

CANADA
PROVINCE OF NOVA SCOTIA

IN THE PROVINCIAL COURT

HER MAJESTY THE QUEEN

- versus -

KYLE RODGERS-LANGILLE

TRANSCRIPT - SENTENCE HEARING

HEARD BEFORE: The Honourable Judge Jean M. Whalen

PLACE HEARD: Dartmouth, Nova Scotia

DATE HEARD: August 27, 2019

COUNSEL: Janine Kidd, Crown Counsel
Karen Endres, Defence Counsel

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1 **AUGUST 27, 2019**

2
3 **COURT RESUMED** **(TIME: 9:41 HRS)**

4
5 **COURT CLERK:** Kyle Rodgers-Langille.

6 **(MS. ENDRES?)**: Your Honour, good morning. That's my
7 matter. Mr. Rodgers-Langille is downstairs. I think what we
8 were looking to do is just have the matter called to get some
9 direction from Your Honour before we bring him up. So it's a
10 matter that was scheduled in Courtroom Number 5 and it was moved
11 to this particular court this morning because I understand 5 is
12 not sitting today.

13 **THE COURT:** No.

14 **MS. ENDRES:** It is a matter for sentencing. It is a
15 joint recommendation, but it may take 20 minutes or so, 20-30
16 minutes to complete, so we were looking for Your Honour's
17 direction, I guess, first of all, if there's a time that we can
18 complete that, if Your Honour is prepared to hear that in the
19 intake or if we're looking to set a different date.

20 **THE COURT:** I understand you want to play a video or
21 something?

PRELIMINARY MATTERS

1 **MS. KIDD:** Yes, Your Honour, I do have three short
2 videos that I'll be entering and playing. It's less than a
3 minute in total for everything.

4 **THE COURT:** All right. What I can do is set it at 11,
5 we can come back and ... Just I want to do the docket.
6 Obviously, it's unexpected and I'll try and accommodate it since
7 Mr. Rodgers-Langille is in custody.

8 **MS. ENDRES:** Thank you.

9 **THE COURT:** Is 11 a.m. agreeable?

10 **MS. ENDRES:** Yes, thank you, Your Honour.

11 **THE COURT:** Okay. 11 a.m. then.

12

13 **MATTER ADJOURNED** **(TIME: 9:42 HRS)**

14 **MATTER RESUMED** **(TIME: 11:06 HRS)**

15

16 **THE COURT:** All right. Ms. Endres's matter.

17 **MS. ENDRES:** Thank you, Your Honour.

18 **COURT CLERK:** Kyle Rodgers-Langille. He's on his way up.

19 **THE COURT:** Thank you.

20 **MS. ENDRES:** This is Mr. Rodgers-Langille entering the
21 courtroom this morning. He's here in relation to a multi-count

PRELIMINARY MATTERS

1 information and it's a matter for plea. We are in a position to
2 deal with the matter. Three of the charges Mr. Rodgers-Langille
3 will be entering pleas on. Count number 2 is the first, and
4 that requires an amendment by my friend. That's done by
5 consent.

6 **THE COURT:** All right.

7 **MS. KIDD:** Thank you, Your Honour. The first, the
8 first point is that the name in count 2 is Kaley, K-A-L-E-Y,
9 O'Neill, and the complainant's name is actually Haley with an H.

10 **THE COURT:** All right.

11 **MS. KIDD:** So we're looking to change that to Haley,
12 H-A-L-E-Y.

13 **THE COURT:** Um-hmm.

14 **MS. KIDD:** And we're looking to roll the counts 2 and
15 3 into a single count, so count 2 would read as it does, And
16 further that he, at the same time and place aforesaid, did
17 knowingly convey a threat to Kaley, er, Haley O'Neill and
18 Bradley Lorenz to kill or injure an animal, to wit., a cat,
19 contrary to section 264.1(1)(c) of the **Criminal Code**.

20 **THE COURT:** Okay, fine.

21 **MS. ENDRES:** So my instructions from Mr. Rodgers-

PRELIMINARY MATTERS

1 Langille, Your Honour, are to enter a guilty plea on the amended
2 second count.

3 **THE COURT:** All right.

4 **MS. ENDRES:** As well as to counts number 4 and 6. And I
5 understand that he is well aware in the course of doing so that
6 he's waiving his right to a trial, that there will not be a
7 trial. He's indicating yes in relation to these matters,
8 acknowledging the underlying elements of those offences. We do
9 have a joint recommendation for Your Honour's consideration and
10 he understands that, obviously, that is very strongly considered
11 by the Court but not necessarily binding. On that basis, he
12 provides me those instructions, and we are prepared to proceed
13 to sentence.

14 **THE COURT:** All right. With respect to a Victim Impact
15 Statement, Ms. Kidd, anything from anyone involved in the
16 matter?

17 **MS. KIDD:** Yes, Your Honour, I did speak to both
18 Bradley Lorenz and Haley O'Neill. Both of them have indicated
19 to me that they do not wish to provide a Victim Impact
20 Statement.

