

CANADA / JUDGMENT

R. v. Radau

2025 BCSC 2112

COURT

Supreme Court of British Columbia

DECIDED

6 October 2025

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2025 BCSC 2112 R. v. Radau

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Radau,

2025 BCSC 2112

Date: 20251006

Docket: 36837-2

Registry: Cranbrook

Rex

v.

Cole Alan Daniel Radau

Before: The Honourable Madam Justice Lyster

Oral Reasons for Sentence

Counsel for the Crown:

S. Miller

Counsel for the Accused:

G.A.P. Verdurmen

Place and Date of Hearing:

Cranbrook, B.C.

July 17, 2025

Place and Date of Judgment:

Cranbrook, B.C.

October 6, 2025

Introduction.. 2

Circumstances of the Offender.. 4

Victim Impact. 7

Mitigating and Aggravating Circumstances. 7

Psychiatric Report and risk Assessment. 10

Analysis. 12

Sentence. 20

Conditional Sentence Order 20

Probation Order 25

Ancillary Orders. 29

Introduction

[1] THE COURT: Mr. Cole Radau is before the court for sentencing on one count of extortion.

[2] I ordered a transcript of my reasons for judgment on sentence, which I reviewed to ensure all citations and quotations were complete and accurate, to add headings, and for style. The reasoning did not change.

[3] Mr. Radau was charged and pleaded guilty to Count 1 on Indictment 36837-2 which reads as follows:

Cole Alan Daniel RADAU, on or about the 3rd day of June, 2023, at or near Cranbrook, in the Province of British Columbia, did commit extortion of Rebecca Hansen or Suzanne Fiddler, contrary to Section 346(1.1)(b) of the Criminal Code.

[4] The Crown and Mr. Radau entered into an agreed statement of facts pursuant to s. 655 of the Criminal Code, R.S.C. 1985, c. C-46 [Code]. Pursuant to the agreed statement of facts, the parties agreed to the following:

1. The accused was married for approximately 14 years to Suzanne Fiddler. In January 2023, the accused and Ms. Fiddler separated and the accused moved out from their common residence. Their relationship remained strained.

2. Following their separation, the accused was charged with a series of Code offences either against or concerning Ms. Fiddler. These arose for the most part in January 2023, after their separation. Although initially granted release on these charges, this release was revoked and the accused was subsequently detained in custody on allegations that he continued to contact Ms. Fiddler, contrary to a no-contact term on his release order.
3. On May 26, 2023, the accused pled guilty to multiple of these offences, including assault contrary to s. 266, mischief contrary to s. 430, and disobeying a court order contrary to s. 127(1) of the Code. He was effectively sentenced to time served and placed on a period of probation for two years, with a further term of no contact with Ms. Fiddler.
4. On June 3, 2023, the Cranbrook RCMP received a complaint from Rebecca Hansen, reporting that she had recently received an unsolicited and concerning email in her work email inbox from the accused (the "First Email"). Ms. Hansen is the daughter of Ms. Fiddler's sister, Sheila Hansen, and a lawyer by profession. Ms. Hansen provided the email to the RCMP, which included the accused's name, phone number, and email address.
5. In the First Email, the accused claimed to be in possession of videos depicting Bryanna Rourke nude. He indicated that they had been obtained when Ms. Rourke had housesat for the accused and Ms. Fiddler at their residence in October 2019. He further threatened that if Ms. Hansen did not have Ms. Fiddler pay the accused \$20,000, he would publicly disseminate the nude videos online.
6. On June 6, 2023, the accused sent an additional three emails to Ms. Hansen. (the "Subsequent Emails. In the Subsequent Emails the accused reiterated his demand for payment and suggested the parties meet at the Tamarack Mall to facilitate payment. He warned that if his demands were not met by 4:00 p.m. the following day, he would upload the nude videos online or potentially kill himself. These emails were also provided to the RCMP and included the accused's name and email address.
7. That same day, the accused was arrested in relation to these matters at East Kootenay Regional Hospital in Cranbrook, B.C., where he had been temporarily admitted as a patient to the emergency room. He was subsequently released on an undertaking to police.
8. Ms. Fiddler later provided a statement to police in which she recalled Ms. Rourke housesitting, and confirmed that there had been a camera placed in their bedroom on the top shelf of the clothes closet, which she had asked the accused to remove. The accused would place the camera at locations throughout their house, as he got paranoid when leaving their dogs alone.
- [5] The Crown's position is that Mr. Radau should be sentenced to a term of 18 to 24 months incarceration, followed by two years probation. The defence's position is that Mr. Radau should be sentenced to a conditional sentence order ("CSO") of 18 months, followed by 18 months probation.

