
CANADA / JUDGMENT

R. v. R.G.D.

2018 BCSC 1603

COURT

Supreme Court of British Columbia

DECIDED

22 August 2018

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2018 BCSC 1603 R. v. R.G.D.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. R.G.D.,

2018 BCSC 1603

Date: 20180822

Docket: 42522-2

Registry: Prince George

Regina

v.

R.G.D.

Restriction on publication: Pursuant to s. 539(1) of the Criminal Code of Canada

Before: The Honourable Mr. Justice Tindale

Oral Reasons for Sentence

Counsel for the Crown:

T.R. Mitchell-Banks, Q.C.

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Counsel for the Accused:

J.C. LeBlond

Place and Date of Hearing:

Prince George, B.C.

January 26, August 10 & 17, 2018

Place and Date of Judgment:

Prince George, B.C.

August 22, 2018

- [1] THE COURT: R.G.D. has entered pleas of guilty on Counts 1, 2, and 4 of the indictment on Court File Number 42522-2. These offences are attempted murder, unlawful confinement, and uttering threats. The offences occurred on October 4, 2015, at the residence of R.G.D. located at XXXX in the City of Prince George.
- [2] R.G.D. was arrested shortly after the incident occurred and was released on bail in January 2016. By all accounts, he did well on bail.
- [3] On January 31, 2018, the Crown made application to revoke R.G.D.'s bail pursuant to s. 523(1)(b)(ii) of the Criminal Code. On February 2, 2018, I granted that order and R.G.D. has been in custody ever since that date.

Background

- [4] The circumstances of these offences are troubling. The victim, B.L., wished to purchase some Tylenol 3's and arranged to meet somebody at a 7-Eleven store in Prince George. There she met R.G.D. After conversation, they went back to his home.
- [5] B.L. noted that the home was surrounded by a high fence, and when she went into the residence, she noted that the back door had a metal bar which was used to secure it. She was offered a drink by R.G.D., however declined that drink.
- [6] R.G.D. told B.L. he was going to kill her and that he was not kidding. B.L. said that R.G.D. at that point held a knife to her throat.
- [7] At some point, B.L. made a run for the back door and was chased by R.G.D. There was a struggle. R.G.D. grabbed her by her hair and brought her back to the main part of the residence.
- [8] R.G.D. repeated that he was going to kill B.L. and he took off his glasses and looked into her eyes and asked her what she saw. B.L. said she did not know. R.G.D. replied, "The devil."
- [9] B.L.'s impression of R.G.D. was that he was not under the influence of alcohol or drugs at this time.
- [10] B.L. asked to go to the bathroom. In the bathroom, she realized she had a cellphone and tried to call 9-1-1. R.G.D. kicked at the bathroom door until B.L. came out. At that point, B.L. saw the front door and it also had a metal bar across it.

- [11] At one point, R.G.D. went to the back door to put the bolt back across the door and B.L. made a run for the front door. There was a struggle at the door. She was able to open the door enough to squeeze through and she fell down on the front stairs at which point she ran from the residence.
- [12] The police attended at R.G.D.'s residence on October 6, 2015, and R.G.D. denied the offences. The officer that attended noted the bars across the door, which they found to be unusual.
- [13] The next day, R.G.D. attended unsolicited to the police station and he made a partial confession. R.G.D. told the police that he had homicidal ideations for the last year and that when he drinks he turns into Mr. Hyde. He was glad that B.L. escaped.
- [14] R.G.D. told the police that for the last year he had been walking around with a box cutter looking for victims. R.G.D. told the police that he had been drinking that day and was on the last day of a four-day bender.
- [15] R.G.D. does not recall saying that he would torture B.L. and does not agree that he held a knife to her throat.
- [16] I have had the benefit of a number of documents on this sentencing hearing which can be summarized as follows:
- Exhibit 1 is a photo book of R.G.D.'s residence located at XXXX;
 - Exhibit 2 is another photo book with pictures of R.G.D.'s residence;
 - Exhibit 3 is a collection of clinical records from the University Hospital of Northern British Columbia regarding R.G.D.;
 - Exhibit 4 is an email from R.G.D.'s supervisor at Canfor;
 - Exhibit 5 is a letter dated August 18, 2015, from R.G.D.'s supervisor regarding absenteeism from work;
 - Exhibit 6 is a letter from VisionQuest Recovery Society dated January 31, 2018;
 - Exhibit 7 is an affidavit from C.M., a legal assistant, attaching a number of letters from the VisionQuest Recovery Society and an independent medical report prepared by Dr. David Morgan, psychiatrist, with regard to R.G.D.;
 - Exhibit 8 is a book of letters in support of R.G.D.;
 - Exhibit 9 is a pre-sentence report dated April 24, 2018, prepared by Lindsay Gordon, probation officer;
 - Exhibit 10 is a transcript from the proceedings at sentencing of January 26, 2018; and
 - Exhibit 11 is the victim impact statement of B.L.

