

File No. CR25-01-40666  
Appeal No. \_\_\_\_\_

IN THE COURT OF KING'S BENCH FOR MANITOBA  
JUDICIAL CENTRE OF WINNIPEG

BETWEEN

HIS MAJESTY THE KING

and

CHAD KABECZ AND IRENE LIMA

Accused

---

PROCEEDINGS  
(Pages T1 - T40)

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February 11, 2026  
Winnipeg, Manitoba

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1 Proceedings taken in the Court of King's Bench, Winnipeg, Manitoba

2

3

4 February 11, 2026

Morning Session

5

6 The Honourable Mr. Justice

The Court of King's Bench

7 J. Harris

for Manitoba

8

9 S. Sass

For the Crown

10 M. Cook

For the Accused Lima

11 E. Pollock

For the Accused Kabecz

12 K. Pohorily

Court Clerk

13

14

15 **Discussion**

16

17 THE COURT CLERK:

Order, please. All rise. Court is now in

18 session.

19

20 THE COURT:

Good morning.

21

22 THE COURT CLERK:

You may be seated.

23

24 MR. SASS:

Good morning, My Lord.

25

26 THE COURT:

Good morning.

27

28 MR. SASS:

Sass, first initial 'S', appearing for the

29 Provincial Crown on these matters.

30

31 MR. COOK:

Good morning, My Lord.

32

33 THE COURT:

Good morning.

34

35 MR. COOK:

Mike Cook appearing. My pronouns and

36 title are he/him/Mr. I represent Irene Lima. She is present and seated closest to

37 you. Her pronouns and title are she/her/Ms.

38

39 THE COURT:

Thank you, sir.

40

41 MR. POLLOCK:

Good morning, My Lord. It's Ethan

1 Pollock for Mr. Kabecz. Mr. Kabecz is present in the courtroom.

2

3 THE COURT: Good morning, sir.

4

5 THE ACCUSED KABECZ: Good morning.

6

7 MR. COOK: My Lord, I just wanted to make sure that  
8 you received some things that are important from my perspective.

9

10 THE COURT: Yes?

11

12 MR. COOK: The first is the pre-sentence report  
13 compiled January 9th, 2026, for Irene Lima.

14

15 THE COURT: Yes, I have that.

16

17 MR. COOK: Thank you, and so if we can mark that as  
18 one of the exhibits in the sentencing, please.

19

20 MR. POLLOCK: If Your Honour (sic) wants, I did bring  
21 copies to be filed --

22

23 THE COURT: Okay.

24

25 MR. POLLOCK: -- so if Your Honour (sic) wants to hold  
26 onto that just for reference purposes.

27

28 THE COURT: Sure. Thank you.

29

30 THE COURT CLERK: Exhibit S1.

31

32 **EXHIBIT S1 – Pre-sentence Report for Irene Lima**

33

34 MR. COOK: And the other thing I had, My Lord -- I  
35 sent to you a letter dated December 8, 2025, with a number of certificates, letters  
36 of reference, and things of that nature. I don't know if that made its way to your  
37 desk.

38

39 THE COURT: I'm not sure that it did.

40

41 Madam Clerk, can I see the file, please. Thank you.

1  
2 MR. COOK: There's a cover letter --  
3  
4 THE COURT: Yes.  
5  
6 MR. COOK: -- dated December 8, 2025.  
7  
8 THE COURT: Yes, I apologize, I did receive those.  
9  
10 MR. COOK: You did?  
11  
12 THE COURT: Yes.  
13  
14 MR. COOK: Fabulous. If we could maybe collectively  
15 have those marked as the next exhibit --  
16  
17 THE COURT: Okay.  
18  
19 MR. COOK: -- and those are the documents that are  
20 important from my perspective.  
21  
22 THE COURT: Thank you, Mr. Cook.  
23  
24 MR. COOK: Thank you.  
25  
26 THE COURT CLERK: Exhibit S2.  
27  
28 **EXHIBIT S2 – Letters of Reference and Certificates**  
29  
30 MR. POLLOCK: In addition to those, My Lord, the PSR  
31 of Mr. Kabecz, and again I have a copy to be filed as an exhibit.  
32  
33 THE COURT: Okay.  
34  
35 MR. SASS: That's by consent, My Lord.  
36  
37 THE COURT: Thank you.  
38  
39 THE COURT CLERK: Exhibit S3.  
40  
41 **EXHIBIT S3 – Pre-sentence Report for Chad Kabecz**

1  
2 MR. SASS: And I can advise you, My Lord, that we  
3 are joint as well, that Mr. Kabecz is the same as Ms. Lima in joining with the  
4 Crown's recommendation.  
5  
6 THE COURT: Okay. Thank you.  
7  
8 MR. SASS: Thank you.  
9  
10 THE COURT: Thank you.  
11  
12 MR. SASS: I have two other exhibits to file, one is a  
13 community impact statement that was prepared by the Winnipeg Humane Society  
14 and I believe that a copy was forwarded ahead of time.  
15  
16 THE COURT: Yes, I have a copy of that already, thank  
17 you.  
18  
19 MR. SASS: Thank you.  
20  
21 MR. SASS: And the final exhibit that I'll be asking to  
22 file, Your Honour (sic), is S5, it's an evidence book of the Crown.  
23  
24 THE COURT: Okay.  
25  
26 MR. SASS: I have provided Madam Clerk with a  
27 copy of that as well.  
28  
29 THE COURT: Okay.  
30  
31 MR. SASS: I'm not going to purport to go through  
32 every single page of that with the Court but rather sort of provide a table of  
33 contents for it because I believe it's important to be in evidence --  
34  
35 THE COURT: Yes.  
36  
37 MR. SASS: -- but I don't think we need to belabour  
38 some of the points in there --  
39  
40 THE COURT: Okay.  
41

1 MR. SASS: -- so that can be Exhibit S5, please.

2

3 THE COURT: Okay.

4

5 MR. COOK: My Lord, I just want to say for the record  
6 that I have received both exhibits S4 and S5, and they can go in with my consent  
7 on behalf of Ms. Lima.

8

9 THE COURT: Okay. Thank you.

10

11 Mr. Pollock, any issue?

12

13 MR. POLLOCK: None.

14

15 THE COURT: Thank you.

16

17 THE COURT CLERK: Exhibit S4 and Exhibit S5.

18

19 **EXHIBIT S4 – Community Impact Statement by the Winnipeg Humane Society**

20

21 **EXHIBIT S5 – Evidence Book of the Crown**

22

23 THE COURT: May I see that? May I have it?

24

25 THE COURT CLERK: Oh, I'm sorry.

26

27 THE COURT: Thank you.

28

29 **Submissions by Mr. Sass (Sentence)**

30

31 MR. SASS: Yes, My Lord, we come before the  
32 Court -- and as we discussed at the pretrial we have a joint recommendation for the  
33 Court to consider. We are all suggesting that a sentence of -- that a total sentence  
34 of 12 years for each of Ms. Lima and Mr. Kabecz be imposed, less the time in  
35 custody.

36

37 Ms. Lima, as of, including today's date, has 490 actual days in custody. At time-  
38 and-a-half that works out to be 735 days, or about 24-and-a-half months.

39

40 Mr. Kabecz, as of, including today's date, has 448 actual days of time in custody,  
41 and at time-and-a-half that works out to be 672 days, or almost 22-and-a-half

1 months.

2

3 THE COURT: Thank you.

4

5 MR. SASS: I will also be asking the Court to impose  
6 a lifetime prohibition against the possession of animals as is permitted under the  
7 *Criminal Code*, and I am also asking the Court to consider imposing DNA orders  
8 on both of the accused. These are secondary designated offences when they are  
9 indictable proceedings --

10

11 THE COURT: Yeah.

12

13 MR. SASS: -- so under the circumstances I think that  
14 is appropriate.

15

16 I am going to very briefly sort of review the background of this, the very basics of  
17 the investigation that brought these matters to light.

18

19 It all started in the fall of 2024 with an anonymous tip to a tip line that's operated  
20 by the Chief Veterinarian's office and Manitoba Agriculture, and it was as a result  
21 of that tip that an animal protection officer started doing some investigating.  
22 Several screenshots and that were sent to the animal protection officer from a  
23 Telegram account, and screenshots from websites located on the Dark Web, and as  
24 a result of what information the animal protection officer received they then  
25 started to do a limited investigation on their own.

26

27 This anonymous source indicated that they felt that the defendants were located in  
28 Winnipeg so the animal protection officer started to do some digging and was able  
29 to narrow down who they thought it was, and where they thought they lived, and  
30 then realized that this is something that the police need to be involved in, so then it  
31 was the animal protection officer who then called Winnipeg Police and they  
32 entered into an investigation. They took what the animal protection officer had  
33 done, started to do their own investigation, they looked at surveillance footage  
34 from the apartment where the defendants had a condo, and did some other work,  
35 and then eventually had enough to get a search warrant for the apartment and as  
36 luck would have it when they went to execute the search warrant that same day  
37 they arrested Mr. Kabecz and Ms. Lima nearby the apartment, and that was in  
38 October of 2024.

