



Ontario Review Board (Criminal Code) Decisions

Ontario Review Board

Panel: Mr. R. Bigelow, Alternate Chairperson; Dr. J. Kis, Member; Dr. M. Green, Member; Ms. L. Banks, Member; Ms. M. McKinnon, Member

Heard: May 17, 2024.

Decision: June 26, 2024.

File No.: 8516

[2024] O.R.B.D. No. 1231

Re: Kalis Talis (DOB: 09.11.92) Pursuant to: Section 672.47(1) of the Criminal Code

(25 paras.)

Appearances

Accused: Kalis Talis: Counsel: Mr. M. Reynolds.

Person in charge of Hospital: Counsel: Mr. S. O'Brien.

Attorney-General of Ontario: Counsel: Ms. A. Malkovich.

REASONS FOR DISPOSITION

Introduction

1 On March 14, 2024, Mr. Talis was found not criminally responsible on account mental disorder (NCR) with respect to charges of mischief - interfere with lawful use, enjoyment, operation of property, fail to comply with a release order x2, kill or injure animal and fail to comply with a probation order all contrary to the *Criminal Code*. The court did not make a disposition and referred to the Ontario Review Board (the Board) to do so.

2 On Friday, May 17, 2024, the Board convened an initial hearing to make a disposition pursuant to section 672.47(1) of the *Criminal Code*. Mr. Talis was present at the hearing and represented by counsel, Mr. Reynolds. The issues to be determined at the hearing were whether Mr. Talis represents a significant threat to the safety of the public as defined in section 672.5401 of the *Criminal Code* and, if so, what was the necessary and appropriate disposition which was also the least onerous and least restrictive taking into account the factors set out in section 672.54 of the *Criminal Code*.

Positions of the Parties

3 At the commencement of the hearing the parties were requested to provide their initial without prejudice positions with respect to the issues before the Board. Counsel for the Hospital advised that it was the Hospital position that Mr. Talis constituted a significant threat to the safety of the public and that the necessary and appropriate

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disposition was a detention order with privileges up to and including entering the community of Hamilton accompanied by staff or an approved person. Both counsel for the Attorney General and counsel for Mr. Talis supported the Hospital recommendation.

Evidence at the Hearing

4 The evidence at the hearing consisted of the Hospital Report dated May 7, 2024 (Exhibit 11) the documentation filed with the court at the NCR hearing (Exhibits 1-10, 12), a transcript of the NCR Hearing (Exhibit 11), and the oral evidence of Dr. Ferencz, Mr. Talis' attending physician.

Findings:

5 For the Reasons that follow, the Board finds that Mr. Talis does represent a significant threat to the safety of the public and that the necessary and appropriate disposition is a detention order on the terms recommended by the Hospital at pages 32-33 of the Hospital Report.

Index Offence(s):

6 The allegations giving rise to the index offences are summarized in the Agreed Statement of Facts filed with the court at the time of the NCR hearing (Exhibit 12) as follows:

Mischief

On Tuesday July 18, 2023, police were dispatched to a call for service. The

complainant, Rolda HARRIOTT advised that her neighbour had just thrown an iron Sheppard's hook in her backyard where her grandchildren were playing. Police attended her address at 14216 Argyll Road, in the town of Halton Hills. HARRIOTT advised that at 1300 she was watching her grandchildren, playing in the backyard. Two minutes after calling the children inside she observed a large item being thrown over the fence from 5 Lauchlin Court. She advised that the iron rod landed on the trampoline where the children had just been playing and thought it may have damaged the trampoline. She advised that she went towards the fence and spoke to Kalis Talis. She asked him why he threw that and TALIS advised her that it was because he did not like the kids, and that they annoy him. HARRIOTT advised that TALIS uttered the following: "no one wants you here, you black people are useless and you need to go back home." HARRIOTT advised that TALIS then stated that the iron rod was garbage just like them. She advised at that point she went inside and called 911.

Police attended and TALIS was arrested and held for bail.

On the 21st of July, 2023 at the Town of Milton, in the Ontario Court of Justice, TALIS was released on a Release Order issued by Justice of the Peace, Mark CURTIS after charges of Mischief and Obstruct Police. As a part of the conditions of the Release Order, TALIS was to reside with his surety at 5 Lauchlin Crescent in Georgetown each and every night remain inside the building at 5 Lauchlin Crescent, Georgetown (and to not be out of doors on the property) except while under the direct and continuous supervision of his surety.

