

ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN:)
)
HIS MAJESTY THE KING)
) Ms. H. Donkers, for the Crown/Respondent
– and –)
)
Jermaine Neverson)
)
Applicant) Ms. A. Craig, for Mr. Neverson/Applicant
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)
)
) **HEARD:** November 25, 2025

2025 ONSC 7121 (CanLII)

REASONS FOR JUDGMENT

CONLAN J.

I. The Circumstances of the Offences Committed by Jermaine Neverson

[1] On September 25, 2023, Jermaine Neverson pleaded guilty to and was found guilty of 22 criminal offences.

[2] For eight years, between 2013 and 2021, Mr. Neverson victimized some ten women.

[3] A Black man who was 36 years old at the time that he resolved his criminal charges, Mr. Neverson has been found guilty of:

- (i) human trafficking, contrary to section 279.01(1) of the *Criminal Code* – nine counts involving nine different women;
- (ii) unlawful confinement of a woman, contrary to section 279(2) of the *Criminal Code*;
- (iii) choking, suffocating, or strangling a woman while assaulting her, contrary to section 267(c) of the *Criminal Code*;

- (iv) sexual assault, contrary to section 271 of the *Criminal Code* – six counts involving six different women;
- (v) unlawfully killing a dog that belonged to one of his female victims, contrary to section 445(1)(a) of the *Criminal Code*;
- (vi) aggravated assault of a woman, contrary to section 268 of the *Criminal Code*;
- (vii) assault, contrary to section 266 of the *Criminal Code* – two counts involving two different women; and
- (viii) assaulting a woman with a weapon, contrary to section 267(a) of the *Criminal Code*.

[4] According to the Agreed Statement of Facts that was marked an exhibit at the time of the guilty pleas, all ten of Mr. Neverson's victims were vulnerable women due to their relative youth, poverty, drug addiction, homelessness, isolation, family breakdown, and their history of trauma.

[5] Mr. Neverson intimidated and manipulated these female victims. He trafficked them as sex trade workers, abused them, kept their money, and left them with very little in return. He treated them as slaves.

[6] By the time that one of these female victims stopped working for Mr. Neverson, she weighed 88 pounds and had to be hospitalized.

[7] Another female victim was dragged out of bed and kicked repeatedly while she was on the floor as a form of punishment for what Mr. Neverson thought was her plan to stop working for him.

[8] The choking incident included Mr. Neverson strangling the female victim to the point of unconsciousness and then anally raping her.

[9] The unlawful killing of the dog resulted from Mr. Neverson becoming enraged when the pet had a bathroom accident on the floor. He beat the dog until it was dead and then drove the female victim to a rural area and forced her to bury her pet.

[10] The unlawful confinement involved Mr. Neverson keeping the female victim hostage in a condominium for nine hours.

[11] The aggravated assault involved Mr. Neverson assaulting the female victim and causing her to be hospitalized and to receive ten staples to her head to close a significant laceration.

[12] One of the sexual assaults of one of the female victims was so forceful that it caused the victim to bleed from her vaginal area.

[13] The assault with a weapon involved Mr. Neverson using a cigarette lighter to burn the skin of the female victim.

[14] The above is only a very small sampling of the facts that underlie the criminal actions of Mr. Neverson.

[15] The Agreed Statement of Facts is fifteen pages in length. It traces many years of Mr. Neverson's highly exploitative, abusive, and threatening conduct towards women, including intimate female partners of his and, in one instance, a woman with whom he shared a child.

[16] It paints a tragic landscape of a man who dominated and ruled over women like they were his subjects, stripping them of their dignity and self-worth and leaving them forever scarred, inside and out, as reflected in the poignant victim impact statements that have been filed with the Court.

[17] It is unsurprising that the Crown contemplated an application to have Mr. Neverson declared a dangerous offender. Given the global resolution that was arrived at, and to give some finality to the victims, however, the very experienced Crown prosecutor made the understandable decision (the right decision, in my view) to not bring that application.

[18] It should also be noted that Mr. Neverson is not a first offender. He has prior criminal convictions for an assortment of delicts including keeping a common bawdy house and assault.

[19] It is against this backdrop that the defence application for a stay of proceedings must be assessed.

II. The Defence Application for a Stay of Proceedings

[20] Approximately three months after Mr. Neverson pleaded guilty to and was found guilty of the 22 criminal offences summarized above, he was subjected to the same deployment of the

Institutional Crisis Intervention Team (“ICIT”) at Maplehurst Correctional Complex (“MCC”) that was discussed at length in this Court’s decision in *R. v. Whitlock*, 2015 ONSC 6006 (CanLII).

