

ONTARIO COURT OF JUSTICE
YOUTH CRIMINAL JUSTICE COURT

IN THE MATTER OF THE *Youth Criminal Justice Act*,
S.C. 2002, c.1

HER MAJESTY THE QUEEN

V.

D.R.

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

BEFORE THE HONOURABLE MR. JUSTICE P.K. DOODY
On Monday, June 24, 2019, at OTTAWA, Ontario

**INFORMATION CONTAINED HEREIN IS PROHIBITED FROM
PUBLICATION, PURSUANT TO SECTIONS 110, 111, AND 129 OF
THE YOUTH CRIMINAL JUSTICE ACT**

APPEARANCES:

T.Dobec

Counsel for the Crown

J. Clarke

Counsel for D. Rooke

1.
R.v.D.R.
Reasons for Sentence

MONDAY, JUNE 24, 2019

5
...U P O N R E S U M I N G :

...COURT PROCEEDINGS

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

10
P.K. DOODY, J. (Orally):

15
20
D.R. a young person, was found guilty after trial of:
(a) wilfully and without lawful excuse killing a
rabbit kept for a lawful purpose, contrary to
subsection 445(2) of the *Criminal Code*; (b) wilfully
causing unnecessary injury to a rabbit, contrary to
section 445.1 of the *Criminal Code*; (c) wilfully
destroying or damaging property of the rabbit's
owner by killing it, contrary to subsection 430(4)
of the *Criminal Code*; and (d) breaching a bail
undertaking, contrary to subsection 145(3) of the
Criminal Code, by failing to abide by the routine and
discipline of the group home. He comes before me
today for my decision with respect to sentence.

25
30
On consent and with my concurrence, the count under
section 445.1 of the *Criminal Code* is
conditionally stayed under the principles set out
in *R.v.Kienapple*.

2.
R.v.D.R.
Reasons for Sentence

5
10
15
The defendant and Crown counsel have agreed on a joint position that an appropriate sentence would be a deferred custody and supervision order, followed by two years of probation. That submission was agreed upon following a joint conference call among Crown counsel, the young person's counsel, his probation officer, his Children's Aid Society worker, his worker in the intensive support and supervision program, and his youth worker. That joint submission is entitled to great deference. If I conclude that it is a legal sentence, I am required to apply it, unless I conclude that it would bring the administration of justice into disrepute or otherwise be contrary to the public interest.

20
I conclude that the sentence would do neither of those things. To the contrary, I conclude that the proposed sentence is legal and has the best chance of achieving the sentencing goals of the *Youth Criminal Justice Act*.

25
I commend all involved for their hard work and understanding in achieving this consensus in what I appreciate is a very difficult situation.

30
The defendant committed the offences on March 17, 2018. The facts are described in detail in

R.v.D.R.
Reasons for Sentence

my decision of December 14, 2018, reported as R. v. D.R., [2018] OJ No. 6684.

5
10
15
20
The defendant intentionally killed a rabbit while he was a resident of a group home. He killed the rabbit while standing outside in front of a glass door, in view of a worker at the group home. He had been in what he called a "blind rage" after being denied food before the appointed time for breakfast. He testified that when he is in such a rage, he does not know what he is doing and wanders around punching and breaking stuff. Before he killed the rabbit, he ran at the glass door seven to ten times, hitting it so hard that he bounced off it. When he met another worker coming into the home, shortly after he had killed the rabbit, he showed him the rabbit and said that they could eat it for dinner. He told that worker that he felt no remorse for killing the rabbit.

25
30
A pre-sentence report was prepared. Reports from a psychiatrist and psychologist were provided. I am grateful to the authors of these reports. They were of great assistance to me. I am sure that they were and will be of great assistance to those charged with assisting the young person in dealing with the significant issues he faces.

