

CITATION: *R. v. Mrozik*, 2025 MBPC 54

THE PROVINCIAL COURT OF MANITOBA

BETWEEN:

His Majesty the King)	L. Campbell,
)	for the Crown
)	
-and-)	
)	
Dax Dakota Mrozik,)	N. Steen,
)	for the Accused
Accused)	
)	
)	
)	
)	Sentencing Decision
)	Delivered: August 26, 2025

2025 MBPC 54 (CanLII)

CARLSON, P.J.

INTRODUCTION

[1] Dax Mrozik pleaded guilty to possessing child pornography, contrary to s.163.1(4) of the *Criminal Code*, R.S.C., 1985, c. C-46 (the “*Code*”).

[2] This is a sentencing decision. The Court must decide what sentence is to be imposed on Mr. Mrozik for his offending.

[3] Mr. Mrozik submits that a fit sentence is two years less a day, to be served by way of a Conditional Sentence Order (CSO), and to be followed by three years of supervised probation. He acknowledges the gravity of his offending, the harm

caused, and concedes that a jail sentence is required, but asks the Court to find his personal circumstances are so compelling that a CSO can be a proportionate sentence in this case.

[4] The Crown recommends Mr. Mrozik be sentenced to 42 months imprisonment. The Crown says that even if the Court finds a sentence less than two years jail is fit, a CSO is not a proportionate sentence, and that the paramount sentencing objectives of deterrence and denunciation require that any sentence must be a “real jail” sentence.

MATERIALS FILED FOR THE SENTENCING HEARING

[5] The following materials were filed:

- An Agreed Statement of Facts (with attached appendices, including a disc containing child sexual abuse material (CSAM). That disc is sealed pursuant to a Sealing Order dated October 25, 2024;
- A representative sample containing CSAM images and videos. That sample is sealed subject to a Sealing Order dated July 7, 2025;
- An index of the images and videos in the representative CSAM sample;
- The Affidavit of Monique St. Germain, General Counsel for the Canadian Centre for Child Protection, with attached five Victim Impact Statements;
- A Pre-Sentence Report (PSR) dated January 27, 2025;
- A Report of Registered Psychologist, Dr. Lawrence Ellerby dated February 27, 2025, with attached report of psychiatrist Dr. Christopher Staniforth;
- Letters from six of Mr. Mrozik’s family members; and
- A letter from Dr. Eileen Pang, Mr. Mrozik’s family doctor, dated March 6, 2025.

VIVA VOCE EVIDENCE GIVEN AT THE SENTENCING HEARING

[6] Winnipeg Police Service (WPS) Detective Erin Freeman testified and showed a sample of ten CSAM images and six CSAM videos located on Mr. Mrozik's devices. The images and videos were visible and audible only to Detective Freeman, both counsel and the Court. Mr. Mrozik was excused, and he and his supports left the courtroom during Detective Freeman's evidence.

[7] Dr. Lawrence Ellerby, whose report was filed, was produced for cross-examination. He was qualified as an expert in forensic psychology, with the ability to diagnose and treat adults with psychological disorders, and trained in risk assessment tools as to sexual and violent offenders. Dr. Ellerby was qualified to give opinion evidence relating to Mr. Mrozik's psychological and cognitive presentation and risk level.

CIRCUMSTANCES OF THE OFFENCE

[8] On March 31, 2022, Mr. Mrozik uploaded four videos of CSAM using his KIK account, a mobile messaging application, via a certain Internet Protocol (IP) address.

[9] KIK reported this activity to the National Centre for Missing and Exploited Children ("NCMEC") in the United States, which provided the information to the National Child Exploitation Coordination Centre (NCECC), a Canadian law enforcement agency that targets online internet exploitation and CSAM.

[10] Law enforcement was able to geo-locate the IP address used at the time of the offence to Winnipeg, Manitoba, and Bell MTS Inc. was determined to be the Internet Service Provider for the IP address. NCECC and NCMEC forwarded this information to the WPS Internet Child Exploitation (ICE) Unit, which entered into an investigation.

[11] WPS Detective Freeman viewed the four videos and confirmed they met the definition of child pornography pursuant to s. 163.1(1) of the *Code*.

[12] Further investigation and results of a Production Order obtained for subscriber information from Bell MTS determined that the subscriber of the IP address lived at a specified address in Winnipeg, Manitoba.

[13] On September 28, 2022, WPS executed a search warrant at that address. One of the residents was Mr. Mrozik. Detective Freeman explained the investigation and advised of the username and email address associated with the KIK account. Mr. Mrozik advised those accounts belonged to him. Several devices were seized, including Mr. Mrozik's cell phone.

[14] WPS officers located CSAM on Mr. Mrozik's cell phone's secure folder, and on a gaming device hard drive.

[15] Mr. Mrozik was arrested, given his rights, processed, interviewed, and then released on conditions.

Nature of the CSAM collection

[16] There were 612 images of CSAM (187 unique, meaning not duplicates or replicas of other images) and 51 videos (25 unique) located on Mr. Mrozik's cell phone in the secure folder. Mr. Mrozik was asked about specific images, and although they were located in his secure folder, and he did not deny the images were there, he denied a specific recollection of viewing them.

[17] Detective Freeman said that items in the cache folder could be items that, while on Mr. Mrozik's phone, he had not actually viewed, which could explain his lack of recollection viewing them.

[18] The images included anime, computer generated images (CGI) and images with live children.

[19] Many of the anime images depicted infant and prepubescent children engaged in sex acts. Many of the CGI images showed infantile to prepubescent children being vaginally and/or anally penetrated by adult men. In some of the images, the children are bound, blindfolded or have their mouths taped over.

[20] Many of the images of real children show nude male and female children posed to expose their genital or anal regions. Some depict anal penetration of infants. Others show children performing fellatio on adult men, adult males performing oral sex on female children and digital penetration. Some images have elements of bestiality.

[21] In the sample shown, some images depict young female children, ranging from approximately two years old to about 13 years old. In one, a female has her legs spread and a dog is performing cunnilingus on the child. In one, the child is nude and is wincing or crying while urinating all over herself. In another, there are two girls, ages 10 to 13, wearing lingerie, and there are words on the image including “girls with dicks”, “strangulation”, “rape”, “underage fuck holes”, as well as “no blocking, no reporting, no limits, no stopping”.

[22] Some images in the sample depict young male children ranging from approximately 5 to 13 years old. Some show a child’s anal area, buttocks and penis. There is an image of an adult male anally penetrating a young child.

[23] Another image is a 27 image collage of children involved in various sex acts including fellatio, cunnilingus, and anal or vaginal intercourse. Many images show the children wincing appearing to be in pain and/or crying. The children range from infants to about 10 years old.

