

ONTARIO COURT OF JUSTICE

HIS MAJESTY THE KING

v.

ERIC GONET

P R O C E E D I N G S

(Reasons for Sentence)

HYBRID REMOTELY BEFORE THE HONOURABLE JUSTICE J. BLISS
on September 21, 2023, for a Toronto, Ontario proceeding

APPEARANCES:

A. Moser

Counsel for the Crown

A. Goldkind

Counsel for Eric Gonet

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R. v. Eric Gonet
Reasons for Sentence - Bliss, J.

THURSDAY, SEPTEMBER 21, 2023

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

5 Bliss, J. (Orally)

10 I can say I would hope that everyone hearing the
allegations and the particular racial comments
that were made, coupled with the threats, specific
threats, that were posted on 4chan which
generated, no doubt, alarm, response by the FBI,
and involvement with the Toronto Police to lead to
the arrest of Mr. Gonet, would say that those
expressions are reprehensible.

15 I will say that as, quite frankly, vile and
disgusting as some of the comments are, Mr. Gonet
is not being sentenced for having those beliefs,
whether under the throes of intoxication or
20 alcohol or if he legitimately holds them, you are
entitled to have to that and that is why we have
this hopefully democratic society where people
understand that people do have the freedom to
express their views.

25 There are limits on that, which is where their
views are coupled with - and leave aside notions
of hate speech - but where they are coupled with
threats, especially where driven by racial
30 comments and bias, that is where it becomes
incumbent on the courts in this case to wrestle
with the offence and the offender.

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I accept that Mr. Gonet has entered a guilty plea, he is a youthful offender and the comments that were made and noted on 4chan, which is a well-known, well-publicized, well-subscribed or viewed website, was intended to alarm as it did.

It is no secret that synagogues, Jews, black people, black churches have been targeted in the last while and people have been killed over, driven by threats and driven by actions of people. Mr. Gonet is not in that category. He expressed views that, as reprehensible as they are, are the views that, as I say, couple them with the threats that brings him before the court.

Ultimately, he has served what I am told is 110 days, real days, of custody, and no doubt subject to lockdowns, and even on an equivalent of 1-1/2 to 1 would be a significant first sentence for an individual, notwithstanding what one's view may be of what he has to say.

The issue is whether a conditional discharge in the circumstances is not contrary to the public interest.

It was important, and I am grateful that after his release on his own recognizance, there was a psychiatric assessment from CAMH that was ordered. In part, it was to try and understand why Mr. Gonet would express in the context of the offences really such vile, hateful views. I mean, when you

5 go back to the facts, some of the words, the epithets used were so offensive that the Crown wouldn't even use them to set out the facts and instead would refer to the "N" word, which everyone understands what the meaning was, because the word itself has a venom to it.

10 I will tell you that my hope was when the assessment was ordered that there would be something that would explain why the expression of these beliefs and hateful comments about wanting to kill black people and Jews, and, candidly, I was hoping that there was maybe some disorder, some psychoses that led to this being expressed, some mental illness that would somehow not justify the words, but explain why the words were used.

15 And what it did reveal was that Mr. Gonet's history of alcohol use and a diagnosis of alcohol use disorder seems to have been the primary disinhibitor for him to express in the past racist, anti-semitic views. And so the views that were expressed on the 4chan website were, unfortunately and sadly, not views that were new to him. He is not being sentenced and I am not considering that he has those views, it is the way that the expression was put into place on 4chan.

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30 So the pattern of the conduct typically is that when Mr. Gonet is intoxicated, he does express racist, misogynistic views, threatens to harm, I think there is reference to family members as well

5 as notably himself, and there is well-documented episodes of suicidal ideation. So when drunk, essentially, to put it in bald terms, he is aggressive, violent, angry and hateful towards others.

10 I am not going to through the CAMH report. We all have it and Mr. Gonet, you have had the opportunity hopefully in the light of day to look through it and understand why you are before the court today.

15 So what I am left with is someone who has had a history of expressing hateful beliefs, mostly under the influence of alcohol. But I think as Ms. Moser pointed out, in the case of the 4chan posting, there was not any indication, as there had been in the past, that Mr. Gonet had been grossly intoxicated. So he had the wherewithal, quite frankly, to surf the Internet, to find the website, and post what he did.