Reasons for Sentence

5
10
D.R. was taken into the care of Children's and Family and Services in [REDACTED] in 2007, at the age of four, as a result of family violence, neglect, and parenting capacity issues. He has remained in the care of Children's and Family Services ever since. He became a Crown ward with no access in 2009. He has had the same child protection worker for the past ten years. He is now 16 years old.

15
D.R. has shown troubling behaviour since a young age. He has always required support and assistance. He has been placed at numerous residences in many different places. He has not been able to remain at any residence. He has been transferred from program to program and city to city.

20
At the time that he committed these offences, D.R. had not been convicted of any offence under the YCJA. Since then, he has been convicted of assault, three counts of breach of recognizance, breach of a YCJA sentence, three counts of uttering a death threat, carrying a weapon, and mischief to property.

25
30
He has been removed from many schools over the years. At the time the pre-sentence report was written, he was not participating in any education program because no school would take

Reasons for Sentence

5
him. It was hoped at that time that he would be placed in a special, heavily modified school program, but that could not begin until safety planning was completed.

10
He has shown a pattern of threatening, assaultive, and destructive behaviour. He had exhausted all residential options.

15
On December 12, 2018, he was placed in a residence in [REDACTED]. He is the only youth living there. Two staff members are present with him at all times, whether he is at home or in the community. He has had mixed results there. He has engaged in what has been described as power struggles with staff.

20
The pre-sentence report prepared March 18, 2019, indicates that there have been seven serious occurrence reports since he moved to that residence in December 2018. It also reports that he has made some positive strides in regards to threatening and destructive behaviour. No incident report had been filed in March 2019, as of the date the pre-sentence report was written.

25
30
He has made some improvements. Programming at that residence has focussed on life skills and

6.
R.v.D.R.
Reasons for Sentence

5
10
15
reducing aggression. He has been causing less property damage and has significantly reduced his verbal threats. The report indicates that much remains to be worked on. He struggles to regularly complete daily chores and basic hygiene routines. He told the author of the pre-sentence report that he enjoys his current residential placement and wants to continue residing there. He also told her that he enjoys being the only youth in his program and does not want to jeopardize this. D.R. has made it clear that he does not want to go back to a detention facility and that this is a large motivator for some of his improved behaviour.

20
He has exhausted the majority of counselling and programming available through the Waterloo Family and Children's Services. He has been declared to be a safety risk for the majority of the programs he has not participated in for which he would be eligible.

25
30
Dr. Roland Chretien, a psychologist, provided a report. He notes that D.R. had previously been diagnosed with attention deficit disorder with hyperactivity impulse features, oppositional defiant disorder, conduct disorder, fetal alcohol spectrum disorder, and tendency to be obsessive but lacking compulsions.

Reasons for Sentence

5 He describes D.R. as being argumentative, oppositional, defiant, negativistic, and pessimistic. He blames others for his mistakes. He is easily annoyed by others and actively seeks to annoy others. He can be angry and resentful. He is prone to harbour grudges and can be vindictive. He consistently demonstrates verbal and physical aggression, destruction of property, cruelty to animals, manipulative and deceitful conduct, serious rule violations, and illegal conduct. He has stated that sexual assault should be legal. He is adept at sensing others' personal vulnerabilities and will use verbal and psychological attacks. He has threatened to rape staff members' children and family members. He has physically attacked male and female staff members.

10
15
20 Dr. Chretien reported that D.R. presents a very high risk for acting out his frustrations in an aggressive manner. He reports that D.R. is the highest risk youth in the province. Although he does not present with a serious psychiatric disorder such as schizophrenia or bipolar disorder, he is socially maladjusted. He has received counselling for his unhealthy sexual attitudes, but it has not had any lasting effect. The potential for interpersonal conflict is always high. He has however shown improvement in his current residential setting.

25
30

R.v.D.R.
Reasons for Sentence

He wrote:

5
10
"The youth has been previously diagnosed with ADHD and FASD, which tend to have a constitutional based structure. Other diagnoses such as ODD and CD are descriptive in nature and rooted in emerging personality structure. These traits will eventually be consolidated in enduring personality formation if they persist beyond adolescence."

