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ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

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KELLY R. FLORENCE

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REASONS FOR SENTENCE
BEFORE THE HONOURABLE JUSTICE H. E. PERKINS-McVEY
on June 27, 2018 at OTTAWA, Ontario

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APPEARANCES:

T. Dobec

Counsel for the Crown

V. Carew

Counsel for Kelly Florence

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N/A

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EXHIBITS

EXHIBIT NUMBER

ENTERED ON PAGE

N/A

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Legend

[sic] - Indicates preceding word has been reproduced verbatim
and is not a transcription error.

(ph) - Indicates preceding word has been spelled phonetically.

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WEDNESDAY, JUNE 27, 2018

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

5 PERKINS-McVEY, J. (Orally):

10 I just simply wanted to confirm all of the charges that the accused entered the pleas to. As indicated, the accused pled guilty to the following charges: uttering threats, Count 6, contrary to Section 264.1(2) of the *Criminal Code*; Count 7, also uttering threats, Section 264.1(2) of the *Criminal Code*; Count 10, which is the charge of maiming, wounding, or injuring an animal, contrary to Section 445(2) of the *Criminal Code*; and a breach of probation, contrary to Section 733.1(1) of the *Criminal Code*.

20 The synopsis of evidence was filed along with witness statements, officer witness statements, as well as photos of Maya, the injured dog, to form the agreed evidence at the sentencing hearing. These documents are filed as Exhibit 1: Book of Evidence for Plea and Sentence.

25 The facts, in summary - and these are of course the summarized version - are as follows: The accused and [REDACTED], who is the victim of these threats, who's present here today, had been living together for two and a half years and in a relationship for three years. On the date in

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question, [REDACTED] two daughters were visiting. On December the 29th at approximately 5:30 a.m., the accused entered the bedroom where [REDACTED] Rose and her daughters were sleeping, waving a knife around in his hand while holding onto the door knob with his other hand. [REDACTED] reports that he had been acting strangely for a couple of days prior, so this was very concerning behaviour. The accused told [REDACTED] he would cut her throat from ear to ear. [REDACTED] locked the door and, later that morning, she left to stay at her father's home in Gatineau. She returned again later that day and the accused did not bother her.

On Sunday, December 31st, the accused again returned home. Mr. Florence began talking about how materialistic they were and that they needed to shed all their possessions. According to [REDACTED] statement, he also talked about alien races and told her eldest daughter she was a reptilian snake, and that is why his old dog bit her. He told the victim and the children he would cut off their heads and put them on a belt to wear. Given the accused's mental state, they were all frightened. [REDACTED] left with the children, leaving the accused alone with their dog, Maya.

On Monday, January the 1st, 2018, the accused reports to have been hearing voices from God, telling him he needed to cleanse Maya from evil.

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5 He then took a knife and stabbed the dog at least three times or more, in the throat area. The accused then left the dog and went out for breakfast. On returning, he told a neighbour what he had done and the police were called. While being interviewed by police, he agreed he had stabbed the dog to cleanse it of evil. He also said that if [REDACTED] were present in the room, he would cleave off her head to cleanse her as well, as he believed she and her eldest daughter were filled with parasites.

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15 Maya was taken for emergency treatment for four lacerations of various sizes and depths on her neck. There was also one wound to the right side of her body and one large wound to her face. Multiple wounds were also seen on her torso area. Maya was given initially IV fluids, pain medications, and antibiotics to avoid infection or sepsis. Maya later had surgery to close the lacerations. The cost of this treatment was \$2,280, I believe. Funds to cover this expense were raised by the community.

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25 Prior to December 29th, 2017, the accused was acting bizarrely and is reported not to have been taking his prescribed medication. There is also evidence that he had consumed alcohol and relapsed to his use of drugs. He apparently had overdosed and [REDACTED] had saved him just prior to December 31st. It is reported by the victim that just prior to the event, Mr. Florence had become

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obsessed with watching YouTube videos about reptilians, aliens, and expressed belief in outlandish conspiracy theories. As a result, after his arrest, and in part due to his bizarre behaviour while giving his statement to the police, the accused was assessed on two occasions for criminal responsibility to determine the degree of his mental impairment during the commission of the offences before the Court.

