

CANADA / JUDGMENT

R. v. Haber

2025 BCSC 2589

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Supreme Court of British Columbia

DECIDED

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2025 BCSC 2589 R. v. Haber

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Haber,

2025 BCSC 2589

Date: 20251107

Docket: X084979

Registry: New Westminster

Rex

v.

Adam Haber

Restriction on Publication: Pursuant to s. 486.4 of the Criminal Code, any information that could identify the complainant witness shall not be published in any document or broadcast or transmitted in any way.

Before: The Honourable Justice Norell

Oral Reasons for Sentence

Counsel for the Crown:

J. Fogel

T. Gloux

Counsel for the Accused:

L. Myers, K.C.

Place and Date of Hearing:

New Westminster, B.C.

October 31, 2025

Place and Date of Judgment:

New Westminster, B.C.

November 7, 2025

- [1] THE COURT: On February 26, 2025, Mr. Haber was found guilty by a jury of two counts of sexual assault contrary to s. 271 of the Criminal Code, R.S.C. 1985, c. C-46 [Code]. The convictions involved two victims: J.S. on one occasion sometime between April 1, 2012, and June 30, 2012, and J.D. on July 5, 2012. This sentencing hearing was originally set for May 2025, but was adjourned because of a change of defence counsel and the time required to obtain a psychological report.
- [2] The Crown and defence counsel made a joint submission for a proposed sentence of two years' imprisonment on each conviction, to be served consecutively, but reduced for the principle of totality to three years, being 18 months on each conviction. In addition, there are mandatory ancillary orders: a DNA order pursuant to s. 487.051(1) of the Code; a weapons ban pursuant to s. 109 of the Code; and a SOIRA order pursuant to the Sex Offender Information Registration Act, S.C. 2004, c. 10, for 20 years.
- [3] For the reasons that follow, I am satisfied that there is no basis to depart from or reject the proposed joint submission. The proposed sentence would not bring the administration of justice into disrepute, nor would it be contrary to the public interest. It is aligned with sentencing principles and provides benefits to the justice system and its participants of near certainty of the final resolution of this matter.

Circumstances of the Offences

- [4] As this was a jury trial, pursuant to s. 724(2) of the Code, I must determine the relevant facts for the purpose of sentencing. That subsection states:
- (2) Where the court is composed of a judge and jury, the court
- (a) shall accept as proven all facts, express or implied, that are essential to the jury's verdict of guilty; and
- (b) may find any other relevant fact that was disclosed by evidence at the trial to be proven, or hear evidence presented by either party with respect to that fact.
- [5] The principles which guide the determination of facts are summarized in R. v. Landry, 2016 NCSA 53 at para. 49:

1. The sentencing judge shall accept as proven all facts, express or implied, that are essential for the jury's guilty verdict.
2. When the jury finding is ambiguous, the sentencing judge should not attempt to follow the logic of the jury. Instead, he or she must make their own independent determination as to the relevant facts.
3. The sentencing judge should only find those facts necessary to permit the proper sentence to be imposed.
4. The sentencing judge may not find as fact things that were rejected by the jury's verdict.
5. For any aggravating fact, the sentencing judge must be satisfied that the evidence is sufficiently cogent to enable her to find it proved beyond a reasonable doubt.

See also *R. v. Berry*, 2025 BCCA 14 at paras. 24 to 28; and *R. v. Sheppard*, 2025 SCC 29 at paras. 49 to 64.