39

40 I think it's important to point out that but for the vigilance of this anonymous  
41 citizen calling the tip line, and then the diligence of the animal protection officer

1 who responded and then involved the WPS, it's possible that likely the WPS  
2 would never have found out about this, so I think that is important to note.

3  
4 I filed, as Exhibit S5, a book of evidence. This is, as I said, a joint recommendation  
5 but I feel that the Court has to have sufficient evidence before it to ensure that the  
6 sentence being suggested is in fact appropriate on all counts, and I apologize that I  
7 didn't file this or provide it to the Court ahead of time, I didn't want to do it  
8 without putting it into context and being able to explain the contents of this. As the  
9 cover suggests and as the Court will see there is a lot of graphic imagery in this  
10 and I don't think anyone needs it sort of dropped in an email to them unprepared.

11  
12 I'm going to take a moment to go through this book of evidence and I'm really just  
13 providing a table of contents for the Court. It's been filed as an exhibit so the  
14 Court can take its time reviewing all of this as necessary.

15  
16 The pages are all numbered. Pages 1 and 2 are screenshots of a price list located on  
17 the Goddess May Barefoot Premium Crush and this is the Telegram site that was  
18 being operated in this. The Court will note that there are a large variety of animals  
19 with different prices.

20  
21 Page 2 is basically -- it's almost the exact same list, but that was a screenshot taken  
22 from Mr. Kabecz's phone when it was seized and again it has a descriptor and a  
23 price for all of the basic videos.

24  
25 Pages 3 and 4 are screenshots from a Reddit account by the name of Fit (phonetic)  
26 Foot Lover, and that is Mr. Kabecz's -- or one of his Reddit accounts.

27  
28 The Court will note on page 4 it specifically mentions Goddess May: (as read)

29  
30 For anyone who is following my girlfriend's crush  
31 adventures please DM me on how to find her newly  
32 established groups elsewhere.

33  
34 Reddit is a public source basically. Telegram is a chat group but it's encrypted so  
35 you basically need specific passwords and software to get into it much like the  
36 Dark Web.

37  
38 Page 5 is an example of an exchange between Fit Foot Lover and a person who  
39 was the source of the complaints to the APO and again they're discussing price  
40 and how to get the video and how to pay via PayPal.

41

1 Page 6 is sort of the cover page, or the opening page, if you will, of the Goddess  
2 May Premium Barefoot Crush and that's the site that Mr. Kabecz operated and  
3 used to advertise and sell and promote the videos that show Ms. Lima crushing  
4 animals, and I'll point out there: (as read)

5

6 Each member will be required to provide one Barefoot  
7 Hard Crush video prior to entry.

8

9 And that's a theme that pops up several times.

10

11 Pages 7 through to 15 are screenshots taken from the Telegram account Goddess  
12 May. These were again provided to the animal protection officers. One of the  
13 captions you'll note says "good weekend".

14

15 And that was above a particularly graphic photograph, and again that's a caption  
16 put in by Mr. Kabecz or Ms. Lima.

17

18 The top of page 15 is a screenshot sort of going over a bit of the background or I  
19 guess the benefits or positives of Goddess May. It's clearly an attempt to entice or  
20 advertise to followers.

21

22 Pages 16 and 17 are screenshots taken from Ms. Lima's phone and this just shows  
23 an example of an exchange from September of 2024 where she's actively looking  
24 for two kittens and they make arrangements to pick up the animals. Then  
25 sometime later the person who provided these kittens to Ms. Lima actually  
26 contacted Ms. Lima to follow up and ask how are the kittens doing, and Ms. Lima  
27 is evasive when she asks because the kittens are now dead.

28

29 Page 18 is a photograph taken by the Winnipeg Police of Ms. Lima's diary. The  
30 caption on the bottom of the photo -- note the script on the left page -- it's mostly  
31 on the lower lefthand page of the diary in the photograph and it goes on about how  
32 she loves killing everything with her feet, the control -- the control, I can do  
33 anything, and going on about the pain, the hurt, and the suffering that she puts the  
34 animals through.

35

36 Pages 19 to 21 are a Facebook chat between Mr. Kabecz and Ms. Lima from April  
37 of 2024, and this specifically begins to reference imagine finding a child, and  
38 crushing the child, and saying how no one would ever find it. Mr. Kabecz makes a  
39 point at page 20 of correcting a typo where he originally had typed 'kind' and  
40 meant to say 'kid', so certainly that is disturbing.

41

1 Pages 22 through to 24 are transcriptions and descriptions created by the WPS of  
2 three videos that were recovered from Mr. Kabecz's devices supposedly showing  
3 Ms. Lima crushing animals for a sexual purpose. I'm not going to read these into  
4 the record, they're there for the Court to review.

5  
6 Pages 25 through to 27 are stills from the video that is described at page 24.

7  
8 Pages 28 through to 33 are stills and a description of another video recovered by  
9 the WPS dealing specifically with two rabbits.

10  
11 Pages 34 and 35 are a number of text exchanges between Lima and Kabecz where  
12 they start off discussing crushing insects and then at one point Ms. Lima -- and in  
13 the text messages she's identified as Irene Lopez but they're one and the same  
14 person -- Ms. Lima also suggests wanting to step on bodies and people to further  
15 degrade them.

16  
17 Pages 36 through to 40 is a text exchange from Telegram with one of the  
18 customers of the Goddess May website, and I apologize there, it's rather hard to  
19 read, but I think this is important because it shows the back and forth, and so the  
20 blue is the customer, and the green BFLVR (phonetic) is Mr. Kabecz's handle on  
21 this.

22  
23 Halfway down page 36 Mr. Kabecz goes so far in terms of helping this customer  
24 find appropriate material is: (as read)

25  
26           What I can do for you is to watch all of the kitten videos of  
27           \$100 and less and pick the one with the most oozing. How  
28           does that sound? I can give you a couple of options.

29  
30 So that's Mr. Kabecz texting to this customer on the Goddess May chat, and that  
31 goes on for a couple of pages.

32  
33 Page 41 is a new conversation with a new source -- a new customer, I should say,  
34 and again they're discussing the payment options and whatnot.

35  
36 Pages 42 and 43 are another Telegram text exchange between Mr. Kabecz and  
37 another customer, and it shows Mr. Kabecz screening an entry into the group, and  
38 he says, you know -- well to paraphrase it's basically well you have to provide us a  
39 new video, one that we haven't seen before, in order to gain entry, and so this  
40 person provides a couple and Mr. Kabecz replies: (as read)

41

1 We have both these videos loaded already.

2

3 The response is: (as read)

4

5 Does that mean I have to provide a video that you don't  
6 have to get me in the group?

7

8 And Kabecz answers: (as read)

9

10 Yes, sir. No point in having the same video twice.

11

12 That is how Mr. Kabecz characterizes it.

13

14 The customer tries a couple more: (as read)

15

16 How about these?

17

18 And Mr. Kabecz replies: (as read)

19

20 That is all soft crush. This is a hard crush group.

21

22 So soft crush isn't good enough, it has to a hard crush, and eventually this person  
23 provides a new hard crush video and Mr. Kabecz says that great, you're in,  
24 basically.

25

26 Page 44 is a Telegram exchange with another individual identified again in the  
27 blue, and here it looks like Mr. Kabecz and him are discussing obtaining a  
28 pregnant dog and crushing the puppies as they're born.

29

30 Then disturbingly there's another chat, not in Telegram, recovered from  
31 Mr. Kabecz's phone from another date inquiring about obtaining a female dog off  
32 of Kijiji.

33

34 Pages 46 and 47 are more Telegram messages from Mr. Kabecz. In these he is  
35 setting out the rules of Goddess May Premium Crush: (as read)

36

37 All content must be barefoot.

38 No negativity or rude comments towards any posts.

39 Trolling will be subject to instant ban.

40

41 And it goes on and on: (as read)

1  
2  
3  
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5  
6  
7  
8  
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12  
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30  
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33  
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38  
39  
40  
41

Hard crush videos only.  
Female crush only.  
18 plus.  
Anyone posting spam --

So he sets out a whole bunch of rules and regulations about things, so clearly this is a well organized site.

The next section goes from page 48 to 67, and I apologize again, it's small and it's hard to read. Basically this is a text exchange between Ms. Lima and Mr. Kabecz and to paraphrase what happens is that Ms. Lima tells Mr. Kabecz that she showed a co-worker one of the photos on her phone of her crushing an animal. The resulting conversation includes Mr. Kabecz telling her to delete her Telegram, delete the pictures, sign out of all these different groups, and all that kind of stuff, and eventually we get to the point, at page 62, where she tells Mr. Kabecz that she wants a bird, and he says: (as read)

Well maybe I'll get you two birds.

