

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

V.

CLAYTON ASTOFOROFF

P R O C E E D I N G S   D U R I N G  
P L E A   O F   G U I L T

BEFORE THE HONOURABLE MR. JUSTICE MAILLE  
On March 17, 2022, at HAILEYBURY, Ontario

APPEARANCES:

M. Warsi

Counsel for the Crown

M. Doupe

Counsel for Clayton Astoforoff

(i)  
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**ONTARIO COURT OF JUSTICE**  
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Transcript Ordered:	March 14, 2023
Transcript Completed:	April 02, 2023
Ordering Party Notified:	April 03, 2023

1.  
R. v. Clayton Astoforoff  
Arraignment

THURSDAY, MARCH 17, 2022

...

5 CLERK OF THE COURT: Clayton Astoforoff, you are charged on or about the 22<sup>nd</sup> day of May, 2021, at the Town of Englehart in the said Region, did by word - sorry, did by word of mouth knowingly utter a threat to Zu Jing Li, to cause harm to Zu Jing Li, contrary to s. 264.1(1)(a) of the *Criminal Code*. The Crown is proceeding  
10 summarily. How do you plead, guilty or not guilty?

CLAYTON ASTOFOROFF: Guilty.

15 CLERK OF THE COURT: And you are lastly charged on or about the 22<sup>nd</sup> day of May, 2021, at the Town of Englehart in the said Region, did commit an assault on Zu Jing Li, contrary to s. 266 of the *Criminal Code*. How do you plead?

CLAYTON ASTOFOROFF: Guilty.

20 THE COURT: I am sorry, I did not get that, can you repeat your plea, please?

CLAYTON ASTOFOROFF: Guilty.

THE COURT: Thank you. Please listen carefully, the Crown will read in a summary of the facts.

25 MR. WARSI: Your Honour, this matter does have some aggravating features, so it was agreed upon that I would be reading in the full facts. I also did, I realized that we recently received the victim impact statement and I did just forward that to Madam Clerk. And I didn't  
30 receive any indication that it was - basically I received an indication that it should just be filed, that she did not wish to read it out loud.

So I did submit it to Madam Clerk now and I am requesting that it be submitted. I will....

THE COURT: Well, I think we need to make a finding of guilt before we deal with sentencing.

MR. WARSI: Right, okay. Right, sir. So the facts are as follows. On the 22<sup>nd</sup> of May, 2021 at approximately 5:02 p.m. the victim, Jing Li Zu, also known as Anna, attended her plot of land located behind **Address**.

While on her property her dog defecated on the neighbour's hard at which time the neighbour, Clayton Astoforoff, came outside intoxicated and upset. Mr. Astoforoff began yelling at the victim and made several racial slurs.

In a continued angered state Clayton then threw his lit cigarette at the victim, narrowly missing her arm as she moved it out of the way to avoid being burnt. Clayton then swung his fist at the victim's face while yelling, "I will punch you in the face, go back to f'ing China." And I did say f'ing, I mean the f word as is commonly known. The victim had to jump out of the way to avoid being punched in the head. These actions caused the victim to be fearful for her safety and the safety of her dog. Clayton then took a shovel and threw her dog's feces on her plants and began striking her newly planted spruce tree with a shovel, causing damage to the tree. Estimated cost of the damage was approximately \$100.

Essentially what happens next, Your Honour, is

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more in reference to Mr. James Astoforoff. I was of the understanding that he would be pleading today, however, I did receive an email from Mr. Doupe that that won't be taking place, so I just want to quickly see if there is anything in particular that I wish to mention from those facts without putting things on the record with respect to Mr. James Astoforoff.

THE COURT: Go ahead.

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MR. WARSI: So I'll simply - I won't go into the details of that, I will simply say over the next few minutes of this interaction there was a cap gun that was being fired and in the overall context of what was happening, which the complainant, or victim now, or victim soon understood was a real firearm. So that also informed her understanding and impacted her over the course of this entire interaction. So those are the facts, Your Honour.

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THE COURT: Thank you. I had caught at one point that a punch was thrown but missed. I am not sure whether I heard that a punch, that she was in fact punched?

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MR. WARSI: No, Your Honour, what I read was that...

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THE COURT: No, ...

MR. WARSI: ...the victim....

THE COURT: ...the punch was - a punch was thrown but missed.

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MR. WARSI: ...stepped out of the way, yes, to avoid being punched in the head.

THE COURT: Thank you. All right, are the facts

admitted, Mr. Doupe?

MR. DOUPE: Yes, Your Honour, they are not  
disputed.

THE COURT: Thank you. There will be findings of  
guilt.

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5.  
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 March 17, 2022, in the  
Ontario Court of Justice held at 393 Main Street, Haileybury,  
Ontario taken from Recording 4111-H3-20220317-82125-6-MAILLEGI  
10 which has been certified in Form 1 by Jesee Menard.

15 April 2, 2023

Date



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Elaine Paquette

Authorized Court Transcriptionist

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