- [6] The only two witnesses at the trial were the complainants, J.D. and J.S. The findings of the jury concerning both counts are not ambiguous.
- [7] In 2012, J.S. knew Mr. Haber from attending Narcotics Anonymous ("NA") meetings, and Mr. Haber invited her to have dinner with a group of friends. After dinner, Mr. Haber offered to drive J.S. home. On the ride home, they stopped at Mr. Haber's apartment. Once there, Mr. Haber showed her his apartment, they talked for a while, and Mr. Haber suggested that she stay the night because it was late. Mr. Haber told J.S. that she could sleep on his bed and he would sleep on the couch in the living room. J.S. went to bed alone on Mr. Haber's bed. She did not remove any clothes before she went to sleep. She slept through the night. When she awoke, Mr. Haber's hand was down her pants, and his fingers were in her vagina, and they were rubbing. It took her a moment to realize what was happening. She did not want or consent to the sexual activity. J.S. rolled over and got out of bed. She took her purse, which was on the couch in the bedroom. Mr. Haber acted as if nothing had happened and offered to drive her home and he did so. During the day that J.S. and Mr. Haber had dinner through to the next morning, J.S. had not consumed any intoxicating substances, and for the time she observed Mr. Haber, he did not either.
- [8] In 2012, J.D. was 28 years old. She had been staying at a drug recovery house in New Westminster but had been told to leave for breaking house rules. In the years leading up to the sexual assault, J.D. had struggled with drug addiction. Two friends arranged for her to stay at Mr. Haber's apartment until she could move to live with another friend on July 6, 2012. She stayed at Mr. Haber's apartment on July 3, 4, and 5, 2012. She did not know Mr. Haber prior to this. The sleeping arrangement between J.D. and Mr. Haber was that Mr. Haber was on the couch and she was on his bed. On July 5, 2012, J.D. went to sleep alone in the bed and she was wearing clothes. She had taken a prescription sleeping medication. In the middle of the night, J.D. awoke to find Mr. Haber's hand down her pants and panties and his fingers in her vagina. She did not consent to this and was upset and pushed Mr. Haber

away from her and swore at him. Mr. Haber moved off her and stopped touching her. She was awake for a short period of time after this before falling back to sleep. During the time she was awake, Mr. Haber was in the bed. When she awoke the next morning, she packed up her things and left the apartment.

Impact on the Victims and Community

- [9] The Crown read J.S.'s victim impact statement and J.D. read her own victim statement.
- [10] J.S. stated that in 2012, she was trying to improve her life. She attended NA meetings regularly to stay clean and live a life of purpose. She felt like she was succeeding. She trusted the people who attended the NA program and who had supported her, and she felt she was safe. After the assault, J.S. tried to continue to attend NA meetings, but Mr. Haber was present. She no longer felt comfortable going to the meetings and never knew if Mr. Haber would be present at recovery community social events. Mr. Haber was well liked in that community, and she felt alone and ashamed after the assault happened. J.S. eventually left the NA community, stopped attending meetings, lost friends and embarked on her own journey. The assault caused her to segregate herself from the NA program she relied on to keep herself sober and alive. J.S. suffered trauma and lost her confidence and sense of belonging. J.S. feels that she was taken advantage of by a person she thought was safe. She does not trust and have faith in the people as she did before. Now she lives with caution and questions people's motives. The assault has caused her pain and anger.
- [11] J.D. stated that the assault happened when she was at her most vulnerable. She was just over two months sober when it occurred. When she reported the assault promptly after the event, J.D. felt she was not believed and people turned against her. She described that from her perspective, addiction makes people feel alone and isolated in shame, and what helps is the shared interest of the recovery process and fellow former addicts to meet for support. Meeting Mr. Haber in the traumatizing way that she did destroyed J.D.'s belief in what the NA fellowship promised. It was not a safe space for addicts to change their lives for the better. After feeling that her complaints were not being taken seriously, J.D. left the NA program and attended the AA program. She felt scared and alone but moved on with her life to become a success, now working with women to improve their health and confidence.

Circumstances of the Offender

- [12] Mr. Haber filed a report from Dr. Michael Sheppard, a forensic psychologist who provided a psychological assessment of Mr. Haber, including an opinion on Mr. Haber's risk of sexual recidivism. It is from this report and the submissions of his counsel that I have obtained information regarding Mr. Haber's background.
- [13] Mr. Haber is now 52 years old. He was 39 years old at the time of the offences. His parents divorced when he was young. His father was a teacher and his mother an optician. He was close with his grandfather, who died in 2003. He has a sister with whom he is not close.

