



	Callara, 0.
	WEDNESDAY, MARCH 16, 2022
	REASONS FOR SENTENCE
5	CAMARA, J. (ORALLY):
	[1] V.L. comes before me today for
	sentencing. On a previous occasion he had pled
	guilty to two counts of uttering a threat and one
10	count of assault with a weapon.
	[2] The allegations that he has admitted to was
	that on July the $12^{th}$ , 2021 at 9:30 at night, the
	two complainants were walking through a parking
15	lot at a Shoppers Drug Mart in Hamilton and
	V.L. driving a motor vehicle. He yelled at
	the complainants racial slurs such as "Fucking
	Muslims, you aren't Jewish or Christian. You
	don't deserve to be here. I am going to kill you
20	both." He then drove his car towards them,
	swerving to coming within one to two feet of the
	two complainants. He then continued to yell at
	them, "I'm going to fucking kill you all."
	Throughout the interaction he was heard not only
25	yelling threats to kill, but also racial slurs
	regarding the Muslim faith. At the time of the
	offence he as on a probation order as well.
	[3] I have a joint submissions before me that I
30	do think is appropriate and would not bring the
	administration of justice into disrepute and I
	will accede to the joint submission. I think it

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is important to state, in terms of accepting this joint submission is appropriate, I do take into account the following aggravating and mitigating features.

[4] In terms of aggravating factors, I do take into account that this was a racially or ethnically based offence. There is evidence before me that this offence was motivated by bias, or prejudice or hate based on race, nationality or ethnic origin. That is clear from the facts that were acknowledged. I think it is also important to acknowledge and recognize, which I will do so, in mitigating factors that

is an individual who comes before the V.L. court as someone who is suffering from mental health issues. That does not necessarily detract from the fact though that ultimately this offence was racial or ethnically based hate based crime and I take that into account as an aggravating I take into account, fact. , that you V.L. come before me with a criminal record that is recent and it is related. I also take into account that this offence has had a significant on the complainants and on the community as identified in the community impact statement.

[5] In terms of mitigation, I do take into account that this is a guilty plea. I take your guilty plea, sir, to be a sincere form of remorse and it is also a public acknowledgement of the harm that you have caused. You come before the PUBLICATION BAN

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court as somebody who, from the reading the reference letters that was filed by your daughter and also by your mother, that you do have familial support in the community. I understand and have been aware that you have some significant mental health challenges that contributed to the poor decision making that bring you before me today.

[6] On the information in terms of sentence, we will note 245 days of pre-trial custody, and that will be enhanced to 365 days. I will suspend the passing of sentence and place you on probation for three years. The terms of the probation order are as follows: You are to keep the peace and be of good behaviour. You are to appear before the court when you are required to do so. You are to notify the court or your probation officer in advance of any change of name or address, and promptly notify the court or your probation officer of any change in employment or occupation.

[7] You are to report to a probation officer within two working days of your release from custody and at all times and places as directed by the probation officer, or any person authorized by the probation officer to assist in your supervision. You are to live at a place approved of by the probation and not change that address without first obtaining the consent of the probation officer in advance.

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[8] You are not to contact or communicate in any way, directly or indirectly, by any physical, electronic or other means, with <u>Complainants</u>

You are not to be within 50 metres of any place either of those two individuals live, work, or school, or happen to be. You are not to possess any weapons as defined by the Criminal Code.

You are to attend and actively participate [9] in all assessments, counselling, rehabilitative programs as directed by the probation officer and complete them to the satisfaction of the probation officer, and that is to include for anger management or any psychiatric or psychological issues. You shall sign any release of information forms that will enable your probation officer to monitor your attendance, the completion of any assessments, counselling or rehabilitative programs as directed. Are there any other terms of probation that were being sought that I have not yet addressed? MS. BRANTON: Not from the Crown's perspective, thank you. MR. BERNSTEIN: No, thank you, Your Honour, thanks.

THE COURT: Thank you.

V.L.

[10] I will pause there for a moment, v.L., did you hear all the terms of the probation order?

Yes, I did. PUBLICATION BAN

THE COURT: You understand if you are found violating any of these terms that you could face further criminal charges?

Yes. V.L.

[11] With respect to the weapons prohibition order, I will impose a s. 110 order for 10 years. I order that you are prohibited from possessing any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition, explosive substance for a period of 10 years.

[12] I will impose a DNA order. I order that you are to provide samples of your bodily substance as will be required for the purpose of forensic DNA analysis according to the DNA Identifications Act. You will have five business days from your release from custody to attend at the police station to provide a sample of your DNA.

[13] And lastly, I will order that you are prohibited from operating a motor vehicle on any road, street, highway or other public place in Canada for a period of 12 months. I want to make sure you understand that driving prohibition, sir, and that if you are found violating that driving prohibition, that you could face further criminal charges. Do you understand that? V.L. I understand. Could I just say

something to you? So my....

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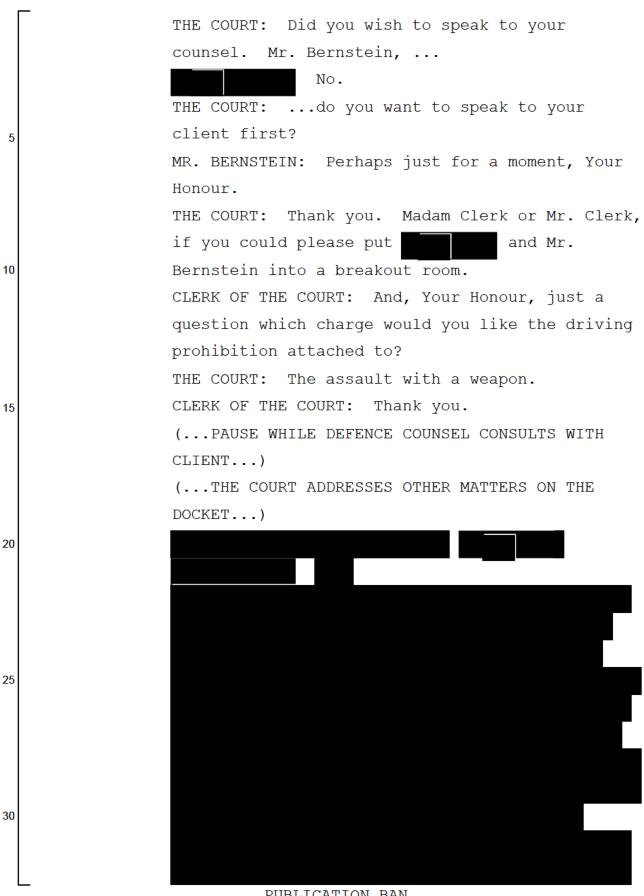
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# 13. Certification

Certificate of Transcript Evidence Act, Subsection 5(2)

I, <u>Elaine Paquette</u>, certify that this document is a true and accurate transcript of the recording of <u>March 16, 2022</u>, in the <u>Ontario Court of Justice</u> held at <u>45 Main Street East, Hamilton,</u> <u>Ontario</u> taken from Recording <u>4711-200-20220316-085340-6-CAMARAAM</u> which has been certified in Form 1 by Jamie-Lee Kerr.

Claime Paquette

June 30, 2022

Date

Elaine Paquette Authorized Court Transcriptionist

INFORMATION CONTAINED HEREIN IS PROHIBITED FROM PUBLICATION PURSUANT TO S. 516 OF THE CRIMINAL CODE OF CANADA, AS ORDERED BY THE HONOURABLE MR. JUSTICE WAUGH

ON July 14, 2021

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