15
20
Dr. Chretien recommends that if D.R. is not put in custody, he take part in an intensive support and supervision program offered by probation services and that a copy of his report be provided to probation services and Family and Children's Services.

25
30
Dr. Christopher Bryniak, forensic psychiatrist, provided a report as well. He reports that D.R.'s longstanding behavioural difficulties are characterized by evolving anti-sociality and egocentricity. He has great difficulty understanding the perspective of others. He has low capacity for remorse and empathy. He shows a pattern of overall general social-skill deficits, combined with a narrowly focused and skillful ability to rapidly adapt threats towards individuals so as to maximize their

Reasons for Sentence

5
10
15
20
25
30

impact. In his opinion, the risk of future general or violent recidivism is high. He sees strong evidence of significant core psychopathic traits. Medication is unlikely to change D.R.'s core personality features. He recommends consistent approaches by highly trained staff, under controlled settings, with a clear behavioural plan.

The [REDACTED] Child and Family Services operate an intensive support and supervision program in [REDACTED] [REDACTED] [REDACTED]. It offers intensive youth and family therapy. It is for youth between 12 and 18 years of age with complex mental health issues who have been found guilty of an offence that would result in custody, but whose mental issues are determined to be best addressed by home and community interventions. D.R. has agreed to take part in the program. He has been assessed and the program has determined that he is eligible. The program can collaborate with probation, school, and Family and Children's Services of [REDACTED]. Its program would focus on providing D.R. with routine, consistency, and more behaviour therapy and programming than he is now receiving.

From all of the evidence I have reviewed, this is what D.R. needs. I must decide if the proposed sentence is legal.

R.v.D.R.

Reasons for Sentence

5 The YCJA mandates when a custodial sentence which includes a deferred custody and supervision order may be imposed and when a deferred custody and supervision order may not be imposed. Subsection 39(1) of the YCJA sets out the pre-conditions to the imposition of a custodial sentence, including deferred custody. It states:

10

"39(1) A youth justice court shall not commit a young person to custody under section 42 (youth sentences) unless

15 (a) the young person has committed a violent offence;

(b) the young person has failed to comply with non-custodial sentences;

20

(c) the young person has committed an indictable offence for which an adult would be liable to imprisonment for a term of more than two years and has a history that indicates a pattern of either extrajudicial sanctions or of findings of guilt or of both under this Act or the Young Offenders Act, chapter Y-1 of the Revised Statutes of Canada, 1985; or

25

30

R.v.D.R.

Reasons for Sentence

5 (d) in exceptional cases where the young person has committed an indictable offence, the aggravating circumstances of the offence are such that the imposition of a non-custodial sentence would be inconsistent with the purpose and principles set out in section 38."

10 None of the offences of which I have found D.R. guilty is a violent offence within the meaning of that term in subsection 39(1)(a). A violent offence as defined by subsection 21 of the YCJA requires
15 bodily harm or the threat or potential of bodily harm to a person. Violence to an animal does not qualify. D.R. has not failed to comply with non-custodial sentences, nor does he have a history that indicates a pattern of either extrajudicial
20 sanctions or of findings of guilt. In order for a custodial sentence to be imposed, I must find that the provisions of subsection 39(1)(d) apply. D.R.'s case must be an "exceptional case" as set out in that paragraph.

25 The Court of Appeal summarized the analytical framework to be followed when applying this section in *R.v.R.E.W.*, [2006] OJ No. 265.

30 At paragraph 44, Justice Rosenberg wrote:

R.v. D.R.