Circumstances of the Offender

- [6] The court has the benefit of both a pre-sentence report and a psychiatric pre-sentence report in understanding Mr. Radau's circumstances.
- [7] Mr. Radau is 51 years of age. He had an unsettled and difficult childhood. He did not know his biological father, and was parented by his mother and step-father until they separated when he was three years old. His mother then entered into serial relationships with two different women, both of whom Mr. Radau reports were alcoholic, and the latter of whom he reports was abusive. When he was 13, Mr. Radau went to live with his step-father. While living with his step-father, Mr. Radau reports entering into a sexual relationship with a 28-year-old woman. He also reports having been sexually assaulted by a male neighbour when he was five years old.
- [8] Mr. Radau reports that his current relationship with his mother is strained and they have not been in contact for some time. His step-father died in 2019. He is not connected to any family supports.
- [9] Mr. Radau married a woman in about 2004, with whom he had a daughter. He has no or only limited contact with either of them.
- [10] In 2010, Mr. Radau entered into his relationship with Ms. Fiddler. He told the pre-sentence report writer that they had a good relationship, although money was a common stressor for them. He reports that they separated in January 2023.
- [11] At the time he was interviewed, Mr. Radau was seeing a woman in a casual relationship. He initially told the report writer that she would be a collateral for the report, but he later told his probation officer that he did not want to provide her as a collateral.
- [12] According to the pre-sentence report, when Mr. Radau was released from custody in January 2023, he was homeless and living in a tent until the fall. He was in custody between January and May 2023. Since October 2023, he has been renting a room in a home shared with several roommates.
- [13] Mr. Radau did not finish high school, which he attributes to an inability to focus and a disinterest in his studies. He worked in a number of temporary labour jobs through his twenties. More recently, he has worked as a seasonal worker at the Cranbrook Golf Course where he assists with lawn maintenance and general labour. The golf course superintendent, Seth Wideman, wrote a letter of reference for Mr. Radau which speaks to him being a dedicated and dependable employee with a strong work ethic and a positive attitude. According to Mr. Radau, his income from the golf course meets his main expenses.
- [14] According to Mr. Radau, he was diagnosed with ADHD when he was five or six years old. He took Ritalin for that condition until he was about 13. He also reports struggling with anxiety, for which he took Paxil for a number of years. He discontinued that medication in 2022, as he felt he no longer needed it to manage his anxiety. Mr. Radau's physician, Dr. Brown,

confirmed his history with ADHD and said he last prescribed him Ritalin in December 2022, as well as prescribing him Paxil for anxiety, with the last prescription being filled in January 2023. Dr. Brown told the report writer that Mr. Radau was currently prescribed medication for sleep and Tylenol with codeine for pain management.

- [15] Mr. Radau recalled being suicidal in the past, including at around the time he committed this offence, and said that he was admitted to East Kootenay Regional Hospital after swallowing an entire bottle of Tylenol.
- [16] Mr. Radau reported no current physical health concerns, although he did tell the report writer he contracted a staph infection while he was on remand, prior to pleading guilty to the three offences in May 2023, which was a distressing experience for him.
- [17] When asked to describe his personality to the report writer, Mr. Radau shared that he used to be quick to anger and had a short temper, but that over the last ten years, he has learned to be able to effectively manage his stress and anger.
- [18] Clearly he has not been as successful in doing so as he indicated to the report writer, given his offences at the time of separation and the extortion offence following his release from custody.
- [19] Mr. Radau did not report having any substance use problems to the pre-sentence report writer. He told them he currently uses marihuana daily, but does not consider it to have a negative impact on his function. There is some inconsistency in what he told the report writer and the psychiatrist who provided the psychiatric assessment about his substance use. I will discuss the psychiatrist's observations and diagnoses later in my reasons for sentence.
- [20] As submitted by his counsel, Mr. Radau was, as the time of the sentencing hearing in July 2025, in a much better place than at the time he committed this offence. He is now living in an apartment and just bought a car.

