

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

V.

SETH BERTRAND

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

BEFORE THE HONOURABLE MADAM JUSTICE MCGOWAN

On August 17, 2022, at WINDSOR, Ontario

APPEARANCES:

E. Costaris

R. Russon

Counsel for the Crown

Counsel for Seth Bertrand

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R. v. Seth Bertrand
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- McGowan, J.

WEDNESDAY, AUGUST 17, 2022

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

5 McGOWAN, J. (ORALLY):

10 [1] Now, as I indicated, I have considered all of the submissions here, and the facts, and the victim impact statement, and in my view the appropriate sentence here is one of a conditional sentence for five months. The accused entered guilty pleas to various offences here, and more importantly he pleaded guilty to an offence under s. 319 of the *Criminal Code*, promoting hatred. It was tandem with three counts of wilful damage and a breach of bail.

20 [2] Mr. Bertrand was 18 years of age at the time of these offences. He is now 19. The allegations that he admits are that he, on three separate occasions, painted graffiti on the building housing the offices of WE Trans, an association which is for the betterment of the LGBTQ class community in Windsor. On the final occasion he not only put the graffiti on the building, but he also broke a window. The graffiti contained racial, and homophobic slurs, and the swastika.

30 [3] In an incident involving a separate complainant who was a member of the LGBTQ community, the accused threw a brick through the

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window of that gentleman's home, and there was a
note wrapped around the brick with neo-Nazi
slurs. It is clear that the victim was targeted
because he was part of the trans community.

[4] And the final count was the possession of a
weapon contrary to his bail. At that time he was
observed by a citizen with what appeared to be
handgun, and it turned out to be a BB gun.

10 THE COURT: I am running out of power, sorry.

CLERK OF THE COURT: I have successfully sent you
what you required.

15 THE COURT: All right, I am just going to move
this device so I can plug it in, and I am going
to disappear for a minute.

CLERK OF THE COURT: And if Mr. Costaris can let
me know what count the weapons would be on, or
what information?

20 MR. COSTARIS: I will be suggesting that as part
of the first information alleging the count under
s. 319, please.

CLERK OF THE COURT: Thank you.

MR. COSTARIS: It could also be ordered under the
breach allegation, Madam Clerk, ...

25 CLERK OF THE COURT: Thank you.

MR. COSTARIS: ...given the allegation of a
weapon.

CLERK OF THE COURT: Thank you.

30 THE COURT: All right, hopefully I am wired in
again. Sorry about the interruption.

[5] The offender in this case, Mr. Bertrand, is

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now 19 years of age. As I indicated he was 18 at the time of these offences. I have not had the benefit of a pre-sentence report, but I should indicate that counsel pre-tried this case before me some time ago. Mr. Russon has provided a fulsome background for his client. He indicates that his client lives at home with his parents and has a good relationship with them. He had some difficulty socializing and he found himself resorting to some of these websites which encourage and promote homophobia and racial discrimination. He has no prior criminal record.

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[6] Both counsel have put their positions on the record. The position of the Crown quite simply is that an offence of this nature requires a firm denunciatory sentence, and one that involves actual incarceration. Mr. Costaris is mindful of the youth of this particular offender but insists that a short three month sentence in actual custody would meet the necessary principles of deterrence, and would not crush this young man and prevent him from further rehabilitation.

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[7] Mr. Russon urges upon the court to consider the principle of sentencing that requires the court to particularly pay attention to the prospects of rehabilitation for young people. He argues that his client was just months out of the *Youth Criminal Justice Act* coverage, and really should be given a full opportunity to continue with his rehabilitation, and the time that he has

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had since the offence has occurred has given him time to reflect, and as he indicated to the court himself today, he no longer holds these very antisocial views.

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[8] And the Crown reminds the court that s. 718 of the *Criminal Code* requires the court to note as a serious aggravating factor this is an offence that is motivated by hatred and is designed to promote hatred against a particular community. There is no doubt that that is exactly what s. 319 accomplishes.