Animal Cruelty

On the evening of Saturday October 14th, 2023 at approximately 7:30pm, Sheila CHU last observed her 2 year old Goldendoodle dog sitting under her piano on the main floor of her residence at 5 Lauchlin Crescent in Georgetown. Shortly thereafter, CHU departed the residence to run an errand at the local Walmart. Upon returning home, CHU reported that she found it odd that her dog did not greet her at the door when she re-entered the residence. CHU searched the residence looking for the dog but was unable to locate it. CHU confirmed that while she was out, TALIS was home alone and had access to the main floor of the residence as she forgot to lock the door leading from TALIS' basement apartment which leads to the main floor of her residence. CHU confronted TALIS regarding the whereabouts and well-being of the dog at which point TALIS laid face down on the floor and became very quiet and would not answer the questions. CHU later

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informed Police that TALIS had been having delusions about the dog eating him and that he had been hearing voices that he believed to be coming from the dog.

TALIS was previously charged in 2022 for severely injuring the same dog.

At 1:37 am, now October 15th, 2023. CHU sent TALIS' psychiatrist DR. KANTOR an email outlining that TALIS had killed her dog and was "violent and dangerous". A worker for the Accessible Community Treatment team, Mike FORESTER, attended the residence to provide medication and conduct a check in on TALIS. While providing the medication, FORESTER observed a huge cut on TALIS' index finger that looked very fresh. When asked about the cut, TALIS shrugged it off and said he was letting it heal. TALIS barely responded to FORESTER's questions, looked flat with no emotions and had a blank facial expression for most of their interaction. TALIS eyes appeared to be black and he looked disassociated from the conversation. FORESTER observed a blood spot on one of the stones in the backyard and blood stains on the back stairs to go down to the basement entrance. Consequently, he reported this to police around 11: 55am.

At approximately 1:04pm, Police attended the residence and located TALIS as he exited the rear of the residence. TALIS was found with a bloody cut to his right index finger which contained golden hairs that appeared consistent with a dog. Large amounts of blood were located on TALIS clothing and footwear and throughout the backyard of 5 Lauchlin Crescent. A trail of blood was observed leading down the driveway, northbound on Lauchlin Crescent and continued westbound on Argyll Road. A neighbouring security camera caught Mr. Talis crossing over the road and heading northbound on Lauchlin Crescent towards Argyll Road. The path in which TALIS is observed walking, matched up with the trail of blood that Police followed, from the residence, northbound on Lauchlin Crescent before the trail led westbound on Argyll Road.

TALIS was taken to Oakville Trafalgar Memorial Hospital for a psychiatric assessment where a hold letter was issued to the Hospital to notify Halton Police once TALIS was scheduled to be discharged. While at the Hospital and under caution, TALIS confessed to transporting the deceased canine to the area of Ninth Line in Halton Hills and disposing of the dog on the westbound side of Ninth Line just east on Number 10 Sideroad.

Police attended the residence and took photos: samples from the scene. k9 was called in to assist with the search for the dog or any other evidence associated with the offence, with negative results.

On-November 14th, 2023 Halton Regional Police were contacted by staff at the Oakville Trafalgar Memorial Hospital, advising that TALIS was being released from the hospital.

Police attended Oakville Trafalgar Hospital, where at 15:05 hours, Talis was placed under arrest for Failing to Comply release order times 2, fail to comply probation, killing or injuring animals, obstruct use of property, resist peace officer, robbery, and assault peace officer. TALIS advised he understood the reason for his arrest, along with his rights to counsel and caution. TALIS was transported to central lock-up where he was lodged and held for bail.

Court Orders

At the time of these offences, Mr. Talis was bound by three court orders as follows:

On the 19th of April 2023 at the Town of Milton in the Ontario Court of Justice, TALIS entered into a Probation Order after failing to comply with an undertaking, signed by Justice JA CRAWFORD. As a part of the conditions of the Probation Order, TALIS was to not possess, visit, or be in the care/control of any live or deceased domestic or wild animals. The probation period began April 19, 2023 and is active until April 18, 2024.

On the 1st of May 2023 at the City of Kitchener, in the Ontario Court of Justice, TALIS was released on a Release Order by Her Worship, A. MAGOULAS, after charges of Robbery and Wounding and Assault Peace Officer. The Release Order had conditions to reside with surety at 5 Lauchlin Crescent in Georgetown and remain in his residence 24 hours a day-7 days a week except for medical emergencies involving himself or when in the presence of his surety.