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The opinion of Dr. Watts is that although Mr. Florence may have been unable to know the wrongfulness of his alleged offences, due to experiencing delusional beliefs, that these were as a result of voluntarily consumed intoxicants and accumulated stress, and were not causally linked to mental illness. Dr. Watts states on page 27:

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His motivation for threatening Ms. Rose and her children, waving the knife around in a threatening behaviour, and later stabbing the dog, may have been caused - may have been based on delusional beliefs or him misperceiving reality. He had previously experienced such symptoms as a result of drug use, and one only has to look at him in 1997 to see the parallels.

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Despite this diagnosis of drug-induced psychosis, Dr. Watts recommends that Mr. Florence continue taking his anti-psychotic medication, as it may reduce his agitation and proneness to acting with impulse aggression.

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Mr. Florence is otherwise a 46-year-old man with a criminal record. He has dated entries for robbery from 1998 and '99, convictions for theft and failing to comply, and in 2016 he received a suspended sentence and 18 months probation and a ten-year weapon prohibition as a result of a charge of assault with a weapon.

10
He supports himself through ODSP. He had a difficult childhood and was sexually abused by a babysitter as a young child. Mr. Florence has had addiction issues at various times throughout his life but, prior to his incarceration, he had been working and/or volunteering at the Sandy Hill Community Centre, and involved with their harm reduction group for the last couple of years. He was also on the Safe Injection Site Board and on the Ontario Harm Reduction Board.

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Defence counsel filed as Exhibit 3 a book of Sentencing Materials. Filed at Tab 2 is a letter from Sean LeBlanc, of Ottawa Inner City Health, DUAL PROUD. He states that he has worked with Mr. Florence on many community projects and that he's always been impressed by the accused's leadership and ability to relate to people living in marginalized circumstances. He says that Kelly has been an integral part of PROUD, which is Participatory Research in Ottawa Understanding Drugs study, which Mr. LeBlanc co-chaired. He's also been very active in the harm reduction

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5 community. It is said that despite having suffered a lot of trauma and having battled addiction and mental health issues, that Kelly has shown resilience and a desire to be - to move beyond that to assist others.

10 A similar letter of support was provided by Jordan MacLean (ph) a social worker at the Somerset West Community Health Centre. Further, Mr. Bate (ph) of the Sandy Hill Oasis program indicates that for the last three years, Mr. Florence has been a strong advocate for social change for people who lived with experience of marginalization, poverty, and substance abuse. He has facilitated meetings, found opportunities for advocacy, and encouraged his peers to engage in community events. For the last two years, he has facilitated a bi-weekly group, "Supper and Support," at Sandy Hill Community Centre. The community leaders listed above say Kelly has a strong network of support in the community, including the Sandy Hill Community Health Centre, and that they will continue to support him on his release.

25 Ms. [REDACTED] also provided a letter to the Court. She shares similar admiration for the work Mr. Florence has done in the community and to assist her with her addiction and mental health issues. She indicates that Kelly Florence is an animal lover who, in fact, loved Maya very much. She indicates that when their apartment

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caught fire and Maya was trapped inside, that Kelly ran past firefighters to get back into the apartment to save her. She said that Kelly did some very bad things when he was in psychosis, but this is not a true reflection of the person he is. She wants Kelly to get help and return to being the person she knows him to be.

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The position of the parties: The Crown seeks a jail term of two years less pre-sentence custody for the animal maiming or cruelty charge, and six to twelve months concurrent for the threats and other charges. The Crown also seeks a Section 109 weapons prohibition and that a sample of the accused's DNA be taken for the DNA databank.

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Further, that the Court impose a life-time ban on the accused owning any animals. The Crown argues that such a sentence would reflect the need to denounce and deter such conduct, and reminds the Court the society's views toward acceptable ways to treat animals has evolved, and that recent sentences reflect an upward trend toward increased use of incarceration in such cases.

