

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:)	
)	
HIS MAJESTY THE KING)	Alice Bradstreet and Anita Verma , for the
)	Crown
- and -)	
)	
KENNETH ANTHONY GRANT)	Marianne Salih , for Mr. Grant
)	
)	
)	
)	
)	HEARD: August 29, 2025

M. FORESTELL J.

REASONS FOR SENTENCE

Introduction

[1] Kenneth Grant entered guilty pleas on August 29th, 2025, to the offences of manslaughter, discharging a firearm with intent to prevent an arrest, reckless discharge of a firearm, killing a service animal and possession of a loaded firearm. On that same day, Victim Impact Statements were provided and submissions on sentence were made. I reserved my decision on sentence until today.

[2] Mr. Grant and the Crown submitted that a global sentence of 14 years' imprisonment should be imposed before credit for the time Mr. Grant has spent in pre-sentence custody. Both parties agreed that the sentences that would have been imposed for each individual count before consideration of the principle of totality would have led to a global sentence of over 20 years. Both parties agreed that the principle of totality required that the sentence be reduced to 14 years.

[3] The only issue between the parties was the extent to which it was appropriate for me to explain and comment on the length of sentence that would otherwise have been appropriate for each offence.

[4] The Crown submitted that because of the nature and circumstances of the offences the court should send a clear and unequivocal message that violence, and particularly violence directed at the police will attract significant custodial sentences. Counsel for Mr. Grant pointed out that a sentence that is the result of a joint submission has little precedential value and submits that it would therefore be wrong to opine on the range of sentence.

[5] I begin by stating that I am satisfied that the sentence of 14 years imprisonment before credit for pre-sentence custody is the appropriate sentence in this case. I also find that I have a duty to explain and comment on the appropriate sentence for each of these individual offences and to explain the application of the principle of totality that reduces the otherwise appropriate sentence to 14 years.

[6] These explanations are required for two reasons. The first reason is that, while joint submissions are a ‘proper and necessary part of the administration of justice’, they must be thoroughly justified to maintain public confidence in the administration of justice¹. This is often a straightforward exercise but where, as in this case, there are multiple offences, multiple victims and offences without a clearly articulated range of sentence, the justification for the ultimate sentence is more complex.

[7] The second reason that I have concluded that a detailed explanation is called for in this case is because there are multiple offences, and the otherwise appropriate sentence must be reduced based on the principle of totality. The Supreme Court of Canada in *R. v. Bertrand Marchand* explained that in this type of case that a sentencing judge should first determine the appropriate sentence for each offence, next determine whether the sentences would be served concurrently or consecutively and finally look at the global sentence and the apply the principle of totality to reduce what would otherwise be an unduly long and harsh sentence. The court observed that, “[s]etting an individual sentence for each offence provides transparency and allows a judge to weigh the seriousness of each offence. Clearly identifying individual sentences may also prove to be of great assistance in any subsequent sentencing proceedings should an offender reoffend — for example, by providing sentencing judges with a starting point when applying the “jump principle” to repeat convictions for the same offences.”² In my view this rationale applies equally to sentencing on a joint submission as it does to a contested hearing.

[8] In these reasons therefore I will set out the circumstances of the offences including the impact on the victims and the community and the circumstances of Mr. Grant before explaining the legal principles that apply and their application to this case.

Circumstances of the Offences

[9] The circumstances of the offences are set out in the Agreed Statement of Fact. On July 24, 2023, the deceased victim, Sophonias Haile, was staying at the apartment of his former girlfriend Cheyenne Lewis-Grant. Ms. Lewis-Grant is the daughter of Kenneth Grant. Mr. Haile and Ms. Lewis-Grant had ended their relationship about a month earlier after

¹ *R. v. Anthony-Cook*, 2016 SCC 43 at paras. 25 and 57

² *R. v. Bertrand Marchand*, 2023 SCC 26 at para. 93

Mr. Haile reportedly assaulted Ms. Lewis-Grant and threatened her with a firearm. Kenneth Grant was aware of the incident. Ms. Lewis-Grant refused to identify Mr. Haile to the police as the person who had assaulted her. About two weeks later Mr. Haile contacted Ms. Lewis-Grant and she permitted him to return to her apartment.

