

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

V.

MATTHEW SCHNEIDER

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

BEFORE THE HONOURABLE MADAM JUSTICE GREENE

On July 18, 2022, at OLD CITY HALL, TORONTO, Ontario

APPEARANCES:

D. Brandes

Counsel for the Crown

L. Izakelian

Counsel for Matthew Schneider

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

Reasons for Sentence Page 01

5 - Greene, J. (Orally)

* * * * *

10

15

20

25

30 Transcript Ordered: February 13, 2023
Transcript Completed: February 18, 2023
Ordering Party Notified: March 03, 2023

1.
R. v. Matthew Schneider
Reasons for Sentence
- Greene, J.

MONDAY, JULY 18, 2022

...

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

5 GREENE, J. (ORALLY):

[1] So I found Mr. Schneider guilty of assault with a weapon. It was now many, many, many months ago. I am going to first address Mr. Schneider's comments to the court about how this was not a hate crime in his mind, that was not his intention. I appreciate what you are saying and obviously I do not know what was in your mind on that day or what your other relationship are, but this started with you saying something like fucking Asians and then starting a fight with an Asian woman. I accepted her evidence and rejected your evidence, and I continue to accept her evidence on that. Regardless of what you are thinking in your mind, that is the core of a hate crime. And so, in my view, ...

MATTHEW SCHNEIDER: Okay.

THE COURT: ...calling this a hate crime is the most appropriate descriptor for what this was, given what Ms. Lau experienced, and Ms. Bui[ph] as her friend being next to her.

[2] It is a joint recommendation for 60 days, or for 90 days really, a 90 day sentence. There are some aggravating factors in this case, your prior criminal record, but the most aggravating feature is that this was a hate crime. In light of that

2.
Reasons for Sentence
- Greene, J.

5 I am satisfied that even though there are some significant mental health issues that are mitigating, it is my view that a 90-day sentence is appropriate. A period of incarceration is absolutely necessary to denounce, that is to speak out against hate crimes, to make it very clear to the public...

MATTHEW SCHNEIDER: I'm against hate crimes.

10 THE COURT: ...that this court and our society...

MATTHEW SCHNEIDER: I didn't like (indiscernible).

15 THE COURT: ...is not going to accept hate crimes, and that there will be a meaningful consequence for that. A 90-day sentence in my view will deter others and you, and will denounce...

MATTHEW SCHNEIDER: That's a set up.

20 THE COURT: ...the conduct appropriate.

25 [3] As such I am going to agree with the joint recommendation. I am going to note 60 days of pre-sentence custody at 1.5 to 1 for 90 days. Since that time has already been served, I am going to suspend the passing of sentence. I am going to place you on probation, sir.

MATTHEW SCHNEIDER: Okay.

30 THE COURT: The probation will be for one year with the following terms.

[4] You are to report within two working days of your release from custody and thereafter as directed by probation, and we will give you a

3.
Reasons for Sentence
- Greene, J.

5 phone number so you can call in first, and then they will tell you if they want it in person or by phone. You are to have no contact, directly or indirectly, with Ms. Lau or Ms. Bui. You cannot go to where they work, where they live, or anywhere you know them to be, so if you see them on the street you have to turn and walk away. You are not allowed to be on Spadina between Adelaide and College Street, so that is the core area of China Town, you cannot be in that area for that full year. You are not to have any weapons as defined by the *Criminal Code*. Have I missed any terms, Mr. Brandes?

10
15 MR. BRANDES: I think you have got them all, Your Honour.

THE COURT: All right.

20
25
30 [REDACTED]

7.
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 July 18, 2022, in the
Ontario Court of Justice held at Old City Hall, 60 Queen Street
West, Toronto, Ontario taken from Recording 4811-102-20220718-
092338-6-GREENEMA which has been certified in Form 1 by Vanessa
10 Capovilla.

15 February 18, 2023

Date



Elaine Paquette

Authorized Court Transcriptionist

20

25

30