

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

V.

M.P.

PROCEEDINGS DURING  
PLEA OF GUILT

BEFORE THE HONOURABLE MR. JUSTICE CHAFFE

On July 19, 2022, at 1000 Finch Avenue West, Toronto, Ontario

**INFORMATION CONTAINED HEREIN IS  
PROHIBITED FROM PUBLICATION PURSUANT  
TO S. 517(1) AND S. 486.4 OF THE CRIMINAL CODE OF CANADA**

APPEARANCES:

J. Tupper

Counsel for the Crown

D. Oake

Counsel for M.P.

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

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Arraignment

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Transcript Ordered: May 10, 2023  
Transcript Completed: May 19, 2023  
Ordering Party Notified: May 19, 2023

TUESDAY, JULY 19, 2022

...

5 CLERK OF THE COURT: So, [REDACTED] M.P., you stand charged on or about the 10<sup>th</sup> day of July in the year 2021, at the City of Toronto in the Toronto Region, did commit an assault on Complainant [REDACTED], contrary to s. 266 of the *Criminal Code of Canada*. How does the Crown elect to proceed?

10 MR. TUPPER: The Crown is proceeding by summary conviction, please.

CLERK OF THE COURT: Thank you. And, [REDACTED] M.P. how do you plead to the charge read to you before the court, guilty or not guilty?

15 [REDACTED] M.P.: Guilty.

CLERK OF THE COURT: Thank you.

THE COURT: All right, sir, I want you to listen carefully to these facts. Mr. Tupper?

20 MR. TUPPER: Yes, good afternoon, again, [REDACTED] M.P.. This is Mr. Tupper, the Crown Attorney, can you hear me okay?

[REDACTED]: Yes, Mr. Tupper.

25 MR. TUPPER: Okay, so I will just read out the facts, okay? On July 10<sup>th</sup> [REDACTED] M.P. was walking northbound on Yonge Street near Glen Elm Avenue. The complainant was walking southbound, then they both were facing each other, and it is alleged that [REDACTED] M.P. flashed a swastika which was drawn on himself to the complainant. The complainant ignored [REDACTED] M.P. and kept walking. Several minutes later the complainant observed [REDACTED] M.P. talking to a group of people and heard [REDACTED] M.P. say, "Hey, Jew, you Jew." The complainant

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5 approached and asked [M.P.] why he was talking this way. [M.P.] faced the complainant, it is alleged he punched the complainant about six or eight times in the face and head, causing the complainant to fall to the ground, and he also tore his shirt. The group of people observing the assault called police. Officers arrived on scene, conducted an investigation and [M.P.] was arrested a short distance away. [M.P.] was read his rights to counsel and then he was taken to 53 Division and held pending bail. Those are facts alleged for this incident. Injuries sustained by the complainant included a sore neck.

15 THE COURT: [M.P.], are those facts essentially correct?

[M.P.]: Yes, Your Honour.

20 THE COURT: Okay, sir, I find you guilty of the charge of assault simpliciter. Can we next arraign [M.P.] on the information ending in 3723.

CLERK OF THE COURT: Yes, Your Honour. I will note the same publication ban, s. 517(1), as well 486.4 has been endorsed on this information.

25 THE COURT: Thank you.

30 CLERK OF THE COURT: [M.P.], you stand charged on or about the 6<sup>th</sup> day of July in the year 2021, at the City of Toronto in the Toronto Region, did in committing an assault on [Complainant 2], use a weapon, namely, a black permanent marker, contrary to s. 267(a) of the *Criminal Code of Canada*. How does

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the Crown elect to proceed?

MR. TUPPER: Proceeding by summary conviction,  
please.

CLERK OF THE COURT: Thank you. And, **M.P.**,  
5 how do you plea to the charge read to you before  
the court, guilty or not guilty?

**M.P.**: Before I answer that, I just had a  
question for Your Honour. When Mr. Tupper was  
10 reading the facts, um, if there was a little  
discrepancy in the facts, how would that affect  
the, the ruling of guilty or not guilty?

THE COURT: Well, sir, you have already agreed  
that those facts were essentially correct, right?  
15 Are you - do you have a problem with that  
statement now?

**M.P.**: Yes, no, that's correct but going  
forward.

THE COURT: Going forward, I would like you to  
20 raise any issues that you have, okay? Any issues  
that you have with it, ...

**M.P.**: Okay.

THE COURT: ...okay, and if you want to have a  
breakout with your counsel with respect to that,  
25 we can put you in a breakout room.

**M.P.**: Okay, thank you very much.

THE COURT: Okay.

**M.P.**: And to Madam Counsel, I will like  
to plead guilty.

CLERK OF THE COURT: Thank you.

THE COURT: Okay, sir, please listen carefully to  
30 these facts.

MR. TUPPER: Was he arraigned on this count? I

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am sorry if I missed that.

THE COURT: Yes, he was arraigned on...

MR. TUPPER: Oh, okay.