21 **THE COURT:** Okay. All right. And no PSRs that have

PRELIMINARY MATTERS

1 been produced before this for other matters?

2 **MS. ENDRES:** No, Your Honour.

3 **THE COURT:** All right. I'll hear some facts, then, and
4 we'll go from there.

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FACTS OUTLINED BY MS. KIDD

FACTS OUTLINED BY MS. KIDD

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2
3 Thank you, Your Honour. On August 31st, 2018, Mr. Rodgers-
4 Langille entered into a 24-month probation order as part of a
5 sentence for a number of offences involving Haley O'Neill, and,
6 as part of that probation order, he has a condition prohibiting
7 him from having direct or indirect contact or communication with
8 Haley, the only exceptions being through a lawyer or in
9 accordance with a written separation agreement or court order
10 for access to a child or children. Mr. Rodgers-Langille and
11 Haley O'Neill are former intimate partners who had a two-year
12 relationship. They share a 15-month-old son named Kylen. And
13 Bradley Lorenz is Ms. O'Neill's father. I understand the Ms.
14 O'Neill had left, terminated the relationship the week before
15 this offence and the cat they shared, whose name is Oscar, had
16 remained with Mr. Rodgers-Langille.

17 On the 12th of June, 2019, Mr. Rodgers-Langille sent
18 Bradley some threatening messages via Facebook Messenger at
19 three different times, 12:45 p.m., 1:25 p.m., and 3:36 p.m., and
20 I have copies, a copy of those messages to enter as an exhibit.

21 THE COURT: Thank you.

FACTS OUTLINED BY MS. KIDD

1 **COURT CLERK:** This will be Exhibit 1.

2

3 **EXHIBIT 1 - COPIES OF THREE FACEBOOK MESSENGER MESSAGES -**

4 **MARKED AND ENTERED**

5

6 **MS. KIDD:** So in these messages, as we're looking
7 through, there are six pages, they're screen shots from a cell
8 phone that were sent to the police officer. There's reference
9 to the child that they share. I'm looking at the third page,
10 "You better tell your daughter to show up before I kill myself
11 and this cat." There were also comments about the other person,
12 to Bradley dying. As can be seen in this, on that same page, at
13 2:59 p.m. there was a missed call from Mr. Rodgers-Langille. I
14 understand that that was an audio message that was sent using
15 Facebook Messenger and the message is very short - it's, the
16 message is, "And just saying, Bradley, when I find you, you're
17 fucking dead," in a raised tone of voice.

18 **THE COURT:** What page are you referring to?

19 **MS. KIDD:** I'm looking at the third page, Your Honour.

20 **THE COURT:** Thank you.

21 **MS. KIDD:** If you look about halfway down it shows a

FACTS OUTLINED BY MS. KIDD

1 missed call on Wednesday,

2 **THE COURT:** Yes, okay.

3 **MS. KIDD:** And so what I just read in was the message
4 that was left.

5 **THE COURT:** All right. Would you just repeat that for
6 me, please.

7 **MS. KIDD:** Certainly. "And just saying, Bradley,
8 when I find you, you're fucking dead."

9 **THE COURT:** Thank you

10 **MS. KIDD:** On that same date, Your Honour, Mr.
11 Rodgers-Langille sent Haley three videos of him harming their,
12 their cat Oscar. She recognized his voice, physical appearance,
13 the cat, as well as the apartment where he was residing, which
14 is Apartment Number 708 at 15 Kennedy Drive. There are three
15 short videos. The total length of the videos, of all three, is
16 really under 30 seconds, and I do have them cued up there. I
17 have the envelope, I'll pass it to Madam Clerk. I'd like to
18 enter the disk as a second exhibit.

19

20 **EXHIBIT 2 - DISK CONTAINING COPIES OF THREE VIDEOS - MARKED**
21 **AND ENTERED**

FACTS OUTLINED BY MS. KIDD

1 **THE COURT:** Ms. Kidd, is that something you wish to play
2 in open court?

3 **MS. KIDD:** It is.

4 **THE COURT:** All right. Is there, is it, is it going to
5 contain anything that could be upsetting or shocking to someone
6 who may be perhaps under the age of 16, or is there anybody that
7 I should exclude because ...

8 **MS. KIDD:** I, I think it would, I think it is
9 generally shocking...

10 **THE COURT:** Um-hmm.

11 **MS. KIDD:** ... what's shown in the video.

12 **THE COURT:** All right. Should I exclude anyone who's
13 not an adult?

14 **MS. KIDD:** I, if the Court thinks that prudent,
15 that's ...

16 **THE COURT:** Well, I haven't seen the video, so I need
17 counsel to help me out here, because I, if they are disturbing,
18 then is it something you wish me to see in open court or ...
19 It's an exhibit. I don't ... I'm just asking for some
20 direction. I mean, it is an open court principle, but I'm also
21 mindful of what ...