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[9] I think it must be acknowledged that the primary focus of sentencing in a case like this, has to be deterrence of this type of conduct in the community, and to promote protection for stigmatized communities, such as the LGBTQ class in this case. Secondary is the rehabilitation of a youthful offender. It is important for the court to balance these factors against whether an actual custodial sentence, as opposed to a conditional sentence, can meet both principles that I have enunciated. In my view a conditional sentence can achieve both the necessary denunciation and the rehabilitation of the offender, albeit it should be a sentence a little longer than one suggested by defence counsel, to make the appropriate statement. The conditional sentence would be bolstered by electronic monitoring.

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[10] S. 718 statutorily emphasize that hate motivated offences are aggravating. In this case the victim impact statement of the worker at the WE Trans vividly demonstrates how the behaviour of the offender left her traumatized, and fearful, and confused, where, as she put it, she and her organization do no harm and exist to help others. S. 718 also mandates the least restrictive sentence that can justify achieving the necessary principles. These sections are not mutually exclusive.

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[11] Now, Mr. Costaris has provided the court with a number of cases dealing with sentencing and s. 319. I am grateful for the benefit of the wisdom of my colleagues. Without exception in each of these cases identify crimes of this nature as very serious and worthy of a strong form of denunciation involving some form of incarceration. I note that the offender before me is quite youthful and the offenders noted in the cases cited were generally older and mature men. However, it is not unusual to see behaviour like this perpetrated by disaffected youth who find a home in dangerous websites.

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[12] The victims in this case are members of the LGBTQ community. Homophobia continues to rear its ugly head globally. It is fodder for hatemongers and as such must be clearly denounced. Mere words and platitudes by community leaders simply don't reach people who
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5 thrive on hate. A denunciatory sentence should
have some impact. Now what constitutes a
denunciatory sentence? The Crown urges a short
period of actual custody. The defence reminds
the court that conditional sentences are terms of
imprisonment, even if they are served in the
community. I agree, but in order to meet the
high goal of denunciation for homophobic offence,
such a sentence must be much more restrictive
10 than a simple probation order. I have concluded
that all of the principles of sentence,
especially denunciation and rehabilitation of
youthful offenders, can be met by a conditional
sentence with electronic monitoring, followed by
a lengthy probation.
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20 [13] Electronic monitoring is very restrictive
and requires an offender to wear a monitor for
the duration of any house arrest condition. The
monitor itself is a stigma of criminal behaviour,
which acts as a reminder to all, especially to
the offender, that stigmatizing others in the
community will result in his own stigmatization.
Leaving him in the community under the
25 supervision of his parents and correctional
services will be a continual reminder to him and
others that targeting vulnerable community will
result in a serious backlash. The community
should not take a community-based sentence as
insufficient punishment, but as a public
30 denunciation of hate based crimes.

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5 [14] On each of the counts under s. 319 and 430
the sentence will be a five month conditional
sentence concurrent on each, and on the count
under s. 145 the sentence will be a 30 days
concurrent conditional sentence. Now, I am going
to try and pull up the draft order once again so
that I make sure I have not forgotten anything.
I know they have changed the form fairly
recently. Thank you, Madam Clerk, it is the
10 draft order that is now before me.

15 [15] So that the conditions of the order will be
that he will keep the peace and be of good
behaviour, and appear before the court when
required to do so. He will appear as the court
directs in person to the supervisor, and
thereafter report when required by the
supervisor, in the manner directed by the
supervisor.

20 [16] You will remain in Ontario unless you have
prior written permission from the court or a
supervisor to leave the province. You will
notify the court or supervisor in advance of any
25 change of name or address, and promptly notify
the court or supervisor of any change in
employment or occupation. You will report to the
supervisor within two working days and after that
at all times and places directed by a supervisor,
30 or any person authorized by a supervisor, to
assist in his supervision. Now, I need
assistance from counsel for the address of his

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current residence?

