

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

V.

LIAM GREAVES

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

BEFORE THE HONOURABLE MR. JUSTICE ZABEL  
On November 9, 2021, at HAMILTON, Ontario

APPEARANCES:

C. Hopkins

A. Confente

Counsel for the Crown  
Counsel for Liam Greaves

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

V.

BLAKE TRAUTMAN

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

BEFORE THE HONOURABLE MR. JUSTICE ZABEL  
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C. Hopkins

J. Abrams

Counsel for the Crown

Counsel for Blake Trautman

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

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5 - Zabel, J. (Orally)

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R. v. Liam Greaves and R. v. Blake Trautman  
Reasons for Sentence  
- Zabel, J.

TUESDAY, NOVEMBER 9, 2021

...

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

5 ZABEL, J. (ORALLY):

10 [1] The accused previously were convicted on the two counts in the information, that being jointly on or about the 4<sup>th</sup> day of October in the year 2019, in the City of Hamilton, did commit mischief, the value of which did not exceed \$5,000 in relation to a building structure or part thereof that is primary used for religious worship, to wit, Beth Jacob Synagogue, for reasons of bias, prejudice or hate based on religion, race, or national or ethnic origin, contrary to s. 340(4.1) of the Criminal Code of Canada.

20 [2] And then Mr. Greaves alone, on or about the 4<sup>th</sup> day of October in the year 2019, at the City of Hamilton in the said Region, did commit mischief in relation to property situated at Kent, Hamilton, Ontario, Canada, by wilfully damaging the sidewalk of a value not exceeding \$5,000, contrary to the provisions of s. 340(4) of the Criminal Code.

30 [3] And a finding of guilt was registered after trial in regard to count one, and count two a finding of guilt was registered pursuant to a guilty plea, and I note as mentioned by counsel,

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defence counsel of the trial, expedited by appropriate defence submissions.

5 [4] In imposing sentence today I have considered the vile facts as revealed at trial and I will not repeat them as they are a matter of record. I have considered as well the aggravating factors as submitted by the Crown which I agree with and additionally I am mindful after conviction I had designated both offences to be hate crimes.

10 [5] I have reviewed the moving victim impact statements presented to the court by Crown counsel which were read into the record by their respective authors and filed as exhibits. And I propose now to just highlight, briefly highlight some portions of those community victim impact statements. The first one is submitted to the court by Rabbi Hillel Lavery-Yisraeli of the Beth Jacob Synagogue, and he indicated at the outset that he is submitting this on behalf of 300 members, families, as well on behalf of the entire Jewish community in Hamilton.

25 [6] And then later on he indicates that:  
"Knowing that they also wrote anti-black inscriptions during the same, it also adds to the need for me to speak up. Hate has place in Hamilton, in Canada, or anywhere in the world, and whenever incidents like these occur to anyone, swift, strong, decisive action needs to be done to send this unequivocal message to them

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and to everyone else. You cannot treat other human beings like this. You will not get away with something like this. These actions simply are not mischief, the damage is irreparable."

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[7] He mentions later on in regard to the effect on their particular community: "Since the events we have had to greatly increase security measures taken at the synagogue and the other Jewish institutions around the city. Mostly funded out of pocket, we hired a private security firm to be onsite at events and check who is entering our building. For large gatherings we also require preregistration and preapproval for attendance and don't allow walk-ins. We are unable to offer soup kitchen or other charitable events out of our building for fear of dangerous people entering our building and mapping out the insides. For our High Holidays we now pay off duty police officers to park a cruiser in our parking lot and stand at our entrance for extra security. Bollards are being installed in front of our glass doors, extra security cameras have been added, and yet for most of us all these measures are seen as mere bandages trying to stop a leaky dam. If anyone wants to hurt us it would be easy for them to do so. We know that Hamilton was dubbed the hate capital of Canada and that anti-Semitism is one of the most, if not the most frequent manifestations of hate occurring in Canada these days. But to many, or most of us, Jewish Hamiltonians, until that faithful day,

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5 these were only titles and only statistics. By having our spiritual home defaced it translated into reality. It actually occurred to us and it is happening to others, and if it can happen to us once, it is likely to happen to us again."

10 [8] Then Ms. Slesinger, she is a senior human rights liaison lead for human rights of B'nai Brith Canada. She indicated in her statement that they were contacted for many reasons on multiple occasions almost every day by our Jewish and non-Jewish communities who bring to their attention incidents of discrimination and hate motivated facts and indeed hate motivated crimes. Then she indicates, from their statistics, 15 surprisingly, average more than seven anti-Semitic incidents occur every day in Canada in 2020. And she indicates from the Toronto Police 2019 hate crime report, it shows 32 percent of hate occurrences targeting Jewish people, and 20 though representing only a small fraction or approximately one percent of the Canadian population.

25 [9] And she ends very appropriately by saying the following: "We see no excuse for the image and words employed. No individual's past can excuse this behaviour or absolve perpetrators of responsibility. Those that produce this image and these words knew what they were doing. Such 30 behaviour has a lasting and a grievous impact on our community, on individual members of our

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community, and the black community, including individuals of the black community. We look to the court for justice that will send a message that this simply cannot and will not be tolerated."

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[10] And lastly, Leo Johnson, he is a black community advocate and activist, the community organizer in Hamilton, and he indicated in part that: "This incident has deepened the trust deficit within the black community as it relates to engagement internally and externally. Facing the reality that people feel enabled to harm black communities in such a manner, members of the community have to live in a state where they cannot trust anyone, especially non-black members of the community."