[21] Mr. Neverson’s sentencing had been delayed, after he was found guilty on September 25, 2023, because the defence was commissioning an enhanced presentence report or “*Morris* report”.

[22] Mr. Neverson has now applied to this Court, pursuant to section 24(1) of the *Charter*, for a stay of proceedings. The application was heard on November 25, 2025. No *viva voce* evidence was adduced. A relatively brief affidavit in the name of Mr. Neverson was filed, and he was not cross-examined on that affidavit. The Crown filed some materials related primarily to what it says has been done by the authorities in response to what happened at MCC in late December 2023 and in response to this Court’s decision in *Whitlock*.

[23] The entire application was heard in less than one-half day of court time. I commend both counsel for taking a streamlined approach to the matter; that is the way in which all of these similar cases ought to be dealt with.

[24] Quite responsibly, it was acknowledged by both sides that there is nothing that places the facts of what happened to Mr. Neverson at MCC in late December 2023 materially different than those found by this Court in *Whitlock*, and thus, it was expressly conceded by both sides that this Court would find that Mr. Neverson’s *Charter* protections under sections 7, 8, and 12 were violated.

[25] For the reasons outlined in *Whitlock*, this Court so finds.

[26] The application as argued ably by both counsel, Ms. Donkers for the Crown and Ms. Craig for Mr. Neverson, focussed exclusively on the insular issue of whether a stay of proceedings is appropriate in this case.

[27] The defence submits that a stay of proceedings is appropriate in this case, essentially for the same reasons as articulated by this Court in *Whitlock*.

[28] The Crown submits that this case is different than *Whitlock*; that a stay of proceedings is not appropriate in the case of Mr. Neverson; and that a more appropriate remedy is a reduction in

sentence for Mr. Neverson, even a “substantial reduction of several years” (Ms. Donkers’ expression in oral submissions at the hearing of the application).

[29] The Crown concedes that this Court could either dismiss the stay application and determine the sentence reduction at a later time or, alternatively, dismiss the stay application and determine the sentence reduction at the same time, leaving only items like ancillary orders to be decided after hearing further from counsel. The defence agrees with those two alternatives.

[30] The Crown concedes, further, that the guilty pleas were entered by Mr. Neverson after extensive judicial pretrial conferences were conducted by this Court, discussions that included the understanding, for various reasons, that the global carceral sentence for Mr. Neverson would not exceed 15 years, before consideration of credit for presentence custody, and that the lower end of the range would likely be found to be 13 years’ imprisonment, before consideration of credit for presentence custody.

[31] Very professionally, there is no attempt being made by the Crown to disturb any of that foundation that underpinned Mr. Neverson’s decision to plead guilty.

[32] The Crown submits, however, that an appropriate global sentence for Mr. Neverson, before consideration of credit for presentence custody, would be in excess of 15 years’ imprisonment and ought to be in the neighbourhood of 18 years.

[33] Finally, both sides agree that Mr. Neverson has significant presentence custody that he has served on these matters. He was in custody between December 17, 2020 and January 27, 2021, inclusive (42 days), and from June 24, 2021 until the present time (1,638 days), for a total of 1,680 real days (or about 4.6 years).

[34] There is no quarrel by the Crown that, aside from any consideration of the impact on sentence of the ICIT deployment, Mr. Neverson would very likely be given enhanced credit for his time spent in presentence custody: one and one-half days for each day spent in custody as per section 719(3.1) of the *Criminal Code*, plus something for *Duncan/Marshall* “credit” on account of the overly harsh conditions at MCC (where Mr. Neverson has been housed throughout), including extensive triple-bunking in the cell and regular full and partial lockdowns at the

correctional facility over a period of several years. It should also be noted that Mr. Neverson's time spent in presentence custody coincided, in part, with the COVID-19 pandemic, the increased jail restrictions associated therewith, and the pandemic's immediate aftermath.

[35] On a 1 day to 1.5 days scale, Mr. Neverson, as of December 19, 2025, has served the equivalent of 2,520 days in presentence custody, which is the equivalent of approximately 6.9 years.

III. A Stay of Proceedings is Not Appropriate for Jermaine Neverson

[36] The three-part test for a stay of proceedings in residual category cases, like this one, was outlined in detail in this Court's decision in *Whitlock*, and there is no need to repeat all of that discussion here.