5 MR. RUSSON: 1297 Carriage Lane and the address that the Solicitor General used was LaSalle, it's an odd thing when you Google it you get Windsor and LaSalle, so we will go with LaSalle, Ontario, Your Honour.

THE COURT: All right.

10 [17] He will abide by the conditions of house arrest. The confinement condition will be in effect for the full duration of the sentence. There will be an electronic supervision program, and so he will remain in his residence or on the property at all times, except for any medical
15 emergencies involving him or any member of his immediate family; except for going to and from being in assessment, treatment, or counselling sessions; except for going directly to or from performing community service; and he will confirm
20 his schedule in advance with the supervisor in setting out the times for these activities. Also except with the prior written approval from the supervisor, and that written approval is to be carried with him at all times, and except for
25 carrying out any legal obligations regarding compliance with this order.

30 [18] During the period of home confinement he will not change his place of residence without first obtaining written permission of the supervisor. He is not to permit any persons to visit the residence, except with the written

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5 permission of his parents or his supervisor. He must present himself at his doorway upon the request of his supervisor or a peace officer for the purpose of verifying his compliance with the home confinement condition.

[19] Dealing with the electronic supervision program, he is to report immediately to - what is the address?

10 CLERK OF THE COURT: I will see what I....

MR. RUSSON: I think, Your Honour, it's done by video. I'm not quite sure. The process, I have only followed this process for release where the Recovery Science Corporation goes to South-West and pick the ankle monitor right away. My thoughts are that Mr. Bertrand simply has to call because their head office is in Toronto, but they have people across Ontario, so they can be in any jurisdiction within a day.

15 THE COURT: So, is it facilitated by the probation office?

MR. RUSSON: No.

THE COURT: No?

MR. RUSSON: It's separate, it's through Recovery Science Corporation.

25 CLERK OF THE COURT: I do have a number and it's the number for contacting the monitoring company immediately. I do have a 1-877 number.

THE COURT: Mr. Costaris, will you give us some help here?

30 MR. COSTARIS: Unfortunately, I am in the same position as Mr. Russon, and I have only dealt

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5 with it when the individuals at South-West
Detention Center for bail releases. Did, Mr.
Russon, did they provide you with the document
when you requested verification in terms of the
appendix?

MR. RUSSON: So, not this time but I do have a
version. Let me just find it. Give me one
second, Your Honour.

10 THE COURT: Yes, in London the probation office
facilitates this, so they make the connection.

MR. RUSSON: I see, just give me one second here,
I am going to find the last time I used it and
pull up what I have.

15 CLERK OF THE COURT: I do have an email for them
and a phone number, but no address.

MR. RUSSON: So, Your Honour, I have found a copy
that I have written up for another client, but I
am going to try to trace back and find that
original, it's called a Participation Agreement,
20 *Criminal Code Compliance Programs.*

CLERK OF THE COURT: Oh, I have something here,
Your Honour. I'm just going through our forms
here and....

25 MR. RUSSON: Madam Clerk, is it an 11-page
document entitled Enrolment Document?

CLERK OF THE COURT: Well, I have required
wording for conditional sentence in regards to
the GPS and I....

30 THE COURT: And what does your information tell
us about that reporting condition?

CLERK OF THE COURT: Just a moment, please.
Again, there is no address here, Your Honour, I

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am sorry.

THE COURT: All right. What you have is a telephone number and an email address?

CLERK OF THE COURT: I do.

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THE COURT: And is that what you normally assert into these orders?

CLERK OF THE COURT: I have never done an order. These are....

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MR. RUSSON: Your Honour, I can tell you that is the way we had proceeded on bail. I have done this three times in the last month, and we have put compliance terms to report by phone thereafter, because it's all done by phone and through the Recovery Science app on the phone...

15

THE COURT: Right.

MR. RUSSON: ...will be proceeding.

THE COURT: So, if I direct the order that he report immediately to the Bail Supervision Program and attach the phone number?

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CLERK OF THE COURT: To the bail supervision?

