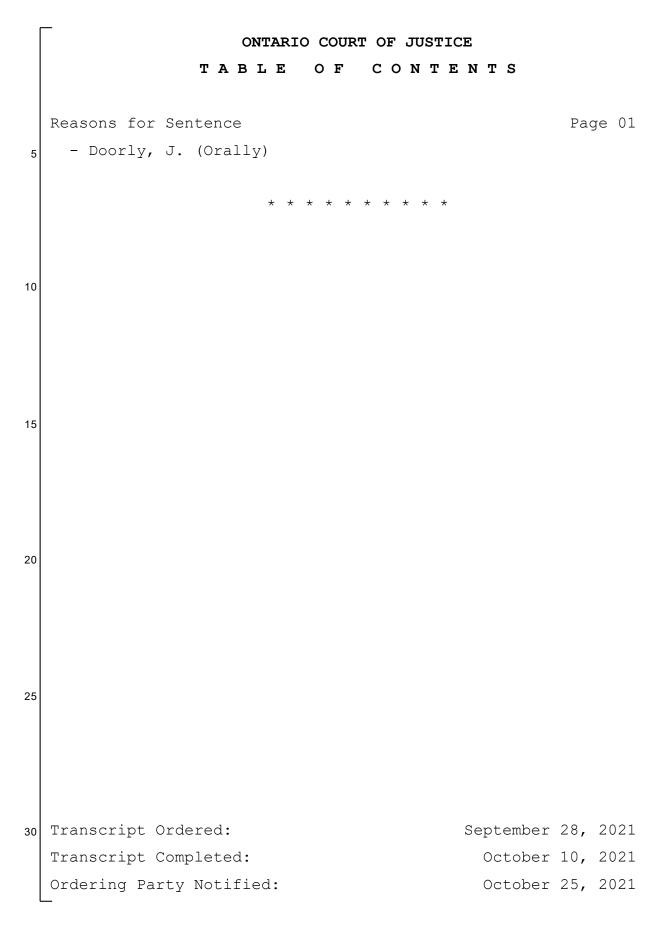
Information No. 4813-998-20-45001845-00, 20-45001681-00, 20-45001794-00, 21-35000921-00, 21-35001182-00, 21-35001229-00, 20-45001656-00 ONTARIO COURT OF JUSTICE HER MAJESTY THE QUEEN 5 V. SAYID AHMED ABDULLAHI 10 REASONS FOR SENTENCE 15 BEFORE THE HONOURABLE MADAM JUSTICE DOORLY On May 19, 2021, at TORONTO, Ontario 20 25 30 APPEARANCES: Counsel for the Crown C. Coughlan J. Wilton Counsel for Sayid Ahmed Abdullahi

# (i) Table of Contents



1.
R. v. Sayid Ahmed Abdullahi
Reasons for Sentence
- Doorly, J.

WEDNESDAY, MAY 19, 2021

•••

10

15

20

25

30

REASONS FOR SENTENCE

5 DOORLY, J. (ORALLY):

[1] All right, well Mr. Abdullahi has pled guilty to a specific number of offences that sort of run the gamut in terms of property offences, offences involving people physically and also in addition to that offences of a more cerebral nature, I suppose, in that women who were wearing hijabs were, you know, pushed or assaulted or kind of harassed by Mr. Abdullahi. On some occasions he swung his cane and hit people, he hit a taxi driver often a person that is seen as a vulnerable worker in his own right. He swung his cane and hit a man who lived in the assisted dwelling home with him, Mr. Nur, again, it would appear to be another vulnerable person, and then, of course, a number of women as I have referred to.

[2] And that was particularly apparent on the day when he went to the A&W and then, of course, the day at Walmart, where he was undeterred with respect to leaving these women alone, understandably causing them a lot of anxiety wondering what is the nature of this threat? Is he singling me out because, you know, I am dressed this way? Because of my religion? Because of my traditions? Victim impact

statements were filed by complainants where, you know, they note that they are now worried about Mr. Abdullahi getting out and coming back and targeting people like them.