[24] The videos shown depict real children engaged in various sex acts. They include a still image of an adult male anally penetrating a small child’s anus, with video of semen coming from the child’s anus down the male’s penis.

[25] Another video shows a nude female child on her knees licking the breasts of a nude adult female who is on her knees. The child is also touching the adult’s vagina with her hand. The child is about 7 to 10 years old.

[26] A 10 second video shows a female child approximately 2 to 4 years old sitting on stairs. An adult male takes the child by her hair directing her to perform fellatio on him. He rapidly thrusts his penis into her mouth and she gags when he removes his penis. The child is clothed.

[27] In a particularly disturbing video that is a minute, a fully nude male child, approximately 7 to 10 years old, has his hands handcuffed behind his back and is wearing a black mask that only has an opening at the mouth. The child is performing fellatio on a nude adult male. The camera then cuts to the adult male anally penetrating the child rapidly. Semen is shown at the end coming out of the child's anus.

[28] Another video is of an adult male rapidly anally thrusting into a male child who is heard crying during the entire video. The child is grabbing at their abdominal area and anal area in clear discomfort. The child is approximately 2 to 4 years old.

[29] The descriptions of the CSAM, and the sample shown to the Court, make it clear that the material was graphic and disturbing, showing many types of sexual violence, exploitation and degradation of children including very young children. Mr. Mrozik's collection included images and videos at the high end of any depravity scale.

Other material located on Mr. Mrozik's devices

[30] In addition to the CSAM, there were 2247 images (778 unique) and 341 videos (162 unique) classified as images of “investigative interest” on Mr. Mrozik’s devices. This material did not meet the definition of CSAM because the ages of the people pictured in the images and videos could not be determined with certainty. The material contained elements of bestiality, sadism and masochism (BDSM) and hurtcore pornography (referring to pornography involving degrading violence and bodily harm). Many of the videos also include zoo-sadism (derivation of sexual pleasure from viewing animal cruelty) and animal abuse. The videos include showing animals that are bound, some are subject to anal penetration and physical violence. Mr. Mrozik says he does not recall downloading or viewing these items though they were found on his phone.

[31] Mr. Mrozik’s browser history contains his dark web history. It included searches for zoo-sadism, “Kiwi Farms” (an internet forum on which participants may harass certain people, often with the goal to drive them to commit suicide) and “Scuffed Bill Gates Fucks Little Boys”.

[32] Some online Telegram Messenger chats that Mr. Mrozik was involved in were located on his cell phone. In those chats he engaged in discussions with other users online about types of CSAM. He specifically requested materials including zoo-sadism, hurtcore pornography and other forms of CSAM, including “shota”

(sexual content involving young males), from other users. Mr. Mrozik sent CSAM images to other users and received CSAM images from them.

[33] In the chats, Mr. Mrozik instructed other users as to how they could access certain types of material, including “cub” materials (referencing young and childlike subjects).

[34] About five CSAM short stories were saved by Mr. Mrozik between September 2021 and September 2022, on his phone. The stories contain graphic descriptions of CSAM and sexual acts. Some stories had CSAM images with them. Mr. Mrozik did not author them. He said he did not recall having read them.

VICTIM IMPACT

[35] An affidavit of Monique St. Germain affirmed January 21, 2025, was filed.

[36] Ms. St. Germain is General Counsel for the Canadian Centre of Child Protection Inc. (C3P). Ms. St. Germain explained a process in the United States, whereby a known victim from any country is notified every time a CSAM image or video depicting that victim is found in the CSAM collection of a person prosecuted federally in the U.S. This notification process is intended to facilitate the filing of a victim impact statement (VIS) in court proceedings. Many victims receive notifications on a regular basis. A process has developed in the U.S. for one VIS to be prepared by a victim, that then can be filed in multiple court

proceedings involving any offender who has accessed, possessed, distributed and/or made available CSAM depicting the particular victim.

[37] C3P through its programs has been able to receive these VISs and submits them in Canadian legal proceedings, only with the consent of the victim or parent/guardian.

[38] In this case at least one image or video of each victim whose VIS was submitted was found in the CSAM collection of Mr. Mrozik. There were of course, many other victims in the images and videos in the possession of Mr. Mrozik.

[39] Ms. St. Germain's affidavit attaches as exhibits the VISs of three victims, and the VISs of parents of two victims, whose images were found in the CSAM possessed by Mr. Mrozik.

[40] The VISs were prepared using pseudonyms. They do not contain any information that could identify the actual victims. The following reflect some of what is contained in the VISs.

- Andy" was sexually abused from ages 6-12. His victimization was documented and was shared across the country and continues to be shared. Andy says the hardest aspect to deal with is the child pornography. There are over 500 cases where criminals are under investigation, charged or sentenced with being in possession of Andy's images. He has become angry, suspicious and has trust issues. Those have led him to act out aggressively.

He has turned to drugs and alcohol to cope with his anger. Andy fears every day about those who possess his abuse images recognizing him and coming after him and harming the children in his life.

- “April” says she wants to be a normal teenager but that she can’t because her abuse is online. She fears those who see the images of her abuse could recognize her, try to find her and hurt her or her family. Because of the system in place, she receives notification every time an image of her abuse is viewed online. Her mother has received 22,000 such notifications. She had to stop the notifications because it made her have panic attacks. She feels scared, anxious and angry. She has had to go to therapy and expects to go for the rest of her life because the images will always be online.
- The mother of “Pia” says the crime has created crippling insecurity in Pia and consumes her daily. Talking about the distribution of her abuse images causes Pia to feel sick almost to the point of vomiting. She believes Pia worries that others will learn what happened to her and she will be shunned, ridiculed or victimized by others. Pia is embarrassed and humiliated. She is afraid as is Pia, that Pia will be recognized by those who downloaded her abuse. Pia seems depressed, withdrawn, and overwhelmed. Pia cannot escape her victimization because it is ongoing. Pia has tried to change her appearance, so she won’t be recognized. She is afraid of the internet and of

talking to adult strangers. The mother's mental and emotional health has been impacted. Financial loss has been caused. The mother has been diagnosed with Post Traumatic Stress Disorder.

- “Sloane” talks about being unable to have a normal teenage life because her name, face and body are plastered all over the dark web. She was threatened, sexually harassed online, humiliated and encouraged to commit suicide. She was found by online strangers on social media and sent images of those persons’ genitalia and images of her own sexual abuse. Normal images also were dispensed online, which made her feel more vulnerable. In high school, a peer sent images of her sexual abuse to her and her dating partner. In college, a friend of Sloane’s was contacted by a potential predator looking for Sloane, so Sloane now worries for the safety of her friends. She worries that her future spouse or children could be targeted. She is always hypervigilant. She is afraid of being recognized.
- “Violet’s” parents say Violet was given a “life sentence” by the people who downloaded the images of her sexual abuse. Adjustment into society will be a lifelong process. She is still a child, but her parents know it won’t be long until she realizes that thousands of people all over the world can view her sexual abuse images. Her parents feel helpless because they cannot stop the distribution of the images. Her parents dread telling her the abuse was

videotaped and distributed all over the internet. They are afraid for her physical and mental health. They worry that someone who has seen her online images will recognize her. They say that she is being monitored by a counselor. The sexual abuse is one aspect, but the more challenging aspect is the simple fact that her abuse is forever available online.