She goes on to say: (as read)

No one will stop me. I'll never stop.

This is at page 63 -- because by the end of the conversation now they're just getting mad at the co-workers, how dare they report this to the supervisors.

The final three pages, starting at 68 in the book, Your Honour (sic), is just a list by video of what the WPS recovered broken down by month, so in May of 2024 there were three animals killed, in June of 2024 there were 17, in July of 2024 there were 15, in August of 2024 there were 27, in September of 2024 there were 23, and then in October of 2024 there were five. WPS were able to document 90 different animals over the course of the incidents, and I will note that the months correspond with the counts in the Indictment, so May is count 1, June is count 2, so on and so forth.

Okay, so that is the content of the evidence book, Your Honour (sic) -- My Lord.

I'm going to comment -- and again it's been filed and it's been provided to the Court ahead of time -- I'm going to comment very briefly on the community impact statement that was provided. Now in determining the most appropriate

1 source for a community impact statement it was decided that the Winnipeg  
2 Humane Society would be the way to go. I'm sure we could have inundated the  
3 Court with dozens and dozens of impact statements but the Winnipeg Humane  
4 Society is a recognized organization, it's Winnipeg-wide, and it does have some  
5 responsibilities outside of the city as well, so they're the appropriate authors in our  
6 view.

7  
8 I think the highlights -- the bottom of -- it's Section 4.1, and I apologize, the pages  
9 aren't numbered. The psychological impact on animal victims. The last paragraph  
10 in that Section says: (as read)

11  
12 Based on the facts of this case the animal victims would  
13 have suffered extreme anxiety and distress from the torture  
14 inflicted on them and in some cases having to watch as  
15 other animals were tortured and killed in front of them.  
16 Death was not instantaneous for these animals who would  
17 have felt terror as their suffering was prolonged while  
18 trying to escape their abuser.

19  
20 At the bottom of that same page it's Section 5: (as read)

21  
22 The impact of animal abuse on the human community.  
23 This case has garnered significant public attention with a  
24 new animal welfare group, PAW, Project Artemis  
25 Advocates, being formed on Thanksgiving weekend of  
26 2024 to allow community members to voice concerns,  
27 share their grief, and support one another. PAW now has  
28 over 2,000 members and has held approximately 18 vigils  
29 and rallies in support of the animal victims, some in up to  
30 minus 45-degree weather.

31  
32 A statement from one of the founders -- this is continuing on the next page -- a  
33 statement from one of the founders of PAW says in parts: (as read)

34  
35 These are vulnerable animals who deserve to be treated  
36 with respect and dignity. It's so important to the  
37 community that this stigma of 'it's just an animal' was  
38 washed away from them and we fought to ensure that they  
39 receive justify.

40  
41 Indeed the desire for greater protection for the animals in



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41

THE COURT: I found the --

MR. SASS: -- Ms. Lima's PSR is concerned she still doesn't appear to take full responsibility for one of her fraud convictions.

On page 4 she denies knowing anything about the commercial aspect of this whole enterprise.

She says she feels bad, and then that she was coerced by her co-accused to do this, but then we have her diary which seems to indicate something else, and her comments in the text messages wanting some birds, wanting to crush things, and how she'll never stop.

THE COURT: I found the PSR's to be quite self-serving, quite frankly.

MR. SASS: Then I don't need to go any further.

There are mitigating factors. Obviously in this case the guilty pleas are the mitigating factor and the remorse the Court can infer from the entering of those pleas, and certainly the saving of court time and resources because had these matters gone to trial it probably would have been a couple of weeks --

THE COURT: Yeah.

MR. SASS: -- and, you know, the risk of the trial is that there's no definite result for either side --

THE COURT: Yeah.

MR. SASS: -- so certainly that is taken into account.

One aggravating factor, I would suggest just for Ms. Lima, is the previous criminal convictions. They're unrelated but she did receive custodial sentences to be served in the community.

THE COURT: Yeah.

MR. SASS: Other aggravating factors that we've taken into account are the number of animals that were involved, and again we're

1 dealing with 90, and that the defendants were in a position of trust with most of  
2 these animals, well basically all of them except for the few random ones that they  
3 would have found outside such as insects or amphibians and that, so you can  
4 imagine all of the effort it took to gather all these animals, and they weren't just  
5 gathering them in Winnipeg either, they travelled to communities close to  
6 Winnipeg in order to find animals that were being rehomed.

7  
8 There was an amount of organization that was put into the Goddess May website,  
9 that there are rules and there are regulations about membership, that potential  
10 members were asked to send in new original videos and photos of similar acts of  
11 cruelty. This just perpetuates and promotes further violence against animals.

12  
13 The planning that went into the collecting of the animals specifically to kill is  
14 aggravating. We have to remember this isn't a sudden, you know, psychotic  
15 episode from an unhoused person hitting a cat with a brick --

16  
17 THE COURT: Right.

18  
19 MR. SASS: -- it's planned and calculated behaviour,  
20 it was done for a commercial purpose, Mr. Kabecz says that they were going to  
21 stop when they hit a certain mark but nonetheless it's for a commercial purpose,  
22 and the horrific brutality that we're dealing with here.

23  
24 These videos, for the most part, are minutes long. Mr. Kabecz in his text messages  
25 with potential customers tell them it's based on the length, so a 15-minute video is  
26 \$150. When you look at the price list how many double or triple digit figures are in  
27 there gives you an idea of the length of these videos, lengthy videos of torture, of  
28 suffering, and eventually death. They are charged by the minute. These videos are  
29 planned, executed, and monetized.

30  
31 Those are the aggravating factors that we have taken into account.

32  
33 I'm going to briefly touch on the caselaw, and again it's been filed. I do apologize,  
34 I discovered just the other day that the last case wasn't highlighted, at least in my  
35 copy it wasn't. I assume that Your Lordship also got an unhighlighted one.

36  
37 *Geick*, at Tab 1, deals with two dogs. It was a lengthy beating. Some previous  
38 record. The Court in that case imposed 36 months. There was a domestic violence  
39 aspect to that as well. The Court in that case also addresses the possible mitigating  
40 effect of media publicity and certainly there's been a lot of media publicity about  
41 this case, and the Court just says that -- it cautions courts to: (as read)

1  
2 Exercise caution against permitting publicity to substitute  
3 for punishment. Further, as a matter of principle, the  
4 mediating force of collateral circumstances that are almost  
5 inevitable are greatly diminished.  
6

7 So again we've taken that into account in our joint recommendation.  
8

9 The *Nichols* (phonetic) case, at Tab 2, is a more recent case out of Brandon.  
10 Paragraph 22 does a good job of sort of outlining how the legislation of the  
11 *Criminal Code* has changed over the past few years. It used to be six months, then  
12 18 months, and now is five years, and what that indicates in terms of societal  
13 views on the harmfulness of animal cruelty.  
14

15 The facts are somewhat similar as far as Mr. Nichols also goes out and  
16 intentionally obtains animals to rehome them. In the Nichols case there's no  
17 commercial enterprise, and there are no videos being made. He becomes  
18 overwhelmed at times, he says.  
19

20 There were 25 animals killed over a five-month period. He ended up pleading  
21 guilty to three counts and he received -- I think it was 30 months, and then  
22 24 months, and then a further six months on a breach, but that shows that we're  
23 within the range here, and I'll get to how I'm going to break down the 12 shortly.  
24

25 *Chen* is the leading case regarding animal abuse and the sentencing principles in  
26 Canada, we relied on it in the *Nichols* decision. Deterrence and denunciation are  
27 the primary principles of sentencing and again this sentence addresses those.  
28

29 *Chen* also points out that being in a position of trust to an animal is an aggravating  
30 factor.  
31

32 In the final case, *R. v. M.* (phonetic) -- and again I apologize for the highlighting --  
33 the important paragraphs are 18 through to 23 just confirming the idea, and the  
34 Manitoba Court of Appeal in *Friesen* touched on this as well, that maximum  
35 sentences should not be reserved for the worst offenders.  
36

37 This then flows into how I'm going to suggest that we break down the sentence.  
38 It's a joint recommendation for 12 years. What I'm going to ask the Court to  
39 consider is as follows: on counts 2 and 3 on the Indictment five years imposed on  
40 each count to be served concurrent to each other. On counts 4 and 5 on the  
41 Indictment five years each concurrent to each other but consecutive to the five

1 years for counts 2 and 3. Then counts 1 and 6 two years each concurrent to each  
2 other but consecutive to the five and the five. That takes us to 12 years.

3

4 As the Crown's evidence book has set out we have the count of the animals that  
5 were killed, and as I said chronologically they go by count, so this breakdown  
6 recognizes that counts 1 and 6 have three and five animals respectively, counts 2  
7 and 3, and then counts 4 and 5, have much larger amounts so therefore the moral  
8 blameworthiness and the seriousness of those counts are increased.