[3] One witness or victim indicated that she did not realize how privileged she was as a woman not to have that type of anxiety in her life before this incident and that she is constantly watching over the customers at the Walmart to see if they appear dangerous or not. So these seeds that were planted in people - of doubt and of anxiety and worry - are as a result of actions by people such as Mr. Abdullahi.

[4] And it is interesting, I mean Mr. Wilton and I think Mr. Coughlan both indicated that Mr. Abdullahi himself comes from a Muslim background, that his sister in fact wears a hijab, and so it is kind of hard to understand why he would have this - it seems like, or be acting out in this way against women, that is a mystery and I do not pretend to understand at all. But, you know, one has to wonder about the general level of anti-Muslim sentiment that is present in the world and one just wonders sometimes how much of that gets tapped in and it is sort of adjusted by people and then it comes out in these unexplained ways.

[5] So, of course, it is that aspect of the series of offences is an aggravating aspect of all of this, not to mention as well the various

30

5

10

15

20

assaults and just kind of the non-stop nature of them. He just, as I said, was undeterred. And, of course, that probably ties in hand-in-hand with what Mr. Wilton was describing as Mr. Abdullahi's schizophrenia and that he gets into these episodes. Mr. Wilton was referring to these clusters of events and that does seem to sort of be the way that they played out. As I have heard earlier, there were some back in 2018, and again in May of 2020, and then another cluster in March of 2021.

[6] And Mr. Wilton is certainly of the belief that Mr. Abdullahi had not been complying with his medication when these events occurred and, again, that kind of goes hand-in-hand with what Dr. Wasserman, who is Mr. Abdullahi's psychiatrist or was his psychiatrist in the Humber River Hospital, said that poor adherence to his medication will result in psychotic episodes, Mr. Abdullahi having been diagnosed with schizophrenia back a number of years ago, so it has been somewhat of a struggle I guess for him to stay on his medication.

[7] He has been fortunate in many ways to have found a supportive group of people in the community, a COTA worker, a person from an agency Across Boundaries, who is willing to be his case manager it's Mr. Thomas. He has got supportive housing, again, as a result of I think his COTA worker, and so all of these opportunities are

25

20

5

10

15

still available for Mr. Abdullahi upon his release. And so at this point he has served sorry, how many days again was served, is it 60 days? MR. WILTON: In terms of the actual time spent,

he has been in custody 67 days.

[8] So he has spent 67 days in custody and Mr. Wilton did not mention anything about the particularly difficult circumstances of being in custody these days. It almost goes without saying that at this point Mr. Abdullahi having been incarcerated during this pandemic it is sort of at the point where we can almost take judicial notice of the fact that there are more lockdowns, much greater restrictions on people in custody, fewer people have access to services that they might otherwise have and so that is something as well that is worth considering on the guilty plea.

[9] Notably as well Mr. Abdullahi has no criminal record. He is 44 years of age. He has family in Toronto who I understand he is still in touch with, and so there is a path forward for him. If he is compliant with his medication, he has workers who are supportive who I am sure will assist him in terms of availing community programs, getting his psychiatric appointments, living in a supportive housing place, so there is certainly a reason to think that Mr. Abdullahi's behaviour and the unsettling nature of it can be

15

5

10

25

20

#### controlled.

5

10

15

20

25

30

So, Mr. Abdullahi, I understand again from [10] your lawyer that you don't generally present as being someone who does not want to be compliant with your medication. From what he said it sounds like you go along with, you know, what your workers are suggesting and I think at this point now, here we are in May of 2021, and I understand that you have started to take your medication again, but I guess at this point now you have seen how things can go very wrong when you do not take your medication. Obviously you have hurt not just physically but psychologically a number of people, and you have also ended up in jail for over 60 days, and like I said there is a way out, if you are compliant with your medication and if you take the assistance that is offered to you, I would certainly be hopeful that we would not see you back here again. And so in all of the circumstances, it is a lot of criminal activity that you engaged in but in the circumstances your mental health conditions do mitigate to some extent your moral blameworthiness, especially given that you were un-medicated at the time.