[10] On July 24, 2023, Ms. Lewis-Grant and Mr. Haile were arguing and Ms. Lewis-Grant asked Mr. Haile to leave. He was packing his belongings but did not leave. Ms. Lewis-Grant made several calls to her mother and to her father. During the calls Mr. Grant learned that Mr. Haile was refusing to leave. Mr. Grant went to his daughter's apartment with a friend. He was armed with a loaded gun.

[11] In the apartment, Mr. Haile insulted Mr. Grant's daughter. A verbal argument ensued between Mr. Grant and Mr. Haile. Ms. Lewis-Grant stepped between the two men. Mr. Haile pushed Ms. Lewis-Grant. At this point the altercation between Mr. Grant and Mr. Haile became physical. During the physical altercation Mr. Grant removed his firearm and discharged it four times in the direction of Mr. Haile. One of the bullets struck Mr. Haile in the head and killed him. Mr. Grant and his friend immediately left the apartment. Ms. Lewis-Grant went to the concierge desk and asked the concierge to call the police. The police later found a loaded firearm in the satchel carried by Mr. Haile.

[12] A police officer located Mr. Grant the next day. He was leaving his apartment building and approaching his car carrying luggage. Detective Constable Anthony Goulah approached Mr. Grant to effect an arrest. Mr. Grant ran from DC Goulah and fired multiple shots in the direction of the officer. Mr. Grant knew that DC Goulah was a police officer when he fired the shots. DC Goulah was able to duck behind Mr. Grant's vehicle and was not injured. Mr. Grant dropped his bags and ran. The bags were found to contain, among other things, his passport.

[13] Following the encounter between DC Goulah and Mr. Grant, the Emergency Task Force and the K9 Unit were called in to locate and arrest Mr. Grant. Sergeant Brandon Smith and the police service dog, Bingo, attended to locate Mr. Grant. They searched through the yards of various residences in the area. Sgt. Smith held Bingo's long leash as they searched. Bingo picked up a scent in a backyard and followed it into a treed area at the back of the property. Mr. Grant was hiding in that area. When Bingo located Mr. Grant, Mr. Grant shot Bingo fatally in the face. An ETF officer then discharged his firearm towards Mr. Grant, striking him twice in the leg and buttocks. Mr. Grant was arrested. The firearm in his possession was found to have jammed.

Victim Impact

[14] The family of Sophonias Haile has experienced an immeasurable loss. Mr. Haile's sister described the ongoing suffering of her family and community. Her Victim Impact Statement speaks of an emotion that goes beyond grief. She and her family have lost the joy and laughter that Sophonias brought to their family. He was a generous and loving man. He was greatly loved by his family. His violent death has forever changed his family. As his sister wrote, the death of Sophonias has resulted in, "a lifelong rearranging" of who they are.

[15] The offences committed by Mr. Grant in the course of just over 24 hours, forever changed the lives of many individuals and families.

[16] This was expressed in the Victim Impact Statement of Sgt. Smith when he said, addressing Mr. Grant, “The choices you made ...have had devastating effects on the people directly involved. But the unintended consequences of your choices are the effects on the countless number of family members of those involved including your own. Your family is without a father, husband, brother or son. Another family s without their son or brother. My family is without Bingo. The families of the other officers involved were also affected by your choices. They will forever live in fear that their loved ones will not come home from work as this is no longer a remote possibility but a reality.”

[17] The impact of the offences on the families of members of the Toronto Police Service was also described in the Victim Impact Statement of the family of Sgt. Smith prepared by Sgt. Smith’s wife Heather Smith. The family has not just faced the loss of Bingo but as the Victim Impact Statement sets out: “we not only grieve the violence that took place that day, but we also continue to mourn our profound and personal reality: the brutal and senseless loss of Bingo, as well as the very real fact that my husband almost didn’t make it home to our family that night.”