Personal Circumstances of the Accused

- [17] R.G.D. is 54 years of age, having been born on October 29, 1963. He is divorced and has three adult children, daughters, who by all accounts are well-adjusted people.
- [18] R.G.D. has a Grade 12 education and does not have a prior criminal record.
- [19] R.G.D. is a journeyman welder and at the time of this offence was employed by Cariboo Pulp and Paper. He was fired after his arrest on these charges.
- [20] R.G.D. was born in Abbotsford, British Columbia, and is the youngest of four siblings. R.G.D. reports that when he was growing up, his family life was dominated by the family's faith and membership in an Evangelical Christian Church.
- [21] R.G.D. reported to the probation officer that over the years, he began to question his beliefs and eventually left the church and abandoned his faith. It was at this time that R.G.D. began to drink heavily and has done so for approximately 17 years prior to these offences. R.G.D. reported to the probation officer that he would binge drink on his days off.
- [22] R.G.D. reports that he has always been prone to anxiety and he has used alcohol to alleviate his anxious feelings.
- [23] R.G.D.'s daughters, E. and J., both report that their father has never been violent to them and they have never had any cause to fear him.
- [24] Lindsay Gordon, probation officer, writes the following in Exhibit 9, under the heading of "Attitude and Understanding Regarding Offence":

R. admits to the offence as described in the police report with minor discrepancies. He spoke candidly of his memories of that night, but states he does not know or understand exactly what he was thinking while he confined and threatened the victim. He recalls feeling calm as he told B.L. he was going to kill her. He acknowledges that his goal was to frighten her and recalls sensing her fear, but he states he did not feel satisfied or powerful in the situation. He wanted her to listen to him. When she attempted to escape, he grabbed the hood of her sweater and pulled her back, because she "wasn't finished listening to my problems". R. recalls feeling excited when B.L. stated she would not accept a drink. He was happy to have someone to drink with him and thought of her almost as a guest. R. recognizes this is completely incongruous with the situation, but it is what he recalls.

- [25] R.G.D. told Lindsay Gordon that he takes full responsibilities for the offence and expresses significant remorse for his actions.
- [26] R.G.D. has significant support in the community, as evidenced in the letters filed in Exhibit 8.

Victim Impact

- [27] This incident has had a profound effect on B.L. She writes that she suffers from mental anguish and this experience will stay with her for the rest of her life.
- [28] B.L. has had difficulty sleeping in her own residence as she is able to see R.G.D.'s residence from her own.
- [29] B.L. states in her victim impact statement that she lives in constant fear.

Position of the Parties

Crown

- [30] The Crown seeks a term of imprisonment of more than eight years with regard to these offences. The Crown in addition seeks an order pursuant to s. 743.6 of the Criminal Code setting R.G.D.'s parole eligibility at one-half of his sentence.
- [31] The Crown also seeks a firearms prohibition pursuant to s. 109 of the Criminal Code, a DNA order, and a no-contact order pursuant to s. 743.21(1) of the Criminal Code.
- [32] The Crown describes this offence as one of "stark horror". The Crown notes that this offence was absolutely terrifying for the victim and has shocked the community. The Crown says R.G.D.'s house was modified with steel bars across the door to enable him to keep his victim in the home.
- [33] The Crown notes that R.G.D. was on the hunt that evening looking for a victim to kill, and he had no preference whatsoever as to who that was.
- [34] The Crown notes that this is an unusual case with regard to the attempt murder because the victim did not suffer any serious physical injuries. However, the Crown notes that B.L. did suffer serious psychological injuries.
- [35] The Crown argues that this case has a particularly aggravating set of circumstances because it was a planned and deliberate attack on a random stranger without any provocation
- [36] The Crown further argues that R.G.D. physically restrained B.L. when she tried to escape out the back door, told her of his plans to kill her, and there was a physical scuffle as B.L. escaped out the front door.
- [37] The Crown argues that R.G.D. has not fully accepted responsibility for these offences and blames his behaviour on alcohol. The Crown notes that R.G.D. tried to downplay the offences to the probation officer. The Crown also notes that despite the fact that R.G.D. is a highly-skilled welder, an intelligent person, and has excelled at his job, he puts himself in risky situations when he is intoxicated.