Victim Impact

- [21] A victim impact statement from Ms. Hansen was entered into evidence. Her statement indicates that the offence caused Ms. Hansen fear and anxiety. She had difficulty sleeping for a year after the offence and would get up repeatedly at night to check the locks on the doors. As a result, she purchased a security system for her home. If she saw Mr. Radau in town, she would avoid that location for months afterward. She is concerned that Mr. Radau will contact her or her family again.

- [22] Ms. Rourke was contacted by the pre-sentence report writer, but did not provide a victim impact statement. She told the writer that she had suffered significant emotional impact as a result of the offence. She had a hard time leaving her house or opening her blinds, and generally avoided people for several months. She related this to her privacy being violated. She attended some counselling to cope with the impact, and the Crown seeks a restitution order to compensate her for the cost of that counselling.

Mitigating and Aggravating Circumstances

- [23] I turn to a consideration of the aggravating and mitigating circumstances in this case.
- [24] Aggravating circumstances in this case include the fact that Mr. Radau has a criminal record. He was convicted of a number of offences beginning in 1989 at the age of 14. He was convicted in December 2005 for uttering threats against an intimate partner. He was convicted of possession of stolen property under \$5,000 in December 2013.
- [25] More concerning, Mr. Radau was convicted of three offences against or concerning Ms. Fiddler very shortly before he committed the extortion offence which now brings him before the court. On May 26, 2023, he was, as stated earlier, convicted of assault, mischief, and disobeying a court order. The assault was committed in 2022, in which he assaulted Ms. Fiddler with a knife, causing superficial lacerations to her hands and face. On January 3, 2023, Ms. Fiddler called the police alleging that Mr. Radau was threatening to kill her and her sister if she did not allow him to remain at Ms. Fiddler's residence. On January 9, 2023, hours after he was released by the police, bound by both a release order and a protection order under the Family Law Act, Mr. Radau returned to Ms. Fiddler's residence, leading to his conviction for mischief. On January 11, 2023, having been arrested for a second time, Mr. Radau was again arrested on allegations that he contacted Ms. Fiddler contrary to his release conditions, leading to his conviction for disobeying a court order. While in custody on those charges, Mr. Radau was volatile, aggressive, and damaged the cells in which he was held. He then remained in custody until his conviction on these offences on May 26, 2023. He was sentenced to time served and probation.
- [26] It was only a week after his conviction on those offences and release from custody that he sent the first of the emails to Ms. Hansen, for which he has now been found guilty of extortion. This pattern of offending against Ms. Fiddler leading to the extortion offence is aggravating.
- [27] Also aggravating is the fact that Mr. Radau claimed in his communications with Ms. Hansen to be in possession of intimate images of Ms. Rourke which he claimed to have obtained voyeuristically. He now says that there were never any recordings and that he lied about the whole thing. If true, that does not reduce the seriousness of the claims he made about being in possession of such images.