[18] DC Goulah and the ETF officers present at the shooting of Bingo did not choose to provide Victim Impact Statements. This does not mean that there was no impact. The officers who were present and particularly those in the line of fire had to be impacted by the experience. As Ms. Smith described, these acts bring home to everyone the risks faced by the police doing their job every day.

The Circumstances of Mr. Grant

[19] Mr. Grant is 46 years old. He has a very dated and minor criminal record. His last conviction was in 2009 for three counts of mischief under \$5000.

[20] Mr. Grant is the father of five adult children Four of those children provided letters of support as did two of his former partners, his current partner a brother, aunt and uncle and cousins.

[21] The letters describe Mr. Grant’s central role in the lives of his children. He has supported them financially and emotionally. The letters also describe Mr. Grant’s very difficult upbringing and background. He was one of five siblings raised by a single mother. His mother was in relationships with men who were physically and emotionally abusive. He experienced poverty and housing instability. He changed schools 13 times and did not complete high school. He lived in underserved neighbourhoods with high levels of violent crime.

[22] Mr. Grant was able to obtain stable employment. He worked consistently over his adult life and supported his family.

[23] Since his incarceration for these offences, he has earned 15 high school credits and is close to completing the requirements for a high school diploma. He has also participated in programming in jail including a program for anger management.

[24] In the Agreed Facts, it is noted that after he shot and killed Mr. Haile, Mr. Grant called one of his former partners and told her that he was sorry. He sounded distraught and suicidal. Following his arrest and while he awaited medical attention, Mr. Grant made suicidal utterances to the police officers who were guarding him.

[25] In the support letters filed, family members speak of Mr. Grant's deep remorse for his conduct. The letter filed by his younger brother describes long conversations that he has had with Mr. Grant in which Mr. Grant shows insight into the harm that he has caused and his search for redemption. The family members express a continued commitment to supporting Mr. Grant in his rehabilitative process and ultimate reintegration into society.

[26] Mr. Grant has been in custody for 771 days. During that time there have been 201 days of lockdown and he has been triple-bunked in a cell meant for two inmates on 27 days.

[27] During lockdowns, inmates have little opportunity to shower, use the telephone, or access fresh air or programming.

[28] Mr. Grant has ongoing symptoms from the injuries he suffered from being shot. He suffered nerve damage to his right leg and has lost sensation in his right foot.

Analysis

General Sentencing Principles and Objectives

[29] There are certain general principles and objectives of sentencing that apply to all offenders and all offences.

[30] All sentencing starts with the principle that sentences must be proportionate to the gravity of the offence and the degree of responsibility of the offender.³

[31] The principle of proportionality requires that the sentence imposed reflects the seriousness of the offence, the degree of culpability of the offender, and the harm occasioned by the offence. The court must have regard to the aggravating and mitigating factors in the particular case.⁴

[32] Related to proportionality is the principle of parity: "similar offenders who commit similar offences in similar circumstances should receive similar sentences." As observed in *R. v. Friesen*, parity is an expression of proportionality: "[J]udges calibrate the demands of proportionality by reference to the sentences imposed in other cases."⁵

³ *R. v. Friesen*, 2020 SCC 9, [2020] 1 S.C.R. 424, at paras. 30-31

⁴ *R. v. Priest* (1996), 30 O.R. (3d) 538, at p. 546

⁵ *Friesen*, at para. 31

[33] Section 718 of the Criminal Code identifies the objectives of sentencing, including denunciation, specific and general deterrence, separation of the offender from society, the rehabilitation of the offender, the promotion of a sense of responsibility in the offender, and an acknowledgement of the harm done to victims and to the community.