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The other Release Order, as previously mentioned, had conditions to reside with surety at 5 Lauchlin Crescent in Georgetown and remain in his residence 24 hours a day- 7 days a week except for medical emergencies involving himself or when in the presence of his surety.

All three of these Court Orders were in effect on Saturday October 14th, 2023.

Background information regarding the accused:

7 Mr. Talis (birth name Jonathan Chu) was born on November 9, 1992 in Regina Saskatchewan. His family travelled to and from China on a regular basis to visit his grandparents when he was young, and he became more proficient in the Chinese language than in the English language. He began playing piano at four years of age and was a gifted musician. His parents separated when he was seven years of age and his mother, and the children moved to Kansas while his father moved to Washington DC.

8 His mother reports that there were issues with her son while he was in high school. He failed some classes, and she sent him to live with his father for a year. His grades improved while residing with his father. Although upon return to his mother's home he began skipping classes, he did complete high school on time. He then enrolled in a Bachelor of Music program at the University of Missouri and completed two years of that program when his mother moved the family to Toronto in 2013. Mr. Talis transferred to Wilfrid Laurier University in Waterloo Ontario but learned that he was unable to transfer his credits from the United States and had to recommence the degree program. Two years into the program he began experiencing interpersonal behavioural issues with his peers and the administration. The University directed that he would have to undergo psychological evaluation before continuing with the program and, he was not able to return to his studies due to ongoing behavioural issues.

9 Beginning in May 2016 Mr. Talis' mother noted a significant change in his behavioural functioning. He appeared depressed and indicated that his mind was "cloudy" and would stay awake all night and sleep during the day. He was also observed to be talking to himself.

Legal History

10 Mr. Talis was found guilty on a charge of fail to comply with a release order on April 19, 2023, and was granted a conditional discharge and placed on probation for a period of 12 months.

Psychiatric History

11 Mr. Talis' first hospitalization with respect to mental health related issues was in September 2016 when he was placed on a Form 1 under the *Mental Health Act*. Over the course of the admission, he was observed to be thought disordered and appeared to be responding to internal stimuli. He refused to acknowledge that he suffered from a serious mental illness but did agree to take medication. He was discharged against medical advice.

12 In November 2016 Mr. Talis was transported to the emergency room of Etobicoke General Hospital by police. It was alleged that he had assaulted his mother and told her he was leaving for China. At the airport he displayed bizarre behaviour and attempted to board a plane without a passport. He was placed on Form 1 and although he denied all perceptual abnormalities he was observed to be responding to internal stimuli. On discharge his diagnosis was psychosis not otherwise specified, history of autism spectrum disorder.

13 In December 2016 Mr. Talis was brought to hospital by his mother. She indicated that he was talking nonsense and believed he was being monitored by somebody in the building opposite his. She also noted that he had been aggressive towards her on a couple of occasions and that he had discontinued his prescribed medication after being discharged from hospital on prior occasions. He was admitted to hospital on a Form 1, found incapable of consenting to psychiatric treatment and started on a long-acting injectable antipsychotic medication with the consent of his mother as his substitute decision-maker (SDM). He displayed a lack of insight into his mental illness

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and the reasons for his hospital admission. A Community Treatment Order (CTO) was initiated prior to his discharge from hospital. Diagnosis on discharge was schizophrenic spectrum disorder.

14 His next admission to hospital was in July 2018 after his mother reported a deterioration of his behaviour and that he had been collecting various knives and chainsaw. Upon admission he was agitated and endorsed having command hallucinations telling him to cut down the tree in the backyard, hearing the voices of God and the devil and receiving messages from the computer. A urine drug screen was positive for cocaine, however he denied using the drug. He was again deemed incapable of consenting to psychiatric treatment and his mother was designated as his SDM. He received antipsychotic medication, and the CTO was reinitiated. Upon discharge his diagnosis was schizophrenia.

15 In September 2018 Mr. Talis was again brought to hospital when his outpatient psychiatrist issued a Form 47 under the *Mental Health Act*. The Form was issued after Mr. Talis had failed to attend for his monthly antipsychotic injection. He denied experiencing any paranoia or other delusional thoughts and was discharged from the emergency room after receiving his antipsychotic medication.

16 Mr. Talis was again admitted to hospital in 2019, 2021, 2022 and October 2023. A progress note from his outpatient psychiatrist dated October 25, 2023, states:

I strongly recommend that this patient undergo forensic assessment. He is currently in hospital after having slaughtered his mother's pet dog, this being at least the second occasion that an incident of this sort has occurred. When inadequately treated he demonstrates bizarre behaviour such as dumping garbage into the neighbour's yard, which leads to police involvement.