MR. RUSSON: So I would say, yes, report immediately to Recovery Science Corporation for the purposes of facilitating electronic monitoring as soon as possible, at the phone

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number, I think that would cover everything, Your Honour, subject to what my friend has to say.

THE COURT: All right, so what is the name of the agency again, Mr. Russon?

MR. RUSSON: Recovery Science Corporation.

30

THE COURT: All right.

[20] So he's report immediately to Recovery

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Science Corporation at that particular phone number, and can we say it for the record, please?

CLERK OF THE COURT: The numbers that I have is 1-877-595-2576.

THE COURT: All right, and that will be for the purpose of arranging of his enrolment in the Electronic Supervision Program.

CLERK OF THE COURT: I'm sorry, for the purpose of arranging?

THE COURT: Enrolment in the Electronic Supervision Program.

CLERK OF THE COURT: Thank you.

THE COURT: It's the same wording that's on the blank form.

CLERK OF THE COURT: Okay, thank you.

THE COURT: Yes. All right, then he will participate and abide by the rules and regulations of the program as required by his conditional sentence supervisor and/or the designated electronic supervision resource officer, for the purpose of monitoring house arrest, home curfew and residence. Why can't I just, instead of having him report to this agency, I'm sure if we have him just report to his conditional sentence supervisor for the purpose of arranging the enrolment. Would they do that? I think that's why they bring it out of the probation office in London.

MR. COSTARIS: I can provide you with the phone number for the probation office and I can follow-up with them, as soon as the hearing is done, to let them know that that's the case. I don't see

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5 any issue with it, if it's clear in the wording,
Your Honour, I will be happy to follow-up with
probation, but I have the phone number here that
I am looking for another conditional sentence
order that was recently imposed, but that was
without the electronic monitoring, that's the
only issue.

THE COURT: Yes, all right.

10 MR. COSTARIS: But if you would like the number,
I can provide that at this time.

THE COURT: If you could put it in for the clerk.

15 MR. COSTARIS: I will send this to the clerk as
well, but I will read wording just to make sure
it's satisfactory to the court. It's report by
telephone to a probation officer at 519-254-3291
within two working days - oh, I'm sorry, this is
after the conditional, this is part of the
probation order.

20 CLERK OF THE COURT: That's for the probation
order. Your Honour....

25 MR. COSTARIS: A conditional sentence order, it's
report by telephone to a supervisor at 519-254-
3291 within two working days, and after that all
times and places directed by the supervisor, or
any person authorized by the supervisor to assist
in your supervision. So that's the same term for
a conditional sentence, that's what I am saying.

THE COURT: Yes, yes, it's not the specific term
relating to the Electronic Supervision Program.

30 MR. COSTARIS: Right, so if that could be built
into that as well as another condition, I don't
see any issue with that.

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5 THE COURT: Well, I'll make it that he report - I am going to make it that he report immediately to the conditional sentence supervisor for the purpose of arranging enrolment in the Electronic Supervision Program.

CLERK OF THE COURT: Thank you.

10 THE COURT: And if that's a problem with the supervisor, well we may have to come back and amend this?

MR. COSTARIS: I will follow-up with her, Your Honour, to make sure that is clear.

THE COURT: All right.

15 MR. RUSSON: We won't have to amend, Your Honour. If that doesn't work, I will make sure Mr. Bertrand does it on his own.

THE COURT: All right.

20 [21] All right, and he shall participate and abide by the rules and regulations of the program as required by your conditional sentence supervisor and/or his designate electronic supervision resource officer for the purpose of monitoring the house arrest. You shall be placed on the supervision for the length of the
25 conditional sentence order. You shall permit the Ministry of Community and Safety Correctional Services staff and persons who are authorized by the Ministry of Community Safety and Correctional Services associate Electronic Supervision Program
30 to enter his residence for the purpose of setting up, installing, maintaining, repairing, and removing the Electronic Supervision Program. He

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5 shall make himself available by phone or in person as may be required at any time during house arrest. In particular, you shall answer the phone at any time during the house arrest confinement, and he shall present himself to the Ministry of Community Safety and Correctional Services staff or police services and/or persons who are authorized by the Ministry of Community Safety and Correctional Services associated with the Electronic Supervision Program at the door of his residence at any time during the house arrest and home confinement for the purpose of confirming of his presence and compliance.