[38] Upon a review of the medical records that have been marked as Exhibit 3, it is noted that R.G.D. was taken by the police to the University Hospital of Northern British Columbia on October 7, 2015. Upon his admission, he told the medical staff that he admitted to the police that he had kidnapped a lady a couple of days earlier with the intent of killing her.

[39] In Exhibit 3, it states on October 7, 2015, R.G.D. told Dr. Eselle the following:

I am a little scared that I am going to do something I do not want to do. I am scared of drinking because I excessively drink and my life seems to be falling apart because of my heavy drinking. I need help to stop drinking and to figure why I have bad intentions when I get intoxicated. I drink beer or vodka and wine, and I have been drinking for more than 20 years. I am an alcoholic and I want to quit, but I can't, I shake and sweat when I do not drink. The bad intentions I have when drunk is to kill somebody. I have never killed somebody in the past, but I sometimes have the urge to kill somebody and this is only when I am intoxicated. On Sunday I was damn close to killing somebody. I was damn close to killing somebody and I have never met this person before. I hear no voices telling me to kill anyone. I do not see things either, even when I am intoxicated. I have been drinking for more than 20 years, but only started to have the urge to kill somebody about two years ago. I have been on the prowl and searching for someone to kill with a knife, but I have never been in the right place conducive to kill somebody, anybody. Last Sunday was the first time I've tried bringing someone in my house, I've tried bringing someone in my house with the intent of killing them. I just want to kill for killing's sake. I have no reason to do that. Many years ago I went through the AA program and it did not help me in any shape or form.

[40] Also in the medical records found in Exhibit 3 at page 12, under the heading "Risk Assessment", R.G.D. is attributed as saying that he has compulsions to cut someone open from chest to naval.

[41] While in the hospital, it was noted that R.G.D. had suicidal and homicidal ideations.

[42] The Crown relies on the following cases to establish a range for a fit sentence and for the appropriate sentencing considerations in this matter.

R. v. Carter, 1998 CanLII 15093 (BCSC);

R. v. Battersby, 2016 BCSC 2186;

R. v. Cuthbert, 2007 BCCA 585;

R. v. McFarlen, 2009 BCSC 1201;

R. v. Goldberg, 2012 BCSC 2060; and

R. v. Zinck, 2003 SCC 6

[43] The Crown argues that R.G.D. should not be granted parole until he has served one-half of his sentence. Section 743.6 of the Criminal Code states:

Notwithstanding subsection 120(1) of the Corrections and Conditional Release Act, where an offender receives, on or after November 1, 1992, a sentence of imprisonment of two years or more, including a sentence of imprisonment for life imposed otherwise than as a minimum punishment, on conviction for an offence set out in Schedule I or II to that Act that was prosecuted by way of indictment, the court may, if satisfied, having regard to the circumstances of the commission of the offence and the character and circumstances of the offender, that the expression of society's denunciation of the offence or the objective of specific or general deterrence so requires, order that the portion of the sentence that must be served before the offender may be released on full parole is one half of the sentence or ten years, whichever is less.

[44] In Zinck, the court noted the following at para. 31:

At this stage, having given priority to the factors of deterrence and denunciation as required by law, and having duly considered all the criteria and principles relevant to sentencing, based on the evidence at the sentencing hearing and at trial, the court must arrive at its conclusion as to whether this additional punishment is required. The prosecution has the burden of demonstrating that it is. The judge must satisfy himself or herself that the order is needed to reflect the objectives of sentencing, with awareness of the special weight ascribed by Parliament to the social imperatives of denunciation and deterrence. Nevertheless, at the end of this intellectual process, the sentencing decision must remain alive to the nature and position of delayed parole in criminal law as a special, additional form of punishment. Hence it should not be ordered without necessity, in a routine way. This idea is acknowledged by Griffiths J.A. of the Ontario Court of Appeal in Goulet (p. 65). It is this aspect of s. 743.6 that explains the development of the jurisprudential current emphasizing its exceptional nature. The other stream of jurisprudence, which shies away from using the vocabulary of an "exceptional measure", does not seem, in practice, to have applied s. 743.6 in a different manner. None of these judgments has suggested that a delayed parole order should be considered an ordinary measure, to be applied in the normal course; they agree that it should be invoked only on the basis of demonstrated need.