9

10 It provides the maximum sentence for the four most numerically high or most  
11 heinous counts. It keeps each count on its own with an appropriate sentence when  
12 you look at the caselaw. No counts are reduced so much so as to make it an  
13 inappropriately low sentence given the facts of each count, so we're not, you  
14 know, adding two plus two, plus two, plus two, you know, six times to get our 12.  
15 Clearly some of the counts are worse than others.

16

17 It's my suggestion that breaking the sentence down this way -- and there are no  
18 free rides given to any charges, that there is, you know, still a proper sentence for  
19 each count -- that combing the sentences in some cases can address totality by  
20 reducing the global sentence so it's not crushing but still addresses deterrence and  
21 denunciation, so if we were to go consecutive on all of these counts we're looking  
22 at 24 years which would be, yes, inappropriately high certainly, so that's sort of  
23 the thinking behind this given the sentences handed out in *Nichols* and *Geick* and  
24 so under the circumstances we have before the Court again 2, 3, 4, and 5  
25 individually would each be worth five years, so that's why I'm suggesting this.

26

27 In addition to the sentence we're asking the Court to impose an order prohibiting  
28 both accused from owning, having the custody or control of, or residing in the  
29 same premises, as an animal or bird for life. This is under 447.1(1) of the *Criminal*  
30 *Code*.

31

32 Then finally I'm asking the Court to order DNA samples to be provided by both  
33 defendants. It's a secondary designated offence when the proceedings are by  
34 Indictment and given the nature of the offence the privacy interests of the  
35 defendants are overridden by the public interest in having their DNA samples  
36 provided.

37

38 If Madam Clerk requires the wording of the prohibition I can provide her with the  
39 specific wording from the Section of the *Code*.

40

41 THE COURT CLERK:

Thank you.

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MR. SASS: Certainly. Subject to any questions that My Lord may have, that is my submission.

THE COURT: All right. Thank you, sir.

MR. SASS: Thank you.

THE COURT: Mr. Cook?

**Submissions by Mr. Cook (Sentence)**

This is a very difficult case for everyone who has had any contact with the file, My Lord.

Firstly, there were the people who saw the videos on the Dark Web, and at least one citizen came forward and reported it, so no doubt they were upset with what they saw, and rightly so.

We then have the police officers who went to the apartment, they seized electronic equipment, they did the inventory, and they downloaded the materials, so I'm sure that they were very upset and disgusted with the materials that they saw.

I am also very mindful of court staff. Court staff have to sit through and listen to cases, and look at exhibits, so it has been very difficult for the court staff. I remember when I did the bail in front of Judge Sharma in the Provincial Court it was an upsetting time for her because she basically saw the videos, some of them, and the photos, and she was very upset with what she saw. I also have to say that being lawyers, defence or Crown, we had to go through a lot of materials, there are lots of videos, there are lots of still photos, and police reports.

It's not been an easy case for any of us and I certainly acknowledge that you, My Lord, have had a difficult time trying to go through these matters too. You've seen a lot of the materials before court today, and you have a lot more before you today, and it's one of those types of cases that doesn't come along very often where there's that real upset factor associated with it.

I think on a more wider lens I think everybody who is in the courtroom, or those who couldn't get room to come into this courtroom, and those that will hear about it in the news tonight, or read about it in the newspaper, it offends the good men and women of our community and those that have been following the case I know

1 have been very, very traumatized by it.

2

3 Now police, judges, Crowns, and defence lawyers, that's what we do, it's our  
4 professional obligation to look at these files. We become emersed in the files but  
5 we still have our personal feelings and we're not not affected by what we look at.

6

7 The general public doesn't have to do the work though, we have to as participants  
8 in the court process. The general public has a curiosity as to what happened and  
9 they rise up in revolt from what they know about the file. Many, many times when  
10 the matter has just been on for a remand I've seen so many concerned citizens  
11 outside the building with their plaque cards, with their words and commentary, and  
12 I totally understand that. I think everybody in this courtroom understands that. We  
13 can't fault them for being upset because it's one of those types of cases that really  
14 gets to the core of our being because we consider ourselves a civilized society, we  
15 care for one another, we care for our animals whether they're furry, scaly, or  
16 feathered, and when you hear of an animal being killed it brings about disgust and  
17 anger, and when you hear about 90 animals that feeling is magnified by 90 times,  
18 so nobody can fault the general public for being duly outraged with what they've  
19 seen and what they've heard. They are entitled to feel that way. Nobody can say  
20 you're overreacting, and nobody can say well, it wasn't that bad, oh, it is, it is that  
21 bad.

22

23 My friend provided three cases. We had done our own research too and we had  
24 found three of the four cases. I think when you compare the facts of this case to  
25 other cases it's difficult to do a comparison at all times but certainly in terms of the  
26 volume of animals there are a lot more animals involved here.

27

28 The ultimate question is, why did this happen, and I can only speak for Irene Lima.  
29 Ms. Lima is my client. How could Irene Lima have gotten involved in such a file  
30 that is so horrible?

31

32 Well, let me tell you a little bit about her background first. She was 55 years of age  
33 when she was arrested. She is now 56. Her family hails from Portugal. She is a  
34 Canadian citizen. Winnipeg has been her home since she was a child. There was a  
35 period where the family returned to Portugal for a short time but otherwise  
36 Winnipeg has been the homebase.

37

38 My client's mom and dad are present in court. I'm not going to identify them. I'm  
39 not going to identify them by name either. I am trying to protect their rights of  
40 privacy and I guard their privacy. I have never mentioned their names out loud.  
41 They are honest and hardworking Canadians. They brought up their own family,

1 their own three children, they worked hard, and they provided a loving and caring  
2 home for the children. They are shocked beyond belief. I've had them in at my  
3 office but I didn't go through the details of the file, I kept my binders closed, I  
4 didn't want them to see any pictures, however I gave them a general taste for what  
5 the case is about and I explained to them that we're not dealing with one or two  
6 animals that were killed, that we're dealing with about 90, and mom and dad don't  
7 understand it. When they were raising their family the kids, their kids, had pets and  
8 Irene Lima always treated the pets well, there was never any physical assault on  
9 any pet, and there was never any verbal yelling or screaming at the pets, it just  
10 wasn't in her nature. They have a hard time believing that their Irene got involved  
11 with this and they are grappling with the question how could their daughter, their  
12 Irene, their dear daughter, fall so low in public opinion and morally how could she  
13 fall that low and get involved in something that is so disturbing to us. She was  
14 always an animal lover as she grew up.

15

16 My client has siblings who are married and they have children of their own so she  
17 is an auntie to many nieces and nephews. I have worked very closely with one of  
18 the family members who has come to my office who we email about the case and  
19 that family member has been kind of an intermediary between my client and I and  
20 so a lot of information has been disseminated back and forth, and again I'm not  
21 saying the sex of that individual but that family member has been very involved in  
22 the file and doesn't understand how Irene, somebody that they know very well,  
23 could be involved in this. They never saw anything like that happening. She had  
24 always been a peaceful docile human being.

25

26 I'm happy that the family is supportive. As you can well appreciate, My Lord, and  
27 you've seen this, sometimes families turn their back on the accused person, they  
28 go what you did was disgusting, I don't want to be your mother, your father, your  
29 brother, your sister, and they literally and figuratively turn their back on the  
30 individual. Now that individual is going to have a tough time in the future because  
31 we're all members of a family, and sometimes we have a great family, but  
32 sometimes not that great, but one of the things that I love to do is come to court  
33 with my client and say to the sentencing judge that in the courtroom you'll see a  
34 pocket of people, that's my client's family, they're loving, they're caring, they're  
35 supportive, they have provided letters of reference, they've spoken in the  
36 pre-sentence report, and they're here to show the Court, and to illustrate to  
37 everybody, the love and caring they have.

38

39 Irene Lima is fortunate that her family has not left her. They are here, and again  
40 I'm not going to identify them but they wouldn't miss this day for the world. They  
41 know this is probably the most important day in Irene Lima's life and they want

1 you to see, and they want Irene Lima to see them here, that they do love and care  
2 for her, and they're going to be that way in the future. She's got a long sentence of  
3 custody ahead of her and they're going to continue to be supportive, they're going  
4 to go and visit with her, they're going to communicate with her by phone and  
5 letters, and if they are able to do a video visit so much the better. I think my client  
6 will probably be transferred to Edmonton because we do not have a federal  
7 penitentiary for women in Manitoba so I think she'll probably be at the Edmonton  
8 institute, but the family is going to continue to support her, and some people may  
9 say well, so what, look at what she did, but this isn't just about the insult  
10 committed against the society that we live in in Winnipeg, it's also about Irene  
11 Lima. What can we do as a society to make sure that she never gets involved in  
12 anything like this again -- and you're going to hear from her when I finish  
13 speaking. She has a letter she wants to read to the Court and everybody. I think  
14 you're going to hear that her remorse is overwhelming, and it's heartfelt, and it's  
15 not crocodile tears that she sheds, it's true feelings of remorse and disgust with  
16 herself.