15 [22] He shall permit the Ministry of Community Safety and Correctional Services staff or police services in his residence for investigation of any alerts, either technical or compliance issue. He shall remain in his residence except for the purpose of school attendance, employment, medical appointment, religious services, and legal obligations regarding compliance with this sentence. You may obtain from your supervisor written permission to be absent from the residence for any other reason deemed appropriate by the supervisor and carry the written permission on this person at all times.

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30 [23] He is not to contact or communicate in any way, directly or indirectly, by any physical, electronic, or other means with - I have not got the names right in front of me, Mr. Costaris,

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would you read them out, please, the people from
WE Trans, ...

MR. COSTARIS: Yes.

THE COURT: ...yes, the gentleman who has had the
brick threw his window?

MR. COSTARIS: Aaron Bergeron, spelled A-A-R-O-N
B-E-R-G-E-R-O-N, and Alexander Reid, R-E-I-D.

THE COURT: All right.

[24] You are not to possess any weapons as
defined by the *Criminal Code*. You will attend
and actively participate in all assessment,
counselling or rehabilitative programs as
directed by a supervisor, and complete them to
the satisfaction of the supervisor for life
skills. Mr. Costaris, you provided some wording
with respect to access to the internet?

MR. COSTARIS: I think Mr. Russon was asking you
to adopt the language from the current bail
order, which outlines in detail what he is
prohibited from doing. I am not sure if Mr.
Russon has a copy of that bail order.

CLERK OF THE COURT: I have a copy, I could
forward it to you, Your Honour.

THE COURT: Well, do you have it in front of you
there, Mr. Costaris?

MR. COSTARIS: I think Mr. Russon does. The bail
order is in relation to a matter being prosecuted
by the Public Prosecution Service of Canada, so I
don't have access to the order.

THE COURT: Okay.

MR. RUSSON: I have it now, Your Honour.

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THE COURT: Okay, I am just about to lose power again, I am sorry, an equipment malfunction.

MR. RUSSON: So, I am reading what his condition 11 of the still existing bail order, which says,

5 "The accused shall not login, register, access, use, comment on, or communicate over any electronic social media or communication

platform, including Twitter, KIK, Surespot, Telegram, Instagram, Facebook, or any such

10 platform." The other technologically related condition is the, this is condition 13 on his

current bail order, "The accused shall not access or view, or attempt to access or view, any

15 violent extremist materials, literature or documents, electronic or otherwise, or any listed

terrorist entity materials, literature or documents, electronic or otherwise." Your

Honour, I don't know if it's a condition you

would also like on this matter, but there is also a condition on here that he not possess any

20 cellphone, pager, or personal digital assistant.

THE COURT: All right. All right, but we will put that in for the duration of the house arrest as well.

MR. RUSSON: Oh, I'm sorry, there is one more,

25 Your Honour, I don't want to be incomplete, it's a very unusual order. There is also, "Do not

possess or use any other computers, or any other device, that has access to the internet or other

30 digital network, except for a television."

THE COURT: Okay, thank you. Madam Clerk, do you have a copy of that order in front of you?

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CLERK OF THE COURT: I do.

THE COURT: Okay, so you are able to lift the conditions from that order and put them into the conditional sentence?

CLERK OF THE COURT: I will do that, Your Honour, thank you.

THE COURT: All right.

MR. RUSSON: Madam Clerk - sorry, Madam Clerk, it was conditions - I went out of order, I apologize, it's condition seven, eight, eleven and thirteen that I read out.

CLERK OF THE COURT: Thank you.

THE COURT: Okay, all right, so that is helpful.

