

ONTARIO COURT OF JUSTICE

HIS MAJESTY THE KING

V.

JEFFREY LEWIS

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

BEFORE THE HONOURABLE MADAM JUSTICE BURTON

On September 27, 2022, at THUNDER BAY, Ontario

APPEARANCES:

T. Bud

P. Vo

Counsel for the Crown

Counsel for Jeffrey Lewis

ONTARIO COURT OF JUSTICE
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1.
R. v. Jeffrey Lewis
Reasons for Sentence
- Burton, J.

TUESDAY, SEPTEMBER 27, 2022

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

5 BURTON, J. (ORALLY):

10 [1] Your behaviour was ignorant, disgusting and unacceptable by any societal standard, and there is no excuse for it. I have a context for it, but no excuse for it, and it reflects on you and not on Ms. Whitecrow and the other people who were living there. I know that neighbours in buildings with thin walls can be really annoying. I am a light sleeper myself, I have lived in
15 buildings with thin walls, and I know that it is incredibly aggravating, but that does not make what you did right, and the fact that you racialized it is just that much worse, and it is clear that you need to be educated, rehabilitated
20 and get some help with what is going on with you.

25 [2] The fact that your wife and kids are indigenous and those things that you said, how hurtful it must be for them to know that this is how you acted out. Indigenous women are among the most vulnerable in society, and you took away her security in her home by saying those things. What you did was degrade and insult these people in the sanctity of their own home.

30 [3] I accept that your brain injury played a large role in what you were doing. I know that

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5 it's very common for patients with brain injuries to have anger issues and impulse control problems, and I am going to go along with the joint submission, just barely, because I think it is important that you get connected with whatever resources can help you in that regard.

10 [4] You are pleading guilty, not early, but you are taking responsibility. You are acknowledging that what you did was wrong, and I think in this case the fact that the victim did not have to testify is a very big deal, so all of those things stand you in good stead, as does the fact that you are 44 years old with only one entry on your criminal record from quite some time ago. So, all of those things weigh in your favour.

15 [5] This sentence could be anything, including jail, to denounce what you did, but I am satisfied based on the circumstances, and what I have heard from Ms. Vo as an officer of the court, that she has read your medical reports, that rehabilitation and protection are the appropriate focuses of this sentence, so I will
20 accede to the joint submission. It is a tough one I've got to say. What you said was dangerous, and hurtful, and racialized, and just completely unacceptable.

25 [6] I am going to deal with the weapons prohibition first. The criminal harassment charge carries a mandatory weapons prohibition
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5 pursuant to s. 109, and because you had one before, this time it is for life. So pursuant to s. 109 of the *Criminal Code* I am making an order prohibiting you from possessing any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition, and explosive substance for life.

10 [7] Both of these offences are secondary designated DNA offences and I make that order. You can get processed down in the basement before you leave to the building today. I am going to waive the victim fine surcharge.

15 [8] I am going to place you on probation for a period of 12 months in the form of a suspended sentence. I am going to read each of the conditions to you. You do not have to memorize them as we go along, but if there is any
20 confusion as we go along, please let me know and we will get it cleared up. You will get a copy of all of the conditions in writing, including the phone numbers, so you do not have to memorize that when I give it to you today either. After
25 each condition I am going to ask you "okay", and what I am asking is did you hear me, did you understand me, and do you promise to follow that condition. So stand up, please, I am going to place you on probation now.

30 [REDACTED]

8.
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 September 27, 2022, in
the Ontario Court of Justice held at 125 Brodie Street North,
Thunder Bay, Ontario taken from Recording 4211-CR103-20220927-
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Maendel.

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February 17, 2023

Date

Elaine Paquette

Authorized Court Transcriptionist

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