17

18 My client is a mom to three grown up children, and again I'm not going to indicate  
19 the sex of the children, I'm not going to use their names, and I'm not going to use  
20 their pronouns, again because I want to protect those three children, but they know  
21 about this file. One in particular has been to my office and that child knows what  
22 his/her mom is involved in. That child is referenced in the pre-sentence report, and  
23 that child is totally shocked with what he/she knows that their mother did. They  
24 never saw that as they grew up. They had pets themselves.

25

26 Ms. Lima in her home with her three children had pets and she never treated the  
27 pets with any anger, nothing like that.

28

29 The family is just aghast to think that their loving caring Irene got involved in such  
30 atrocious acts. They're not able to answer how their loving mom who took such  
31 good care of family members and pets stooped this low in life.

32

33 The family knows the nature of the allegations, they know that through me in my  
34 discussions with them, and they know about it from what they read in the  
35 newspaper or saw on the TV at night, but despite how sickening these details are  
36 the family are still here *en masse* to support Irene Lima. They are either here in  
37 this courtroom, or outside in the hallway, or they're waiting at home to hear about  
38 the news of what happens today.

39

40 I think the family have been shellshocked by the allegations. Nobody in the family  
41 has taken this lightly. Nobody offers excuses or tries to minimize the horror of

1 what we all now know to be the case. They have banded with Irene, and they  
2 support her in every way.

3

4 The hope is that Irene will serve her sentence and come out of prison as a better  
5 person, and I think that growth has already started. She has taken a lot of  
6 programming, you can see that in Exhibit 2, she has taken a lot of Bible study  
7 programs, and she's taken other programs offered by the institution.

8

9 Now because of the nature of the charges she had to go into protective custody in  
10 the Women's Correctional Centre and when you're in PC, as it's commonly  
11 referred to, you can't take the plethora of programs available because you're in  
12 PC, but what she has been able to take she has taken, as evidenced by the exhibits  
13 and Exhibit S2 collectively.

14

15 Irene as well has really held her faith close to her. I think she walked away from  
16 the church a number of years ago but she certainly has embraced her religion now.  
17 She meets with the chaplain regularly. She also has been doing an awful lot of  
18 Bible study and that's provided her with a huge amount of support during the  
19 lonely times.

20

21 Again being in protective custody you're not affiliating with everybody in the  
22 institution, you're dealing with a defined group, and it's hard for her to make  
23 friends given her nature, she's a very quiet and demure person otherwise, but she  
24 has met some people and developed some friendships.

25

26 I can tell you that Irene Lima was bullied at school as a child, both when the  
27 family lived here and when they moved back to Portugal for a while. She was  
28 bullied particularly by boys. She was called horrible disgusting names. This is  
29 deeply upsetting to her and I'm sure some of the scars that she has today have their  
30 genesis with the bullying that she went through as a young girl. I think there's  
31 been some permanent scarring of her character and the way she looks at herself.  
32 Very often she felt lonely and isolated at school because of the actions of others.

33

34 Besides the bullying though she had a great childhood. As I talked about she had  
35 loving caring parents, siblings, and extended family.

36

37 My client is well educated. She is a grade 12 graduate and she then went on to  
38 complete her education in two post high school programs, again to protect the  
39 industries and the identity of the companies I'm not going to mention anything that  
40 identifies the companies but the last job she worked at she was in a supervisory  
41 capacity so I think that shows that she's a good hard worker. You don't get

1 promoted to be in a supervisory position if you're not very good at your job, so she  
2 is well educated and she's worked hard her entire life.

3  
4 Irene had a 27-year marriage that resulted in divorce. She was a single mom for  
5 many years and during that time she worked hard at her job. Even though her  
6 husband wasn't there she provided everything that her three children needed. Now  
7 not that it justifies what happened with facts as we know them today but she went  
8 through a very difficult time with the separation and divorce from her husband. It  
9 was by all accounts -- and I've spoken to many family members about this -- it  
10 was a bad marriage. She was the victim of domestic assault, she was the victim of  
11 not only physical assault but constant barrages of abuse, ridicule, and name-  
12 calling, and made to feel worthless.

13  
14 She and her children spent time in family shelters, and I'm not putting that forward  
15 as an excuse or a rationalization, but that's part of the fabric of Irene Lima. She  
16 hasn't always had the easiest life but despite that backdrop with the dissolution of  
17 the marriage she very lovingly and continuously cared for her three children and  
18 her three children are doing well in life because of Irene Lima's guidance and her  
19 love.

20  
21 She always found a way to balance what she had to do at work and her  
22 responsibilities as a mom. She has been a hard worker all of her life and I have no  
23 doubt she can continue to work hard with her studies once she's in the institution  
24 as a sentenced prisoner.

25  
26 Through her hard work she had owned a home, she had a mortgage, she paid her  
27 mortgage, she paid all of her bills, and she made a nice life for her three children.  
28 She appears to be, by all accounts, a devoted mom, a great daughter, a great  
29 employee, and a great family member.

30  
31 Chad Kabecz is her co-accused, her ex-boyfriend, and I can tell you that it is not  
32 my plan to say anything that's degrading to Mr. Kabecz.

33  
34 I explained to my client that sometimes in cases where you have two co-accused  
35 the lawyers spend a good part of their submission blaming the other person, that,  
36 you know, he did more, she did more, but I'm not going to do that. I'm not going  
37 to parse what Mr. Kabecz did, and what Ms. Lima did, because they're co-  
38 principals in this file. Maybe one did more on this aspect, and the other did more  
39 on this aspect, but the totality is is that they knew what was going on, they were  
40 partners in this enterprise, they had different roles, but they are co-accused.

41

1 My client acknowledges that both her and Mr. Kabecz are equally at fault at law  
2 and I spent very little time saying to my client well, what did Chad Kabecz do that  
3 you didn't do, but I thought it doesn't really matter at the end of the day because  
4 they're co-principals and what one gets I think the other should get the same  
5 sentence as well too because they were parties to the offence as co-principals. The  
6 law sees them in the same light regardless of the duties and it's much like the fight  
7 that -- you know, there's been hundreds of cases I've had where there are group  
8 fights and there are a whole bunch of guys beating and hitting each other and then  
9 maybe somebody brings out a knife and stabs the guy laying on the ground. Well,  
10 they are all equally to blame. Even though they didn't all bring out a knife and stab  
11 the guy on the ground they are parties to the offence so they get sentenced the  
12 same way.

13

14 Their relationship ended on October 9 of 2024, that's the day they were arrested  
15 and then released by the police.

16

17 After my client's arrest she later told the police that she had suicidal thoughts  
18 throughout the times that the videos were being recorded.

19

20 Both the electronic equipment of my client and Mr. Kabecz were subject to search  
21 warrants. The technical analysis was done after their arrest on October 9, and a lot  
22 of the material that you see before you, or the material that you've heard about,  
23 then came to the surface, therefore they were rearrested on November 26. I did my  
24 bail application before Judge Sharma on December 20, about a month later, and as  
25 you know my client did not get bail so she has been in custody since November 26  
26 of 2024. As my friend told you that's 490 days, 4-9-0 days, and my friend agrees  
27 that enhanced credit of 1.5 days credit for every day served is appropriate, so that  
28 comes to 735 days, and we're both asking, the Crown and I, that you deduct that  
29 from my client's ultimate sentence.

30

31 I'm not going to go through the facts. The court parties, the general public sitting  
32 behind me, and the family members, we know what the facts are. There were many  
33 animals killed, killed in a most violent way.

34

35 This is not a case of omission as many cases of animal cruelty are. I have  
36 represented a lot of people who, for example they own a farm and they don't feed  
37 their livestock, the animals get malnourished, and then they die. This is not that  
38 type of case. This is an overt case and I have represented many people charged  
39 with cruelty to animals but I have to say that most of the cases usually involve a  
40 guy who's mad at the animal, his family, the world, and takes his anger out on the  
41 poor animal, whatever type of animal it was.

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The cases that my friend filed show a heightened involvement with animals where many animals are injured and/or killed. This case before you I think will be a watershed case.

THE COURT: It's extraordinary.

MR. COOK: Extraordinary. Exactly. There's been no case, and I know collectively as lawyers we had a lot of research going on in our offices trying to find a similar case that we could compare and contrast but there are none --

THE COURT: Thank God.

MR. COOK: -- so this case will stand on its own and it will be a precedent case for who knows how many generations.

I can tell you and everybody that's listening to this case that Irene Lima is ashamed of her behaviour. She doesn't blame her mom or dad, she doesn't blame her boyfriend, she doesn't blame anybody. She did those things depicted in the videos --

THE COURT: In the PSR, Mr. Cook, she seems to be blaming Mr. Kabecz for what happened. She minimized her responsibility completely in her discussions with the probation officer.