- [28] The impact of the extortion on the victims in this case is also aggravating. Section 718.2(ii) of the Code provides that "evidence that the offender, in committing the offence, abused the offender's intimate partner or a member of the victim or the offender's family" is an aggravating circumstance that the court must take into consideration. Mr. Radau's victims included his former intimate partner, Ms. Fiddler, and her niece, Ms. Hansen.
- [29] Section 718.2(iii.1) provides that "evidence that the offence had a significant impact on the victim, considering their age and other personal circumstances, including their health and financial situation" is also an aggravating circumstance that the court must take into account. I have already recounted the significant impact the extortion had on Ms. Hansen and Ms. Rourke. Ms. Rourke was a young adult at the time this crime was committed and her youth is an aggravating circumstance.
- [30] Also aggravating are the comments Mr. Radau made in the emails to Ms. Hansen in which he boasted that he could not be deterred, and threatened to take his own life if his demands were not met. In the First Email, he wrote that, "I have no problem going to jail" and that "if I am arrested, it does not matter." In his second email, he told Ms. Hansen he was in the hospital with suicidal thoughts, and that if no one met him with the demanded payment, "I'm going to take a whole bottle of zopiclone sleeping pills and die on her [referring to Ms. Fiddler's] front lawn."
- [31] Given Mr. Radau's previous offences against and in relation to Ms. Fiddler, it is natural that his victims would fear that these were not empty threats.
- [32] Mitigating circumstances in this case include the fact that Mr. Radau pleaded guilty, thereby sparing his victims and the public a trial.
- [33] Also mitigating are Mr. Radau's personal circumstances, including his difficult upbringing and the hardships he experienced after his separation from Ms. Fiddler. This offence occurred at a particularly difficult time in Mr. Radau's life, when he was homeless, experiencing a mental health crisis and, by his own account in his emails to Ms. Hansen, active substance abuse.
- [34] Mr. Radau has been released on conditions since he was charged with this offence in June 2023. He has reported as directed, and there have been no reported breaches. Given the length of time he has been under supervision in the community, the lack of any reported breaches is mitigating.
- [35] As reported in the pre-sentence report, Mr. Radau has expressed regret regarding his behaviour in relation to the offence, acknowledging that he caused Ms. Rourke, Ms. Hansen, and Ms. Fiddler a great deal of embarrassment. The report writer offered the view that while Mr. Radau expressed some regret, he appeared to grapple with taking full accountability, as he appeared to partially blame his external circumstances and others, especially Ms. Fiddler, maintaining that she had suggested he set up the camera to monitor their dog's well-being while they were away.

- [36] In court, Mr. Radau read a statement in which he expressed regret for his actions and apologized to the victims. He described his attempt to extort what he called a divorce settlement from Ms. Fiddler, a "very, very poor decision." He said he was desperately depressed at the time and under the influence of drugs and alcohol, which he says he no longer uses. He was not taking his prescribed anti-depressants. He describes letting his desperation and anger get the best of him and that he "put himself into a negative karma space." He expressed the concern that, if sentenced to a long term in prison, he would lose his home, his job, and likely all of his possessions. He asked to be sentenced to a sentence to be served in the community and said that he would consent to court-ordered counselling. This latter point was echoed by counsel who submitted that Mr. Radau would consent to a Rogers order; that is, an order requiring him to take treatment, including medications, as prescribed by the professionals in charge of his care.
- [37] I accept that Mr. Radau regrets his actions. That said, his expressions of regret and remorse are undercut to some extent by his continuing focus on how his actions have harmed him. This was exemplified in his statements in court about the hardships he allegedly suffered while he was in jail awaiting trial on the offences for which he was convicted in May 2023.
- [38] Mr. Radau's inability to take full responsibility for his actions and his focus on how he has been harmed, reduces, but does not eliminate, the mitigating impact of his expressions of regret.

Psychiatric Report and Risk Assessment

- [39] Dr. Rai provided a risk assessment for Mr. Radau as part of his pre-sentence psychiatric report. Dr. Rai interviewed Mr. Radau for the purposes of his report in November 2024. In Dr. Rai's opinion, Mr. Radau's risk of violence if released into the community without conditions would probably be moderate. There was a significant risk of more serious physical harm, although that risk was probably low. The most likely victim would be an intimate partner.
- [40] Dr. Rai diagnosed Mr. Radau with depressive disorder, compounded by adjustment disorder due to his separation from Ms. Fiddler. He also diagnosed him with an unspecified anxiety disorder, although this was likely to be a feature of the depressive disorder. He also diagnosed him with a substance use disorder related to alcohol and marihuana.
- [41] In relation to the latter diagnosis, Mr. Radau told Dr. Rai that he was drinking and had used marihuana at the time of the offence. He also told him that after he stopped taking Paxil in about 2020, he was drinking a couple of times a week to excess and was getting drunk together with his wife. When interviewed, he told Dr. Rai his last drink had been a beer on Halloween 2024, and that he was using marihuana on a near daily basis. He denied that his drinking impacted his functionality, but also told Dr. Rai that he had been drinking during the knife-related violent episode that led to his conviction for assault. As reported by Dr. Rai, who reviewed the relevant clinical records, Mr. Radau told the psychiatrist who assessed

him in June 2023 that there had been two times in the past when he drank heavily for about six months, each time related to losses he had experienced, such as the death of a pet. He also told that psychiatrist that he had been drinking relatively heavily in the period between his release from jail and the commission of this offence. Mr. Radau has never received treatment for drug or alcohol use.