- [14] Mr. Haber did well in elementary school, but in Grade 8 his grades declined dramatically, and his parents moved him to attend different public schools and eventually to private schools. He was in a special education program, as he apparently had ADHD and a learning disorder.
- [15] In Grade 12, Mr. Haber was introduced to cocaine and became addicted very quickly. He dropped out of high school to use drugs. For the next 20 years, until about 2011, he was addicted to illicit drugs, crack cocaine being his drug of choice, and worked only two labour jobs intermittently during that time. Mr. Haber was intermittently unhoused. He would try to manipulate his parents, family, and friends to obtain money for drugs or obtain housing. His father saw through his attempts to get money and they had less contact during his addiction. After he gained sobriety, he had more contact with his father. His mother sometimes provided him with money, food, or let him sleep in her garage. Mr. Haber's relationships were "utilitarian" when he was in addiction. During this time, most of his intimate relationships were focused on shared drug use rather than mutual caring and support. His father paid or contributed to Mr. Haber attending residential treatment programs in 2002, 2003, 2004 and 2010. He hit rock bottom when he recognized he was arguing with people over half-eaten burgers found in dumpsters.
- [16] In 2011, upon discharge from a substance use treatment program, Mr. Haber started working for the owner of an apartment building, and by 2013 became a building manager of three buildings. He held this job until he was let go in 2023 after the charges against him were in the media. After he achieved sobriety, he also started to work as a personal trainer at the Last Door Recovery Society and obtained certification in 2013. He loved this job and was successful at it. After a Facebook group was started concerning the charges against him, the certification was suspended.
- [17] Mr. Haber has a son born in 2018 from a brief relationship. He now has full custody of his son because his son's mother overdosed and a boyfriend of the mother gave his son a black eye.
- [18] Mr. Haber and his son currently live with his mother as his ability to earn income was affected by these convictions. He still attends NA, but online with his camera turned off and his name does not show on the screen.
- [19] Dr. Sheppard opined that Mr. Haber's symptoms fit diagnostic criteria for stimulant disorder, cocaine, in sustained remission. Dr. Sheppard noted that Mr. Haber seems to have had an ambivalent understanding of the social power he had in the recovery community. Dr. Sheppard opined that individuals with Mr. Haber's test scores and patterns, i.e., at large and offence free for over 10 years, had sexual recidivism rates lower than those in the "well below average", i.e., lowest, risk category which is "essentially negligible".
- [20] Dr. Sheppard made recommendations for correctional programming in and out of custody that may assist Mr. Haber in the future.

- [21] Mr. Haber has dated convictions from one event in 1998. This was for possession of a prohibited weapon and possession of the same weapon for a purpose dangerous to the public peace.
- [22] Mr. Haber's counsel filed 23 letters of support for Mr. Haber. These persons were aware of his convictions. There is a consistent theme throughout the letters that, after Mr. Haber became sober, he helped others in the community tremendously, is a loyal friend, and that he is a devoted and good father to his son.

Joint Submission

- [23] As this is a joint submission, I am guided by the test and legal framework in *R. v. Anthony-Cook*, 2016 SCC 43, which established that a sentencing judge should not reject a joint submission unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest. As described in *Anthony-Cook* at para. 34, this would be a submission that is:
- [34] so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down. This is an undeniably high threshold
- [24] *Anthony-Cook* affirms the value of carefully considered agreements between counsel as offering near certain benefits to the parties and the justice system participants, and recognizes the vital role that joint submissions play in the proper functioning of the criminal justice system: paras. 25, 35-40.
- [25] As this is not a joint submission in exchange for a guilty plea, some of the benefits of a joint submission, as discussed in *Anthony-Cook*, may not apply with the same force. However, there are still benefits to the parties, the justice system, and its participants, and those include but are not limited to near certainty and the avoidance of risks and resources of a contested sentencing hearing.
- [26] The approach, when considering a joint submission, is broader than in a conventional sentencing hearing. The judge considers the basis for a joint sentence and the benefits to the administration of justice, in addition to conventional sentencing principles: *R. v. Cheema*, 2019 BCCA 268 at para. 22.
- [27] In this case, both counsel addressed the benefits to this joint submission, in terms of avoiding a contested sentencing hearing. Further, as directed by *Anthony-Cook* at paras. 54 to 57, counsel provided an account of the circumstances of the offence and offender, reviewed the conventional sentencing principles, and why, in their submission, the proposed sentence was justified and would not bring the administration of justice into disrepute or otherwise be contrary to the public interest.