[37] Will the prejudice caused by the abuse in question be manifested, perpetuated, or aggravated through the conduct of the trial or by its outcome (here, by the continuation of the proceeding through the normal sentencing hearing process)? That is the first question.

[38] Is there no other remedy that is reasonably capable of removing that prejudice? That is the second question.

[39] In the balancing of interests that must be undertaken, would the integrity of the justice system be better served by a stay of proceedings or a full trial on the merits (here, by the continuation of the proceeding through the normal sentencing hearing process)? That is the third and final question.

[40] In my view, this Court ought to take a cautious approach in deciding this case. I should determine only what I strictly need to determine in order to dispose of the application. I should decide the matter narrowly. That is especially so because there are several other similar cases that have been referred to this Court, and each case must be decided on its own particular facts.

[41] With that cautionary approach in mind, the stay of proceedings application for Mr. Neverson may be decided strictly on the second criterion.

[42] In my view, in this case, unlike in *Whitlock*, there is an alternative remedy that is reasonably capable of removing any prejudice caused by the abuse in question, namely, a significant reduction in sentence.

[43] To be clear, this decision is not premised on any of the purported evidence filed by the Crown on this application with regard to what disciplinary and corrective measures steps the state has allegedly taken since the ICIT deployment (which material was not before this Court in *Whitlock*, I might add) and since this Court's decision in *Whitlock*.

[44] I am referring to Exhibits 6 (the document titled "Ministry of the Solicitor General – Response to MHCC ICIT Activation Dec 2023") and 7 (the document titled "HR Action Plan – MHCC – ICIT Deployment December 2023") and the additional documentation that Crown counsel filed after the hearing of the within application and before this decision was released.

[45] I make no findings as to the impact, if any, of that material. That determination will have to be made in another case and when it is strictly necessary to do so.

[46] In three major ways, the circumstances of this application are materially different than those in *Whitlock*.

[47] First, here, unlike in *Whitlock*, the applicant is not facing a mandatory minimum sentence. A sentence reduction is available. And not just notionally for one offence while the other carries with it a mandatory minimum penalty.

[48] Second, here, unlike in *Whitlock*, the Crown expressly acknowledges that the sentence reduction must be a real one, a significant one, and that it could reasonably be as much as a "substantial reduction of several years".

[49] That is consistent with the approach taken by other Crown prosecutors in other cases that have come before this Court since the *Whitlock* decision was released.

[50] As just one example, in Guelph, Ontario, a post-*Whitlock* case (*R. v. E.R.*) involving 21 counts of very serious firearms and narcotics offences was resolved on the basis of guilty pleas to three counts and a joint submission on sentence of time served (the equivalent of 2036 days in

custody), vacating the trial and obviating the need to hear the anticipated stay of proceedings application on behalf of the accused who was subjected to the same ICIT deployment at MCC in late December 2023.

[51] That resolution occurred after a further judicial pretrial conference was held between this Court and counsel. It represented a very significant reduction (several years) in the former positions taken by both the Crown and this Court at an earlier, pre-*Whitlock*, judicial pretrial conference.

[52] In my view, the Crown office in that case took a most professional, reasonable, and proactive approach to the matter.

[53] Third and finally, here, unlike in *Whitlock*, the applicant was not presumed to be innocent in December 2023 and is not presumed to be innocent today. Rather, unlike in *Whitlock*, the moral blameworthiness of this applicant, Mr. Neverson, is known. It has been known since September 2023.

[54] Assessing the moral blameworthiness of the offender, or put another way the offender's degree of responsibility, is a cornerstone of Canada's approach to sentencing in criminal law. It is a necessary prerequisite to the imposition of a fit sentence: section 718.1 of the *Criminal Code*.

[55] In *R. v. M. (C.A.)*, 1996 CanLII 230 (S.C.C.), [1996] 1 S.C.R. 500, at paragraphs 37 and 40, Chief Justice Lamer observed that a fit sentence must properly reflect the overall culpability of the offender; it should be broadly commensurate with the gravity of the offence committed and the moral blameworthiness of the offender; "punishment must be proportionate to the moral blameworthiness of the offender", citing *R. v. Martineau*, 1990 CanLII 80 (S.C.C.), [1990] 2 S.C.R. 633, at page 645.

[56] The moral blameworthiness of this offender, Mr. Neverson, has not only been known since September 2023 but, in addition, it can only be described as being as high as one could imagine.