FACTS OUTLINED BY MS. KIDD

1 **MS. ENDRES:** Your Honour, this is ... I think my friend
2 needs to speak to that. It's not my preference to have them
3 played at all, but I don't have control over them.

4 **THE COURT:** No.

5 **MS. KIDD:** The significant portion of the offence is,
6 is on the video. That's the evidence, Your Honour, and then
7 there is an expert report that refers to those videos, so I do
8 intend to play them. Certainly if the Court ... It might be
9 prudent, if, if there are persons who are under the age of 18
10 here today, the Court wanted to exclude those individuals.

11 **THE COURT:** All right. If there is anybody under the
12 age of 18, I'd ask you to leave the court, that you don't see
13 this. And should I determine as it's played that it shouldn't
14 be seen, then I'll view it in my chambers, and I'll stop. All
15 right? But as far as you're concerned, Ms. Endres, it, you're
16 agreeable to the, these messages going in and video, so ...

17 **MS. ENDRES:** The videos have been disclosed, Your
18 Honour. I mean, I think, as Your Honour indicated, there are
19 probably other ways that that maybe could be viewed. I ... But
20 it's not my preference nor Mr. Rodgers-Langille's to have played
21 in court. As I say, I don't know that there's a whole lot that

FACTS OUTLINED BY MS. KIDD

1 he can offer in the alternative to that.

2 **THE COURT:** No. All right.

3 **MS. ENDRES:** If that's my friend's preference.

4 **THE COURT:** Sure.

5 **MS. ENDRES:** But I also think that the report that Your
6 Honour will be receiving speaks for itself, as well, so that
7 report is - not to sort of explain for my friend; I'm sure she
8 would explain this to you - but that report was completed by an
9 animal behaviorist who actually viewed the video, so she speaks
10 to the content of those videos in her report. In theory, there
11 is a way for that content, I suppose, to be reviewed by the
12 Court through that document.

13 **THE COURT:** All right, Ms. Kidd, carry on.

14 **MS. KIDD:** Thank you, Your Honour. Is the volume ...
15 There's volume (inaudible) ...

16

17 **EXHIBIT 2 VIDEO PLAYBACK COMMENCED (TIME: 11:16:50)**

18 **EXHIBIT 2 VIDEO PLAYBACK CONCLUDED (TIME: 11:17:55)**

19

20 **MS. KIDD:** Your Honour, the Nova Scotia Society for
21 the Prevention of Cruelty to Animals seized Oscar on June 14th,

FACTS OUTLINED BY MS. KIDD

1 2019, so that was two days later. At that time he was examined
2 by a veterinarian. He did not have any obvious damage from the
3 choking that we just saw.

4 Quebec is the first province in Canada to recognize animals
5 as sentient beings and, although they don't communicate the same
6 way as human beings, they do feel pain and experience suffering,
7 distress and anxiety. On July 31st Dr. Rebecca Ledger, sorry,
8 July 29th, Dr. Rebecca Ledger, who's an animal behavior and
9 welfare scientist, reviewed the videos and provided an expert
10 report. She's, her report is offering assistance in
11 understanding how animals communicate when they're feeling pain
12 and suffering, distress and anxiety, as well. I do have a copy
13 of that letter to enter as an exhibit.

14 **THE COURT:** Okay.

15

16 **EXHIBIT 3 - REPORT AND CURRICULUM VITAE OF DR. REBECCA**

17 **LEDGER - MARKED AND ENTERED**

18

19 **THE COURT:** Which number is this, then, Madam Clerk?

20 **COURT CLERK:** Exhibit 3, Your Honour.

21 **THE COURT:** Thank you.

FACTS OUTLINED BY MS. KIDD

1 **MS. KIDD:** And I also have a copy of this individual's
2 *curriculum vitae*, as well, to accompany the letter. It could be
3 part of the same exhibit perhaps, part of Exhibit 3.

4 **THE COURT:** So, so the record, then, Ms. Kidd, you wish
5 to have Dr. Rebecca Ledger qualified as what and to be able to
6 give opinion evidence in what?

7 **MS. KIDD:** She's an animal behavior and welfare
8 scientist.

9 **THE COURT:** Um-hmm. And she's ...

10 **MS. KIDD:** Giving, I'm going to be reading excerpts
11 from her report in terms of understanding the pain and suffering
12 that Oscar experienced...

13 **THE COURT:** Um-hmm.

14 **MS. KIDD:** ... during the videos that we just watched.

15 **THE COURT:** Ms. Endres, any comment with respect to
16 this?

17 **MS. ENDRES:** It's a sentencing hearing, Your Honour, and
18 for that purpose and in that context we're not taking issue with
19 that.

20 **THE COURT:** All right.

21 **MS. ENDRES:** As I say, I mean this is all in the context

FACTS OUTLINED BY MS. KIDD

1 of a joint recommendation we're proffering.