THE COURT: ...an assault with a weapon.

MR. TUPPER: So these are the facts, **M.P.**.

This is involving the matter on July 6<sup>th</sup>, 2021.

On Tuesday, July 6<sup>th</sup>, 2021 at about 8:00 a.m.

police officers attended the Stanley Park, which is located at 845 King Street West, in regards to a disorderly person radio call. Information was received that a male with a swastika drawn on his chest was yelling racial slurs towards an individual in the park. Officers arrived on scene and spoke with **M.P.** who was matching the description provided by the complainant.

**M.P.** verbally identified himself as **M.P.** and gave his date of birth. At the time **M.P.** was not wearing a shirt and his bare chest had what appeared to be a swastika drawn on the chest with a black permanent marker, as well as the SS lightning bolt symbol which was drawn on his inner left wrist. When the complainant saw the swastika symbol on **M.P.** chest, she did a "double-take". **M.P.** began yelling, "You're a dirty Jew aren't you?" And **M.P.** then made the Sieg Heil Salute several times. At the time the initial call taker, the complainant advised she was being, she had been assaulted with a marker but was unable to remain on scene for the police to arrive. Police arrived on scene and spoke with the complainant who received the racial slurs, along with a few other witnesses.

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Statements were taken and [M.P.] received Provincial Offence tickets. He was trespassed from the Stanley Park at 845 King Street. About an hour later - okay, well we don't need to read that. The complainant as you heard could not remain on the scene but was able to contact police and provide a statement. The complainant advised that [M.P.] had thrown a marker at her during the course of their interaction. The complainant then left the scene and contacted the police at 14 Division. [M.P.] had been subsequently placed under arrest. He was taken to 14 Division and he was advised of the charge of assault weapon. [M.P.], as you knew, was currently before the courts for assault with a weapon and theft under unrelated. To prevent [M.P.] from repeating the same offences, he was held again pending a bail hearing.

20  
THE COURT: Okay, are those facts essentially correct, [M.P.]?

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[M.P.]: Um, when you say essentially, for the most part, yes, but I would say the only difference or the only incorrect thing was that the complainant was not - she was Asian so I don't remember or recall saying are you a dirty Jew. That was the only thing I would say, I don't recall saying that.

THE COURT: Okay, so the fact that the Crown intends to prove?

30  
MR. TUPPER: Well, that's a pretty important part of this.

THE COURT: Yes.

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5 MR. TUPPER: So, yeah, we would need to prove that, and if this is the position he is taking, are you saying - Mr. Oake, can you maybe have a breakout room, is it possible this was said, he just does not recall?

MR. OAKE: I think that's absolutely possible, if I could have a quick breakout session with my client, we should be able to resolve this.

10 THE COURT: Okay, thanks, Mr. Oake, I appreciate this. We could put, please, Madam Clerk, Mr. Oake and M.P. into a breakout room.

CLERK OF THE COURT: Yes, Your Honour.

(...PAUSE WHILE DEFENCE COUNSEL CONSULTS WITH CLIENT...)

15 (...THE COURT ADDRESSES ANOTHER MATTER ON THE DOCKET...)

MR. OAKE: Hi, can you hear me?

THE COURT: Yes.

20 MR. OAKE: Excellent. Thank you for the indulgence in the breakout section. M.P. and I appreciate that. I believe we can proceed but Your Honour may want to have a quick chat with him.

THE COURT: Okay, he is not back on yet.

25 CLERK OF THE COURT: Sorry.

MR. OAKE: It seems to take a second or two. I am sorry, ma'am.

THE COURT: It's okay.

30 CLERK OF THE COURT: It's going to be about 45 more seconds. I've prompted to close the room.

THE COURT: Okay.

MR. OAKE: Thank you again for that indulgence.



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THE COURT: M.P., can you hear me, sir?

M.P.: Yes, Your Honour.

5 THE COURT: Okay, so the material fact that you were having some issues with it was with respect to words uttered at the victim of the assault, and you were having some concern about whether or not you had uttered those words or not. The allegation....

M.P.: No, it's....

10 THE COURT: Sorry?

M.P. No, Your Honour, sorry, it was my mistake and upon recollection it is correct that the facts that Mr. Tupper stated and indeed correct.

15 THE COURT: All right and, Mr. Tupper, could you just review those facts, please, so we are sure of what we are talking about here.

20 MR. TUPPER: All right. All right, I just have to find it again. Okay, so these are the facts that were in issue just to give you the context.

25 At the time M.P. was not wearing his shirt and he had a bare chest with what appeared to be a swastika drawn on his left chest area near his heart with a black permanent marker, as well as the SS lightning insignia, which was drawn in marker on his left inner wrist. When the complainant saw the swastika symbol on M.P.

30 M.P. is alleged to have said to her, "You're a dirty Jew aren't you?" M.P. then made the Sieg Heil Salute several times.

THE COURT: Okay, are those facts correct, sir?

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[ M.P. ] : Yes, Your Honour.