[57] An offender's degree of moral blameworthiness is not measured exclusively on the basis of the result of their actions.

[58] The gravity of the offence (the seriousness of the wrongful act) and the extent of the harm caused to the victim(s) and to the public at large are certainly relevant, but there are a host of other considerations as well, including but not limited to: the offender's age and maturity level; their intentions and mental state; whether the criminal conduct was influenced by some external factor beyond the offender's control (but not reaching the level of a defence or negation of the *mens rea* component of criminal liability) or by addiction or disease, as examples; the extent to which the criminal conduct was calculated or planned; the duration of the criminal conduct; how wide the net of the criminal conduct was cast; and so on.

[59] On each and every one of these considerations, and when looked at in totality as well, it can fairly be said that the degree of Mr. Neverson's moral culpability is extremely high.

[60] The overarching theme that runs through Mr. Neverson's criminal actions is one of exploitative sexual violence. Sexual violence is highly morally blameworthy because it involves the intentional and wrongful exploitation of the victim by the offender. The offender is treating the victim as an object and disregarding her human dignity. *R. v. Friesen*, 2020 SCC 9 (CanLII), [2020] 1 S.C.R. 424, at paragraph 89.

[61] Mr. Neverson's killing of one of his victim's dogs requires that a sentencing judge give primary consideration to the objectives of denunciation and deterrence: section 718.03 of the *Criminal Code*.

[62] Likewise, Mr. Neverson's chronic abuse of no less than ten vulnerable persons requires that a sentencing judge give primary consideration to the objectives of denunciation and deterrence: section 718.04 of the *Criminal Code*.

[63] That Mr. Neverson abused his intimate partners is an aggravating factor on sentence: section 718.2(ii) of the *Criminal Code*.

[64] That Mr. Neverson's crimes have had such a significant impact on his victims, in particular on those who completed victim impact statements, is an aggravating factor on sentence: section 718.2(iii.1) of the *Criminal Code*.

[65] The increased vulnerability of Mr. Neverson's female intimate partner victims is something that a sentencing judge shall consider: section 718.201 of the *Criminal Code*.

[66] None of the above is meant to suggest that Mr. Neverson deserved to be subjected to torturous actions at the hands of the state during the ICIT deployment at MCC in late December 2023, as he was.

[67] None of the above is meant to suggest that, in the prison context, the state ought to be held to a lower standard of *Charter* scrutiny when it comes to inmates who have been found guilty, like Mr. Neverson, as opposed to those who are presumed to be innocent, like the three applicants in *Whitlock*. That suggestion would be wrong, in my opinion.

[68] Mr. Neverson had his physical security of the person violated and not in accordance with the principles of fundamental justice. He was subjected to unreasonable searches of his person and of his cell. And he was cruelly and unusually treated and punished. His *Charter* protections under sections 7, 8, and 12, respectively, were infringed.

[69] The point is that, in assessing whether an alternative remedy, that is a significant sentence reduction, is adequate, this Court cannot ignore the known and the severe moral blameworthiness of Mr. Neverson.

[70] For this applicant, in the unique circumstances of this case, circumstances quite different than in *Whitlock* for the three major reasons outlined above, a stay of proceedings is not appropriate because a more fit remedy is a significant sentence reduction.

[71] Mr. Neverson's application for a stay of proceedings is, therefore, dismissed.

IV. What is a Fit Sentence for Jermaine Neverson?

[72] Without objection from either side, this Court will determine the appropriate sentence reduction on account of the abuse and go on to sentence Mr. Neverson now. There is no need to prolong the matter.

[73] Convictions are registered on each of the 22 findings of guilt.

[74] **Mr. Neverson is hereby sentenced to time served** – 1 day in custody, deemed served, and 1,680 days of presentence custody grossed-up to the equivalent of 2,520 days.

[75] That sentence is imposed on each of the 22 convictions, subject to the below comments about the simple or common assaults and the unlawfully killing of the dog.

[76] All of the sentences are made concurrent to one another.

[77] For clarity, an effective sentence of imprisonment of 2,520 days is an illegal sentence for some of the convictions – the simple or common assaults and the unlawfully killing of the dog (each of those convictions carries with it a maximum sentence of five years in custody).

[78] This Court, obviously, cannot impose an illegal sentence. Thus, it shall be considered that Mr. Neverson is given no enhanced credit for time spent in presentence custody on those three offences. That clarification resolves the issue.