He has been hospitalized upon a number of occasions.

He demonstrates no insight into his schizophrenic illness, as well as a history of repeated noncompliance with treatment. He has been physically assaultive toward mother in the past and she describes often feeling that she is at risk of him again being violent with her.

17 Upon admission to hospital Mr. Talis denied being aggressive at home and denied all psychotic symptoms. However, he was observed to have a disorganized thought process and throughout his admission appeared to be responding to internal stimuli and was guarded in his answers. Although his outpatient team suggested a change to a long-acting injectable medication, his SDM did not consent to such a change. His discharge diagnosis was schizophrenia.

Evidence of Dr. Ferencz

18 Dr. Ferencz indicated that he had been Mr. Talis' attending physician since his admission in January 2024. He had reviewed and adopted the Hospital Report. He noted that there had been no management problem, but that Mr. Talis kept to himself and was not forthcoming with information. His answers to questions tended to be circumspect. In Dr. Ferencz's opinion Mr. Talis' insight was at best marginal and that he tends to minimize his actions and symptomology. He also has a long history of discontinuing treatment.

19 Dr. Ferencz noted that Mr. Talis was prescribed long-acting injectable antipsychotic medications which was well-tolerated but that he remained on the assessment unit and the treatment team needed to get to know him better. However, given his long history of mental illness, the serious nature of the index offences and his lack of insight into his illness and the need for medication, community living within the reporting year for Mr. Talis was not realistic.

20 In response to questions from counsel for the Attorney General, Dr. Ferencz indicated that although Mr. Talis' mother was currently an approved visitor, but there were no approved persons at this time. He also indicated that the mother's insight into her son's illness was variable, and he did not believe that she fully appreciated the seriousness of his illness. She would need more education with respect to that illness before becoming an

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approved person. He also indicated that the cruelty to animals displayed in the Index Offences was likely more related to his delusions and his schizophrenia than to antisocial personality traits. It was unlikely that he would have any access to animals while in hospital and therefore did not feel that that was a significant concern at this time although the team had discussed concerns with respect to the possibility of harming animals.

21 In response to a series of questions, posed by a panel member, Dr. Ferencz advised that it was unlikely that Mr. Talis would progress to being an appropriate candidate for indirectly supervised privileges to the community at any point over the upcoming reporting year. Further, he added that Mr. Talis does not yet have an approved person.

22 The doctor testified that the treatment team's primary concerns are that Mr. Talis continues to be guarded and circumspect, he minimizes his actions with regard to the index offenses, he expresses suboptimal insight with respect to his mental illness and need for medication in perpetuity. In the doctor's assessment, Mr. Talis would be likely to discontinue his medications if not closely supervised within a hospital environment at this point in time. No further evidence was called by the parties.

Analysis and Conclusion, Significant Threat:

23 The Board finds that the evidence clearly supports a finding that Mr. Talis continues to represent a significant threat to the safety of the public which was not contested at the hearing. Mr. Talis suffers from a major mental illness, schizophrenia, and despite a long history of involvement with the mental health system has displayed regular noncompliance with recommended medication as well as acute symptoms of his illness. He has displayed significant aggression both to animals and human beings and minimizes his actions. He displays minimal insight into his illness or the need for medication and absent the supervision of the Board, would clearly cease to take medication and decompensate rapidly.

Analysis and Conclusion, Necessary and Appropriate Disposition:

24 As noted above, absent appropriate supervision support, Mr. Talis would quickly cease to comply with recommended medications and the symptomology associated with the index offences would again come to the forefront. There is no air of reality to any consideration of a conditional discharge, which was conceded by counsel for Mr. Talis. Clearly upon discharge the hospital will need to approve accommodation in order to ensure continued compliance with medication and to monitor for any signs of significant decompensation. Although Mr. Talis' mother is supportive, she lacks understanding of the seriousness of his illness and will require education with respect to it. In the circumstances the only available option to the Board is a detention order and the Board accepts the terms and conditions jointly proposed by the parties.

25 According to the expert evidence presented, there is little likelihood that Mr. Talis will progress beyond the privileges outlined in the hospital's recommendations; however, should his trajectory change and he progress to using the maximum privileges available to him, then the hospital could request the Board call an early hearing to review his existing disposition.

DATED this 26th day of June 2024, at the City of Toronto, in the Toronto Region.

Robert Bigelow
Alternate Chairperson

Office of the Registrar
Ontario Review Board