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Ms. Dobec argues that this animal abuse is at the high-end of the scale, and the threats made were serious and very specific toward the victim and her children.

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It goes without saying that these crimes occurred in a domestic context, which is, of course, statutorily aggravating.

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On behalf of the accused, the defence is seeking a sentence of four to six months for the animal cruelty charge and two months on the threatening charge. He argues that the events occurred when the accused was in a full-blown, drug-induced psychosis, and that this must reduce his degree of moral blameworthiness. He says this was not an act of revenge, but rather a frenzied attack on the dog when under the delusional belief that the dog was full of evil to be exorcised.

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The central issue to be determined is: What is the appropriate sentence for these types of offences and how much should the sentence be reduced to reflect that they occurred when he was experiencing delusional beliefs or misperceiving reality?

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On behalf of the accused, both counsel agree that if the sentence is less than two years or two years, that a period of probation might assist in his rehabilitation. It must be noted the accused has been in custody since January the 1st, of 2018. As of the date of this - of sentence, approximately six months. I would consider applying the enhanced rate for Mr. Florence. So he will have completed an equivalent sentence of nine months as of the date of sentence.

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Now looking at the sentencing range for animal cruelty. There is no clear range for - of sentence for animal cruelty. In *Regina v.*

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Helper, for example, the offender kicked the family dog, lifted her up by the chain around her neck, hit her with a rake, then repeatedly hit her with a shovel before dumping the dog in the dumpster. The dog survived. The offender received a sentence of two years from the Ontario Court of Justice. This was a harsher sentence than any other comparable case. It should be noted that there were other charges in addition to the animal cruelty charge for which he was sentenced.

In *Regina v. Connors*, 2011 BCPC 24, the offender beat the dogs - the friend's dog to death in a fit of alcohol and steroid-fueled rage. He was sentenced to five months in addition to one-month pre-trial custody, plus two years probation.

In *Regina v. Alcorn*, the offender received a 20-month sentence for stabbing a cat, hanging it from the rafters, and having sexual intercourse underneath as it bled to death. There is however a pattern that is acknowledged. In *Regina v. Alcorn*, Justice Stevenson of the Alberta Court of Appeal was faced with the same dilemma as this Court. Justice Stevenson found that the group of relevant cases did not establish a range cap or overall policy strategy for animal cruelty cases. However, the - however, two things the Alberta Court of Appeal noted are relevant: First the Court noted at paragraph 40 of the *Alcorn* decision, that although the Crown submitted that

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the sentences appear to be rising, that there was insufficient information to establish that.

Second, the Court quoted a dissenting opinion from 2011 stating, "a civilized society should show reasonable regard for vulnerable animals. Sentient animals are not objects."

It is acknowledged that although this section of the *Criminal Code* is indeed within the property section of the *Criminal Code*, I do agree that animals are not simply property and they are not simply objects. In fact, animals are often the most beloved, most vulnerable, and most precious family members.

While reviewing the case law in the area of animal cruelty, there is a pattern emerging to reflect increasing periods of incarceration for these types of offences, particularly since the 2008 amendment to the *Criminal Code*. For example, in *Regina v. Wright*, 2014 ONCA 675, the Court imposed a nine-month sentence for an accused who had been convicted of multiple offences related to animal cruelty. The accused had originally received a suspended sentence and probation, having previously served three months of pre-trial custody. The Court noted that considering the gravity of the specific offences, the number of convictions, and the accused's criminal record, which demonstrated a propensity for violence and and disregard for judicial orders, as well as the accused's abject failure

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5 to accept responsibility for his conduct, that a further jail sentence was required. The Ontario Court of Appeal also noted that amendments to the *Criminal Code* made in 2008 signalled an added determination by Parliament to deter and punish those who engage in acts of cruelty to animals.