[79] The victim fine surcharges are waived.

[80] I will hear the Crown's requests for any ancillary orders. I would think that there ought to be (i) a primary DNA order, (ii) a section 109 firearms and weapons prohibition order for life for all items as per both subclauses, and (iii) a sex offender registry order for life.

[81] In addition, I will hear submissions from counsel on whether this Court should exercise its inherent preventative justice power to impose upon Mr. Neverson a common law peace bond.

[82] I am inclined to do so, for five years and with conditions that would protect the victims in that Mr. Neverson would be (i) prohibited from having any contact or communication, directly or indirectly, with any of the ten named women, and (ii) prohibited from being within 100 meters

of each of the victim's place of residence, employment, or education, or anywhere else that he knows the victim to be.

[83] In my view, an effective global sentence of 2,520 days of imprisonment (just under seven years) is a fit disposition.

[84] Before taking into account the overly harsh conditions in presentence custody, the starting point would have been in the range of 13.5 years.

[85] That would have been an illegal sentence for many of the offences committed by Mr. Neverson but not, for example, the human trafficking convictions.

[86] The *Duncan/Marshall* "credit", which in law is not really a credit, per se, and need not be quantified, but rather is properly regarded as a mitigating factor on sentence, is a strong consideration here.

[87] Finally, the sentence reduction on account of the abuse that Mr. Neverson experienced at MCC with regard to the ICIT deployment in late December 2023 must be substantial. His constitutional rights were violated in multiple ways. He was subjected to corporal punishment and treatment that was akin to torture.

[88] His completely unchallenged evidence on the application, which evidence I accept, includes the following, and remember that this is all aside from the other findings of fact made in *Whitlock* in terms of what happened before, during, and after the ICIT deployment, which findings in general apply equally to Mr. Neverson:

- (i) Mr. Neverson's hands were zip-tied together;
- (ii) his head and his body were banged into the metal cell door as he was yanked out by the officers;
- (iii) he had his arms twisted over his head;
- (iv) as he and others were forced to sit in the hallway in their underwear for a lengthy period of time, they were screamed at repeatedly by officers that if they looked up they would be shot;
- (v) in the hallway, officers called him and others "trash" and other demeaning labels;

- (vi) it was unbearably cold because of the industrial fans that had been turned on;
- (vii) his cell was completely emptied of all of his belongings, including photographs, religious materials, and personal products like his toothbrush;
- (viii) once back in his cell, the cold air continued to be blown in overnight;
- (ix) it was impossible to sleep because of the loudness of the fans, the coldness of the temperature, and the lack of any clothing or bedding inside the cell;
- (x) no telephone calls with anyone, including legal counsel, were permitted;
- (xi) no showers were permitted;
- (xii) most medications were withheld;
- (xiii) no toilet paper was provided, so he and others used newspaper to wipe themselves;
- (xiv) he barely ate because the meals that were served were thrown to the floor when the officers slammed the cell hatch door closed while the tray was on the edge of the hatch;
- (xv) one of the officers made a habit of banging her metal water bottle against the glass in an effort to antagonize him because he had told her that the sound reminded him of the flash bangs that were used when the cell extractions began; and
- (xvi) he and others were locked down for many days after the ICIT deployment and during the Christmas holidays, except for a few hours on December 25th.

[89] Consistent with the *E.R.* case referred to above, and consistent with other post-*Whitlock* cases that this Court has been involved with, I would reduce Mr. Neverson's sentence by at least four to five years.

[90] Even at the low end of that sentence reduction, the net result is a sentence of time served.

[91] Let me explain: considering all of the aggravating and mitigating factors, including the overly harsh conditions in presentence custody, a fit sentence would be in the range of 10.5 years, less a minimum of 4 years as the sentence reduction remedy for the multiple *Charter* violations associated with the abusive ICIT deployment, leaving a net sentence of 6.5 years which, after employing subsection 3.1 of section 719 of the *Criminal Code*, is actually less than the time that Mr. Neverson is being credited for having already served – 2,520 days or just under seven years.

[92] There is, hence, no further time in custody for Mr. Neverson. He shall be released today, from the courthouse, unless he is the subject of a hold by the authorities.

Conlan J.

Released: December 19, 2025

CITATION: R. v. Neverson, 2025 ONSC 7121
COURT FILE NO.: CR-22-55
DATE: 2025-12-19

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SUPERIOR COURT OF JUSTICE

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