- [42] Considering the evidence on this issue, I conclude that Mr. Radau does have a substance use disorder, but that he tends to minimize the extent to which his life and behaviour have been adversely affected by problematic substance use. Mr. Radau turns to substances in times of stress and his substance use is implicated in his offending behaviour. It is essential that Mr. Radau's problematic substance use be addressed to manage his risk in the community. The same is true of Mr. Radau's inconsistent approach to taking Paxil as prescribed to address his mental health issues.
- [43] To this end, Dr. Rai opined that Mr. Radau's risk in the community would likely be manageable with a number of conditions, including close supervision, abstaining from drugs and alcohol, treatment for substance use and spousal violence, and restarting medication for depression and anxiety. Dr. Rai noted that Mr. Radau appeared to be quite stable in his community and that a custodial sentence was likely to destabilize his employment and housing, both of which are significant risk factors for violence in his case. Dr. Rai stressed, however, that this was highlighted for information for the court and was not a recommendation for a community sentence over a custodial sentence.

Analysis

- [44] As submitted by the Crown, extortion is not the most common of offences, but is one of the most serious, a fact reflected in the fact that the Code provides for a maximum sentence of life in prison. Many different sorts of conduct of varying degrees of seriousness may constitute extortion and each case must be considered in relation to its own unique facts.
- [45] The Crown submitted, and I agree, that this was a case of "sextortion", albeit an unusual one, in that the victim of the sextortion, Ms. Rourke, was not the person from whom Mr. Radau attempted to extort money, which was Ms. Fiddler, via the intermediary of Ms. Hansen, her niece.
- [46] The Crown submitted that the primary sentencing objectives in a case such as this are denunciation and deterrence, and that rehabilitation must be secondary. The defence did not disagree. I agree that the court's primary concern in this case must be deterrence and denunciation, and that rehabilitation is a secondary concern.
- [47] The Crown relied on *R. v. McFarlane*, 2018 MBCA 48 (ManC.A.). At para. 19, the Court discussed the gravity of extortion offences, in particular sextortion:

- [19] In terms of proportionality, the gravity of the extortion offence was serious. Extortion is punishable by up to life imprisonment. For good reason, extortionists have been treated harshly by the courts for centuries. It is also important to appreciate that sextortion is a form of sexual violence even though it occurs through the medium of the internet. As with physical abuse, a victim's freedom of choice over his or her sexual integrity is violated. The long-term psychological harm to a victim, as was seen here, closely resembles what happens in a case of physical sexual assault (see *R v Innes*, 2008 ABCA 129 at paras 7, 11; and *R v NG et al*, 2015 MBCA 81 at para 33). Finally, it is difficult to hold such offenders accountable because the crime is remotely committed and the nature of the internet provides predators with a degree of anonymity; in this case, it took the efforts of five different law-enforcement agencies in two countries over many months to solve the case.
- [48] Those statements are generally applicable to the case at bar, with the exception of the fact that Mr. Radau committed his offence more directly. He did not seek anonymity, but chose to directly email Ms. Hansen at her place of work. He did so because, in the words of his email, "I am writing to you because I hope you will be the reasonable one. I am writing to you because there is nothing in place that says I can't, only her [a reference to Ms. Fiddler] and your mother are off limits."
- [49] To say that this was not a well-thought-out crime is an understatement. Mr. Radau seemingly chose to write to Ms. Hansen because he was prohibited by court order from communicating with Ms. Fiddler. This is an odd concern with compliance with the law, given that Mr. Radau knew that he was committing extortion, as he acknowledged in his First Email to Ms. Hansen. Further, he wrote Ms. Hansen, a lawyer, at her work email. It is hard to imagine a person more likely to do as she did and report the matter immediately to the police.
- [50] At para. 21 of *McFarlane*, the Court held that the sentencing judge had erred in placing great emphasis on prior extortion cases in which sentences of between 45 days and ten months imprisonment were imposed. The Court held that the range of sentence is much higher and that the starting point where the victim is an adult is two years, even for a first offender.
- [51] The Crown also relied on *R. v. Hunt*, 2017 CarswellNfld 503 (NL PC) In that case, the offender pleaded guilty mid-trial. He had no prior convictions and was experiencing mental health issues at the time of the offence. The court sentenced him to nine months followed by two years probation.
- [52] At para. 8 of *Hunt*, the court discussed how social media has changed the impact of extortion:
- [8] The present day access to social media cites has dramatically changed the potential impact of extortion. For instance, a present day threat to release intimate photographs through social media cites allows for the sharing and dissemination of such photographs on a worldwide basis. This technology also makes it impossible for the victim to limit circulation or to retrieve the photographs. This modern day form of extortion is much different and