10 In *Regina v. Munroe*, 2012 ONSC 4768, Justice Code said although a 12-month sentence is an appropriate starting point for an animal cruelty offence when sentencing focused on denunciation and deterrence, that the trial judge had failed to consider the accused's lack of prior record and strong antecedents. The Court, thereafter, 15 imposed a six-month jail sentence, three years probation, and a 25-year pet ownership ban. It was felt this reduced sentence addressed the required principles of denunciation and deterrence, but also addressed rehabilitation, which was a relevant sentencing principle for that accused. 20

25 In *Regina v. Helfer*, Justice Alder noted the Crown's range of 30 days to nine months for animal cruelty cases where the Crown - no, the - the range of sentence was 30 days to nine months for animal cruelty cases where the Crown proceeded summarily. However, the sentence imposed in that case was two years. As stated, that case is at the upper end of the range. 30

In *Regina v. Habermehl*, it appears to be an example of a sentence at the lower end of the

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range for violence against an animal. In *Habermehl*, the offender received a sentence of 90 days for striking the family cat with a single blow, leading, in part, to the cat being euthanized. The Alberta Provincial Court considered as mitigating factors that the offender was frustrated with the cat's behaviour, and that the injury was caused by a single blow. The aggravating facts were the extent and severity of the injuries, the lack of remorse of the offender, and the callous disregard the offender showed towards the cat after inflicting the injuries.

In *Helfer*, the accused was involved in a domestic dispute with his mother. He dragged the family dog outdoors, kicked her, lifted her up by the chain collar, and beat her with a shovel and the rake until she laid bloodied and unmoving. He then dumped her body in the dumpster, leaving her for dead. Miraculously, Breezy survived and, as stated, Mr. Helfer received a two-year sentence.

In *Regina v. Hill*, the offender was asked by a family to take their dog, who could not live with their new child, to the Humane Society for adoption. Mr. Hill collected \$600 from the family for the adoption fee, but instead of delivering the dog, bound its paws and snout with tape, and left it to die in a field. In that case, there was a joint position of two years jail.

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It goes without saying that there is no case directly on point and that sentencing is a very individualized process with the specific circumstances of each case and each offender being carefully considered to arrive at a fair and just determination of sentence. In this case, Mr. Florence was in a drug-induced psychosis, suffering from delusional beliefs when this offence occurred and, as such, this must be taken into account in assessing his moral blameworthiness.

Looking at the case law as it pertains to drug-induced psychosis, moral culpability and blameworthiness. While drug-induced psychosis is usually considered as a mitigating factor, there are cases when drug abuse leading to psychosis has, in rare circumstances, been seen as aggravating.

In *Regina v. Bogue*, the offender was in a drug-induced psychosis when he set fire to a home. He was not under the influence of drugs, but was on a psychotic breakdown caused by his prior use of drugs. Justice Merrick considered the offender's drug-induced psychosis a mental illness, leading him to conclude that deterrence was of less importance. He further wrote at paragraphs 29 to 31:

[29] As well, severe punishment is less appropriate in cases of persons with such

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mental illnesses since it would be disproportionate to the degree of responsibility of the offender. This decreased emphasis on punishment and deterrence in these circumstances is consistent with the proportionality principle in Section 718.1 of the *Criminal Code*.

[30] Thus, the mental illness of an offender will often be considered a mitigating factor in sentencing, even though it is not the sort that would establish a verdict of not criminally responsible on account of mental disorder at the time of the commission of the offence.

[31] The focus in sentencing such offenders may properly therefore be placed on mechanisms [which] promote rehabilitation and treatment, rather than on punishment (quoting *R. v. Peters*, 2000 NFCA 55 (CanLII), paragraphs 18 and 19).

Mr. Bogue's drug-induced psychosis and his delusional beliefs, as well as the significant steps he took towards rehabilitation and recovery prompted Justice Merrick to shift from deterrence to treatment in his sentencing when he handed down a suspended sentence.

There are cases, however, such as *Regina v. McCormick*, 2017 BCPC 58 at paragraph 18, where

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the Court wrote:

Persons who commit violent crimes while in the throes of a drug-induced psychosis can still expect to receive serious sentences [where] general deterrence [must play] a paramount role.

However, they also noted that deterrence and denunciation cannot inappropriately overwhelm rehabilitation.