[45] The Crown argues that given the premeditated, abhorrent nature of this crime, the factors of denunciation and deterrence require this additional penalty.

[46] The Crown also argues that upon a review of the pre-sentence report, it is clear that R.G.D. appeared to resile from what his intentions were that evening when he told the probation officer that it was his goal to frighten B.L. and that he grabbed her and she tried to flee before she was finished listening to his problems.

[47] I will note at this point that R.G.D. and his counsel made it clear that it was R.G.D.'s intention to murder B.L. that evening.

[48] The Crown argues that while R.G.D. may have made some strides in dealing with his alcohol addiction, he does not truly understand the consequences of his actions and has not expressed sincere remorse.

[49] The Crown further notes that the sentences should be served concurrently with one

another.

R.G.D.

- [50] R.G.D. argues that in this case a fit sentence for the attempted murder is between four and five years; for the unlawful confinement, three to four years concurrent; and for the uttering threats charge, one year also concurrent.
- [51] R.G.D. was initially detained on October 12, 2015, until January 6, 2016, for a total of 87 days. On February 2, 2018, I granted the Crown's request to revoke R.G.D.'s bail and he has been in custody since then. This amounts to a further 202 days in custody, for a total of 289 days of pre-trial detention. Giving R.G.D. credit of 1.5 to every one day served in custody, this amounts to 434 days of credit for pre-trial detention.
- [52] R.G.D. is in agreement with the ancillary orders being made regarding a weapons prohibition, a DNA order, and the no-contact order.
- [53] R.G.D. argues that it is a mitigating factor that he turned himself in to the police and admitted his liability. During his statement to the police, R.G.D. acknowledged that B.L. must have been afraid.
- [54] R.G.D. also argues that stringent bail conditions which approximate house arrest should be considered as a mitigating factor in this case. In that regard, R.G.D. relies on *R. v. Cuthbert*, paras. 34 - 36.
- [55] R.G.D. agrees that it is an aggravating factor that there is some element of planning in this offence.
- [56] R.G.D. argues that there is nothing unusual about his home. It has a high fence, however that is not unusual, and R.G.D. also says that the bars on his doors are consistent with keeping people out of his house.
- [57] R.G.D. agrees with the accuracy of the pre-sentence report.
- [58] In the pre-sentence report on page 7, under the heading, "Attitude and Receptiveness to Previous and Proposed Interventions", the author writes the following:

R. was subject to a recognizance of bail between January 6th and February 2nd, 2018. Corrections files notes that R. was compliant to the terms of his release during this period, including a house arrest curfew. R.'s bail term commenced with him residing at VisionQuest The Creek near Chilliwack, B.C. He was required to stay at this facility by the terms of his bail recognizance. In June 2017, R. applied to the court for an amendment and was subsequently allowed to reside at a second stage recovery program operated by VisionQuest called Discovery House. In total, R. lived in a VisionQuest recovery centre for 23 months.

Discovery House Director Roy McLaughlin describes R. as a model client, stating, "I have never seen a better client in my life." Mr. McLaughlin describes R. as a leader who finished every program twice, helped staff, and mentored other program participants. Mr. McLaughlin advises R. assisted with the VisionQuest program by driving the program van, taking other clients to community meetings. He was highly proactive in Alcoholics Anonymous meetings and in Mr. McLaughlin's opinion he is very strong in his approach to recovery.

[59] In Exhibit 7 at Tab D is an independent medical report from Dr. Morgan, who is a consulting forensic psychiatrist. The date of that report is March 20, 2017, and it was commissioned for the purpose of a bail variation application to allow R.G.D. to enter the second stage of the VisionQuest program.