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[11] And dealing with the physical impact on the black community: "It has directly resulted in members of the community avoiding the area where the incident occurred. As such many members of the black community have to deprive themselves of accessing services in that area in order to avoid being traumatized through recollection of the occurrence." And then he concludes with a very sage comment: "We are also concerned that others may even be angry given the gravity of the harm caused by this offence. That is why it is so important that the community be supported through a healing process in genuine accountability from the offender. Without the offender being



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genuinely remorseful through words and deeds, it would be impossible for the community to completely heal from this grave offence."

5 [12] I have in addition reviewed all the materials filed by defence counsel, which includes the positive pre-sentence reports ordered by the court which were appropriately reviewed by both defence counsel today. Counsel have made their submissions to the court and I have considered all of the written oral submissions and the case law filed and there is now a joint submission as to sentence.

10 [13] That arriving at an appropriate sentence in this case I am mindful of the applicable principles of sentencing both at common-law and under s. 718 of the Criminal Code. In particular, in part s. 718.2(a)(i) provides that an aggravating factor is evidence that the offence was motivated by bias, prejudice or hate, based on race, national or ethnic origin, language, colour or religion.

15 [14] In imposing sentence for these hate crimes, the paramount principles of sentencing I find are denunciation and deterrence. I further find that in order to send a strong and unequivocal message that hate crimes in our community will not be tolerated, we must let persons who are  
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30 considering the commission of these types of offences know that if they do jail time will

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5 result, the only question is for how long. Now  
in this case, in light of the joint submission  
taken by the Crown and the defence, and  
considering the lack of the accused's persons  
criminal record and their backgrounds, that a  
period of incarceration imposed will be served in  
the community as a conditional sentence.

10 [15] Dealing first with Mr. Greaves, the  
sentence of the court is an eight month period of  
incarceration concurrent to be served in the  
community as a conditional sentence. In regard  
to Mr. Trautman, the sentence of the court is six  
15 months incarceration to be served in the  
community as a conditional sentence in regard to  
both on the terms filed with the court by both  
counsel. Now, defence counsel, I presume you  
have reviewed those terms with your clients so I  
do not have to read them into the record?

20 MR. ABRAMS: That is correct, Your Honour.

MR. CONFENTE: Yes, Your Honour, that is correct.

25 THE COURT: Thank you. So noted and I have  
endorsed the copies, both copies that have been  
filed with the court.

30 [16] Now as well, each accused is placed on  
reporting probation, it will be for a period of  
18 months, substantially as per the terms filed  
with the court which I have in front of me. It  
is a reporting probation order and besides the  
statutory terms, they are not to communicate,  
directly or indirectly, in any way, in person, by

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telephone or other electronic means or otherwise,  
with anyone known to be a member or employee of  
Beth Jacob Synagogue. Let me know when you are  
caught up, Madam Clerk.

CLERK OF THE COURT: Thank you, Your Honour.

THE COURT: You are not to attend within five  
metres of the property at Beth Jacob Synagogue at  
357 Aberdeen Avenue, that being in the City of  
Hamilton.

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[17] They are to participate in assessment,  
counselling or rehabilitative programs as  
directed by the probation officer, and this is  
what I have added in regard to what counsel have  
15 prepared, including but not limited to equity,  
diversion and inclusion, including the history of  
the black and Jewish community counselling, and  
to sign any and all releases as required. Again,  
let me know when you are caught up.

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CLERK OF THE COURT: I am caught up, Your Honour,  
thank you.

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[18] They are not to possess any weapons as  
defined by the Criminal Code. And lastly, they  
are to complete the following community service  
hours: Mr. Trautman, 100 hours and Mr. Greaves,  
150 hours. It must be satisfactorily completed,  
and proof of completion be provided to the  
probation officer from the community service  
30 officials as required. And as well, this is an  
addition, the court recommends that if all  
possible the hours of community service be

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5 performed for black or Jewish community  
organizations or religious organizations. Any  
questions or comments first of all, counsel, on  
the conditional sentence terms imposed? I will  
hear from the defence first.

MR. ABRAMS: Not on the CSR, Your Honour.

THE COURT: Mr. Confente?

MR. CONFENTE: Just a comment regarding the  
probation terms.

10 THE COURT: Yes, I was going to ask you that  
next, go ahead.

MR. CONFENTE: Yes, the term, the five metre  
radius from the....

15 THE COURT: Oh, yes, not to attend, sorry, we  
will change this, ...

MR. CONFENTE: Yes, thank you.

20 THE COURT: ...not to attend on the property of.  
We will do that for both. Crown, questions or  
comments first of all on the conditional sentence  
order or the probation terms?

MS. HOPKINS: No, thank you, Your Honour.

THE COURT: The applicable surcharges are waived.

25 MS. HOPKINS: Thank you. May I ask if there is  
an additional information with respect to Mr.  
Greaves before the court?

THE COURT: Is there, I am not aware of that.

CLERK OF THE COURT: There is, Your Honour, 21-  
4102, one count of fail to comply with release.

30 MS. HOPKINS: I am asking that that be withdrawn,  
the Crown has determined it is not in the public  
interest.

THE COURT: Does that complete all matters then,

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counsel?

MS. HOPKINS: Yes.

MR. ABRAMS: I believe so, Your Honour.

THE COURT: Yes, thank you, everyone.

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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 9, 2021, in the  
Ontario Court of Justice held at 48 Main Street East, Hamilton,  
Ontario taken from Recording 4711-304-20211109-094806-6-ZABELB  
10 which has been certified in Form 1 by Autumn Weninger.

15 June 22, 2022

Date



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Elaine Paquette

Authorized Court Transcriptionist

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