[41] The VISs make it clear that the children in the images and videos experienced emotional, physical and psychological pain as a result of their sexual abuse, which has been exacerbated beyond measure by the knowledge that the images of that abuse are viewed online by individuals like Mr. Mrozik. They fear they will be recognized. They fear for their safety. And they experience the hopelessness of knowing they have no control over their images because those images can exist indefinitely in the online CSAM world. They are re-victimized every time someone looks at, downloads or sends an image of their sexual abuse online. The impact extends to their family members.

CIRCUMSTANCES OF THE OFFENDER

[42] Mr. Mrozik is now 22 years old. He was 19 years old when he was arrested. He has no prior criminal record.

[43] His parents separated when he was five years old. Their separation was acrimonious. Mr. Mrozik and his sister lived with their mother. For the first few years after his parents separated, his father did not see Mr. Mrozik much which

made him feel angry and neglected by his father. When Mr. Mrozik was 10 or 11, he started visiting with his father, though did not enjoy doing so. His father treated him in ways that negatively impacted his self confidence. He stopped visiting when he was 14 and would only speak to his father or see him a few times a year, until he was 16 or 17. He has not seen his father since then.

[44] Mr. Mrozik is very close to his mother, his maternal aunt and uncle, his maternal grandparents and his sister. Mr. Mrozik reports a loving and caring relationship with those people. He has, and does, live between the residences of his mother and his maternal aunt, an arrangement that is endorsed by the family. He does not have any current connection with any members of his father's family, though before his arrest, he was close to two half sisters.

[45] Mr. Mrozik's arrest has shaken his maternal family, but they have continued to support him unconditionally, as evidenced by their feedback to the PSR author, support of his work with Dr. Ellerby, their letters filed in court and their attendance in court. While steadfast in their support, they are aware of the charge and do not downplay its gravity or the harm Mr. Mrozik's offending has caused to victims.

[46] In school, Mr. Mrozik had three or four close friends but had a hard time socializing. During the COVID-19 pandemic related lockdowns, he was not able to maintain the few social relationships he had.

[47] Mr. Mrozik graduated in June 2022 from high school. He had no behavioural issues in school. He was a good student academically, although in grade 12, during the COVID-19 pandemic, the lockdown, preventing in person attendance at school, made him feel isolated, depressed and anxious, and his schoolwork suffered such that he barely passed grade 12. He attended the University of Manitoba for one year but reported he found in person learning overwhelming due to his social anxiety. He is currently enrolled at Athabasca University taking two online courses in computer science. He would like to pursue education in Artificial Intelligence or video game development.

[48] Mr. Mrozik had summer employment at age 15 or 16 at Sport Manitoba. He has no other work history. He is in receipt of Employment and Income Assistance (EIA) benefits under the disability/medical barriers to full employment as of January 2024. His EIA worker confirmed this, noting his diagnoses of Autism Spectrum Disorder (mild), Major Depressive Disorder and Social Anxiety Disorder.

[49] During the pandemic lockdown starting in 2020, and until the summer of 2022, Mr. Mrozik's family members noted a decline in his mental health. He presented as depressed and exhibiting hopelessness. His aunt and mother embarked on a course of doctors' appointments with Mr. Mrozik. He attended his family doctor. Several medications were tried. He was referred to a psychiatrist. They

went to several psychologists. This took time, given the challenge of referrals to specialists, especially during the pandemic. Nothing seemed to help on a sustained basis though Mr. Mrozik was always cooperative and tried what was recommended. In the summer of 2022, Mr. Mrozik finally received a diagnosis, after assessment with a psychologist at Red Ladder Optimized Learning, that he was on the autism spectrum. He was told he had a high IQ and could be academically successful with some tools to navigate his autism.

[50] Mr. Mrozik does not use drugs or alcohol.

[51] He currently has no close friends. He enjoyed talking to people online, and said he was “addicted” to gaming, but he has not been able to engage in those activities due to his release conditions.

[52] Mr. Mrozik is not now and has never been in a romantic or sexual relationship.

[53] Mr. Mrozik takes full responsibility for his offending.

[54] Mr. Mrozik denies that he has a sexual attraction to children. He says that he learned about the Dark Web and the Deep Web by watching a YouTube video. That led him to explore. He says he was not going online to seek out CSAM. He says he was depressed and suffering from anxiety, boredom and isolation due to the COVID-19 pandemic and lockdowns. He says he “stumbled on” the CSAM material. He says he felt “rebellious” by being on the Dark Web and Deep Web. As

to the material with animal abuse, he says he accidentally came across that material and did not get satisfaction from same. As to going on the chats, or message boards, he says he did that to “troll” people, meaning he left messages to annoy people. He says that he was disgusted by what he saw and engaged with the goal of being disruptive and reporting others to Telegram Messenger. Mr. Mrozik agrees he did exchange videos but says he felt obligated to do so.

[55] He says his arrest was a “wake up call” as to how his mental health had deteriorated and he realized he needed intervention and treatment.

[56] Mr. Mrozik was diagnosed with Major Depressive Disorder, Social Anxiety Disorder and Autism Spectrum Disorder (mild) in 2022. This was confirmed by Dr. Ellerby.

[57] From April 2023, to the present time, Mr. Mrozik has been addressing his mental health, including engaging in treatment for his offending behaviour, through therapy at Forensic Psychological Services. He has attended appointments with Dr. Ellerby. From April 2023 to September 2023, these appointments were weekly. Since then, they have been biweekly and alternate biweekly with appointments with a Community Integration Manager. Dr. Ellerby says Mr. Mrozik has not attended all sessions but says the attendance struggles are attributed to Mr. Mrozik’s mental health vulnerability instead of an absence of motivation or noncompliance. His anxiety, depression and distress with his ASD impact him.

He fears leaving home, struggles with panic attacks or anxiety, and has physical health complaints based in his psychological distress. Dr. Ellerby says it is positive that he has attended as often as he has and he has shown a commitment to maintain himself in therapy.

[58] Dr. Ellerby says that Mr. Mrozik has shown motivation to address his mental health challenges and his offending behaviour, that the treatment process has been challenging for Mr. Mrozik and he has progressed at a slow and gradual pace, but that he has shown a genuine commitment to understand why he engaged in his online behaviour, and has shown improved communication, participation and insight development.