MR. COOK: Well, I'm not going to try to go down that road, but what I can tell you is that her and I have prepared for this, accepting 100 percent responsibility. I guess the probation officer kind of dug down a little bit further as to how did this happen, whose idea was this, and then you kind of parse responsibilities, but that was never my intention. I don't think it serves any purpose whatsoever --

THE COURT: Yeah.

MR. COOK: -- it just inflames an already horrible situation.

She does regret becoming involved in this matter and I'm sure, and I understand, why a lot of people just won't accept that, that they're going to say well, too little, too late, you're sorry now after you got caught, but a lot of people don't accept

1 responsibility, they for example go through a trial and in my many discussions  
2 with my client one of the things that we did talk about was, what are we going to  
3 do, are we going to have a trial or are we not going to have a trial?  
4

5 My instructions were never to set a trial date, it was always speak to the Crown,  
6 review the matters, review them with me and my family, and try to resolve the  
7 matter, I don't want a trial.  
8

9 I think the entering of a guilty plea, as my friend said, is the I think ultimate  
10 mitigating factor here and that came from Ms. Lima. I didn't tell her you're in  
11 trouble, there's a lot of evidence against you, you have to plead guilty. That's not  
12 the way defence lawyers work. We review matters with clients, we give them our  
13 opinion on the strengths and the weaknesses of the Crown's case, but ultimately  
14 we ask that important question, what do you want to do with your file, and I was  
15 told to resolve it.  
16

17 Then it went from planning for maybe a trial to trying to figure out what counts to  
18 plead to and what sentence to impose, and I daresay had this matter proceeded I  
19 think there would have been at least 20 witnesses called at the trial and I think we  
20 would have been lucky to finish it in two weeks, and probably it would have been  
21 a three-week case, so it would have been a huge amount of court time and  
22 resources put into the prosecution of a trial but that's all been obviated with the  
23 guilty plea which we did a few months ago, and of course it took a while to get the  
24 reports that you read about.  
25

26 My client, each and every time I've met with her in person, or on video, sobbed,  
27 and very often she told me to stop going into the details of the file, that she didn't  
28 want to hear them because that Irene Lima in the police report disgusts her. Her  
29 family has seen her cry.  
30

31 The Winnipeg Police had a long interview with her upon her second arrest on  
32 November 26th, of 2024. Out of that there was a 90-page transcript of her  
33 interaction with the Winnipeg Police Service. The police immediately remarked at  
34 the beginning of the interview that they know this is an emotional time for her,  
35 they were feeding off of what they saw from her. She wasn't sitting there  
36 complacently. They gave her kleenex because she needed kleenex. They had to  
37 read to her all the charges and the police acknowledged upon seeing her reaction to  
38 the charges that they understand that these charges are overwhelming.  
39

40 She said repeatedly to the police, Please don't talk about the facts anymore. I don't  
41 want to hear the facts anymore. Can you stop? Oh God. That was her talk many

1 times during the interview as they were reading -- like, Oh God. Please stop. I  
2 don't want to hear it. Again naysayers could say well, you know, you should have  
3 to listen to that because you did that, but my point is that she realized all along.  
4 She felt suicidal as she was making the videos. When she speaks to the police she  
5 talked about her suicidal ideations, she begs for them to please stop, and she then  
6 says that she's going to be physically ill so the police retrieve a garbage can for her  
7 and she gets ill in the garbage can. She vomited throughout the interview. She  
8 sobbed throughout the interview. She was not this unemotional insensitive woman,  
9 she was quite the opposite.

10

11 This is a person who did bad things and is disgusted with herself. She admitted to  
12 her criminal acts with the police. When her and I talked about is this matter going  
13 to go to trial we looked at certain evidentiary issues and with her 90-page  
14 statement I of course, being dutiful in the execution of my duties, had to go  
15 through was this statement given voluntarily, was it *Charter* compliant, and in all  
16 of the other pieces can they prove identity, can they prove intent. We had to look  
17 at all those things and I had to do that because I have an ethical obligation to my  
18 client, that regardless of what that person across the table said to me I have to go  
19 through these things, and through all those times Irene Lima said, I just want to get  
20 sentenced. She told me that repeatedly.

21

22 When she got arrested on November 26th, of 2024, it was actually the beginning  
23 of this kind of reformation for her. She's in custody, a month later she knows she's  
24 not going to get bail, and she tried to change her way of thinking from I can't  
25 believe this is happening, oh my God how did this happen, to I did this, I'm going  
26 to be punished, I have to improve as a person, and that was the genesis for her to  
27 start taking the programs at the Women's Correctional that you heard about.

28

29 Irene Lima is disgusted with how far she has fallen in community standards. Irene  
30 Lima is not really quite sure herself how she got involved in this. She  
31 acknowledges her horrible fall but she doesn't really know why, and quite often  
32 we can't find that Ta-da moment, that defining moment, that they became this way  
33 because of this. I wish I could find that Ta-da moment for you, I can't, but what  
34 we do have is a person who had a good life, she had some trouble in her life, but  
35 otherwise I think by all accounts she is a pretty decent human being who really,  
36 during the course of two months -- sorry, five months, she was involved in this  
37 video enterprise.

38

39 My client blames no one for her actions. She takes 100 percent accountability and  
40 she knows she will be seriously punished today for her criminal behaviour.

41

1 Now what I really I guess was happy to see -- well, quite often when we as  
2 lawyers go back to our client and say this is what the Crown is asking for -- so I  
3 told Ms. Lima what the caselaw said, and ultimately what the Crown and defence  
4 think might be a fit and proper sentence, and she gulped of course because 12 is a  
5 big number, but she accepted that.

6

7 Now I had to tell her that a joint recommendation is not a guarantee. I told her that  
8 you could sit here listening to all the evidence and then decide that 12 is not the  
9 proper number.

10

11 I guess of course I look to the Supreme Court decision in *R. v. Anthony Cook*  
12 which basically said that a sentencing judge should go along with a joint  
13 recommendation unless it would bring the administration of justice into disrepute.  
14 I don't think a 12-year sentence would bring the administration of justice into  
15 disrepute.

16

17 Whatever sentence the Court gives on any given day I have always found that half  
18 the people who know about the case will go oh, that person got off lucky, they  
19 didn't get much of a sentence, they got the proverbial slap on the wrist. The other  
20 half of the community will say oh, my goodness, that man or that woman, what a  
21 huge sentence. How are they going to survive that?

22

23 I think probably the same thing that will happen in those other cases will happen  
24 here --

25

26 THE COURT: M-hm.

27

28 MR. COOK: -- that half of society is going to say that  
29 12 is never enough, that she should never see the light of day again. The other half  
30 are going to go she did plead guilty, she doesn't have a record for behaviour like  
31 this, and 12 is a significant punishment for her. I do think it is a significant  
32 punishment. She has never spent time in jail jail before. She has those two  
33 unrelated matters from a few years back but she didn't spend jail time for those  
34 matters.

35

36 Exhibit S2 is the certificates and updates that I provided for you because I wanted  
37 to show you that she has not been the type of person who just sat on her hands, and  
38 believe me so many people just do that, they sit on their hands, they don't take any  
39 programs, they sleep throughout the day, but my client is not that person.

40

41 I told you about Irene's strong work ethic that she inherited from her parents and

1 that's been exhibited with her time at the Women's Correctional Centre. Not only  
2 does she take programming but she works at the institution. I won't tell you what  
3 department she works in but she works all day long in her department, she's busy  
4 every day, and I admire that she's continued that work ethic.

5  
6 Now we looked at the next step, that when she's in the facility she will eventually  
7 be in she's going to sign up for work details too, and she's going to sign up for  
8 programs and counselling, and I'm happy for all of that, and so whenever she gets  
9 out I think she'll come out a better person, she will have served her debt to society,  
10 and she can restart her life again. She has dedicated herself to improving herself.

11  
12 I asked her about the lifelong prohibition from owning, or possessing, or being in  
13 the presence of a pet, and I said that I could ask Justice Harris to maybe do a  
14 five-year, that's what I normally ask the courts, you know, to let there be that  
15 timeout period that you can't be with animals. No, there are too many animals,  
16 these animals have died, and they died in gruesome ways, so my client accepted  
17 that's also part of her punishment is to never have a pet again.

18  
19 Her goal ultimately, My Lord, is to finish her sentence, take as much programming  
20 as possible, to work hard while she's in the institution, and put this chapter behind  
21 her.

22  
23 In Canada we do not sentence with a notion of vigilante justice otherwise there  
24 would be a lot of people who would be doing life sentences.

25  
26 I've been doing my job for a long time and I'm always cognizant of my client and  
27 his or her family, how this is a difficult time for them, but I can see the other side  
28 too, that I'm not oblivious to the other side of the equation, that I can see the  
29 victim's heartache and whether it's a homicide, or a house being burned down, or  
30 a stabbing, or in this case animals being killed, I completely understand the pain  
31 and suffering other people go through.