Aggravating and Mitigating Circumstances

[34] Every offence committed by Mr. Grant involved the use of an illegal firearm. Deterrence, denunciation, and the protection of the public are the predominant sentencing objectives for firearms offences. These courts have repeatedly acknowledged the need for exemplary sentences in gun cases. Gun violence in our community is a matter of grave concern. The impact of gun violence extends beyond the immediate physical and psychological harm to the bystanders. Gun violence erodes the sense of security and safety of members of this community.

[35] There are other aggravating factors with respect to each individual offence committed by Mr. Grant. I will consider those factors in relation to each offence separately.

[36] With respect to the offence of manslaughter arising from the unlawful killing of Mr. Haile the aggravating factors are that Mr. Grant chose to attend at the apartment armed with a loaded gun, he fired multiple (four) shots, and he fled without attempting to render assistance. The offence occurred in a residential building. Mr. Grant put many others at risk including the other occupants of the unit and the residents of the neighbouring units. Mr. Grant has a criminal record although it is dated and unrelated.

[37] Turning to the offences of discharging a firearm to resist arrest and reckless discharge of a firearm, I cannot overstate the gravity of offences involving the discharge of a firearm in the direction of DC Goulah and Sgt. Smith.

[38] The Supreme Court of Canada has observed that the “police officer’s role is...essential to any organized society, since it ensures order and security. Police officers are an integral part of the judicial system...”⁶

[39] In the case of *R. v. McArthur*, Justice Doherty wrote:

Police officers play a unique and crucial role in promoting and preserving a just, peaceful and safe society. We rely on the police to put themselves in harm's way to protect the community from the criminal element...Violent attacks upon police officers who are doing their duty are attacks on the rule of law and on the safety and well-being of the community as a whole. Sentences imposed for those attacks must reflect the vulnerability of the police officers, society's dependence on the police, and society's determination to avoid a policing mentality which invites easy resort to violence in the execution of the policing function.⁷

⁶ *Québec (Commission des droits de la personne & des droits de la jeunesse) c. Montréal (Communauté urbaine) Service de police*, 2008 SCC 48 at para. 13

⁷ *R. v. McArthur*, [2004] OJ No. 721, at para. 49

[40] The other aggravating factors with respect to the discharge of the firearm towards DC Goulah, and one hour later in the direction of Sgt. Smith, are that Mr. Grant was in a public, residential area with a loaded gun, he fired multiple shots and risked the life and safety of the officers as well as members of the public. Mr. Grant, having just shot and killed Mr. Haile the day before had to be aware of the danger of injuring or killing another person when he fired his gun towards these officers.

[41] Turning to the offence of killing a service animal, the comments of Justice Doherty with respect to the unique and crucial role of police officers who place themselves in harm's way to keep our community safe, apply as well to the service animals who work with them. They apply to Bingo. There are also additional aggravating factors with respect to the killing of Bingo. This was not a reckless act but a deliberate one. It was a cowardly, calculated and callous act towards an innocent animal. It was committed for the sole purpose of escaping apprehension.

[42] I have already spoken of the gravity of gun violence. The last offence to which Mr. Grant has pleaded guilty is unlawful possession of a loaded restricted or prohibited firearm. Mr. Grant possessed the gun when he attended the apartment of his daughter and killed Mr. Haile, and he continued to possess it until he was shot and arrested. The tragic death of Mr. Haile did not prompt Mr. Grant to relinquish his illegal weapon. He continued to possess and to then to use his firearm. The prolonged possession of the firearm in various locations is an aggravating factor.

[43] The final aggravating factor that applies to each of these offences is the impact on the victims. As I have already explained, that impact is profound, far-reaching and ongoing.

[44] There are mitigating factors in this case. There was an element of provocation or defence of others in the commission the offence of manslaughter, at least at the outset of the conflict between Mr. Grant and Mr. Haile. There is evidence that Mr. Grant was distraught and suicidal after he killed Mr. Haile. Mr. Grant has family and community support. He has worked steadily over his adult life. His imprisonment will impact his children with whom he has a close relationship. He has faced significant hurdles in his life including circumstances that are recognized to stem from systemic racism. Most significantly, Mr. Grant has entered guilty pleas and accepted responsibility for his conduct. He has also taken steps toward rehabilitation while in custody.