2 **THE COURT:** Sure. Okay. Great. Thank you.

3 **MS. KIDD:** Thank you, Your Honour.

4 So I'll be reading a few excerpts from the report. I'm
5 looking at, starting at page 10 - I'll just give the page
6 numbers where I'm at... And the reason why we're looking at
7 this, Your Honour, is, in this case, there was no visible
8 injury, so, obviously, the wording of the charge is unnecessary
9 pain, suffering or injury, and where there's injury it's rather
10 obvious that something's happened, but, in this case, we can see
11 what, what the cat was doing, but as far as our understanding of
12 what's going on, it's fairly limited, and that's where Dr.
13 Ledger's experience comes in. So she said that, "An animal is
14 regarded as suffering when it experiences unpleasant feelings or
15 negative affective states."

16 **THE COURT:** Okay.

17 **MS. KIDD:** And "This is the same process in humans.
18 Neuropathways pick up disturbances in the body that get
19 translated up the spinal cord and throughout the brain system,
20 where the brain perceives something as being pleasant or
21 unpleasant, and suffering refers to unpleasant or negative

FACTS OUTLINED BY MS. KIDD

1 sensations, emotions, or affects." "In terms of," looking at
2 page 14, "In terms of pain, there's specialized receptors,
3 called nociceptors, which are pain receptors in the skin, they
4 detect mechanical injury or sense changes in heat, pressure,"
5 such as when this cat was being choked, "or chemical stimuli,
6 and that's where the message is sent to the cerebral cortex,
7 which perceives pain, and then the neurotransmitters are
8 released, which allow the body to rapidly withdraw from the
9 noxious stimuli such as reflexes. Pain, when it's significant,
10 can be a strong aversive experience." And she says that "this
11 negativity creates a sense of urgency to engage in behaviors
12 that seek to escape the cause of the pain or injury, such as
13 distress calls, aggressive behavior, flinching, struggling, or
14 other attempts to withdraw." She also notes that anxiety and
15 fear are negative effects, as well. And she specifically
16 comments on breathlessness, and so this is, the cat was being
17 choked, as we saw in the video, "Breathlessness is defined as an
18 urgent compulsion to increase respiratory activity to overcome
19 resistance to airflow due to obstructions in air passages." She
20 notes that it's a very unpleasant sensation. "Breathlessness
21 experienced by a cat that's being choked will occur due to acute

FACTS OUTLINED BY MS. KIDD

1 airway occlusion that results in air hunger, is a cause of
2 severe suffering, and is reported to be the most unpleasant
3 sensation, probably having the greatest potential to compromise
4 animal welfare."

5 And she notes that cats, in particular, when they
6 experience anxiety or fear, they do things like requesting help
7 or reassurance to reduce their suffering, increase information
8 gathering, increase the distance between the cat and the
9 perceived threat or by minimizing harm from movement or
10 detection from the freeze response.

11 So in terms of her comments on the video, what, what we
12 saw, going to page 7, she noted that "the cat likely experienced
13 strangulation, asphyxiation, extreme pressure applied to the
14 neck or scruff area." He was being held over a balcony - it was
15 apartment 708, which is the seventh floor, so quite a ways above
16 the ground - being prevented from escape, and then continuing to
17 live with Mr. Rodgers-Langille, at least for a few days
18 following these abusive incidents. "The cat experienced
19 physical discomfort, pain, anxiety, fear, panic, breathlessness,
20 which would exacerbate the panic, and helplessness. And the
21 cumulative escalation of anticipatory panic, fear, helplessness

FACTS OUTLINED BY MS. KIDD

1 can be expected to add to the aversive experience during the
2 second and third episode that followed the first." And the
3 behavioral evidence that Oscar exhibited, "you could see a tense
4 or rigid body, which is a freeze response, extended outstretched
5 legs, dilated pupils, lips pulled back, the whiskers pointing
6 forward," and I think that's a typo, it should be "writhing or
7 escaping attempts, twitching, and the claws were unsheathed."
8 And she concludes that, concludes that "his behavioral responses
9 were sometimes to escape and mostly to freeze" and that he
10 suffered from "breathlessness, physical discomfort, pain,
11 anxiety, fear, helplessness, and panic as a result of the acts
12 inflicted by Mr. Rodgers-Langille." And she used a scale, on
13 the next page, page 9, and rated the suffering as "moderate to
14 severe", which is a 3 to 4 on this scale from 1 to 5.

15 It's clear from the report provided by Dr. Ledger that Mr.
16 Rodgers-Langille did cause Oscar unnecessary pain and suffering,
17 as required by the section of the **Code**.

18 I do have an update on how Oscar is doing for the Court,
19 Your Honour. I understand from the SPCA that he was adopted
20 into a new home in July of this year, he has a new name, Harley.
21 The new owner reports that it took Harley about a month to relax

FACTS OUTLINED BY MS. KIDD

1 and to purr, but he's now accepting of his new family and seems
2 to be quite happy. And apparently he comes running like a dog
3 when they call out to him, so he's, he's moved forward, he's in
4 a much better home and appears to not be suffering any long-term
5 effects from the incident.

