

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

V.

M.P.

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

BEFORE THE HONOURABLE MR. JUSTICE CHAFFE

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

**INFORMATION CONTAINED HEREIN IS
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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.**

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TUESDAY, JULY 19, 2022

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

5 CHAFFE, J. (ORALLY):

10 [1] All right, [REDACTED] M.P., this is your first time
being sentenced in a criminal court, so I need
you to understand that my job as your sentencing
judge is to arrive at a fit sentence. I need to
15 give you a sentence that is proportional to the
gravity of the offences before the court and your
degree of responsibility for those offences, when
I do so I look to the aggravating and mitigating
features both of the offences and of your
personal circumstances. Thanks to the
cooperation of counsel, I have far more
information about you that I have of many accused
with respect to the sentencing process and I
20 found it to be helpful, and I want to compliment
both counsel, previous Crown and present, as well
Mr. Oake for the efforts that they have expended
on this file, it has been very helpful to me.

25 [2] Sir, I hope it is obvious to you that the
facts themselves are quite aggravating. Hate
speech is something that attracts sanction in our
Criminal Code. It is something that is odious to
our population and something that needs to be
30 deterred. You through your conduct have self-
identified with an odious and racist political
movement from the world's recent past that

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5 and in her places of her worship, and she was absolutely terrified that you were going to pitch her onto the tracks that day, but for the intervention of others. That was her great fear which stays with her to this day.

10 [5] The community victim impact statement speaks to the impact of both the use of symbols, and words, and violence in the manner that you have done and the need, which is reflected in both [REDACTED] **Complainants** [REDACTED] ' victim impact statement, the need - perhaps not the need but the feeling to be concerned about being in public and being around places of worship, the need to hide identity and connection to their cultural traditions, just to keep themselves safe.

15 [6] I hope you can grasp, if not now, at some point, the depth of meaning in your conduct to the victims in this manner. From the perspective of that community and its core, your conduct was repugnant, and odious, and requires deterrence specifically, and this sort of conduct requires general deterrence. So, I am not sure I can say 20 much more about the aggravating nature of the charges before the court.

25 [7] By way of mitigation, sir, you do not have a criminal record until now, and for any first offender the focus of this court is to be on rehabilitation and not to the exclusion of 30 deterrence, but there should be a focus on

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5 rehabilitation, and the court should not
intervene in your liberty unduly. You have
pleaded guilty, and you have accepted
responsibility for your conduct. You have
indicated in words that you are very remorseful,
that you do not intend to repeat this behaviour,
and you want to resume a pro-social role in your
community, and I certainly hope that is the case.

10 [8] The report of Dr. Eid speaks to perhaps the
most mitigating feature here for you and that is
the degree of which mental health issues impacted
upon your conduct. Mr. Oake and the Crown has
spoken to what is a prominent feature in the
15 report, this idea of you being non-compliant with
the medication that has been prescribed to you
for your mental health issues, then you trying to
self-medicate with street drugs or marijuana, and
certainly were dangerous street drugs recently,
20 and how those drugs exacerbate the ideas that you
may already hold, and those hateful thoughts then
turn into hateful conduct.

25 [9] You have a longstanding history of mental
health issues, I accept that your rehabilitation
is a complex issue and challenge, and it is
something that you are going to have to pay very
close attention, sir, going forward. You simply
cannot consume non-medically prescribed drugs.
30 You simply must continue to take the medication
that is prescribed to you by your medical
professionals, and if you do not do so, sir, you

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5 are going to be right back here I am afraid, and I am certainly hopeful that the order I will make as part of your sentence will help you, will give you the support that you need to be compliant with your medication, counselling or treatment.

10 [10] So having considered all the aggravating and mitigating features of this sentence hearing, and the submissions of counsel who have worked very hard on this file and know this file perhaps better than most, and I certainly have great respect for the submissions that they have been able to put before me. I am of the view that a fit sentence will not result in you serving more time in jail and will result in you having a lengthy probation order.

15 [11] With respect to the time served, this will be concurrent on each charge. Mr. Oake, I appreciate your submissions with respect to overreaching both with respect to the probation order and with respect to the amount of time that should be noted for the record here, we're just not in agreement with respect the fine detail there. I am not of the view that 100 days is adequate, it does not in my view adequately address the gravity of these offences, I am not sure that 200 does either, but I am not going to go over 200. So, you have served, sir, 329 actual days in custody, 200 days of pre-trial custody will be noted for the record, and concurrent on each of these charges.

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[12] In addition, sir, you will be placed on a probation order of three years in duration. The terms of your probation will be as follows. You will report to your probation officer within 72 hours of your release and at such other time as directed by your probation officer. You are to reside at [REDACTED]? Sorry.

MR. OAKE: I am just looking at it again, Your Honour.

THE COURT: [REDACTED].

MR. OAKE: [REDACTED]

THE COURT: Or an address approved of by your probation officer.

[13] You shall have no contact, directly or indirectly, or be within 25 meters of the following persons: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[14] You shall not attend at **Addresses** [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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[REDACTED].

5 [15] You shall possess no weapons as defined by the *Criminal Code*. You shall not apply for any firearms certificates or licenses. You shall not possess or consume any cannabis or unlawful drugs or substances, except with a valid prescription in your name.

10 [16] You shall attend and participate in any assessments and counselling for anger management, emotional issues, impulse control issues, mental health issues, substance abuse issues, as directed by your probation officer. You will sign the necessary releases to permit probation to follow your progress to such counselling.

15 [17] You shall not attend within 10 meters of any synagogue, Jewish school, Yeshiva, Jewish cemetery, Jewish community center, and Jewish community organization in the City of Toronto. Do you understand the terms of your probation, sir?

20 [REDACTED] **M.P.**: Yes, Your Honour.

25 THE COURT: You understand if you breach any of those terms you could be charged with a criminal offence?

[REDACTED] **M.P.** Yes, Your Honour.

30 [18] Sir, there is a primary designate offence here of assault with a weapon, so a sample of your DNA will be taken from you and included in

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the national databank. Are you able to get to the courthouse here at 1000 Finch on July the 26th?

M.P.: That should not be a problem, sir.

THE COURT: So, I am going to order you to attend at some time during the business hours of 10:00 to 4:00 at the police office at the courthouse here at 1000 Finch Avenue West to provide a sample of your DNA to be included in the national databank.

[19] I am also ordering that you possess no weapons as defined by s. 110 of the *Criminal Code* for a period of 10 years. Finally, sir, I am signing a forfeiture order, the two knives that were seized by police will be forfeited to the Crown for destruction. Counsel, have I missed anything?

MR. OAKE: Not that I can see.

MR. TUPPER: That's fair and I just want to make sure that the condition on the drugs is do not possess or consume any cannabis or unlawful drugs or substances referred to in the *Control Drugs and Substances Act*, except with a valid prescription in your name.

THE COURT: I think that is what I ordered, if not that's what I....

[REDACTED]

11.
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.

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February 22, 2023

Date

Elaine Paquette

Authorized Court Transcriptionist

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