Reasons for Sentence

"I draw the following conclusions respecting the interpretation of s. 39(1) (d):

- The object and scheme of the YCJA and Parliament's intention indicate that the Act was designed to reduce the over-reliance on custodial sentences that was the experience under the YOA. See R. v. C.D.; R. v. C.D.K, supra, at para. 50.
- An expansive definition of 'exceptional cases' would frustrate Parliament's intention to reduce the over-reliance on custodial sentences.
- Section 39(1) (d) can be invoked only because of the circumstances of the offence, not the circumstances of the offender, or the offender's history.
- Exceptional cases are those where any order other than custody would undermine the purposes and principles of sentencing set out in s. 38. Put another way, s. 39(1) (d) is intended to describe the rare non-violent cases where applying the general rule against a

R.v.D.R.

Reasons for Sentence

custodial disposition would undermine the purpose of the YCJA.

5

- Exceptional cases are limited to the clearest of cases where a custodial disposition is obviously the only disposition that can be justified.

10

- One example of an exceptional case is a case where the circumstances are so shocking as to threaten widely-shared community values."

15

The purpose of a sentence imposed under the *Youth Criminal Justice Act* is to hold a young person accountable for an offence through the imposition of just sanctions that have meaningful consequences for the young person and that promote his rehabilitation and re-integration into society, thereby contributing to the long-term protection of the public. The sentence must be proportionate to the seriousness of the offence and the degree of responsibility of the offender.

20

25

30

I am required to consider all available sanctions other than custody, with particular attention to the circumstances of aboriginal young persons. The sentence must be the least restrictive sentence that is capable of

R.v.D.R.
Reasons for Sentence

5
10
15
20
25
30

achieving the purpose of sentencing, and the sentence that is most likely to rehabilitate the young offender, reintroduce him into society, and promote a sense of responsibility in the young person and an acknowledgment of the harm done to victims in the community.

In addition, section 38(2)(f) provides that ~~denunciation of unlawful conduct and deterrence~~ of young persons from committing offences may be objectives of a youth sentence so long as the sentence is proportionate to the seriousness of the offence and the degree of responsibility of the offender. The issue is whether, as the Court of Appeal put it in *R.E.W.*, the circumstances of the offence allow me to conclude that applying the general rule against a custodial disposition would undermine the purpose of the YCJA.

I am satisfied that the circumstances of this offence do meet that test. The Crown proceeded by indictment. The young person killed a defenceless animal because he was in a rage about not being fed before the other residents in his group home and not being let back in the house with the rabbit. He killed it in full view of the worker at whom he was angry. I conclude that he did so in order to send a message to the group worker that he was angry

15.
R.v.D.R.
Reasons for Sentence

5
at him. He showed no remorse. This is a significant aggravating circumstance. There are no mitigating circumstances.

10
The maximum sentence for adults who are convicted of cruelty to animals under section 445 of the *Criminal Code* and prosecuted summarily was increased from six months to 18 months in 2008. This was a recognition by Parliament of the seriousness of this offence.

15
Justice Code held, at paragraph 94 of *R. v. Munroe*, [2012] ONSC 4768, that a twelve-month sentence was an appropriate starting point for an adult convicted of killing two dogs by inflicting severe physical abuse upon them. In *R. v. Kennedy*, [2017] ONSC 817, Justice Phillips upheld a nine-month sentence on an adult for killing a pet rabbit in front of an eight-year-old girl. In *R. v. Connors*, [2011] BPCP 24, Justice Quantz sentenced an adult to five months imprisonment for beating a dog to death. She wrote:

25
30
"The *Criminal Code* makes it clear that the wilful infliction of unnecessary pain and suffering on animals violates one of the basic [tenets] of our society and is deserving of punishment. It is also conduct which most members of our

R.v.D.R.
Reasons for Sentence

society find repugnant and morally reprehensible."

5 I recognize that these sentences were for adult offenders. The principles applicable to youth are quite different. The most significant difference is the importance of the principle that custodial sentences are imposed much more
10 ~~rarely on youth than adults, but the cases are~~ useful to consider when determining whether the circumstances are such that I would undermine the purposes of sentencing under the YCJA if I did not impose a custodial sentence.