[59] Mr. Mrozik has taken medication as directed by his physician.

[60] Dr. Ellerby says Mr. Mrozik has identified wanting to continue to participate in therapy with Forensic Psychological Services, and that Mr. Mrozik's family present as being committed to supporting that.

[61] Dr. Ellerby, while recognizing that crafting the right sentence is the purview of the Court, did opine that Mr. Mrozik's rehabilitation needs, with his complicating mental health issues, can best be met in the community, and that incarceration would be harmful to Mr. Mrozik's mental health, given his vulnerability and fragility (emotionally, physically and psychologically).

[62] Mr. Mrozik’s mother, his aunt and other collaterals, also express fear of Mr. Mrozik receiving a sentence that would have to be served in an institution, saying that his mental health would be negatively impacted.

SENTENCING PURPOSE AND OBJECTIVES

[63] Section 718 of the *Code* provides that the fundamental purpose of sentencing is to contribute to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions.

[64] S. 718 of the *Code* sets out the objectives a judge must consider on sentencing. These include:

- Denouncing unlawful conduct
- Deterring an offender and others from committing offences
- Separating an offender from society where necessary
- Assisting in rehabilitation of the offender
- Reparation to victims and the community; and
- Promoting a sense of responsibility in the offender and acknowledging the harm done to victims and the community.

[65] It is a fundamental principle that a sentence must be proportionate to the gravity of the offence and the degree of the responsibility of the offender (s. 718.1 of the *Code*).

[66] Denunciation and deterrence are the paramount sentencing objectives of the sentence to be imposed on Mr. Mrozik for possessing child pornography. This is because his offending involved the abuse of a child (s. 718.01 of the *Code*) and as a

response to the wrongfulness of sexual offences against children and the serious harm they cause (*R. v. Friesen* 2020 SCC 9, at paras 101-105).

[67] The Supreme Court of Canada in *Friesen*, re-set the sentencing landscape for sexual offending against children, by directing that sentences for such offences need to increase to reflect society's condemnation of such conduct and the long-term trauma such offences inflict on its victims. The guidance in *Friesen* applies to all types of sexual offending against children, including child pornography and online exploitation (*R. v. Sinclair*, 2022 MBCA 65, paras 3 and 4).

[68] In *R. v. Bertrand Marchand*, 2023 SCC 26, the Supreme Court restated that sentences for offences involving sexual violence against children have to increase to reflect society's modern condemnation of such offences.

[69] By possessing child pornography, a person drives up the demand for such material online, which in turn drives up the demand for such material to be created. The creation of such material of course requires children to be sexually abused. By possessing child pornography, Mr. Mrozik had a role in this continuum of activity. The only way the courts can try to protect children who may otherwise fall prey to such abuse is to impose sentences for all offences connected to child pornography, to express society's abhorrence and non tolerance for same, in hopes of deterring those involved in such activity, and those who might consider obtaining such material, from doing so.

[70] When the principles of deterrence and denunciation are paramount, in crafting an appropriate sentence, the focus is more on the offence committed than on the offender (*R. v. Hiebert*, 2024 MBCA 26). This means that factors personal to the offender, while relevant, take on a lesser role in crafting a sentence than the principles of deterrence and denunciation.

[71] By all accounts, specific deterrence has already been effected by Mr. Mrozik being subject to arrest, being bound by restrictive conditions and going through the court process.

[72] Society needs to see by this sentence that possession of child pornography by anyone is absolutely abhorrent and contrary to the values of our society. “The protection of children is one of the most basic values of Canadian society (*R. v. L.(J.-J.)* 126 C.C.C. (3d) 235 (C.A. Que).

[73] The community of persons who do, or might be inclined to, possess child pornography need to see that there are severe penal consequences for doing so, in order to dissuade them from proceeding with such offending.

[74] Rehabilitation is still an important consideration, especially given Mr. Mrozik’s youth, work on rehabilitation so far, his progress and commitment to continue that work.

[75] Protection of society is ultimately best served long term by Mr. Mrozik being successfully rehabilitated so he does not re-engage in such behaviour.

[76] Subsection 718.2(d) of the *Code* requires the principle of restraint in sentencing to be considered, such that an offender should not be deprived of liberty if less restrictive sanctions may be appropriate in the circumstances. The seriousness of the offence and the harm done to victims by Mr. Mrozik’s offending make any sentence other than some type of jail sentence inappropriate.

ASSESSMENT OF PROPORTIONALITY

Gravity of the offence

[77] Any sexual offending against children is extremely serious.

[78] In *R. v. Andrukonis*, 2012 ABCA 148, at para 29, the Alberta Court of Appeal stated:

...The unvarnished truth is this: possession of child pornography is itself child sexual abuse. To fail to recognize that this is so improperly diminishes the gravity of this offence.

[79] Societal recognition of the seriousness of sexual offending against children has evolved as society has come to recognize the harm caused by such offending and the inherent wrongfulness of such offending. This recognition has been demonstrated by Parliament’s increasing maximum sentences for sexual offences against children and by the Supreme Court of Canada’s watershed decision in *Friesen*.

[80] Possession of child pornography is a grave offence because it causes certain wrongs and harms. These wrongs and harms were summarized by CJ Tulloch in *R.*

v. Pike, 2024 ONCA 608, at paras 144-156. Such offence violates children’s dignity, directly invades children’s privacy, inflicts severe emotional harm on children, causes distinct additional harm due to powerlessness imposed because they cannot destroy or control the dissemination of images online, instigates the production and distribution of child pornography, and thus the sexual abuse and exploitation of children, can incite perpetrators to commit and facilitate commission of other sexual offences against children and perpetuate messages that attack children’s humanity and equality.

[81] The gravity of the offence committed by Mr. Mrozik is high.

Moral blameworthiness

[82] In this case, nobody other than Mr. Mrozik is to blame for his offending. Possessing child pornography is, in and of itself, very morally blameworthy because it intentionally exploits vulnerable children (*Friesen* at para 90; *Pike* at para 162.)

[83] Mr. Mrozik does not dispute the foregoing.

[84] However, he says that his moral blameworthiness is reduced by factors related to his mental health situation at the time he committed the offence.

[85] In order that mental health diagnoses reduce moral blameworthiness, there has to be a nexus established between such diagnoses and the offending behaviour (*R. v. Okemow*, 2017 MBCA 59).

[86] To reduce moral blameworthiness, the mental health diagnoses do not have to be shown to have been the direct and immediate cause of the offending behaviour, but they do have to be shown to have contributed to the commission of the offence (*R. v. JED*, 2018 MBCA 123, at para 73; *R v Schofield*, 2025 MBCA 43 at para 46).