[25] So then in addition to the conditional sentence, it will be followed by a period of probation for two years. Now, and those conditions will be that he must keep the peace and be of good behaviour and return to court when required to do so. He will report to the probation office within two working days of his completion of the conditional sentence and thereafter as directed by his probation officer. He will not change his place of residence without the prior written approval of his probation officer.

[26] He will attend for counselling for life choices and other such counselling deemed appropriate by his probation officer. There will be a non-communication order with the same persons and the same wording as in the

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5 conditional sentence order. And also and in
addition non-attendance upon any place where he
knows these persons to reside or work, and
specifically he will not attend within 100 meters
of the WE Trans offices. And the address for -
is it Mr. Reid who had his window broken?

10 MR. COSTARIS: Mr. Bergeron had his window
broken, Mr. Reid was the executive director at WE
Trans. Did you want me to provide you with those
two addresses, Your Honour?

15 THE COURT: Yes, please, I don't have them up, I
haven't got enough screens here.

20 MR. COSTARIS: No problem. The WE Trans Center
is located, and just for the completeness of the
record, it's the Windsor Essex Transgender and
Allied Support Center and that's at 1435 Tecumseh
Road East in Windsor. The residence where the
individual identified as Mr. Bergeron is 1145
Tuscarora Street in Windsor.

25 THE COURT: All right, thank you.

30 CLERK OF THE COURT: On probation, Your Honour,
did you do a no weapons, I am sorry?

THE COURT: Not yet but I will include it in the
probation order. I am just concerned about the
computer use during the use of the probation
order. And I do not think it is reasonable to
ban for the two years of the probation order, but
I would like to put some safeguards in place.

MR. RUSSON: Are you welcoming submissions on
that issue, Your Honour?

THE COURT: Sure, I am thinking in general terms
of not allowing any use of any websites or chat

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5 sites, such as Twitter or Instagram, unless such use has been approved by his probation officer.

MR. RUSSON: That makes perfect sense to me, Your Honour. That is what - I was going to suggest to keep the eleven and thirteen but for that exception and not include the seven and eight from the bail order.

THE COURT: Mr. Costaris?

MR. COSTARIS: I would support that approach as well, thank you.

THE COURT: All right, all right, that would help.

CLERK OF THE COURT: I didn't get that, I am sorry.

MR. RUSSON: So, Madam Clerk, on the probation order we'll be copying the terms of the bail order eleven and thirteen, but adding the exception to eleven only, except with the permission of his probation officer. We won't be transferring condition seven and eight from the bail order to the probation order. Did I accurate surmise, Your Honour?

THE COURT: Yes, thank you, Mr. Russon.

MR. RUSSON: Thank you.

CLERK OF THE COURT: Thank you.

THE COURT: All right, Mr. Bertrand, that is a lot for you to absorb but there will be paper copies of these orders for you, which you will require to have and carry with you. I see you are here, is it your parents who are with you?

SETH BERTRAND: Yes, Your Honour.

THE COURT: All right. Let me just ask before we

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conclude matters, Mr. and Mrs. Bertrand, do you have any questions about what is happening here?

MRS. BERTRAND: It's very straightforward.

THE COURT: All right, so you are prepared to keep your son at home for another while?

MR. BERTRAND: I am, Your Honour.

THE COURT: Okay, all right. All right, did counsel have any further submissions? I am not going to impose victim fine surcharges here; it would not really be practical at this point.

CLERK OF THE COURT: I didn't hear his time out to do anything for necessities of life or that's....

THE COURT: I did want to put something in there at the beginning...

CLERK OF THE COURT: Oh, sorry.

THE COURT: ...but that's okay. I think I noted for medical emergencies...

CLERK OF THE COURT: Oh, thank you.

THE COURT: ...and otherwise with the approval of his bail supervisor.

CLERK OF THE COURT: Thank you, Your Honour.

MR. COSTARIS: Your Honour, I had asked the court to strongly - or I would strongly urge the court to consider DNA on the breach of release order counts, ...