15 These cases show the extent to which cruelty to and killing animals is seen as shocking to the community, threatening widely shared community values. Not every case where a youth is found
20 guilty of an offence under section 445 would be an exceptional case under section 39(1)(d). This is by no means an easy case.

25 I am satisfied however that the aggravating circumstances of this offence do meet that standard. A custodial sentence is the only sentence that would promote a sense of responsibility in the offender and an
30 acknowledgment of the harm done to victims in the community. It is the only sentence consistent with the purpose and principles set

17.
R.v.D.R.
Reasons for Sentence

5
10
out in section 38 and section 3 of the YCJA, because only a custodial sentence will hold D.R. accountable through the imposition of just sanctions that have meaningful consequences for him and promote his rehabilitation and reintegration into society, thereby contributing to the long-term protection of the public.

15
20
A deferred custody and supervision order is available, because D.R. did not cause or attempt to cause serious bodily harm to a person. As the Court of Appeal held, at paragraph 54 of *R.E.W.*, it is appropriate to consider the circumstances of the particular offender when considering the deferred custody option. It is also important that I consider the primary importance of rehabilitation in sentencing all youthful offenders.

25
30
D.R.'s personal circumstances cry out for sensitive application of sentencing tools. He is significantly at risk because of his mental health issues and personal background of engaging in more serious violent offences. The public is at risk from such potential behaviour.

I am satisfied by the pre-sentence report and the psychological and psychiatric reports that

R.v.D.R.
Reasons for Sentence

5 D.R. may be at a critical juncture in terms of his development. He has behaved very badly throughout his young life, but he has shown some, albeit few, signs that his course could be changed. He acknowledges that he enjoys his present residence and programming. He does not want to lose them. He will lose them if he goes into actual custody. The programming he is

10 ~~receiving, including the intensive support and supervision program,~~ hold some hope of success. A deferred sentence and custody order would put him in a position where he is at significant risk of losing what he enjoys and what will maximize his potential for rehabilitation. If he breaches the conditions of the order, the Court could require him to serve some of the balance of his sentence in custody. It appears that there is a potential for this to motivate D.R. to comply with those conditions.

20 For all of these reasons, I sentence D.R. on the section 445 (2) to a six-montht deferred custody and supervision order, followed by a period of probation of two years.

25 The conditions of the deferred custody and supervision order shall include, in addition to the statutory conditions set out in section 105(2), the following conditions:

19.
R.v.D.R.
Reasons for Sentence

(a) Reside at an address approved of by the provincial director or his designate.

5 (b) Abide by the rules of the residence.

(c) Attend school or any other place of learning that is approved of by the provincial director or his designate.

10 (d) Not own, care for, have custody of or reside with any animal.

(e) Have no contact, direct or indirect, with M.F. or M.D.

15 (f) Not attend at [REDACTED] group home.

(g) Attend, participate in, and complete counselling as directed by the provincial director or his designate.

20 (h) Participate in the intensive support and supervision program as directed by the provincial director or his designate.

25 (i) Execute such permissions and consents as are required to allow the provincial director or his designate to monitor his attendance at and participation in the counselling and intensive support and supervision program.

R.v.D.R.
Reasons for Sentence

5 Terms of the probation are to be the statutory conditions and the other conditions described for the deferred custody and supervision order, with the term "youth worker" substituted for the term "provincial director or his designate".

10 In addition, I order under section 447.1 of the ~~Criminal Code and section 42(2)(j) of the YCJA~~ that the offender is prohibited from owning, having the custody or control of or residing in the same premises as an animal or a bird for a period of five years.

15 In addition, I order under section 487.051(3) that D.R. provide a sample of his DNA for analysis and registration. The offence under subsection 445(2) is a secondary designated offence. The nature of the offence and its circumstances, which I have set out here and in my reasons for finding D.R. guilty, justify this order.

20 I order that the pre-sentence report, the psychiatric report, and the psychological report, and these reasons and my reasons for decision when I found D.R. guilty, all be provided to the provincial director or his designate, the youth worker, and the workers providing support under the ISSP.