[87] J.A. Mainella in *Okemow*, at para 73, set out the approach to be used to determine if moral blameworthiness is reduced by an offender's cognitive and/or mental health situation:

1. Is there cogent evidence that the offender suffers from a recognized mental illness or some other cognitive limitation?
2. Is there evidence as to the nature and severity of the offender's mental circumstances such that an informed decision can be made as to the relationship, if any, between those circumstances and the criminal conduct?
3. Assuming the record is adequate, the sentencing judge must decide the offender's degree of responsibility for the offence taking into account whether and, if so, to what degree his or her mental illness or cognitive limitation played a role in the criminal conduct.

[88] As to the first step in *Okemow*, there is cogent evidence that Mr. Mrozik suffers from several mental health conditions. He has been diagnosed with Major Depressive Disorder, Social Anxiety Disorder and Autism Spectrum Disorder (level 1). Dr. Ellerby confirmed that is the highest functioning form of ASD. Mr. Mrozik does not have any cognitive challenges.

[89] As to the second step in *Okemow*, the Court has to consider if the evidence supports a nexus between the mental health diagnoses and the offending of Mr. Mrozik.

[90] The report and evidence of Dr. Ellerby assist with this consideration.

[91] Mr. Mrozik's diagnoses were formally made during the time that the offending was happening. Dr. Ellerby references Mr. Mrozik's saying that the period of his offending was the lowest point of his life. He was in acute symptoms at the time of his offending.

[92] Dr. Ellerby opines in his report, at p. 20, that Mr. Mrozik's "... accessing of child abuse images presents as primarily based on distorted and dysfunctional efforts to meet emotional needs (e.g. boredom, avoidant and escape coping, emotional discharge of anger, seeking feelings of excitement, competency and control) as well as curiosity".

[93] And, at p. 21 of his report, Dr. Ellerby says "Finally, the contribution of the impacts of the COVID-19 pandemic are relevant in this case as this created increased isolation, disconnection and enhanced online time for Dax."

[94] There is Manitoba caselaw that has assessed the nexus between mental health of offenders and the possession of child pornography and related offences. The cases suggest that the bar is high to establish a nexus.

[95] In *JED*, a diagnosis of ASD was found to be mitigating but no nexus to the offending was found. In *R. v. Paracha* (Provincial Court of Manitoba, November 9, 2020, Judge Huberdeau), an offender had cognitive deficits and had experienced past sexual victimization himself, but no nexus was found. In *R. v. Cochrane* (Provincial Court of Manitoba, May 23, 2024, Judge Wyant), an offender had *Gladue* factors (referencing *R. v. Gladue* [1999] 1 S.C.R. 688) and had mental health challenges, but no nexus was found. In *Schofield*, there was an expert report that explained the offender’s diagnoses of schizophrenia, alcohol abuse disorder and impaired cognitive functioning. In *Schofield*, a nexus to the offending was found, but the sentencing judge concluded his moral blameworthiness was only marginally attenuated. The Court of Appeal found no error in that assessment.

[96] I am persuaded that Mr. Mrozik’s mental health challenges contributed to the circumstances that made him vulnerable to descend into the negative online activity, which included possessing CSAM. These circumstances were exacerbated by the COVID-19 pandemic lockdown such that Mr. Mrozik was necessarily even more socially isolated than he usually was. Due to his anxiety and other diagnoses, he found himself not able to sustain the prosocial connections he did have online. He was alone. He was bored. He was depressed. To cope with these feelings, products of his mental health challenges, he started exploring online and found the Dark Web, which led to the offending. So, although it is not a straight line – I

cannot say that the mental health challenges caused the offending – I find there is some nexus between his mental health challenges and his offending.

[97] However, when I get to the third step of the *Okemow* test, that is, the degree of responsibility of Mr. Mrozik, despite the nexus found, I cannot find that his moral blameworthiness was significantly reduced.

[98] His mental health challenges did not cause him to actually engage in CSAM offending.

[99] Dr. Ellerby agreed on cross-examination that many people who have ASD, Social Anxiety Disorder and Major Depressive Disorder do not engage in CSAM related offending.

[100] Once he found the Dark Web and “stumbled on” the CSAM material, Mr. Mrozik said he “couldn’t believe it was real”. But he did not stop. He said he felt “rebellious” by being on the Dark Web. He described his motivation as being to disrupt.

[101] Mr. Mrozik’s deliberate behaviour in continuing to access CSAM over time, engaging with other users in chats about CSAM, sending and receiving CSAM from other users, and providing advice to other users in the chats as to where to access certain CSAM shows a series of deliberate and calculated decisions.

[102] Mr. Mrozik is intelligent and was a sophisticated online user. He was able to navigate the Dark Web and the chat rooms. His mental health challenges did not prevent him from knowing what he was doing was morally wrong or illegal.

[103] Ultimately then, although I do find that Mr. Mrozik's mental health challenges contributed to the circumstances that made him vulnerable to offending, the attenuation of his moral blameworthiness is at the low end, given his intentional and ongoing decision making, knowing it was wrong.

MR. MROZIK'S RISK

[104] Mr. Mrozik is assessed as a low risk to reoffend based on results of the Level of Service/Case Management Inventory done on December 19, 2024, as reported in the PSR.

[105] Dr. Ellerby assessed Mr. Mrozik as below average to engage in future accessing of CSAM, and his risk for engaging in a contact sexual offence against a child as very low. This was his opinion when he wrote his report on February 27, 2025, and remained his opinion when he testified at the sentencing hearing on June 20, 2025.

[106] Crown counsel asks the Court to find that, notwithstanding those assessments, Mr. Mrozik's risk to reoffend is actually higher, based on the facts of the case, including the length of time he was accessing CSAM, the nature of the collection, the browser history of using the dark web, and the chat activity.

[107] As to the risk relative to accessing CSAM, Dr. Ellerby explained he used the only risk assessment tool that has been developed and validated to predict reoffence of this type, the Child Pornography Offender Risk Tool (CPORT). Dr. Ellerby agreed that the CPORT falls in the moderate range of predictability. His report indicates a score for Mr. Mrozik of 1 out of 7 (meaning a 4.2 percent risk of recidivism). Dr. Ellerby agreed on cross-examination that on the CPORT form, a 2 out of 7 was indicated (which corresponds to an 11.1 percent risk of recidivism). Dr. Ellerby explained that by the time he wrote his report (February of 2025), which was significantly after the CPORT testing had been done (in or around April of 2023), he had spent a lot of time working with Mr. Mrozik and it was evident to him that Mr. Mrozik did not present a deviant sexual interest, so he indicated Mr. Mrozik's CPORT score to be a 1 for the purposes of his report.