Principles of Sentencing

- [28] The fundamental principles of sentencing are set out in s. 718 of the Code. These are to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful, and safe society by imposing just sanctions that satisfy one or more of the objectives set out in that section. Those objectives are: to denounce unlawful conduct; to deter the offender and other persons from committing offences; to separate offenders from society where necessary; to assist in rehabilitating offenders; to provide reparation for harm done to victims or the community; and to promote a sense of responsibility in offenders and acknowledgment of the harm done to victims and the community.
- [29] A sentencing judge is also guided by the principles set out in s. 718.1 and 718.2 of the Code. The fundamental principle of sentencing is that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.
- [30] Other principles that are relevant are that a sentence should be increased or reduced to account for any aggravating or mitigating circumstances relating to the offence or the offender. The parity principle requires that a sentence imposed should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances. Where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh. There is also a principle of restraint; the offender should not be deprived of liberty if less restrictive sanctions may be appropriate in the circumstances.
- [31] Sentencing ranges for particular offences are useful tools and not a straitjacket: *R. v. Parranto*, 2021 SCC 46, and *R. v. Friesen*, 2020 SCC 9. Sentencing ranges reflect "judicial consensus on the gravity of the offence", which is only one component of the proportionality analysis: *Parranto* at paras. 20 and 44. Ranges are a place to start, and the sentencing judge must consider all relevant sentencing principles, such as rehabilitation and restraint, and individualize a sentence in a way that accounts for both aspects of proportionality: the gravity of the offence and the offender's individual circumstances and moral culpability: *Parranto* at paras. 16, 17, 36, and 44 to 46; *R. v. Ellis* at paras. 128, 164, and 165.

Sentencing for Sexual Assault

- [32] The primary objective of sentencing in sexual assault cases is denunciation and deterrence: *R. v. Nystrom*, 2023 BCCA 232 at 50. Section 718.04 of the Code is also applicable here. It states:
- s. 718.04 When a court imposes a sentence for an offence that involved the abuse of a person who is vulnerable because of personal circumstances -- including because the person is Aboriginal and female -- the court shall give primary consideration to the objectives of denunciation and deterrence of the conduct that forms the basis of the offence.

[33] As for the gravity of sexual assault, while there is a wide variety of circumstances that could form that offence, all sexual assaults are serious. They are acts of violence. They are a forceful subjection of the victim to the offender's sexual desires and violate the personal autonomy, sexual integrity, and dignity of the victim: *R. v. Maslehati*, 2024 BCCA 207 at para. 72. When assessing gravity for the purpose of sentencing, it is constructive to focus on the circumstances of the offence, including the nature of the sexual contact, its duration, the context in which it occurred, and the actual and reasonably foreseeable harms that flowed from it. The more aggravating the circumstances, the objectively graver the offence: *Maslehati* at para. 73. This requires an individualized and contextual assessment, including the impact of those circumstances: *Maslehati* at para. 75.

[34] A non-exhaustive list of aggravating factors which may be found to elevate the already inherent seriousness of sexual assault are:

- highly invasive, violative and/or demeaning sexual conduct;
- prolonged duration and/or repeated occurrences;
- additional physical violence and/or physical injury;
- administering drugs or alcohol to incapacitate the victim, or taking advantage of incapacity;
- threats and/or the use of a weapon;
- persistence in the face of communicated non-consent, or acts intended to overcome resistance;
- more than one offender involved;
- sexual assault in the presence of children;
- the violation occurs in the victim's home;
- planning and/or steps taken to facilitate the offence;
- attempts to prevent disclosure or avoid detection;
- age of the victim;
- a particularly vulnerable victim;
- actual and reasonably foreseeable harms that flowed from the offence, including significant impact on the victim; and,
- breach of trust:

See *Maslehati* at para. 74.

[35] As for the sentencing range for sexual assault, in *Maslehati* at paras. 78 to 104, the Court reaffirmed that sentences for sexual assault against adults must reflect society's contemporary understanding of the harmfulness and wrongfulness of sexual violence generally. These both impact the gravity of the offence and the offender's personal

responsibility: para. 83. The Court held that in the absence of diminished moral blameworthiness or compelling mitigation, a penitentiary term of at least two years' imprisonment will generally be required for an adult sexual assault with aggravating circumstances charged under s. 271 of the Code that is prosecuted by indictment, even when that assault is committed by a first-time offender: paras. 12 and 102.