THE COURT: Yes.

MR. COSTARIS: ...if we could address that, please.

MR. COURT: Yes, thank you, Mr. Costaris, I think that is appropriate and that order will go.

MR. RUSSON: Is that within two working days to

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the Windsor Police Services, Your Honour?

MR. COSTARIS: That would be my suggestion in terms of the timeframe, Your Honour.

5 THE COURT: All right, he will have to work that out with his supervisor. I would make it within two working days or as arranged by his conditional sentence supervisor.

MR. RUSSON: That's great, thank you, Your Honour.

10 MR. COSTARIS: Thank you.

CLERK OF THE COURT: I'm sorry, it would be two...

MR. RUSSON: I just had....

CLERK OF THE COURT: ...working days or?

15 THE COURT: As arranged by his conditional sentence supervisor.

CLERK OF THE COURT: Thank you.

20 MR. RUSSON: Your Honour, my only other submission in terms of exceptions would be a blanket exception for meetings with counsel, and I say that because....

25 THE COURT: Oh, no, no, that is quite appropriate, yes. And, again, that would be he would have to notify his supervisor that he was having a meeting.

CLERK OF THE COURT: Were we putting that in somewhere, I am sorry?

30 THE COURT: All right, under exceptions, the last one, number ten add, except for meetings with legal counsel.

CLERK OF THE COURT: Is this for a conditional sentence order?

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THE COURT: Yes.

CLERK OF THE COURT: Okay, one moment, number ten.

THE COURT: Except for meetings with legal counsel after notifying the conditional sentence supervisor.

(...EXTENDED PAUSE WHILE PAPERWORK IS BEING PREPARED...)

CLERK OF THE COURT: Your Honour, I have a quick question, is the conditional sentence order on all the informations?

THE COURT: Yes.

CLERK OF THE COURT: Thank you.

THE COURT: Everything is concurrent.

CLERK OF THE COURT: Thank you, thank you.

THE COURT: This is a global sentence.

CLERK OF THE COURT: Perfect.

THE COURT: All right, I am going to take a five-minute break. I have two other cases that I am juggling in other courts today, so I need to contact those people. Madam Clerk, when you have all the paperwork ready, please go ahead and forward it to me for final approval.

CLERK OF THE COURT: Thank you.

THE COURT: Yes, okay, so for counsel's sake we will take ten minutes and so you have some idea of where we are at. Hopefully, Madam Clerk, you should have the paper in the next ten minutes?

CLERK OF THE COURT: I don't know, I am not going to do them in the courtroom, I have not done one, so it's going downstairs. I will make sure I bring it down there to the admin staff right now.

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Reasons for Sentence
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5 THE COURT: Okay, okay, it's just that I am holding other people up and I want to make sure they are accommodated. All right, so, we will recess for at least ten minutes.

CLERK OF THE COURT: Thank you.

R E C E S S

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

15 THE COURT: Good afternoon. I have an email apparently with the documents, but it is telling me - here we go, okay. I am looking at the probation order right now. All right the probation order actually commences at the completion of the conditional sentence order, so there should be one slight amendment so that the order is in force upon the completion of the conditional sentence order made today.

20 CLERK OF THE COURT: Okay, Your Honour, we will put that in. We don't usually but....

THE COURT: Well, they are not concurrent orders, he does the conditional sentence, and then it's followed by probation.

25 CLERK OF THE COURT: Okay, so we will have upon completion of the conditional sentence order?

THE COURT: That's right.

CLERK OF THE COURT: Okay, I will put that on probation.

30 THE COURT: Everything else looks great...

CLERK OF THE COURT: Okay.

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28.
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 August 17, 2022, in the
Ontario Court of Justice held at 200 Chatham Street East,
Windsor, Ontario taken from Recording 0811-200-CRTRM1-20220817-
083736-6-MCGOWAKS which has been certified in Form 1 by Adara
Chretien.

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February 15, 2023

Date

Elaine Paquette

Authorized Court Transcriptionist

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