[108] The Crown argued that the weight given to Dr. Ellerby's opinion should be limited for reasons including the following:

- The testing of Mr. Mrozik did not provide a snapshot of Mr. Mrozik at the time of the offending, but rather several months or weeks after.
- At the time the tests were administered, Mr. Mrozik was already dealing with the charges so there could be impact on his responses.
- That Dr. Ellerby had not reviewed the dark web chats, the search history and the CSAM stories before writing his report. Dr. Ellerby agreed that was the case, but testified that he did review those items

before testifying and that those items had minimal impact on his opinions.

- Crown counsel also challenged Dr. Ellerby’s statement that Mr. Mrozik was not a pedophile, an important consideration in the risk assessment. Mr. Mrozik in the chat made comments including “I love little boys”. Dr. Ellerby explained that such comments do not necessarily indicate a pedophilic interest, and it was his opinion that Mr. Mrozik had other motivations in making such statements.
- Much of Dr. Ellerby’s determinations hinged on Mr. Mrozik’s self reporting and the Crown says that Mr. Mrozik was minimizing, rationalizing or justifying his behaviour. Dr. Ellerby agreed on cross-examination that, on reviewing the chats, Mr. Mrozik was not just a “spectator” as he had told Dr. Ellerby, but was a participant. Dr. Ellerby also agreed that although Mr. Mrozik had told him that he desisted viewing CSAM six months before he was arrested, the chat texts confirm that Mr. Mrozik was at least involved in discussing CSAM with other users until a time very close to his arrest.

[109] Ultimately Dr. Ellerby reviewed the challenges Mr. Mrozik has had in treatment, how hard it has been for him, and that his progress has been slow. However, Dr. Ellerby stated that Mr. Mrozik is progressing and has developed insight into his offending. The treatment has been ongoing for over two years. The factors the Crown highlights reasonably support Mr. Mrozik having an elevated risk at the time he began treatment with Dr. Ellerby and even for some

period of time during treatment. But now, three years after the offending and after two years of specialized treatment, I do not find any basis to say that Dr. Ellerby's risk assessment is not a reasonable one.

MITIGATING AND AGGRAVATING FACTORS

[110] Section 718.2(a) of the *Code* provides that a sentence must be increased or decreased to account for relevant aggravating or mitigating factors of the offence or the offender.

[111] The mitigating factors in this case are:

- The guilty plea. Mr. Mrozik took responsibility for the offence from the outset. He admitted the offending to police on arrest and was cooperative. The guilty plea also saved the Court resources that would have been required for a trial.
- He is genuinely remorseful for his actions. That comes through from the PSR, from Dr. Ellerby's report and from Mr. Mrozik's comments made in court.
- Mr. Mrozik was very youthful, 19 years old, when he was arrested.
- Mr. Mrozik has no prior criminal record.
- Mr. Mrozik has been on strict bail conditions, including limiting his online activity, and precluding contact with siblings until December 2022 when

conditions were varied. There have been no alleged breaches, and no alleged reoffending of any type.

- Mr. Mrozik has a number of strong family supports, including a supportive living situation.
- Mr. Mrozik has the significant mental health diagnoses previously mentioned.
- He had a difficult childhood in terms of his relationship with his father which has impacted his overall self confidence.
- Mr. Mrozik has taken significant steps to address his offending behaviour by his ongoing work with Dr. Ellerby. He has made progress according to Dr. Ellerby, and he and his family are committed to him continuing his work with Dr. Ellerby. His prospects for rehabilitation seem positive.
- Mr. Mrozik is assessed as a low/very low risk to reoffend online and as to a contact sexual offence.
- Mr. Mrozik is under the care of a family doctor and also has access to a psychiatrist. He has complied with medication recommendations.
- Mr. Mrozik has insight into his offending. He acknowledged in the PSR that what the victims experienced was “the worst thing that happened to them in their lives”.

[112] There are aggravating factors, namely:

- Mr. Mrozik's offending involved the abuse of children under 18, which is statutorily aggravating (s. 718.2(a)(ii) of the *Code*).
- CSAM was located on two devices.
- The fact CSAM was found on Mr. Mrozik's cell phone is aggravating given cell phones are used frequently and are readily accessible for viewing.
- The CSAM collection was quite a significant collection. There were a lot of victims.
- The CSAM collection included items at the high end of depravity.
- The offending went on for some time. Mr. Mrozik admitted he had been viewing CSAM for at least a year. He was interacting in chats about CSAM, and exchanging material which may have included CSAM, virtually right up until the date he was arrested (a total of about 18 months). He told the author of the PSR that it was shortly after he exchanged videos that he was arrested. In any event, this was not a one time thing. The offending continued for some time, representing multiple decisions to possess CSAM images and videos.
- The chat activity of Mr. Mrozik provided specific advice and instruction to others as to how to access certain types of CSAM material. He exchanged CSAM with others in the chats.

- There has been significant victim impact as a result of Mr. Mrozik's offending as reflected in the VISs.

THE RANGE OF SENTENCES FOR POSSESSION OF CHILD PORNOGRAPHY

[113] Parity is a principle of sentencing (s. 718.2(b) of the *Code*). Sentences should be similar for similar offenders who commit similar offences in similar circumstances. That is why a review of caselaw can be helpful in sentencing, while recognizing that each case is fact and offender specific and requires a proportionate sentence to be individually crafted.

[114] It is a requirement for a CSO to even be considered that a fit sentence must be one of less than two years imprisonment (s. 742.1 of the *Code*). If a fit sentence is two years or longer, then a CSO is precluded from consideration.

[115] Therefore, the Court must determine what an appropriate length of sentence, or range of sentence, is, before a consideration of the appropriateness of a CSO. For the principle of parity in sentencing to be meaningful, it makes sense that caselaw relied on will reflect similar facts, similar offenders, and consideration of the same state of the law.

[116] It is important to note that the precedential value of pre-*Friesen* cases as to sentence length for sexual offences against children is not as impactful as sentences imposed since *Friesen* (*Sinclair*, at para 61).

[117] Further, normative sentences for offences vary from jurisdiction to jurisdiction.

[118] Although I have considered all the cases filed by counsel, the pre-*Friesen* cases filed, even from Manitoba (*R. v Kozun*, 2007 MBPC 7, *R. v. Batshaw*, [2003] M.J. No. 421 (MBPC) varied on appeal (2004 MBCA 117); and *R. v. Elder*, 2002 MBCA 133), are not helpful in determining a fit sentence for Mr. Mrozik. The length of sentences in the pre-*Friesen* cases are now out of step with the normative sentences imposed. Those sentencing courts did not have the benefit of the *Friesen* reasoning, so just do not now reflect the current societal recognition of the harm and wrongfulness of such offending.