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SUBMISSION ON SENTENCE BY MS. KIDD1 **SUBMISSION ON SENTENCE BY MS. KIDD**

2

3 In terms of the aggravating and mitigating factors, we do
4 have a guilty plea, Your Honour, at a relatively early stage in
5 the proceedings. I note that if this had proceeded to trial my
6 estimate, at least for the Crown's case, would have been at
7 least a day or more. There were certainly civilians, police
8 officers, SPCA officers, as well as several experts who
9 initially examined Oscar, as well as Dr. Ledger, who is based
10 out of Vancouver, B.C. So we did save some significant court
11 time and time on the part of these witnesses.

12 In terms of the aggravating factors, Mr. Rodgers-Langille
13 does have a prior related criminal record. I'll be entering
14 that as the final exhibit for the Crown.

15

16 **EXHIBIT 4 - COPY OF CRIMINAL RECORD OF KYLE RODGERS-**
17 **LANGILLE - MARKED AND ENTERED**

18

19 **THE COURT:** Number what?

20 **COURT CLERK:** Exhibit Number 4, Your Honour.

21 **MS. KIDD:** So this record started in January of 2017,

SUBMISSION ON SENTENCE BY MS. KIDD

1 when Mr. Rodgers-Langille was a youth, and the latest entry is
2 November of 2018, as an adult. Those youth convictions, given
3 the offences as an adult, are retainable. Looking at the type
4 of convictions, he has 11 convictions as a youth, notably the
5 offence of robbery in the sense of violence, and some breaches
6 of court orders, as well. As an adult he has nine convictions.
7 In terms of the convictions of violence he has one conviction
8 for assault and one conviction for assault with a weapon, and
9 I'll get into the details of those offences, because those
10 involve the same victim, Your Honour. So there are two prior
11 convictions for domestic violence. He, as well, has some bail
12 breaches and probation breaches, two of each, as an adult. The
13 second aggravating factor is that this was an act of animal
14 cruelty in the context of a formal intimate partner
15 relationship, and that's noted in section 718.2(a)(i) of the
16 **Criminal Code.**

17 So looking at the criminal record, the two offences
18 involving Ms. O'Neill, the first, oldest is August 31st, 2018 -
19 he was sentenced for assault with a weapon, uttering threats,
20 dangerous driving, obstruction of breaches. And the assault
21 with a weapon and the threats involve Ms. O'Neill. He received

SUBMISSION ON SENTENCE BY MS. KIDD

1 a suspended sentence at that time and received a two year
2 probation order, which is what he's still bound by, as well as a
3 two year driving prohibition order, and, in that matter, he was
4 in custody for a number of days, with his bail being denied on
5 July 18th. That matter involved chasing Ms. O'Neill, who was
6 pregnant at the time, and he had a knife and there was threats
7 made at the time.

8 The next conviction involving Ms. O'Neill is from November
9 22nd, 2018. She was convicted of assault and... Sorry, he was
10 convicted of assault simpliciter and breaching probation. It
11 looks like he received a three-day jail sentence, a one dollar
12 fine, and there was a DNA order made, and that offence was some
13 open hand strikes to the face three times while the young child
14 was in the baby stroller. There's also ...

15 **MS. ENDRES:** Your Honour, I just, I hate to interrupt my
16 friend, Your Honour, but referencing past matters, specific
17 fact-related matters, I just want to say that I wasn't aware
18 that was going to happen, so I haven't been provided the facts
19 or a record of those past matters or transcripts that were, the
20 facts that were acknowledged or not. So I can read the record
21 and I can ... I think Mr. Rodgers-Langille accepts that that's

SUBMISSION ON SENTENCE BY MS. KIDD

1 his record and that those matters involved that complainant.
2 That's fleshed out on the JEIN. But to refer to past facts or
3 ... I can't even speak to those things, Your Honour. That was
4 not something that was made aware to myself.

5 **THE COURT:** Ms. Kidd, your comments?

6 **MS. KIDD:** That's fine, Your Honour.

7 **THE COURT:** All right. Thank you.

8 **MS. KIDD:** Both of those convictions involved Ms.
9 O'Neill, they're relatively recent. On the November 22nd matter
10 he received 33 days jail on a go-forward basis, and he had pre-
11 trial custody from November 6th to 21, so I counted that as
12 approximately 56 days in total custodial sentence that he
13 received.