32  
33 In Canada though -- and we're in, I think in my opinion, the best country in the  
34 world -- in our traditional system we don't get mad at people, we don't punish  
35 people because they did a horrible thing, we have to figure out what's a humane  
36 proper sentence based upon the facts, based upon the caselaw, and based upon  
37 what the lawyers offer to the Court, so we're a civilized community and I think  
38 when we look at the person before you, Irene Lima, as disgusted as we are, and  
39 rightly so, we still have to look at that she's a woman with a family with feelings,  
40 she's remorseful, she's hurting, and she's done the most she can do to atone for her  
41 sins against the animal community, she pled guilty.

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Now she's going to receive your sentence and she's going to have a tough time in prison, this is not going to be a cakewalk in the years to come. I think the facts of the case will probably follow her and I hope that she's in protective custody in the next institution as well too because it's funny how the crimes of a person seem to follow from prison to jail, and backwards.

Today is the end of I think what is the darkest chapter in my client's life, this is the day she's both dreaded and looked forward to to get some closure on the matter and I find that that's usually the case, that, you know, a client worries about what's going to happen next month, what's going to happen tomorrow, and then when tomorrow comes -- and I've always said whether you win, lose, or draw, there's some solace in knowing that the matter is finished with.

Sometimes people love their sentences, sometimes they hate it, but there's closure on the file, and so there's going to be closure for Ms. Lima and her family today, and I think for the community as well too. Hopefully it provides some I think springboard for their healing too thinking that justice has been done, the matter is over with, and we're going to go on, and I know a lot of the people behind me are very actively involved in animal care services, and different alliances, and I think that's fantastic, good for them, I admire all of their work, but I think we're all going to have a sense of relief and I hope that everybody who hears about this case will think Irene Lima has never done any jail and then she ends up getting a double digit sentence so she has been sentenced appropriately.

My Lord, those are my submissions.

THE COURT: Thank you.

MR. COOK: I would be happy to answer any questions if you had any of me.

THE COURT: No. Thank you very much, Mr. Cook.

MR. COOK: Now, My Lord, I know that my client does want to speak to you. I don't know if you want to hear from her now or after Mr. Pollock's done.

THE COURT: I'll wait till after Mr. Pollock is done his submissions.

1 MR. COOK: Okay.

2

3 THE COURT: Thank you, sir.

4

5 MR. COOK: Thank you.

6

7 THE COURT: Mr. Pollock?

8

9 MR. POLLOCK: My Lord, does the Court want ten  
10 minutes?

11

12 THE COURT: I'm fine to keep going, unless counsel  
13 need a break, or the accused, or the clerk.

14

15 No? Okay.

16

17 MR. POLLOCK: I'm sorry, My Lord, I'm just having a  
18 slight technical difficulty with my tablet.

19

20 **Submissions by Mr. Pollock (Sentence)**

21

22 MR. POLLOCK: Growing up my mom used to tell me that  
23 you learn a lot about someone by the way they treat their serving staff and I think  
24 over the course of my life I have come to agree with that, but also, My Lord, I  
25 think you learn even more about someone by the way that they treat their animals,  
26 the way that they treat their pets.

27

28 At law pets are property but in reality pets are part of our families and owning an  
29 animal is a privilege. We have a social contract with our pets. They provide their  
30 owners with unconditional love and unconditional loyalty and we, as owners in a  
31 position of trust and authority, give our pets love, give our pets care, but also the  
32 necessities of life. Chad and Irene didn't simply just violate the social contract,  
33 they blew it to smithereens and that's why we're here.

34

35 This case unveils the dark capabilities of mankind and it's not my intention to  
36 stand up here and make excuses for my client, he doesn't want me to do that, nor  
37 would I. This is entirely indefensible. What has occurred here has shocked the  
38 Court, it's shocked counsel, and it's shocked the public.

39

40 I haven't been doing this as long as Mr. Cook but in the nine or so years I've been  
41 a defence lawyer I can't recall one case where the public has been so involved and

1 so invested, and I witnessed the protests outside the courthouse for simple  
2 remands, for in-custody appearances, I've seen the Project Artemis Facebook  
3 group, and I've spoken to members of the public.  
4

5 This is an unprecedented circumstance. We have never seen anything like this  
6 before and based on the caselaw that I have done and the caselaw that both my  
7 friend and my colleague have done there has never been something like this that  
8 has ever happened in our country and that makes the whole sentencing regime  
9 difficult.  
10

11 I know at one point the public was particularly outraged that a maximum of five  
12 years could be imposed based on these facts and I saw that on the news, and I read  
13 that in the paper, knowing that this was wrong, so what we're jointly  
14 recommending is a 12-year custodial sentence.  
15

16 You can literally kill someone with intent and be paroled before this sentence is  
17 exhausted in theory, so we want to talk about the sentencing principles that are  
18 enumerated in Section 718 of the *Criminal Code*, denunciation and deterrence of  
19 course, but also restraint and rehabilitation.  
20

21 Yes, 12 years is an incredibly serious sanction, and it's warranted. I'm not going to  
22 air out my client's dirty laundry on the record. I don't need to go through his entire  
23 PSR, the Court has had the benefit of reading it, and my learned friend has had the  
24 benefit of reading it, and parts of it are self-serving, yes, but I think what we can  
25 take from it is that Mr. Kabecz has lived a relatively unremarkable life and I don't  
26 mean that disparagingly, he's not an unremarkable person *per se*, but he's a high  
27 school graduate, he received post-secondary education, he has held a job for a  
28 considerable amount of time, he has interests, he's an athletic person, and he's a  
29 cancer survivor. There's nothing that jumps out in the PSR that would have me  
30 point my finger on something that could explicate this type of behaviour because I  
31 can't, and Mr. Cook said it in reference to Ms. Lima that there really isn't a good  
32 explanation for this and I can echo that. Mr. Kabecz can't come before the Court  
33 and say this happened because of X, Y, and Z.  
34

35 I don't think there's a circumstance in the world where anyone would hear these  
36 facts and nod their head and say to themselves oh, yeah, I get it, you've justified  
37 your behaviour. No.  
38

39 This is actually the most disgusting thing I've ever seen in my life and this was a  
40 very difficult case for me to work on.  
41

1 Now a couple of things that we do take from the PSR is that my client is assessed  
2 generally as a low risk to reoffend and I think that bodes well for the prospects of  
3 rehabilitation. He's going to have a lot of time in the Stony Mountain penitentiary  
4 to think about what's happened here and how he can better himself so he can  
5 contribute to the community once he's released.

6

7 There is of course a lifetime prohibition on the possession of animals and pets so  
8 there should be no concern that this will ever happen again, it's deserved.

9

10 There are a few people in Chad's life that have stood by his side throughout the  
11 entire process and you've read in the PSR who they are. Chad has a family  
12 member in the courtroom here today who is an absolutely wonderful person. I  
13 have gotten to know this family member over the course of the last year and a bit  
14 and this family member has been nothing but supportive of Chad despite what he  
15 has done, despite the public outcry, the effects that this has caused him in his  
16 community, a small community, and it's echoed, it's echoed through their family  
17 dynamic and affected this interview, but also it's echoed in her life, and I can't  
18 count the number of times that I've done a sentencing and have been able to  
19 reference someone who has stood by their sibling's side the way Chad's sister has  
20 and it's remarkable, and I think it bodes well for his recovery process because  
21 she's very prosocial, and she's going to continue to be by his side, and she was  
22 very candid in the PSR and she didn't parse words, and she understands what has  
23 happened here, and despite all that the love for her brother has shone through, and  
24 I know for Chad that has meant a lot.

25

26 When we talk about sentencing principles it's primarily denunciation and  
27 deterrence and we want to ensure that the sanctions on criminal behaviour are  
28 understood by the public, both members of the public generally and also in similar  
29 life circumstances to a particular offender that what they have done is so  
30 reprehensible and is meritorious of penal sanction.

31

32 In these particular circumstances implementing a 12-year term for animal cruelty  
33 is not something that I have ever read about, it's not something that I have ever  
34 seen on the news, it's not something that I ever thought was in the realm of  
35 possibility.

36

37 For a few reasons I think the facts of this case are egregious to the point where you  
38 question whether or not they're even real, but also 12 years in custody would  
39 mirror something -- I'll choose my words wisely because this obviously is very  
40 serious -- you can end a human being's life and be sentenced to a life sentence and  
41 get parole eligibility for less time than what these two individuals are looking at

1 here.

2

3 I thought long and hard about what I want to say to the Court and I know that there  
4 are a lot of people from the public that have had a vested interest in this case from  
5 the start.

6

7 I'm in the presence of my client, and I'm in the presence of the co-accused, and  
8 what Chad wants everybody here to know is that he's not blaming Irene for  
9 anything. He is taking full responsibility for his actions and what he's done, and  
10 although he can't put his finger on why this happened, nor can I, he's committing  
11 to being a better person on a go-forward basis, and he's very apologetic for what  
12 has happened.