[119] Likewise, I considered the cases filed from Ontario in which CSOs were imposed. I am not bound by them, but in any event, they are distinguishable from Mr. Mrozik's situation. In *R. v. Rytel*, 2019 ONSC 5541, exceptional circumstances were found. Further, *Rytel* pre-dates *Friesen*. In *R v Faroughi* 2024 ONCA, a CSO was imposed for child luring on appeal. In that case, exceptional mitigating factors were found. *R. v Dunajski* 2024 ONCJ 590, was not a case where the offending was of the same severity as Mr. Mrozik's. In *Dunajski*, 19 images of CSAM were located and none depicted sex acts. The Crown only sought a 90 day intermittent sentence. In *R v Jongma*, 2021 ONSC

796 the sentencing judge found the offender's own childhood sexual abuse was linked to the offence, significantly reducing moral blameworthiness.

[120] The Manitoba post *Friesen* cases that have considered length of sentences for possession of child pornography are the most helpful.

Manitoba Court of Appeal Cases (post Friesen)

[121] In *Sinclair* (2022), the offender pleaded guilty to several offences including possession of child pornography. There were 112 images and 52 videos. The sentencing judge imposed 15 months jail for the possession. The offender had an intellectual disability, and autism spectrum disorder and had significant *Gladue* factors. The Court of Appeal increased the overall sentence, including increasing the possession sentence to two and a half years.

[122] In *Schofield* (2025), an offender was sentenced for multiple offences including possession of child pornography. The possession offence consisted of 86 images of CSAM. The offender was 33, had no record, had been on bail for nearly three years, and but for the offending, had led a prosocial life. The judge concluded the accused was a low risk to reoffend. The sentencing judge imposed a three year sentence on the possession offence. The accused appealed on the basis the judge erred in his assessment of moral culpability by misapprehending and failing to properly consider the evidence of his mental illnesses and cognitive limitations, and by overemphasizing deterrence and denunciation. The sentencing

judge had concluded moral culpability was reduced only marginally by his cognitive deficits. The Court of Appeal held the judge made no error in assessing moral culpability, nor in acknowledging the objectives of deterrence and denunciation were primary considerations pursuant to s. 718.01 of the *Code* and that significant sentences were required. On appeal, due to a totality reconsideration, the possession was reduced to two and a half years.

[123] In *R. v. Swanson* 2025 MBCA 29, the 53 year old offender had few rehabilitative prospects. He had a prior record for making child pornography and sexual exploitation. He was sentenced for a number of offences and received a 4 year sentence for possession of child pornography.

Manitoba Court of King's Bench Cases (post Friesen)

[124] In *R. v. Fedoruk*, 2025 MBKB 79 an appeal of an offender's sentence for possession of child pornography of one year jail was dismissed. He was 27, married with two children, strong supports, employed, no record, no addictions issues, was remorseful, had good insight and was assessed as not a danger given his ongoing rehabilitative efforts. He was assessed as low risk for further CSAM offences and very low risk to commit a contact sexual offence against a child. He had borderline cognitive functioning and symptoms consistent with autism spectrum disorder and adult attention deficit hyperactivity disorder. The offender sought a CSO, which the sentencing judge denied on the basis it would not be

sufficiently punitive to reflect the gravity of the offence and the harm caused.

Justice Huberdeau upheld the sentence on appeal.

[125] In *R. v. Snowbird*, February 23, 2023, Man. K.B., an Indigenous woman in an isolated community made child pornography by writing two text communications. A four month CSO was imposed.

Manitoba Provincial Court Cases (post Friesen)

[126] In *Paracha* (2020) the offender pleaded guilty to possession of child pornography. He had 276 images and 100 videos on two devices, plus 1760 images and 237 videos of investigative interest. He was 20. He suffered from significant cognitive impairments. He was the victim of sexual abuse as a child. He had undergone significant therapy specializing in sex offender counselling. The Court found there was no reduction of moral blameworthiness. A 27 month custodial sentence was imposed. The Court said that while his personal circumstances were mitigating, they were not exceptional circumstances which outweighed the need to impose a sentence focused on denunciation and deterrence.

[127] In *Cochrane* (2024), the offender pleaded guilty to possession of child pornography and to making written child pornography. He had 3043 images and 574 videos. He was 23. He had been diagnosed with major depressive disorder, social anxiety disorder and avoidant personality traits. He also had significant *Gladue* factors and a dysfunctional upbringing. He had been victimized by adults

online. The Court found a three year sentence for possession of child pornography was the fit sentence, but reduced it to two and a half years for totality given the sentences for the other offences.

[128] In *R. v. Tretiak*, 2024 MBPC 30, a 70 year old offender was in possession of 55 unique images and 20 unique videos of CSAM. The material was assessed as in the mid range of depravity. It did not include any images or videos of infants or very young children. He had mild Autism Spectrum Disorder, which the judge did not find reduced his moral blameworthiness. A s. 10(b) *Charter* breach had been found which the judge considered as a mitigating factor in sentencing. The judge concluded a sentence of two years less a day was fit, but declined to impose a CSO on the basis that imprisonment was required to properly express society's condemnation of the offence.

[129] In *R v Hall*, 2025 MBPC 34, an offender pleaded guilty to possession of child pornography. There were 427 unique images and 34 unique videos of CSAM found on four devices. He was 41 with no prior criminal record. He had a positive family life and good education, and no addictions. He was married and had children. He said he did not recall downloading or possessing the CSAM due to memory loss associated with brain cancer (which an oncologist said could cause short term memory loss). The depravity level of the items was high. There were 5163 files of investigative interest on his devices. There were victim impact

statements filed. Mr. Hall lacked insight into his offending and there were allegations of him breaching a significant condition of his release connected to the offending. Judge Bright imposed a sentence of three years imprisonment, finding there were no compelling personal circumstances or extraordinary mitigating factors that reduced his moral culpability.

[130] In *R. v. Yankie*, 2025 MBPC 89, a 65 year old offender had 503 images (158 unique) of CSAM on his computer. He had a prior conviction for possessing CSAM. He had not taken steps to address rehabilitation. He was sentenced to four years imprisonment for the possession.

[131] *R. v. Nepon*, 2020, MBPC 48, was decided just after the *Friesen* decision was released. Six hundred and twenty-six CSAM images were located. All the images were children involved in sexual posing and exposing. No sexual acts were depicted. There were no videos. The collection was at the low end of depravity. The CSAM was on one device. The offender was 35, legally blind, had autism spectrum disorder and major depressive disorder. He had no record, was otherwise prosocial and had made rehabilitative efforts. A nexus was found to reduce his moral blameworthiness. A 12 month CSO was imposed.