THE COURT: Okay, thank you. All right, sir, I find you guilty of the offences read out. Can we have [ M.P. ] arraigned on the two counts on information ending in 3010?

CLERK OF THE COURT: Yes, Your Honour. [ ]

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[ M.P. ], you stand charged on or about the 11<sup>th</sup> day of September in the year 2021, at the City of Toronto in the Toronto Region, did being at large on a release order, failed without lawful excuse to comply with a condition of that release order, namely, house arrest, remaining in your residence at all times except when you are in the continuous presence of your surety or your  
15 [ Surety ], contrary to s. 145(5) (a) of the *Criminal Code of Canada*.

20  
You stand further charged on or about the 11<sup>th</sup> day of September in the year 2021, at the City of Toronto in the Toronto Region, did commit an assault on [ ], contrary to s. 266 of the *Criminal Code of Canada*. How does the Crown elect to proceed?

25  
MR. TUPPER: The Crown elects to proceed by summary conviction, please.

CLERK OF THE COURT: Okay, thank you. And, [ ]  
[ M.P. ], how do you plead to the charge as read before the court, guilty or not guilty?

30  
[ M.P. ] : Guilty.

CLERK OF THE COURT: Thank you.

THE COURT: Can we do that breach of bail as well?

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CLERK OF THE COURT: Sorry?

THE COURT: Can we do the breach of bail as well,  
or did you do that?

CLERK OF THE COURT: I did.

THE COURT: You did, sorry.

CLERK OF THE COURT: Did you want me to do it  
again?

THE COURT: No, I don't, I'm sorry, I missed  
that.

CLERK OF THE COURT: Okay.

THE COURT: All right, please listen to these  
facts, **M.P.**.

MR. TUPPER: All right, these are the facts in  
relation to these allegations, **M.P.**. They  
are alleged to have occurred on Saturday,  
September 11<sup>th</sup> of 2021 at the Lawrence Subway  
Station. **M.P.** and the complainant are  
strangers. On August 19<sup>th</sup>, 2021 **M.P.** entered  
into a global release order before the Honourable  
Justice of the Peace John Scarfe at the Ontario  
Court of Justice in the City of Toronto. This  
was the result of multiple outstanding charges,  
including assault, assault with a weapon times  
two, weapons dangerous, criminal harassment,  
theft under \$5,000 times two, mischief over, and  
mischief under, fail to comply with release  
order. By entering into the global release order  
**M.P.** agreed to abide by a number of  
conditions, including the following: House  
arrest, remain in your residence at all times  
except when you are in the continuous presence of  
your surety or your **Surety**, and his

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5 surety just so we are clear was his father. On Saturday, September 11<sup>th</sup>, 2021 at about 12:30 p.m. [M.P.] and the complainant were at the Lawrence subway station of the TTC, that is located at 3101 Yonge Street in the City of Toronto. [M.P.] was walking down the platform, appeared to be talking to someone and grabs himself. This time [M.P.] approached the complainant and asked her, "Are you a Jew?" The complainant ignored [M.P.] and then [M.P.] got closer to the complainant. [M.P.] swung at the complainant and she put her hand up to defend herself. A passer-by intervened and eventually [M.P.] boarded the train and left the scene. 10 Police were called. A media release was sent out and [M.P.] was identified. On Sunday, September 12<sup>th</sup>, 2021 [M.P.] was located and placed under arrest, given his rights to counsel. He was taken to 53 Division again and held 15 pending a bail hearing. The complainant's injuries were scratches to her right arm. As a follow-up, how the police found [M.P.], it was on Sunday, September 12<sup>th</sup>, 2021 at about 9:35 in the morning, 32 Division front desk received a call from the Seaton House who reported that [M.P.] was currently at the shelter. The gentleman there had seen the press release and recognized [M.P.]. [M.P.] had returned to the shelter 20 at about 1:40 the previous day wearing the outfit which was seen in the security videos, which was released to the media. 32 CIB investigators were apprised of the latest information and they went 25 30

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to Seaton House. And it should be noted as well  
that the Sieg Heil Salute was done in the  
Lawrence subway incident as well, Your Honour.  
It's in the package of TTC stills that are part  
of the guilty plea package that you can look at.  
And obviously [M.P.] was in breach of his house  
arrest when he committed the assault on Ms.  
Gillis.

10  
THE COURT: All right, [M.P.], are those facts  
correct?

[M.P.]: Those facts are correct, Your  
Honour.

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THE COURT: Thank you, sir. A finding of guilty  
of those two offences.

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12.  
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 19, 2022, in the  
Ontario Court of Justice held at 1000 Finch Avenue West,  
Toronto, Ontario taken from Recording 4814-308-20220719-093703-  
6-CHAFFEJA which has been certified in Form 1 by Adina Capota-  
Mera.

10  
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May 19, 2023

Date

\_\_\_\_\_  
Elaine Paquette

Authorized Court Transcriptionist

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