[60] Mr. Morgan notes that R.G.D. suffers from an untreated anxiety disorder. Dr. Morgan also notes that R.G.D. would be very likely to comply with conditions attending to legal supervision in the community. R.G.D., to Dr. Morgan's knowledge, has not been aggressive since his release and R.G.D. is motivated to treat his alcohol problem.

[61] R.G.D. argues that he is not a risk to the community, especially if he is not using alcohol. R.G.D. argues that he was on strict bail conditions for a lengthy period of time and had absolutely no problems complying with those conditions. R.G.D. also notes that he made considerable strides while he was at VisionQuest dealing with his alcohol addiction issues.

[62] R.G.D. argues that the Crown has not established that an order delaying his parole eligibility is required. In that regard, R.G.D. relies on the following cases:

R. v. Delude, 2008 BCSC 510;

R. v. Dankyi, [1993] J.Q. No. 2058; and

R. v. Tse, 2010 BCSC 1273

[63] R.G.D. says this incident is out of character for him and, as shown in Exhibit 8, he has strong family and community support.

[64] Counsel for R.G.D. relies on the following cases to establish a range for a fit sentence:

R. v. McFarlen, [2009] B.C.J. No. 1759;

R. v. Zeigler, [2017] A.J. No. 878;

R. v. Xie, [2015] O.J. No. 875;

R. v. Hillier, [1998] N.J. No. 217;

R. v. May, [2017] B.C.J. No. 2185; and

R. v. Gage, [2011] A.J. No. 822

Decision

[65] These are very serious offences. The charge of attempted murder pursuant to s. 239(1)(b) of the Criminal Code carries a maximum sentence of imprisonment for life. The charge of unlawful confinement pursuant to s. 279(2)(a) carries a maximum sentence of 10 years in jail.

[66] In coming to a decision on a fit sentence for R.G.D., I must consider the principles of sentencing found in s. 718 of the Criminal Code, which read as follows:

718 The fundamental purpose of sentencing is to protect society and 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 have one or more of the following objectives:

- (a) to denounce unlawful conduct and the harm done to victims or to the community that is caused by unlawful conduct;
- (b) to deter the offender and other persons from committing offences;
- (c) to separate offenders from society, where necessary;
- (d) to assist in rehabilitating offenders;
- (e) to provide reparations for harm done to victims or to the community; and
- (f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims or to the community.

[67] Section 718.1 of the Criminal Code reads as follows:

A sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.

[68] Other sentencing principles are found in s. 718.2 of the Criminal Code which requires the court to take into consideration any relevant aggravating or mitigating circumstances. Of importance in this case are the principles found in s. 718.2(b), (c), (d), and (e) which read as follows:

- (b) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;
- (c) where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;
- (d) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and

- (e) all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.
- [69] R.G.D.'s actions clearly had a profound negative effect on B.L., which will likely be with her for the rest of her life. R.G.D.'s actions were terrifying for the victim. His actions were also terrifying for the community, especially to learn that he was out hunting for victims to kill over a prolonged period of time.
- [70] A particularly aggravating feature of these crimes is the extent of the preparation that R.G.D. went to in order to perpetrate his crimes. Exhibit 1 depicts an elaborate system for securing the doors to his residence, which would clearly have the effect of hampering anyone who is trying to leave that residence.
- [71] Other aggravating features of these crimes are that R.G.D. planned his crime over a period of approximately one year. His intended victims were chosen at random, and part of his plan was not only to kill B.L., but to terrify her in the process.
- [72] I will accept, for the purposes of this sentencing hearing, that R.G.D. did not hold a knife to the victim's throat. However, that does little to mitigate the stark horror that he inflicted on B.L. I also note that there was a knife in the residence at the time of this offence and R.G.D. told authorities that he had a knife on his person when he was looking for victims on previous occasions.
- [73] There are mitigating factors in this case, however. R.G.D. turned himself in to the police and was co-operative with them. He does not have a previous criminal record, and he did enter a guilty plea, albeit on the eve of trial, saving B.L. from having to testify at trial. Also, R.G.D. has taken considerable steps towards overcoming his significant alcohol dependency.
- [74] R.G.D. was on stringent bail conditions from January 6, 2016, until I detained him on February 2, 2018. He did not have any problems while he was on bail. He not only made strides in overcoming his alcohol addiction, he is described by staff at VisionQuest as being a mentor to other residents. In the circumstances of this case, I do consider R.G.D.'s performance on bail a mitigating factor.
- [75] I also accept that R.G.D. has expressed some remorse for his actions, though I am concerned that he seems to attribute his actions primarily to his alcohol consumption and has not specifically addressed the homicidal ideations that he had, which were over a prolonged period of time. I do accept R.G.D. had been consuming alcohol when the offence occurred.
- [76] There is a significant range in fit sentences for attempted murder. It is clear from the cases that they largely rely on the particular circumstances of the offence and the offender. The authorities suggest that factors such as harm done to the offender, whether a weapon was used, and the amount of planning which went into the offence are important, although those are not the only factors to consider.