In *Regina v. Hamlyn*, the Alberta Court of Appeal substituted a 20-month - 21-month custodial sentence for the trial sentence of two years probation. Both the trial and appeal court found the offender's drug-induced psychosis was only somewhat mitigating. The sentencing judge had noted that the degree of violence in the assault caused by the drug-induced psychosis was something that had to be taken into account and that if the offender wished not to be psychotic, he must not take drugs and had no one to blame but himself for what he had done.

That being said, the B.C. Court of Appeal in *Regina v. Hicks*, [1995] BCJ No 545 at paragraphs 15 to 17 indicated that a cocaine-induced psychosis attached a reduced degree of moral blameworthiness, although they did not set aside the trial judge's decision, due to the principle of deterrence.

Perhaps the case that is closest to the case at

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bar is the matter of *Regina v. Connors*, 2011 BCPC 24. In that case, the accused was caring for his friend's dog who was suffering from an infection and had defecated inside the house. Fueled by anger, alcohol, and steroids, the accused exploded with violence to the dog, who died from broken ribs, internal injuries, and bleeding from blunt force trauma. He received a sentence of six months plus two years probation.

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Further, in the case of *Regina v. Tremblay*, 2012 BCPC 410, the accused was under the influence of heroin. The dog was hit with a hammer to its head and toes and body. A jail sentence of six months plus 30 months probation was imposed.

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It is noted, however, that there is a significant difference between committing an offence while under the influence of drugs and committing an offence while in a drug-induced psychosis. The latter being at the extreme end, where the effect goes beyond impairment and it affects the accused so they experience delusional beliefs or misperception of reality.

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I accept that there is no doubt that, increasingly, Canadian society views the denouncement of violence against animals more comparably to violence against humans, and it should no longer be included in the property section of the *Criminal Code*. But it must be noted when that section was amended that it

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remained within that section of the *Criminal Code*.

5 The 2008 amendment to the *Criminal Code* represented a fundamental shift in Parliament's approach to animal cruelty. The maximum penalty for those offences increased tenfold. As noted, many of the cases relied on by defence and Crown
10 relied and emphasized the fact that the *Criminal Code* has since been amended in asking the Court to impose a sentence of deterrence and denunciation.

15 In *Regina v. White*, 2012 N.J. 263, provided by the defence, at paragraph 9 it states that one's treatment of animals is often seen as a barometer of that person's treatment of people.

20 If Mr. Florence had not been under a drug-induced psychosis, then I agree that the principle of deterrence and denunciation would be the predominant sentencing principles but in this case, rehabilitation must also necessarily play a significant role. I do find - although the case
25 law is far from clear, I do find, given the report of Dr. Watts, rather - I do find that Mr. Florence's degree of moral blameworthiness was reduced at the time of the commission of the offences before the Court. It is said that he
30 had been acting bizarrely in the days before the offences. He was experiencing delusional beliefs and committed these offences while acting on

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those beliefs, believing he needed to rid the dog of evil, as well as Ms. Rose and her daughter.

5 The mitigating factors I take into account are as follows: The accused pled guilty, sparing the victim from testifying. He saved court time by his plea, which must also be a mitigating factor. He has demonstrated his remorse in his statement to others for what has occurred. He, in fact, 10 broke down in tears when he learned of the state of Maya and was relieved that she was going to recover. He had committed these acts while under a drug-induced psychosis, which reduces his moral blameworthiness. The stabbing was more of a 15 drug-psychotic frenzy than a measured, violent attack on this vulnerable animal. Letters of support show the accused is capable of rehabilitation. He has, in fact, been a 20 community leader in the area of harm reduction, safe injection sites. He has a network of community support to assist him as he assists others. The victim, Ms. Rose, recognizes the 25 role his psychosis played and also speaks of the community work he has done, and hopes that he gets help, but holds no ill-will or anger towards him. The accused does have a criminal record but it is not a related record of domestic violence.