[45] I have also taken into account that Mr. Grant has faced exceptionally harsh conditions in presentence custody and that medical challenges have made his incarceration more onerous. Those same challenges will make his future incarceration more onerous.

Range of Sentence for Each Offence

[46] I will now address the range of sentence for each offence and my conclusions as to the appropriate sentence for each offence before consideration of the principle of totality.

[47] The range of sentences imposed in manslaughter cases is very broad because manslaughter can be committed in a broad range of circumstances.⁸ The circumstances can range from near-accident to near-murder. If a firearm is used in the commission of the offence the mandatory minimum sentence is four years' imprisonment.

[48] As Schreck J. observed in *R. v. Smith*⁹, there are three broad ranges of sentence for manslaughter: a low range of 6- 8 years where the accused was unaware of a firearm or where the offender was a youthful first offender; a mid-range of 8-12 years where there are significant aggravating factors such as the use of a firearm, a vulnerable victim or brutal violence; and a higher range of 12-15 years in cases where several serious aggravating factors are present such as a serious record of violence and planned violence.

[49] The circumstances of this case place Mr. Grant in the middle range of 8-12 years. I find that the aggravating factors of attending the unit armed with a loaded firearm and firing several shots take this case beyond the low end of that range. I would impose a sentence of 10 years' imprisonment for the offence of manslaughter.

[50] The minimum sentence for discharging a firearm with intent to avoid arrest is 5 years' imprisonment. There is no clear range of sentence established for this offence. However, in *R. v. Bellissimo*,¹⁰ the Court of Appeal held that the range of sentence for serious gun-related offences was between seven and eleven years.

[51] There are seriously aggravating factors in the circumstances of this offence. Mr. Grant had every reason to expect that police would come to arrest him for the killing of Mr. Haile. Knowing this, he armed himself with a firearm. He used that firearm to escape apprehension. He endangered the life of the officer who was performing his duties and he endangered the public. Police officers are a uniquely vulnerable class of victim who, by the nature of their work are placed in harm's way to protect their community. As noted above, an attack on the police is an attack on the rule of law. The offence of deliberately discharging a firearm at the police demands an exemplary sentence that denounces the conduct and expresses society's condemnation of this type of violence. Even with the mitigating circumstances of the guilty plea, Mr. Grant's background and his mental health issues at the time of the offence, the offence calls for a significant penitentiary sentence. I would impose a sentence of 9 years for this offence.

[52] I reach the same conclusion with respect to the offence of reckless discharge of a firearm. Mr. Grant fired his gun in the direction Sgt. Smith, a police officer in the execution of his duty. When he shot and killed Bingo, he had to be aware of the presence of Bingo's handler and the presence of the other officers in the area. I would impose a sentence of 9 years' imprisonment for this offence.

[53] The offence of killing a service animal has a minimum sentence of 6 months' imprisonment and a maximum of 5 years. There is no established range of sentence for this

⁸ *R. v. Creighton* [1993] S.C.J. No. 91 (S.C.C.), at para. 86

⁹ 2022 ONSC 3800 at para 26

¹⁰ 2009 ONCA 49

offence. As I have already observed, the service animals that work with police, like the police officers they assist, are crucial to the protection of the public. They are also uniquely vulnerable to harm. Bingo's instincts and training placed him between Mr. Grant's bullets and the police officers he protected. The circumstances of this case, a deliberate and callous killing that has had a profound and lasting impact on so many members of the Toronto Police Service and their families demands an exemplary sentence. I would impose a sentence of 4 years imprisonment.