14 The next aggravating factor, in the Crown's view, is that
15 there's a breach of trust here. The cat Oscar had been left in
16 Mr. Rodgers-Langille's care. He owed a duty to Haley as well as
17 to Oscar ... You know, when someone chooses to own, care for, or
18 assume responsibility for a pet, that they assume, at the very
19 least, some basic responsibility towards that animal. The
20 intent of the animal cruelty legislation in the **Criminal Code,**
21 as well as under the various provinces, is to criminalize

SUBMISSION ON SENTENCE BY MS. KIDD

1 conditions that are outside a reasonable standard of care and
2 which pose or may pose a risk of harm. By committing these
3 serious and violent offences against Oscar, he breached his
4 position of trust in relation to Oscar and Haley in a profound
5 way. Finally, the repeated acts of abuse - there are three
6 videos, Your Honour - there were multiple opportunities for a
7 sober second thought.

8 In terms of the circumstances of Mr. Rodgers-Langille, we
9 don't have the benefit of a Pre-Sentence Report. I understand
10 that he's just turned 20 shortly before this offence and as a
11 result of, I think, being incarcerated, he's certainly not
12 working right now.

13 Looking at the purposes and principles of sentencing, in
14 addition to the statutorily aggravating factors that I've
15 already cited, I think it's important to note that denunciation
16 and deterrence, both general and specific, are primary
17 considerations from the case law surrounding intimate partner
18 violence, as well as animal cruelty. Given his two prior
19 convictions for intimate partner violence involving the same
20 victim, Haley, there's nothing other than separation from
21 society by incarceration that's appropriate, in the Crown's

SUBMISSION ON SENTENCE BY MS. KIDD

1 view. He is still relatively young, so rehabilitation should
2 still be possible for him, if he does want help to change, that
3 is. The proposed sentence, in the Crown's view, acknowledges
4 the harm done to the victim.

5 There is quite a variety, a range of sentences in terms of
6 the animal cruelty case law, Your Honour. Things range from,
7 the spectrum ranges from discharges up to jail time. In the
8 Crown's view, the abuse in this matter is at the high end of the
9 spectrum. There were repeated violent acts against a vulnerable
10 animal in the aftermath of the breakdown of an intimate partner
11 relationship. These actions, if you look at the context of the
12 text messages, appear to have been an apparent attempt to
13 manipulate the victims into interacting with Mr. Rodgers-
14 Langille against their wishes, as well as contrary to a court
15 order. The videos are appalling and upsetting and, along with
16 his history of intimate partner violence against Haley, they
17 demonstrate unequivocally, in the Crown's view, that a period of
18 incarceration is required.

19 So bearing in mind the mitigation that flows from his
20 guilty pleas, as well as the jump principle, and looking at
21 proportionality and totality, the Crown is putting forward the

SUBMISSION ON SENTENCE BY MS. KIDD

1 following sentence:

2 For the amended count 2, 75 days jail, accompanied by a
3 period of 24 months' probation. That's a secondary designated
4 offence, Your Honour, so the Crown would be seeking a DNA order.

5 For count 4, which is the causing unnecessary pain or
6 suffering, the Crown is seeking a sentence of 75 days jail,
7 consecutive, with a 10-year prohibition order, contrary to
8 section 447.1(1)(a), so not to possess any animals for a period
9 of 10 years. Owning an animal is a privilege, and I think Mr.
10 Rodgers-Langille needs to forego this privilege for at least 10
11 years.

12 In relation to the breach count for no contact, the Crown
13 is suggesting 30 days, concurrent, for that.

14 I do have forms of order that I'll pass up for this Court.
15 I'll pass that up now. I'll fill out the DNA order when my
16 friend's addressing the Court.

17 Just a few last points, Your Honour: He does have some
18 pre-trial custody credit, so Mr. Rodgers-Langille has been in
19 custody since June 13th. Counting to yesterday, because today
20 would be the first day of his sentence, I got a total of 75 days
21 at one-for-one credit, and with the enhanced credit that gives a

SUBMISSION ON SENTENCE BY MS. KIDD

1 total of 113 days, so that'd be 150 days less 113, which, if I
2 did my math correctly, is 37 days on a go-forward basis. I am
3 also seeking, because he will be in custody for a little while
4 before that probation order with no contact kicks in, an order
5 under section 743.21(1), to have no contact with Bradley Lorenz
6 and Haley O'Neill during the remaining custodial portion of his
7 sentence.

8 The terms on the probation order that I've passed up, I
9 include a reporting condition, and that's necessary because I am
10 asking for intimate partner related violence related counseling,
11 and we certainly need that reporting in order to facilitate the
12 counseling; no contact, not attending the residence of Bradley
13 Lorenz and Ms. O'Neill for the balance of the order, the only
14 exception being through counsel or a court order, because they
15 do have the shared young son together, Kylan; and I've also
16 asked for no weapons. And I think that is it. Subject to any
17 questions, Your Honour, those are the Crown's submissions. And
18 I'll fill out this DNA and pass it up.

19 **THE COURT:** Thank you very much. Ms. Endres?

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SUBMISSION BY MS. ENDRES

1 **SUBMISSION BY MS. ENDRES**

2

3 Your Honour, thank you. Mr. Rodgers-Langille is 20 years
4 of age, as my friend indicated, but he's still a very young
5 person. This is resolution at his earliest opportunity. I can
6 say that he instructed me in early July, which I did, to reach
7 out to the Crown to resolve the matter, so we're here today, and
8 that's something he would have been content to resolve really at
9 his first stage of interaction with me.