30 There are, of course, aggravating factors. Criminal record. Albeit largely unrelated, there is the count of assault with a weapon from 2016. Other aggravating fact is this offence was

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5 serious and did involve severe injury to this
vulnerable animal who trusted you. An animal you
thought to save in the past. The attack involved
a weapon which caused those injuries. Further,
the threats were severe and directed to the
victim and her children, which is statutorily
aggravating. As stated, the accused was in a
position of trust over the animal as well as the
10 children. The offence had an effect on the
community, as, in fact, crowd fundraising - or
community fundraising was needed in order to pay
Maya's vet bills. Further, the accused was on
probation which had conditions that he not
consume alcohol or other intoxicating substances.
15 The accused is an addict. When he relapses, he
poses a risk to the community.

20 There is a wide range of sentences which have
been imposed for cases involving animal cruelty.
In the case at bar, given there is additional
consideration as these offences were committed
when the accused was under the delusional beliefs
brought about by drug use. As stated, the attack
on Maya was brutal. The dog was left without
25 concern for whether she needed medical attention
or might die, while the accused carried on with
his day. Viewing these events and taking into
account the accused's reduced moral
30 blameworthiness due to drug-induced psychosis,
and bearing in mind the other mitigating factors
balanced against the aggravating factors I've
considered, I find that the appropriate sentence

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5 for the charge of animal cruelty will be one of six months. For the charge of threatening times two, there will be a consecutive sentence of three months on the first count, three months concurrent on the second. There'll be concurrent sentences of three months for the Section 88 possession of a weapon and 30 days concurrent for the breach of probation.

10 Each of these sentences will be followed by a period of probation of two years. Given the accused's pre-sentence custody, however, which must be taken into account, the sentence imposed in fact will be a suspended sentence. There'll be the equivalent pre-sentence custody noted on each of the charges on the warrant of committal. So there will be a suspended sentence on all counts, followed by two years of probation. There will be a Section 109 weapons prohibition, and that will be for life. I will make an order that a sample of your blood be taken for the DNA databank on the threatening charge, which is a primary designated offence given the indictable election. I will also impose a ban ordering that the accused be prohibited from owning or residing with any animals, pursuant to Section 447 - which point is it, Madam...

MS. DOBEC: I believe it's one.

THE COURT: Point one. Is there a subsection?

MS. DOBEC: I'll just check here. I'll just need a moment, Your Honour - 447.1.

THE COURT: Thank you. As stated, the terms and

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5 conditions will be as follows: You are required to keep the peace and be of good behaviour, appear before the Court when required to do so, notify the Court or probation - notify the Court or probation office in advance of any change of your name, address, employment, or occupation. You must report to the probation office immediately, and after that at such times and places as directed by the probation office or 10 anyone authorized by the probation office to assist in your supervision. You'll reside at an address approved of by the probation office and not change that address without obtaining the consent of the probation office in advance. You are not to contact, communicate in any way 15 directly or indirectly, by any physical, electronic, or other means with [REDACTED]

[REDACTED] Am I correct on those names?

20 MS. DOBEC: Yes.

THE COURT: And not to be within 250 metres of any place you know those persons to live, work, go to school, or frequent, except for required court attendances, except with the written, 25 revocable consent of [REDACTED] Such consent must be filed with the probation officer or intake officer. This may be cancelled by that person at any time. Is the Children's Aid Society involved with the children?

30 MS. DOBEC: The - the children don't generally reside with....

THE COURT: I know they were visiting at the time

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from...

MS. DOBEC: Exactly. But I would be asking...

THE COURT: Kirkland Lake.

MS. DOBEC: ...just no contact with the kids,
except pursuant to a Family Court order or
pursuant to...

THE COURT: I was going to say...

MS. DOBEC: ...Children's Aid.

THE COURT: ...except with the - are the
Children's Aid involved in the north?

MS. DOBEC: I don't believe they are anymore.

MS. CAREW: No...

MS. DOBEC: No.

MS. CAREW: ...they closed the file.

THE COURT: I'm going to indicate no - except
with - pursuant to a Family Court order. I think
that would cover it. Any issue with that, Ms.
Dobec?

MS. DOBEC: No.

THE COURT: Is there....

MS. DOBEC: Sorry, I would just - I didn't catch
the length of time for the animal prohibition.

THE COURT: Twenty years.