[11] So in the circumstances, I will accede to the joint submission and you will be sentenced to eight days and credited with 12 on each of the offences, and you will be placed on probation for 12 months. The terms are that you keep the peace

and be of good behaviour. You are to report to the probation officer as directed, so that should be within three working days of your release. And, Madam Clerk, do you have the number handy? CLERK OF THE COURT: Yes, I do, Your Honour. THE COURT: Okay, actually I will ask you to read the conditions in a few minutes if you don't mind.

CLERK OF THE COURT: Sure.

[12] You are to reside at an address approved of by probation. Not to possess any weapons as defined by the Criminal Code. You are not to have any contact with Hassan Nur, Ali Gardezi, Ali Ahmed, Saled Mahmoud, Anisa Jama, Faud Mohamed, Nuzhat Nayeem, Ibtesam Isabhai, Jannatul Ferdous and Azmat Khatoon. You are not to attend Popeye's Restaurant at 2202 Jane Street in Toronto, No Frills Store, 360 Maclennan Avenue in Toronto, A&W Restaurant, 1390 Neilson Road, Toronto, or the Walmart at 799 Milner Avenue, Toronto.

[13] You are to attend for assessment and counselling for mental health issues as directed by your probation officer, and to sign the necessary releases. The 200 meter condition, Mr. Coughlan, what is your thought about that? Should it just that he is not to enter those stores? MR. COUGHLAN: I am content that he be not into those stores. I think the reality is all of

10

5

20

15

25

_	
	these people are strangers except for Mr. Nur I
	suppose, they are strangers to Mr. Abdullahi and
	if he is not going to their places of work it is
	hard to see how he come across them otherwise.
5	THE COURT: Okay, all right, so
	MR. WILTON: And, Your Honour, Mr. Nur resides in
	North York still it's my understanding.
	THE COURT: Okay.
	MR. COUGHLAND: Perhaps, Your Honour - sorry,
10	Your Honour, just as a trade-off, I am just
	making the up time for (indiscernible) but if
	there was a condition that he not attend at
	- if I can get the address where Mr. Nur lives
	which was his old address, a brief indulgence.
15	MR. WILTON: Address I think it was.
	MR. COUGHLAN: I think that is right, yes,
	Address , that way Mr. Nur doesn't have to
	worry about him coming to his place of residence
	and that should be sufficient.
20	THE COURT: Okay, so we'll just put that in then,
	Madam Clerk, please just after the Walmart, that
	he is not to attend at Address as well,
	and we will take out the not being 200 meters of
	the above-named individuals, is that right?
25	MR. COUGHLAN: Yes, thank you.
	THE COURT: Okay, thank you.
	[14] And I will also make two ancillary orders.
	There will be a DNA order, it is a secondary
30	designated offence, and given the nature of the
	offences it is certainly appropriate and
	minimally intrusive. And there will also be an
	-

order prohibiting you, Mr. Abdullahi, from possessing any weapons for five years, okay?

[15] So, Mr. Abdullahi, if you breach any of these terms, if you, for example, go back to the Popeye's Restaurant on Jane Street, then you will be charged with breaching your probation and you will be arrested again and you will just be back before the courts and you will spend some time in custody, but do you understand, like this is a court order and you must obey it? Mr. Abdullahi, do you understand?

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



15

10

5

20

14. Certification

Certificate of Transcript Evidence Act, Subsection 5(2)

I, <u>Elaine Paquette</u>, certify that this document is a true and accurate transcript of the recording of <u>May 19, 2021</u>, in the <u>Ontario Court of Justice</u> held at <u>1911 Eglinton Avenue East</u>, <u>Toronto, Ontario</u> taken from Recording <u>4813-406-20210519-075720-</u> <u>6-DOORLYK</u> which has been certified in Form 1 by Catherine Boyle.

> Date Elaine Paquette Authorized Court Transcriptionist

20

10

15

October 10, 2021

25