13

14 Chad has been in jail now for some time. Of course he was bail granted but bail  
15 was revoked. He didn't go for bail again, not because of a breach, but he's had a  
16 lot of time to think long and hard about some of the decisions that he's made, the  
17 company that he's kept, and in particular the way that he has treated animals.

18

19 I preface my submission by alluding to what pets mean to us and how pets are part  
20 of our family, and as you know Chad grew up with animals, and I don't think in  
21 his wildest dreams when Chad was a teenager did he ever see himself sitting in a  
22 courtroom in front of you, My Lord, with me here representing him and many  
23 outraged community members seated behind me listening to a sentencing that  
24 would see him spend 12 years in a custodial institution, so things obviously have  
25 gone awry for him and now he has ample opportunity to think about the decisions  
26 that he has made while sitting behind bars.

27

28 I don't have that much else to say, My Lord. My client is very apologetic. It's my  
29 estimation that what we are putting before the Court is certainly fit and  
30 appropriate. It's unprecedented. This is an unprecedented case.

31

32 THE COURT: Thank you, sir.

33

34 **Discussion**

35

36 THE COURT: Ms. Lima, is there something you wanted  
37 to tell me?

38

39 THE ACCUSED LIMA: Yes, My Lord.

40

41 THE COURT: Absolutely.

1

2 MR. COOK: I wonder if I could just go over -- I have  
3 a -- I have Ms. Lima's notes. I don't know if the microphone is going to be able to  
4 pick her up.

5

6 THE COURT: She can step outside the box, Mr. Cook,  
7 if that's okay --

8

9 MR. COOK: Okay.

10

11 THE COURT: -- just to be sure it's picked up.

12

13 MR. COOK: I wish I could pull it just a little bit more.

14

15 If you'll just allow me, I think I can pull a little bit out of this coil. We're all set.

16

17 THE ACCUSED LIMA: My Lord: (as read)

18

19 My Lord, the road that led me here was never planned nor  
20 wanted. It is the worst choice I ever made in my entire  
21 existence, one that haunts me every day, one I regret  
22 immensely and feel deeply remorseful and shameful for.

23

24 As I stand here today I take responsibility for my actions.  
25 There is not a day I do not wish I could go back and  
26 change everything. The fact is, I cannot. I can only move  
27 forward, be accountable, and face the consequences. My  
28 parents once told me the past cannot be changed but one's  
29 response to it can be.

30

31 I felt torn apart and angry at myself with everything I was  
32 feeling. I needed help to deal with what I was going  
33 through. I met with the facility psychologist weekly to talk  
34 about what I did and the reasons behind it. I spoke with the  
35 chaplain when I felt overwhelmed with guilt, remorse,  
36 shame, anger, and sadness. My family gave me support  
37 through visits and phone calls. I did workbooks and  
38 programs that were offered. I enrolled in classes and took  
39 Psychology and Canadian Law. I'm taking Bible Studies  
40 and reading books that are educational and helpful in  
41 making positive changes and in healing. I work in the

1 laundry to keep busy.

2

3 Every day I pray and I ask the Lord for forgiveness, and to  
4 give me strength and courage to face what lies ahead. The  
5 Lord is forgiving but he also corrects and disciplines us for  
6 our sins and in the process we suffer loss. For most of us  
7 that loss is freedom. In fact the loss of freedom due to a  
8 prison sentence is a mixed blessing. I will say that prison  
9 saved my life and the positive changes I am making while  
10 inside are well worth the suffering of losing my freedom

11

12 I have hurt my family and angered many people and pet  
13 owners and I am deeply, deeply sorry for causing so much  
14 hurt and anger.

15

16 I know sorry isn't close to being enough to accept for what  
17 was done and honestly I cannot argue with the fact,  
18 however to me it means acknowledging, being  
19 accountable, and taking responsibility for the acts I  
20 committed.

21

22 The day I was arrested changed everything for me. On that  
23 day I started a new life's journey, one that is filled with  
24 opportunities and change is possible. One where I am  
25 working and making peace with the past, accepting it,  
26 learning from it, and heal, one where the Lord has  
27 promised a way up, a way through, and a way out, for the  
28 Lord can bring good out of even the most tragic  
29 circumstances of life, and I thank the Lord for everything  
30 he has done for me.

31

32 Thank you, My Lord, for listening.

33

34 THE COURT: Thank you.

35

36 THE ACCUSED LIMA: Thank you.

37

38 MR. COOK: My Lord, in that Ms. Lima read the  
39 report perhaps I'll file it as the next exhibit in the cause.

40

41 THE COURT: Thank you.

1  
2 THE COURT CLERK: Exhibit S6.

3  
4 MR. COOK: Thank you.

5  
6 **EXHIBIT S6 – Written Address to the Court by Irene Lima**

7  
8 MR. POLLOCK: My Lord, Mr. Kabecz has prepared  
9 something for the Court's consideration as well.

10  
11 THE COURT: Okay.

12  
13 MR. POLLOCK: I'm not sure if it would be helpful to  
14 have Mr. Kabecz maybe come up. The HVAC is blowing and it's pretty loud back  
15 there.

16  
17 THE COURT: Yeah, I have no problem with him  
18 stepping outside the box and standing beside the sheriff's officer up here.

19  
20 MR. POLLOCK: Thank you.

21  
22 THE ACCUSED KABECZ: Good morning, My Lord.

23  
24 I may have a difficult time speaking after Ms. Lima spoke: (as read)

25  
26 Thank you for allowing me the opportunity to speak a few  
27 words. I want to take this time to express to you and  
28 anybody who is directly or indirectly involved my deepest  
29 regret for everything that has transpired relating to my  
30 actions.

31  
32 I don't have enough words in my vocabulary to properly  
33 express how sorry I am for all the hurt and the pain my  
34 involvement has caused. I stand here before you today  
35 struggling to ask for forgiveness because as it stands I  
36 don't feel as though I deserve it. I would like everybody to  
37 know that I accept full responsibility for my actions. I  
38 refuse to point any fingers or make any excuses for my  
39 personal involvement. I made my own choices to be  
40 involved and I hold myself accountable for my  
41 participation in these events.

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I hold absolutely no animosity, anger, or resentment, towards Irene. I care about Irene. My feelings for her were always deeply rooted. I pray for her and I pray for her safety every single day.

I also want to convey that there's absolutely no possibility of me ever being involved with actions like this again. There is no justification for a crime such as this and I will continue to live with the repercussions, the nightmares, and shame, for the rest of my life.

I would like to apologize also to my family and friends for any blowback or stress this situation has caused you. I want to thank my family for their undying support through these troubling times. I love them very much. I don't know what I would do without them.

I stand before you completely humbled. When I arrived within the system I clearly needed emotional, mental, and spiritual healing, all of which I have sought out whether that be through programming, chaplain visits, or psychology, and I will continue to use these long past my sentencing.

The man that stands before you today is different from the person that was arrested one year ago and will be a completely different person by the time my sentence is complete.

I don't have it written here but I also have one more comment that I would like to make to Irene's mom and dad who I met personally. They are the most wonderful people that I have ever met in my life and I owe them a huge apology for failing to protect their daughter like I should have. Thank you.

THE COURT: Thank you, sir.

MR. POLLOCK: Does the Court want me to file this?

THE COURT: Yes, please.

1 THE COURT CLERK: Exhibit S7.

2

3 **EXHIBIT S7 – Written Address to the Court by Chad Kabecz**

4

5 THE COURT: Does anyone want to take a break?

6

7 MR. SASS: We could, yeah.

8

9 THE COURT: We'll take a 15-minute break and come  
10 back.

11

12 MR. SASS: Thank you.

13

14 THE COURT CLERK: Order, please. All rise. Court will take a  
15 short recess.

16

17 (ADJOURNMENT)

18

19 THE COURT CLERK: Order, please. All rise. Court is now  
20 reconvened. You may be seated.

21

22 (REASONS FOR SENTENCE DELIVERED)

23

24 MR. POLLOCK: Thank you, My Lord.

25

26 THE COURT: Okay.

27

28 MR. COOK: Thank you.

29

30 THE COURT: Thank you, everyone. Good morning.

31

32 MR. SASS: Good morning, My Lord.

33

34 THE COURT CLERK: Order, please. All rise. Court is now  
35 closed.

36

37

38

39 PROCEEDINGS CONCLUDED

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IN THE MATTER OF THE KING V. CHAD KABECZ AND IRENE LIMA

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I, RHONDA COOMBS, Court Transcriber, HEREBY MAKE OATH AND SAY that the foregoing typewritten pages being numbered T One (T1) to T Thirty-Nine (T39), inclusive, contain a true and correct transcription of the recorded proceedings taken herein to the best of my knowledge, skill and ability.

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