MS. DOBEC: Thank you.

THE COURT: And it's from residing with as well
as owning.

MS. DOBEC: Yes.

THE COURT: I have imposed the weapons
prohibition, but in addition, you're not to
possess any weapons as defined by the *Criminal
Code*, for example: BB gun, pellet gun, firearm,
imitation firearm, crossbow, prohibited or

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restricted weapon or device, ammunition or explosive substance, or anything designed to be used or intended for use to cause death or injury, or to threaten or intimidate anyone.

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When you used the knife in the manner that you did, that is a weapon. Whether it was to threaten Tiffany and her children or whether it was used against the animal. Do you understand? A knife can be used for eating purposes or work purposes, but for no other purposes. In addition, you will be required to attend and actively participate in all assessment, counselling, or rehabilitative programs as directed by the probation office and complete them to the satisfaction of the probation office. I'm going to indicate for substance abuse. I'm going to add the psychiatric or psychological issues, given some of the things that are raised in Dr. Watts report and given his recommendation that you continue with the medication, and could benefit from that ongoing support. Under other, Madam Clerk?

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CLERK REGISTRAR: Yes.

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THE COURT: It's going to be recommended that you continue to work at the Sandy Hill Community Health Centre or other related programs to assist in your own rehabilitation. You need to start with you, sir.

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MR. FLORENCE: Okay. Thank you.

THE COURT: And if you continue to work in the community and help others, that's a good thing.

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You've got to work on your first - yourself first.

MR. FLORENCE: Okay.

5 THE COURT: You'll sign any and all releases to enable the probation office to monitor your attendance and progress at any of those counselling programs. I don't believe there are any other ancillary orders or terms or conditions. Victim fine surcharge. I know that
10 Mr. Florence is on ODSP. Would two years be sufficient?

MS. CAREW: Yes. Thank you.

THE COURT: Two years to pay the victim fine surcharge.

15 MR. FLORENCE: Sure.

THE COURT: You can always bring an application to extend the time to pay the victim fine surcharge.

MR. FLORENCE: No, I'm sure I'll work it out.

20 THE COURT: All right.

MR. FLORENCE: Thank you.

THE COURT: Thank you. I don't know if the other counts were marked withdrawn.

MS. DOBEC: Probably not. They can be now.

25 THE COURT: Any other counts marked withdrawn at the request of the Crown.

MR. FLORENCE: Thank you.

THE COURT: Thank you.

30 MS. CAREW: Thank you. If I may be excused, Your Honour.

THE COURT: Certainly.

MS. CAREW: Thank you.

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MS. DOBEC: And so, Your Honour, do you have a written copy of the decision?

THE COURT: It's - yes.

MS. DOBEC: I imagine you know what my next question is going to be.

THE COURT: Yes. And I'm - what I'm going to do is I'm going to order a transcript of what I have put on the record. As in all decisions, there are slight modifications, so it'll - I will provide a copy for the transcriptionist, because it'll be 99 percent a guide, but there's always the odd phrase that is....

MS. DOBEC: Exactly.

THE COURT: Yes.

MS. DOBEC: Thank you, Your Honour.

THE COURT: And I'll ensure that a copy is provided to both counsel.

MS. DOBEC: Thank you very much.

MS. CAREW: Thank you.

MS. DOBEC: And I believe that's my only matter.

THE COURT: Yes.

MS. DOBEC: Thank you.

...SUBSEQUENT PROCEEDINGS NOT TRANSCRIBED.

26.
Certification

FORM 2
CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))

Evidence Act

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I, Cassandra Colbert, certify that this document is a true and accurate transcription of the recording of R. v. Kelly Florence in the Ontario Court of Justice held June 27, 2018, at 161 Elgin Street, Ottawa, Ontario taken from Recording(s) No. 0411_CR01_20180627_083151_Y_6_PERKINH.dcr, courtroom 1, which has been certified in Form 1 by M. Massey.

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Oct 19/18

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(Date)


Cassandra D. Colbert

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*This certification does not apply to the Reasons for Sentence, which was judicially edited.

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