25

30

R.v. D.R.
Reasons for Sentence

5 On the mischief count, I sentence D.R. to six the
months' probation on same terms to run
concurrently.

10 On the breach of undertaking count, two months'
probation on the same terms to run
concurrently.

15 ...THE COURT CONFERS WITH THE COURT CLERK

MR. ROBERTS: Your Honour, I may have just
missed it, but in terms of the probation order,
you said that's a reporting order, I'm
15 assuming, to report to probation.

THE COURT: Oh, yes, if that is not a statutory
term, it will be a reporting order.

MR. ROBERTS: Okay. Thank you.

20 THE COURT: Yes, reporting, I was going to say,
immediately after court. I will let you know
after the confab, Mr. Roberts, but certainly it
is a reporting order.

25 MR. ROBERTS: Thank you very much. I've also
been asked to make clear on the record that the
order can be transferred to another
jurisdiction.

THE COURT: Absolutely, yes, that was my
intention. The order can be transferred.

30 ...DISCUSSION ON TRANSFER JURISDICTION

R.v. D.R.
Reasons for Sentence

5
COURT CLERK: Your Honour, if he reports to the probation upstairs, they'll transfer it to the appropriate one.

THE COURT: All right, okay. So this order, I do have to sign something saying that it can be transferred.

COURT CLERK: Yes, Your Honour.

10
THE COURT: So it will be transferred and it ~~will be transferred to the right place.~~

...COURT RECESS

...COURT RESUMES

15
THE COURT: Good morning, again. Let me just finish up this matter that I have here.

20
D.R., please stand up. D.R., I am going to go through the terms of the deferred custody and supervision order and the probation that I am putting you on to make sure you understand.

25
30
So with respect to the charge of killing the animal under subsection 445(2) of the *Criminal Code*, I ordered, first of all, that you be placed on a deferred custody and supervision order for a period of six months, commencing today, June 24th, 2019, which is to be served under conditional supervision in the community, subject to the following conditions:

Reasons for Sentence

5
First, keep the peace and be of good behaviour. That means if you commit another offence, you would be in breach of this order. You could be brought back to court immediately and the Court could order that you serve the balance of the six months or a portion of it in custody. Do you understand that?

D.R.: Yes.

10
THE COURT: You will appear before Youth Justice Court when required to do so by the court.

15
You will report to the provincial director or the provincial director's delegate immediately on release and thereafter be under the supervision of the provincial director or the provincial director's delegate.

20
You will inform the provincial director or the provincial director's delegate immediately on being arrested or questioned by the police.

25
You will report to the police or any named individual as instructed by the provincial director or the provincial director's delegate.

30
You will advise the provincial director or the provincial director's delegate of your address of residence on release and, after release, report immediately to the clerk of the Youth

R.v.D.R.
Reasons for Sentence

5

Justice Court or the provincial director or the provincial director's delegate any change: (1) in that address; (2) in your normal occupation, including employment, vocational or educational training and volunteer work; (3) in your family or financial situation; and (4) anything else that may reasonably be expected to affect your ability to comply with the conditions of this order.

10

15

Do not own, possess, or have the control of any weapon, ammunition, prohibited ammunition, prohibited device or explosive substance, except as authorized by this order.

20

Comply with such reasonable instructions as the provincial director or the provincial director's delegate considers necessary in respect of any condition of this order to prevent a breach of that condition or to protect society.

25

Attend school or any other place of learning that is approved of by the provincial director or their designate.

30

Reside at an address approved of by the provincial director or their designate and abide by the rules of the residence.

R.v.D.R.

Reasons for Sentence

Do not own, care for, have custody of or reside with any animal.

5 Do not have any contact, direct or indirect, with M.F. or M.D.

Do not attend at [REDACTED] group home.