- [36] As for the degree of personal responsibility of the offender, all forms of sexual violence are morally blameworthy because they involve the wrongful exploitation of the victim by the offender: Friesen at 89. In *R. v. C.K.*, 2023 BCCA 468 at para. 71, the court reviewed factors that may be engaged in the assessment. This must consider the offender's state of mind. A non-exhaustive list includes:
- [71] the level of planning and/or intentionality brought to the crime; the degree, nature and extent of the offender's personal participation in the offence; the means or method by which the crime was committed; the motive or reasons for the offender's participation; the offender's awareness of the legal and moral wrongfulness of their conduct; their awareness of the actual or reasonably foreseeable harms flowing from their conduct (immediate and long-term); and their persistence in perpetrating the offence despite that awareness.
- [37] Counsel provided a joint book of sentencing cases for sexual offences and reviewed them in detail, comparing them to the circumstances of this case to justify the joint submission. I have read and considered the following cases cited by counsel: *R. v. Baltazar*, 2021 ABQB 879; *R. v. Dick*, 2025 BCSC 1414; *Maslehati*; *R. v. Proznick*, 2023 BCPC 306; *R. v. Sorensen*, 2025 BCSC 1614; and *R. v. Thomas*, 2022 BCSC 2297.
- [38] Some of those case authorities provided extensive reviews of other sentencing cases. Sentencing is a very individualized process. No case is the same as the other, nor will it be the same as this case. As Crown counsel pointed out, some of the cases have more aggravating circumstances and some have less or more mitigating factors. However, overall, the circumstances of those cases provide guidance in considering the joint submission on sentence.
- [39] As Mr. Haber was convicted of two offences, there is an issue whether the sentence for each offence should be served consecutively or concurrently. In this case, the joint submission is that they be served consecutively.
- [40] In *R. v. Nystrom*, 2023 BCCA 232, the court summarized the applicable principles at para. 35:
- [35] Consecutive sentences for multiple offences may be imposed where the offences do not arise from the same event or series of events: Criminal Code, s. 718.3(4)(b)(i). Conversely, concurrent sentences may be imposed where "the acts constituting the offence were part of a linked series of acts within a single endeavour": *R. v. Li*, 2009 BCCA 85 at para. 42 citing *R. v. G.P.W.* (1998), 106 B.C.A.C. 239 at para. 35.

- [41] In Nystrom, the court also discussed the totality principle which must be considered when consecutive sentences are imposed:
- [36] The totality principle, reflected in s. 718.2(c) of the Criminal Code, requires a judge who imposes consecutive sentences to ensure that the total sentence is not unduly long or harsh such that it exceeds the offender's overall culpability: R. v. C.A.M., [1996] 1 S.C.R. 500 at para. 42; Friesen at para. 157. The usual approach is to first determine the appropriate sentence for each offence and decide whether each sentence should be consecutive or concurrent. Where consecutive sentences are imposed, the judge must decide whether the aggregate sentences offend the totality principle: Li at para. 28; R. v. Punko, 2010 BCCA 365 at para. 93. If they do, the length of the individual sentences may be reduced or some sentences may be served concurrently: R. v. Somers, 2021 BCCA 205 at para. 47. If the latter approach is taken, the judge must nevertheless consider whether the global sentence will properly reflect the offender's culpability. As this Court stated in Somers:
- [48] In many cases when an offender has committed multiple serious offences that, but for the totality principle, would otherwise result in consecutive sentences, the offender's moral culpability is greater than had the offender committed the same offences on one occasion. The judge applying the totality principle needs to consider the greater moral blameworthiness arising from the multiple offences.

See also R. v. Sewell, 2025 BCCA 348 at para. 77.

Application of the Sentencing Principles

- [42] As already noted, I start with a consideration of the benefits of a joint submission. In this case, there was a finding of guilt by the jury and so it is not a situation of there being a quid pro quo for a guilty plea. Nonetheless, there are still benefits to the parties, the justice system, and the participants. Those include, but are not limited to, near certainty and the avoidance of the risks and resources of a contested sentencing hearing.
- [43] The proposed sentence is within the sentencing range discussed in Maslehati. The circumstances of the two offences are similar. Although I will refer to them together for brevity, I have considered the aggravating and mitigating factors for each individually. The following are aggravating features of the offences:
- a) J.S. and J.D. were vulnerable individuals looking for support in a recovery community in which Mr. Haber was respected as someone who had maintained his sobriety. They were also vulnerable because they were asleep at the time of the offences. As they were vulnerable individuals, denunciation and deterrence is an overriding purpose;
 - b) J.S. and J.D. believed that they were in a safe place and had been assured by Mr. Haber that he would stay on the couch while they used his bed. In that sense, they trusted Mr. Haber and that trust was abused;