10 My friend has reviewed in detail his record. His prior
11 sentences as an adult have been relatively short periods of
12 custody, so this, in fact, will be his longest period of time in
13 custody, and my friend has spoken about the step-up principle;
14 certainly I can say, from his perspective, this period of time
15 in custody really has been quite eye-opening for him.

16 The background of this, clearly, is a very tumultuous
17 relationship. It... Mr. Rodgers-Langille regrets that it
18 escalated to a place that he's not certainly very proud of. He
19 shares a son with Ms. O'Neill, so they will have to eventually
20 in the future be able to work together to interact for that
21 purpose. I understand that DCS is involved with the family at

SUBMISSION BY MS. ENDRES

1 present, so there are those further supports that are there in
2 place for them.

3 While in custody Mr. Rodgers-Langille has tried to really
4 think about the underlying issues here and take steps to try to
5 address those things, so he really has taken advantage of
6 anything, although a very modest amount of programs that have
7 been available to him, but he's taken advantage of those that
8 are. He advises me that he's done the Naloxone training,
9 participated in a book club. He registered for Options to Anger
10 and Substance Abuse Management, although neither of those have
11 been programs provided to him to this date and time. He did a
12 Bible course that was run by the Chaplain at the institution.
13 But, most importantly, in all of this, Your Honour, he has
14 started some work with a doctor and I understand that he's now
15 being prescribed medication for depression. He's also been
16 given literature to review on BPD. And given the nature of this
17 matter and the threats involved, Your Honour, I think it seem
18 clear that there is a mental health component to this. So it's
19 a very positive development that Mr. Rodgers-Langille has
20 engaged with health care and he's willing to try medicative
21 supports to assist him in his overall functioning and well

SUBMISSION BY MS. ENDRES

1 being. So he is looking forward to, eventually, his release so
2 he can move forward with his self-care and self-improvement in
3 these areas.

4 With respect to this incident, Your Honour, in his words he
5 says it never should have happened. He was intoxicated.
6 Unfortunately, he has little recall of the specifics of these
7 matters, but he acknowledges the facts that have been provided
8 to the Court. He says prior to this particular incident he had
9 a very appropriate and caring relationship with the cat, so
10 he's, I think, very distressed with the way that things have
11 played out; thus, his instructions to me to resolve the matter
12 at his very earliest opportunity. So it was an immediate
13 acknowledgment of responsibility and acceptance of that, Your
14 Honour.

15 It is a joint recommendation this morning, so the total
16 sentence of 150 days, deducting from that his remand credit,
17 which is, essentially, 113, so 37 days go-forward, with a
18 probation and ancillary orders. I've reviewed all of those with
19 Mr. Rodgers-Langille. And I would suggest, Your Honour, that
20 certainly this covers the appropriate sentencing principles
21 here, so we have denunciation and deterrence, of course, by way

SUBMISSION BY MS. ENDRES

1 of that period of incarceration.

2 Rehabilitation is a very live issue. This is a very young
3 person we're dealing with today, and so there are some supports
4 built into that, ongoing protection, I would say, I suppose,
5 with the no contact, no go, and monitoring, but also some
6 rehabilitation for this young person.

7 So subject to any other questions Your Honour may have,
8 those are my comments on this matter.

9 **THE COURT:** Does Mr. Rodgers-Langille want to say
10 anything?

11 **MS. ENDRES:** I don't believe so, Your Honour. No, he's
12 indicating no.

13 **THE COURT:** All right, counsel, I, I'm going to take
14 over the lunch hour to review all of this information, it's not
15 your typical change of plea and sentence. Can counsel come back
16 at 3 o'clock?

17 **MS. ENDRES:** Yes, Your Honour, I can.

18

19 **MATTER RECESSED** **(TIME: 11:41 HRS)**

20 **MATTER RESUMED** **(TIME: 14:27 HRS)**

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SUBMISSION BY MS. ENDRES

1 **MS. ENDRES:** Thank you. Mr. Rodgers-Langille coming
2 back into the courtroom, returning to his matter from this
3 morning.

4 **THE COURT:** All right. This is the decision for Mr.
5 Rodgers-Langille.

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DECISION ON SENTENCE**DECISION ON SENTENCE**

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3 Mr. Rodgers-Langille, I accept your change of plea to
4 guilty based on the facts I heard earlier this morning. You've
5 spared the complainant from testifying, which can be extremely
6 stressful at the best of times. There's no Victim Impact
7 Statement filed with the Court, although I think it would be
8 safe to say that that would have been distressful for the
9 complainant. I note from the facts ... Relationships end all
10 the time, sir. People get angry. The key is what you do with
11 that, and, unfortunately, you took it upon yourself to cause
12 harm to the cat that you had shared with the complainant, Ms.
13 Haley O'Neill.