[54] Finally, with respect to the offence of possession of a loaded firearm, in *R. v. Nur*¹¹, the Supreme Court of Canada quoted with approval the observation of Doherty J.A. that, for offenders convicted of possession of loaded firearms who are engaged in truly criminal conduct, a 3-year sentence of imprisonment will generally be appropriate. The circumstances of this offence and this offender fall squarely within the description in *Nur*. I would impose a sentence of 3 years imprisonment for this offence.

Concurrent or Consecutive Sentences and the Principle of Totality

[55] This case involves multiple offences. Having determined the sentence for each offence, I must determine whether the sentences should be served consecutively or concurrently. For the offence of killing a service animal I must, by statute impose a consecutive sentence. With respect to the other offences I am required to determine whether the offences are so closely linked to each other as to constitute a single criminal adventure and therefore may receive concurrent sentences. Offences that are not so closely linked should receive consecutive sentences.¹² Determining whether sentences should be consecutive or concurrent is a fact-specific inquiry.¹³

[56] The offence of manslaughter was distinct in time and circumstance from the offences against the police. The offences involving the discharge at DC Goulah and Sgt. Smith are sufficiently linked to attract concurrent sentences. I have considered the possession and use of the firearm as an aggravating factor with respect to the other offences and a concurrent sentence would be appropriate for the offence of possession of a loaded firearm.

[57] Therefore, before consideration of the principle of totality, I would have imposed the following sentences: 10 years for manslaughter, a consecutive sentence of 9 years' imprisonment for discharge of a firearm to prevent arrest, a concurrent sentence of 9 years' imprisonment for reckless discharge of a firearm, a consecutive sentence of 4 years' imprisonment for killing a service animal and a concurrent 3-year sentence for possession of a loaded firearm. The total sentence would have been 23 years imprisonment.

[58] The principle of totality requires that I take "one last look at the combined sentence to assess whether it is unduly long or harsh, in the sense that it is disproportionate to the gravity of the offence and the degree of responsibility of the offender. If the principle of totality is

¹¹ 2015 SCC 15, [2015] 1 S.C.R. 773, at para. 82.

¹² *Bertrand Marchand*, at para. 95; *Friesen*, at para. 155.

¹³ C. C. Ruby, *Sentencing*, 10th ed. (Toronto: LexisNexis, 2020), at §14.13, cited with approval in *Bertrand Marchand*, at para. 95.

offended, the sentences can be adjusted by making some concurrent, or if this does not achieve a just and appropriate sentence, by reducing the length of one or more sentences.”¹⁴

[59] The combined sentence in this case would clearly be unduly long and harsh for this offender. Mr. Grant has real prospects for rehabilitation. The combined sentence would be crushing to those prospects. The proposed global sentence of 14 years is a sentence that achieves the objectives of denunciation and deterrence while also advancing the objective of rehabilitation. It is justified on the record before me, taking into account the relevant sentencing principles and taking into account the fact that this is a joint submission.

[60] This result is best accomplished by making all sentences concurrent except the 4-year sentence for killing a service animal which must be consecutive.

Conclusion

[61] I therefore sentence Mr. Grant to a global sentence of 14 years’ imprisonment before credit for presentence custody. The sentence is broken down as follows:

10 years’ imprisonment for manslaughter,

9 years’ imprisonment for discharge firearm to prevent arrest, concurrent

9 years’ imprisonment for reckless discharge of a firearm, concurrent

4 years’ imprisonment for killing a service animal, consecutive

3 years’ imprisonment for possession of a loaded firearm, concurrent

[62] Mr. Grant has served 771 actual days in custody. At 1.5 to 1 he is entitled to credit of 1157 days or 3 years and 2 months credit. This leaves 3956 days or 10 years and 10 months left to serve.

[63] In addition, there will be a s. 109 weapons prohibition for ten years, a DNA order and a forfeiture order.

[64] There will also be an order under s. 743.21 that Mr. Grant have no contact with any member of the family of Sophonias Haile.

M. Forestell J.

Released: September 2, 2025

¹⁴ *Bertrand Marchand*, at para. 99

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