10 Attend, participate in, and complete counselling as directed by the provincial director or his designate.

15 Participate in the intensive support and supervision program as directed by the provincial director or his designate.

20 Execute such permissions and consents as are required to allow the provincial director or his designate to monitor your attendance at and participation in the counselling and intensive support and supervision program.

25 After the six months are up, be placed on probation for a period of two years and obey all of the following conditions:

30 One, keep the peace and be of good behaviour. That means that if you commit another offence during the period you are on probation, you could be charged not only with the other

R.v.D.R.
Reasons for Sentence

offence but with a separate charge of breach of probation. Do you understand that?

D.R.: Yes.

5 THE COURT: You will appear before the Youth Justice Court when required to do so.

10 You will report in person to a youth worker immediately and, after that, at all times and places as directed by the youth worker or anyone designated by your youth worker to assist in your supervision.

15 You will reside at an address approved of by the provincial director or their designate and abide by the rules of the residence.

20 Attend school or any other place of learning that is approved of by the provincial director or their designate.

Do not own, care for, have custody of or reside with any animal.

25 Do not have any contact, direct or indirect, with M.F. or M.D.

Do not attend at [REDACTED] group home.

30 Attend, participate in, and complete counselling as directed by your youth worker or

27.
R.v.D.R.
Reasons for Sentence

their designate.

5 Participate in the intensive support and supervision program as directed by your youth director or their designate.

10 Execute such permissions and consents as are required to allow your youth worker or their designate to monitor your attendance at and participation in the counselling and intensive support and supervision program.

15 Do you understand all of those conditions, sir?

D.R.: THE Yes.

COURT: All right. I also order that this order be transferred to [REDACTED].

20 Now with respect to your charge of damage to property, namely, the rabbit, I have placed you on probation for a period of six months to run concurrently with. That means as the same time as your other probation and the conditions are all the same. Do you understand that, sir?

25 D.R. Yes.

THE COURT: All right. I have ordered that be transferred to [REDACTED] as well.

30 With respect to your charge of breaching the bail condition, I have placed you on probation for two months, and that is to run concurrently

28.
R.v. D.R.
Reasons for
Sentence

with at the same time as the other probation.
Do you understand that? The conditions are the
same. Do you understand that, sir?

5 MR. ROOKE: Yes, I do.

THE COURT: All right. So I will order that to
be transferred as well.

10 I have also ordered, sir, and I have prohibited
~~you from owning or having custody of an animal~~
or bird for a period of five years. Do you
understand that?

MR. ROOKE: Yes.

15 THE COURT: I have ordered that you provide a
sample of your DNA for analysis and
registration, and that sample should be taken
right after court today.

D.R.: THE About that?

COURT: MR. Yes.

20 D.R.: the I may already have a DNA sample in
system.

25 THE COURT: I understand you may already have
it. I have ordered it again, and it is up to
the police whether they actually need to take
it.

D.R.: Okay.

THE COURT: So I have signed all of those
orders. Is that it?

30 MR. ROBERTS: Your Honour, just for my
clarification, because I wasn't the Crown who

29.
R.v.D.R.
Reasons for Sentence

5 sat in through the decision, the charge under
s. 264.1?

THE COURT: That was dismissed.

MR. ROBERTS: Okay. Thank you. I just want to
make sure it goes into SCOPE.

THE COURT: Section 264.1 was the criminal
harassment or, no, an utter death threat.

MR. ROBERTS: A threat, yeah.

THE COURT: It was dismissed.

MR. ROBERTS: Okay. Thank you.

MR. CLARKE: Thank you, Your Honour.

THE COURT: All right. D.R., all I can say
is please comply with all of the help you have
been given and best of luck to you. I mean that
sincerely.

MR. ROOKE: Thank you.

THE COURT: All right, sir.

MR. CLARKE: Thank you, Your Honour, if I may
be excused now.

THE COURT: Yes, I thank counsel for their
help.

(REPORTER'S NOTE: Proceedings concluded.)