25 There isn't from the CAMH report any sort of disorder that would explain the distorted views. He is entitled to have those distorted views. He is entitled to express them in a non-threatening, assaultive manner.

30 I do not accept that he wrote what he did on 4chan as a means to get banned, and I say that because he had expressed similar views in the past, albeit while grossly intoxicated, and it was not a one-

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off set of expressions. And his conduct was not
harmless, it was designed to alarm. No one who
viewed the post had any idea whether it was
legitimate or not, and clearly no one is defending
the conduct, the question is whether a discharge
is not contrary to the public interest.

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So the fact that there were expressions of hatred
towards religious, racial group, that is
statutorily aggravating; that the offence was not
driven by mental illness in the sense of a
psychotic disorder or delusions or paranoia, but
by...he may well hold those views, it leads me
ultimately to the view that, given the expressions
and the impact of his conduct, that it would be
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contrary to the public interest to grant a
discharge in this case. I do not think it serves,
in my view, certainly not general deterrence,
specific deterrence, quite frankly is to a lesser
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degree, or denounce appropriately the conduct.

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I am certainly pleased that he seems to have
engaged in the community, in society, and working,
and that is all very positive. But sometimes
things you write and the things you say, they have
significant consequences and in this case what you
did do had significant consequences.

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I will take into account certainly not all of the
pretrial custody, but in my view, given that he is
a youthful first offender, and I have to take into
account that any sentence should be the least

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restrictive, it also takes into account that the least restrictive expression of what the custody should be is appropriate.

5 So I am going to take into account 30 days of the presentence custody, to be the equivalent of 45 days, and the sentence will then be suspended and Mr. Gonet will be placed on probation for a period of 18 months, as set out.

10 Terms are to keep the peace and be of good behaviour, to appear before the court when required to do so, and notify the court or probation officer in advance of any change of name, address, occupation or employment.

15 He will report within three working days and thereafter at all times and places as directed by his probation officer or anyone authorized by the probation officer to assist in his supervision.

20 I was thinking of mirroring the recognizance where I think it had a term that he is not to access or post anything I think it was on 4chan and I think also Reddit.

25 MS. MOSER: It was - I don't remember the exact language. I can find that, Your Honour.

COURT CLERK: The wording on the release order?

MS. MOSER: Yes.

30 COURT CLERK: Do not access the Internet or other digital network for the websites 4chan or Reddit.

THE COURT: Okay. So I think that should remain.

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So I think we will just have it as, in terms of the wording, you are not to access or post on the websites 4chan or Reddit.

I will ask at the end of this if there is any issues or things that need clarification or changes or create difficulties.

There will be a term that he attends and actively participates in such assessment, counselling or rehabilitative programs as directed. I am going to make it, in terms of the focus, on the alcohol use. I am not going to make that he is to participate in anti-racist counselling. That is beyond this sentencing and that is not the purpose of this matter.

You will sign any releases to enable Probation to monitor your attendance, completion of any such assessments, counselling programs as directed. If they want proof, you will provide proof.

I think in terms of the Probation terms, that would be it.

MS. MOSER: I don't believe Your Honour said no weapons.

THE COURT: There should be no - yeah.

MS. MOSER: I'm going to ask for no weapons as part of the probation order.

THE COURT: Okay. So Mr. Goldkind, can I just ask with respect to the probationary terms, as well as I will include a term of not to have any weapons

in his possession as part of probation?

MR. GOLDKIND: No problem, Your Honour.

THE COURT: There will be a section 109 order.

Was that for ten years?

MS. MOSER: The Crown had asked for five years, Your Honour.

THE COURT: Five years? Okay. So that just emphasizes to you, Mr. Gonet, you are not to have in your possession any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition, or explosive substance.

And there is a DNA order, so I would make it that - Mr. Gonet, can you attend the courthouse within 30 days or 60 days?

ERIC GONET: Yeah, I can attend if you need me there.

THE COURT: Okay. So this is where you provide a sample of your DNA. So I will make it by October - I will just say October 26, 2023, you are to attend at the courthouse at 10 Armoury Street to provide a sample of your DNA. Okay?

ERIC GONET: Okay.

[REDACTED]

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FORM 3

ELECTRONIC CERTIFICATE OF TRANSCRIPT (SUBSECTION 5 (2))
Evidence Act

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October 4, 2023



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