- c) The assaults involved digital penetration; and
 - d) The offence had a profound impact on J.S. and J.D. It stopped them continuing to seek support in the NA recovery community. They had to look elsewhere for support. They both felt alone. Fortunately for both J.S. and J.D., they were able to overcome that difficulty, but they have been left with lasting effects. J.S. describes living with caution and losing her trust and faith in people. J.D. describes the loneliness of being an addict and how difficult it was to bring this matter forward. Both described the shame and trauma of dealing with the assault that was done by someone who was respected in the recovery community.
- [44] As for mitigating factors, Mr. Haber does have a short criminal record but it is very dated, over 25 years ago. He had years of what is, according to the letters of support, a prosocial lifestyle after overcoming an addiction lasting 20 years. However, as stated in Sheppard, sexual misconduct often occurs in private and will not, in most cases, be reflected in the offender's reputation in the community: para. 97; see also Baltazar at para. 45.
- [45] I have also considered that there was more than the usual media and social media concerning this matter, including a Facebook group dedicated to Mr. Haber, and that there have been significant collateral consequences of the convictions.
- [46] To the extent rehabilitation is a purpose of sentencing, Dr. Sheppard has opined that there is a very low risk of reoffending.
- [47] The circumstances of the present offences do not have many of the aggravating factors mentioned in Maslehati at para. 74. However, to be clear, the lack of the aggravating circumstances is not in any way mitigating. The offences, as for all sexual assaults, are grave.
- [48] I have noted the presence or absence of aggravating circumstances when considering other sentencing cases and whether the proposed sentence is so unhinged from the circumstances of the offence and the offender that its acceptance would be viewed by reasonable informed persons that the proper functioning of the justice system had broken down.
- [49] In summary, considering the benefits of a joint submission and the circumstances of the offences and Mr. Haber, there is nothing in the proposed sentences that would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of and benefits of joint submissions, to believe that the proper functioning of the justice system had broken down. The proposed sentence is within the range articulated by the caselaw for these offences for similar circumstances and otherwise aligns with sentencing principles. The proposed sentence properly reflects the paramount principles of deterrence and denunciation which is required because of the gravity and high moral culpability of the offences, the impact of the offences, and both the aggravating and mitigating factors present. It is appropriate that the two sentences be consecutive as the victims are different and the offences took place on different occasions and in different

circumstances. I agree that a four-year sentence would be unduly long and should be reduced under the totality principle.

[50] Mr. Haber, would you please stand.

[51] On the charge of sexual assault of J.S. contrary to s. 271 of the Code, I sentence you to two years' imprisonment. On the charge of sexual assault of J.D. contrary to s. 271 of the Code, I sentence you to two years' imprisonment. Those sentences are to be served consecutively. However, considering the principle of totality, those sentences are reduced to a total sentence of three years' imprisonment, so each sentence imposed will be reduced to 18 months' imprisonment, and those sentences will be served consecutively.

[52] Pursuant to s. 487.051(1) of the Code, I make an order in Form 5.03 authorizing the taking from you for the purpose of forensic DNA analysis, samples of one or more bodily substances that are reasonably required for that and for inclusion in the National DNA Data Bank.

[Discussion with counsel.]

[53] Pursuant to s. 109(2)(a) of the Code, you are prohibited from possessing any firearm, other than a prohibited firearm or restricted firearm, and any crossbow, restricted weapon, ammunition and explosive substance for 10 years.

[54] Pursuant to s. 109(3), which I think I have just read to you, but I will read again, you are prohibited from possessing any firearm, cross-bow, restricted --

[55] CNSL J. FOGEL: No, sorry, Justice, it is any prohibited.

[56] THE COURT: Any prohibited -- I am reading (3).

[57] CNSL J. FOGEL: It would be from 109(2)(b).

[58] THE COURT: Sorry, I am saying that wrong, it is s. 109(2)(b), any prohibited firearm, restricted firearm, prohibited weapon, prohibited device, and prohibited ammunition for life. Thank you, Mr. Fogel.

[59] Pursuant to s. 490.012(3) of the Code, I make an order in Form 52 requiring you to comply with the Sex Offender Information Registration Act for 20 years. Mr. Haber is agreeable to this order and is not sought to establish the circumstances in s. 490.012(3)(a) or (b).

[60] Pursuant to s. 737 of the Code, I am waiving the victim surcharge as you will be spending a significant time in custody and you have a child to support, and you have also lost income.

[61] Pursuant to s. 743.2 of the Code, I direct that a copy of these reasons for sentence shall be sent to the Correctional Services of Canada as well as the report of Dr. Sheppard, which I think is appropriate, which has been marked as an exhibit in these proceedings.

[62] Those are my reasons. You may sit down, sir.

[63] CNSL L. MYERS: Thank you, Justice.

[64] CNSL J. FOGEL: Thank you, Justice.

[65] THE COURT: Thank you. Anything arising?

[66] CNSL J. FOGEL: I don't believe so.

"Norell J."

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