DETERMINATION OF THE FIT SENTENCE FOR MR. MROZIK

[132] The cases of *Fedoruk* (one year jail), *Snowbird* (four month CSO) and *Nepon* (12 month CSO) are all significantly distinguishable from Mr. Mrozik's

case. All those cases were summary proceedings, rather than indictable proceedings as in Mr. Mrozik's case. The facts of *Snowbird* were unique, and significant *Gladue* factors were present. Mr. Mrozik does not have *Gladue* factors. In *Nepon*, the depravity of the CSAM was low, as opposed to Mr. Mrozik's case in which the depravity was high.

[133] Based on the current state of the caselaw in Manitoba, when the Crown proceeds by indictment, a normative sentence for a first time offender convicted of possessing a significant collection of child pornography, including highly depraved material, who pleads guilty, is around three years. As in all sentencing cases, with exceptional circumstances, compelling additional mitigating factors and/or significant reduction of moral blameworthiness, a proportionate sentence may be lower.

[134] Mr. Mrozik has not argued there are exceptional circumstances in this case. Indeed, there are not. Although he has been in treatment for some time, the progress is slow, and it cannot be said that he has turned his life around.

[135] I do not find mitigating factors so compelling, nor reduction of moral blameworthiness so significant to find a sentence less than two years is a proportionate one.

[136] Post *Friesen*, and in light of the Manitoba Court of Appeal's consistent statements as to sentences for sexual offending against children, including

sentences specifically for possession of child pornography, it is clear that a sentence of less than two years is just not a proportionate sentence for Mr. Mrozik, for his offending.

[137] When comparing Mr. Mrozik's circumstances and the factors of his case to the post *Friesen*, Manitoba decisions, and the sentences imposed therein, keeping deterrence and denunciation at the forefront but considering Mr. Mrozik's mitigating and personal circumstances, including acceptance of responsibility, compliance with his release conditions, work on rehabilitation and factoring in some modest reduction of moral culpability due to his mental health challenges, I find a sentence of two and a half years to be the fit sentence for Mr. Mrozik.

[138] A two-and-a-half-year sentence reflects restraint and the modest reduction in moral blameworthiness. Rehabilitative efforts can continue in custody with the programming referenced in the PSR, and once Mr. Mrozik is released, can resume in the community.

[139] I have considered the concerns that Mr. Mrozik's family members and Dr. Ellerby have expressed about the challenges that Mr. Mrozik's mental health may cause him in a custodial institution. The mental health situation of Mr. Mrozik is mitigating. But the focus of the sentence has to be on denunciation and general deterrence. The public cannot be expected to receive the same message of

denunciation and general deterrence that a jail sentence delivers, if jail, when it is required, is avoided by concerns as to how an offender may do in custody.

[140] Further, I have not been provided with any evidence that Mr. Mrozik's mental health challenges cannot be managed in custody.

[141] Having found the fit sentence to be in excess of two years, a CSO is not available for consideration.

Even if available for consideration, a CSO would not be a fit sentence in this case

[142] Even if I had found sentence under two years could be a fit sentence for Mr. Mrozik, I would not find exceptional circumstances nor personal circumstances so compelling as to have a CSO be a proportionate sentence and to be able to adequately address deterrence and denunciation.

[143] In ***R. v. Dew***, 2024 MBCA 55, the Court said:

Conditional sentences are rare for sexual offences against children because the need for denunciation or deterrence is so pressing that incarceration is typically the only suitable way to express society's condemnation or to deter similar conduct.

[144] In cases since ***Friesen***, the Manitoba Court of Appeal has specifically overturned CSO sentences imposed by sentencing judges for sexual offending against children, finding that CSOs did not adequately address deterrence and denunciation (***R. v. Arac***, 2025 MBCA 54; ***Dew***; ***R. v. Hanna***, 2025 MBCA 47).

CONCLUSION

[145] For the foregoing reasons, Mr. Mrozik is sentenced to two and a half years imprisonment.

[146] The following ancillary orders are made:

- 1) Possession of child pornography is a primary designated offence (s.487.05(1) of the *Code*). Accordingly, Mr. Mrozik must have a sample of bodily substances taken and submitted to the National DNA Data Bank. This is to be done while he is in custody.
- 2) Mr. Mrozik is ordered to comply with s. 490.013(2)(a) of the *Sex Offender Information and Registry Act*, for a period of 20 years.
- 3) A mandatory 10 year weapons prohibition is ordered, pursuant to s.109 of the *Code*.
- 4) Pursuant to s.164.2 of the *Code*, the black Samsung phone and the black gaming desktop computer tower seized by police pursuant to the search warrant executed in this matter, are ordered forfeited pursuant to s. 164.2 of the *Code*.
- 5) An order is made, pursuant to s.161 of the *Code*, for a period of 10 years. The conditions of the order are set out in Appendix “A” appended to these reasons.

6) Costs and victim surcharge are waived, given that Mr. Mrozik will be in custody and to pay them would cause him undue hardship.

“Original signed by”
C. CARLSON, P.J.

APPENDIX “A” – Section 161 Conditions (10 years)

1. You are not to attend any public park or public swimming area where persons under the age of 16 years are present or can reasonably be expected to be present, or a daycare centre, school, playground or community centre.
2. You are not to seek, obtain or continue employment, whether or not that employment is remunerated, or become a volunteer in a capacity that involves being in a position of trust or authority over a person under the age of 16
3. You will have no contact, including communication by any means, with anyone under the age of 16 years with the following exceptions:
 - i. Unavoidable public encounters
 - ii. You may have contact with your immediate family members who are under the age of 16 only while supervised and in the direct presence of a person or persons approved in advance and in writing by Child and Family Services.
4. You must not use the internet or any other digital network except in accordance with the following conditions:
 - i. You must not communicate with anyone under the age of 18 years or anyone purporting to be under the age of 18 years;
 - ii. You must not use or access any social media, dating websites or apps, chatrooms, or file-sharing networks, software or programs, including but not limited to KIK Messenger;
 - iii. You must not distribute, publish, post or make available in any way information, including comments and images which refer to or depict sexual activity involving persons under the age of 18 years;

- iv. You must not possess or use any encryption or any computer wiping software or other means or device that could preclude access for a forensic examination of any computer system, cell phone, electronic storage device, data storage device, memory card, or portable media device either in your possession or which you can access;
- v. You must not password protect any device in your possession; you will submit to any demand by a peace officer, without warrant or reasonable and probable grounds, to conduct a forensic analysis on any computer system as defined in s. 342.1(2) of the *Code*, for the purpose of verifying compliance with this order; and
- vi. You may only use the internet or other digital network for purposes directly related to legitimate education, employment, banking, online news, communicating with a government agency, and formal rehabilitative treatment.