14 Those videos were very, very disturbing. Fortunately,
15 there were no physical injuries to the cat, as I note the doctor
16 said "no obvious damage" from being strangled. But the doctor
17 does describe that Oscar and the movement in the video as
18 consistent with freeze that is due to extreme fear, panic, and
19 asphyxiation. And then to add insult to injury, the cat was
20 still with you for a few days following this abusive incident.
21 And she noted that the suffering is on a scale of moderate to

DECISION ON SENTENCE

1 severe.

2 I would note that Ms. Kidd has indicated the update
3 suggests that the cat Oscar is in a new home, has a new name, is
4 adjusting, and that is a good thing.

5 With respect to the mitigating circumstances, there's a
6 change of plea, you do express some remorse through counsel.
7 The aggravating factor is that there's a related record. This
8 was domestic violence in nature, and there are previous
9 convictions for the same complainant.

10 I have a joint recommendation and I should follow that
11 unless it brings the administration of justice into disrepute
12 and I don't think that it might be a fit and proper sentence.
13 Ms. Kidd has rightfully indicated that the range for these
14 offences go from conditional discharge to jail. I'm also
15 reminded that I have to take into consideration the principles
16 of sentencing besides general and specific deterrence, but also
17 rehabilitation. Ms. Endres indicates to me that you've taken
18 some courses in, while you've been in custody, and it seems that
19 you may have some insight into what you have done. But it's
20 quite obvious to me, sir, that you have to stay away from drugs
21 and alcohol. It causes you to make bad choices, which result in

DECISION ON SENTENCE

1 criminal behavior and you find yourself in jail.

2 I asked myself this question when reviewing this case,
3 would you want your son to grow up knowing that you've assaulted
4 and threatened his mother? What kind of role model was that?

5 You have some serious issues, sir, no doubt, and one of
6 those is anger and you need to get a handle on it before you
7 hurt yourself or someone else, including your ex and your son,
8 who you will have to share for the rest of your life. So it's
9 time to get things in order.

10 Looking at everything that's before me, I think it's an
11 appropriate disposition ... Stand up, please, sir. There will
12 be a prohibition order with respect to animals - you can't own
13 any animals for 10 years. There will be a DNA order on the 264
14 uttering threats charge; that's the amended count 2. As well,
15 the amended count 2, 264 uttering threats, it will be 75 days
16 consecutive to any time you might be serving, count number 4,
17 445.1(1)(a), it will be 75 days consecutive, count number 6, the
18 733.1(1)(a), it will be 30 days concurrent, for a total of 150
19 days. With respect to the remand, you will be given credit for
20 113 days - that includes enhanced remand - so you will serve a
21 further 37 days in custody. Upon expiration of that sentence,

DECISION ON SENTENCE

1 you will report to Probation Services within two days and
2 thereafter as directed, and you will follow the conditions as
3 was read into the record by Ms. Kidd for 24 months.

4 Madam Clerk, have I covered everything? All right.
5 Anything else, Ms. Kidd, with respect to the charges that Mr.
6 Rodgers-Langille did not plead guilty to?

7 **MS. KIDD:** Those can be withdrawn, Your Honour. The
8 Crown had asked for an order while he was serving the balance of
9 his custodial sentence, a no contact order.

10 **THE COURT:** Yes. And pursuant to 743.1 there'll be no
11 contact with Bradley Lorenz or Haley O'Neill except through
12 lawyers. All right. There you go, sir. Have a seat
13 downstairs. We'll get the orders done up and then once you sign
14 them, you'll be transported back to Burnside. Thank you.

15 **ACCUSED:** Northeast.

16 **THE COURT:** Well, wherever, sir. It's not my choice,
17 not my decision.

18 **ACCUSED:** Thank you. Have a good day.

19 **THE COURT:** You, too.

20 **MS. ENDRES:** Thank you, Your Honour.

21 **THE COURT:** Thanks for coming back, Ms. Endres,

DECISION ON SENTENCE

1 earlier.

2 **MS. ENDRES:** No problem.

3 **THE COURT:** I wasn't sure how busy we would be this
4 afternoon and I was able to get a hold of Ms. Kidd and yourself,
5 so thanks for coming back...

6 **MS. ENDRES:** Happy to come earlier.

7 **THE COURT:** ... both of you, for coming back earlier.

8 **MS. ENDRES:** Thank you, Your Honour.

9 **MATTER ADJOURNED** **(TIME: 14:33)**

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CERTIFICATE OF COURT TRANSCRIBER

I, Constance A. Brown, Court Transcriber, hereby certify that I have transcribed the foregoing and that it is a true and accurate transcript of the sentencing hearing in the matter of **Her Majesty the Queen v. Kyle Rodgers-Langille**, taken by way of digital audio recording.



Court Transcriber Registration No. 2006-269

Dartmouth, Nova Scotia

October 31, 2019