

1 THE COURT: All things considered, based on
2 what I heard today and some of the difficulties that
3 have come to light, I think this resolution is an
4 acceptable one and a reasonable one. I commend counsel
5 for it.

6 The accused has been in custody now for some seven
7 months, I take it. That would be the equivalent of
8 anywhere from 12 to 14 months, on a rough calculation,
9 were it a sentence. Even with his extensive record, I
10 could not see a much greater sentence than that being
11 imposed. So in all of the circumstances, I commend
12 counsel for this resolution and I agree that the joint
13 submission is a reasonable one. Stand up, Mr. Abel.

14 Mr. Abel, I can only say to you that anyone, any
15 man, who takes advantage of their elderly mother for
16 any reason whatsoever, even if it's just by words or
17 threats or just because someone is under the influence
18 of alcohol or anything else, that person is not a real
19 man, and I'm sure you understand that, and I hope, I
20 just hope, that you'll be able to start changing your
21 life around and start acting like a real man and
22 perhaps show the love and support to your mother that
23 she deserves. Do you understand me?

24 THE ACCUSED: Yes. ---

25 THE COURT: I accept the joint submission for
26 purposes of sentencing. I sentence the accused to one
27 day in jail deemed to have been served by his

1 attendance here today. In effect, it's time served.

2 In addition, Mr. Abel, you will be on probation
3 for a period of two years. For the full two-year
4 period, the conditions of your probation are as
5 follows: you are to keep the peace and be of good
6 behaviour; you are to report if and when required to do
7 so to this Court; you are to report to a probation
8 officer and be under the supervision of the probation
9 officer; and you are to report to the probation officer
10 as and when directed by him. Do you understand that?

11 THE ACCUSED: Yes.

12 THE COURT: You are to have no contact or
13 communication with your mother, Antoinette Desjarlais,
14 unless initiated by her, and you are prohibited from
15 being on the fourth floor of Northern United Place
16 unless expressly invited by her. Do you understand
17 those conditions?

18 THE ACCUSED: Yes.

19 THE COURT: For the first 12 months of your
20 probation, you are prohibited absolutely from the
21 consumption or possession of alcohol. Do you
22 understand that?

23 THE ACCUSED: Yes.

24 THE COURT: During those first 12 months, you
25 will submit to providing a sample of your breath for
26 testing upon the demand of a peace officer. Do you
27 understand that?

1 THE ACCUSED: Yes.

2 THE COURT: So what it means is that you have
3 to stay away from alcohol for the next 12 months, and
4 if a police officer comes up to you and demands that
5 you take a breath test to make sure that you are sober,
6 you must comply. Do you understand?

7 THE ACCUSED: Yes.

8 THE COURT: If you do not follow any of these
9 conditions, if you violate any of these conditions, you
10 can be charged for that, you can also be brought back
11 before me and I can change those conditions. Do you
12 understand that?

13 THE ACCUSED: Yes.

14 THE COURT: All right, just have a seat.

15 THE ACCUSED: Could I have something to say?

16 THE COURT: You can speak to your lawyer after
17 we're finished.

18 Under the circumstances, Counsel, there will be no
19 victim of crime fine surcharge. Mr. Abel will have to
20 stick around and wait until the probation order is
21 prepared and sign it, and he can go over it with you,
22 Mr. Brydon.

23 MR. BRYDON: Certainly.

24 THE COURT: Do you want to check with him as
25 to what he wishes to say?

26 MR. BRYDON: It's fine, My Lord.

27 THE COURT: Thank you once again, Counsel.

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We'll adjourn.

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Certified Pursuant to Rule 723
of the Rules of Court



Jane Romanowich
Court Reporter