- [77] In McFarlen, the accused went to the home of his former common law spouse. He told the victim that he was going to kill her and grabbed her by the throat, which resulted in a struggle. The victim initially escaped and ran out the door, but was unable to unlock the door and was grabbed by the accused. There was another struggle in which the victim was able to get free and went into her backyard. However, she was ultimately subdued by the accused and he choked her until she lost consciousness. The accused left, however, when he heard the police arriving at her home.
- [78] Mr. Justice Joyce, after extensive review of the sentencing authorities, concluded that the appropriate range of sentences in the circumstances of that case were 7 to 10 years.
- [79] Mr. Justice Joyce concluded that an appropriate effective sentence for the offence of attempted murder in that case for Mr. McFarlen was 9 years less credit for any pre-trial detention.
- [80] Similar to the case at bar, Mr. McFarlen did not have a previous criminal record, was generally a productive member of society, and the incident did not cause significant physical harm to the victim.
- [81] In this case, R.G.D. also does not have a previous criminal record. He was generally a productive member of society before this incident, and he did not cause significant physical harm to B.L. He did, however, cause significant psychological harm to her.
- [82] There was a significant element of planning and deliberation to this crime. R.G.D. had homicidal ideations, as he said, for approximately two years and went out on a number of occasions looking for a victim. He modified his home to assist him in carrying out his murderous intentions, and but for B.L.'s quick wit and determination in escaping from his home, I have no doubt that she would have been murdered on that evening.
- [83] The primary consideration in sentencing for attempted murder and unlawful confinement is deterrence and denunciation.
- [84] I do, however, have to consider the extensive steps that R.G.D. has taken to rehabilitate himself, which are nothing short of impressive.
- [85] Taking all of these factors into account, in my view the appropriate range of sentence for the attempt murder charge in this case is between 7 to 10 years.
- [86] Given the planned and deliberate nature of this offence and the horrific manner in which it was carried out cause me to conclude that a significant penitentiary term is required. The sentencing factors of denunciation and deterrence are the primary factors that I must consider in this case.
- [87] Both Crown and defence agree that the sentences for unlawful confinement and uttering a threat should be concurrent with the attempt murder charge and with one another.

- [88] R.G.D., could you please stand up, please. Sir, on Count Number 1, which is attempt murder, I sentence you to nine years in prison. On Count Number 2, I sentence you to three years in prison, which is concurrent to Count 1 and any other sentence. On Count 4, I sentence you to one year in prison, which is concurrent to Counts 1 and 2.
- [89] The total sentence is therefore nine years or 3,285 days. You will receive credit for time served of 434 days, reducing your sentence to 2,851 days.
- [90] With regard to the Crown's application pursuant to s. 743.6, I am not satisfied that the Crown has satisfied its burden that such an exceptional measure should be taken. I have considered denunciation and deterrence with regard to the significant jail sentence that I have given R.G.D., and I am not satisfied that an additional penalty should be levied against him, given his strong desire to rehabilitate himself. I am of the view that his parole eligibility should be properly left in the hands of the National Parole Board.
- [91] I will finally make the following ancillary orders:
- 1) I prohibit you, pursuant to s. 109, from possessing any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition, and explosive substances for life.
 - 2) Count 1 is a primary designated offence pursuant to s. 487.04 of the Criminal Code, so pursuant to s. 487.051, I make an order in Form 5.03 authorizing the taking of the number of samples of bodily substance that is reasonably required for the purposes of forensic DNA analysis.
 - 3) Finally, pursuant to s. 743.21(1), I make an order prohibiting you from communicating, directly or indirectly, with B.L. during the course of your sentence.

[92] Those are my reasons. Thank you.

"The Honourable Mr. Justice Tindale"

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