more serious than older forms of extortion. The sentencing for such offences must reflect the changes in the sharing of information and the impact upon victims. General deterrence and denunciation must be the primary principles of sentencing applied.

- [53] Those statements apply to the case at bar. In his emails to Ms. Hansen, Mr. Radau repeatedly threatened to disseminate the images he claimed he had of Ms. Rourke if Ms. Hansen did not get Ms. Fiddler to pay him. In his First Email, he wrote:

I don't want to do this to Rob or his daughter and frankly I couldn't give a s* **about Suzanne. I want the \$20,000 I was PROMISED, That greedy b**** will pay me, or Rob's daughter goes viral.

I have no problem with going to jail. Getting out. figuring out ways to fuck with you guys, go back to jail. I will do this until I am given what I was promised. How do you know I won't come back in the future? Again, you don't, but if I was back on my feet and out of this fucking shithole of a town I'd probably lose the video by accident at some point like a stupid stoner. Once I am paid I will keep ONE copy as insurance I never hear from you people again

- [54] Later in the same email, he wrote:

I have a fail safe. If a certain someone doesn't hear from me every 3-4 days, Rob's girl goes viral.

- [55] The Crown also referred to R. v. Evans, 2011 ABPC 116 (Alta. Prov. Ct.). At para. 33, the court stated that that the primary sentencing objectives for extortion are deterrence and denunciation. Rehabilitation is not to be ignored, but it is secondary. Evans was an extortion case in which the offender attempted to extort money and hockey memorabilia from a hockey player, threatening to disseminate a video to the media which he claimed showed the victim with a sex worker. In Evans, the court held at para. 61 that the appropriate range in a case of this type was nine to 15 months. The offender was sentenced to ten months incarceration. Evans was referred to by the Manitoba Court of Appeal in McFarlane in coming to its conclusion that the sentencing range was much higher than the 45 days to ten months submitted by the offender in that case, relying in part on Evans.

- [56] The Crown also relied upon R. v. P. (D.K.), 1991 CarswellBC 765 (BCCA). That was an appeal from sentence on a conviction for extortion. The sentencing judge had imposed a sentence of two years less a day and two years probation, which was varied by the Court of Appeal to 15 months and two years probation. The offender had been in a short sexual relationship with the victim. After she broke the relationship off, the offender contacted her brother and mother, attempting to extort money in exchange for which he would agree to return intimate photographs of the victim, which he told her family members he had taken of her while she was sleeping. The offender was in his forties and had a record for only minor criminal offences.

- [57] At para. 10, the Court agreed with the Crown's submission that in a case of this sort, general deterrence was an important consideration. In reducing the sentence to 15 months, the Court held at para. 13 that, having regard to the fact the offender in that case had to be sentenced as if this were his first offence in Canada, two years less a day was not fit. Taking into account general and specific deterrence, and rehabilitation, 15 months followed by two years probation, was the proper sentence.
- [58] The cases relied upon by the Crown reflect a general sentencing range of nine to 24 months imprisonment in extortion cases bearing some similarity to the case at bar. McFarlane suggests that two years would be the starting point, even for a first offender, but a lengthier sentence than that was not imposed in any of the cases relied upon by counsel.
- [59] Mr. Radau asks the court to impose a CSO. CSOs were considered in some, and imposed in a subset, of the authorities referred to by counsel. In this regard, the Crown referred to *R. v. Walls*, 2012 ONCJ 835 (Ont. C.J.). The offender in that case had pled guilty to extortion. He had threatened the victim that if she did not have sex with him again, he would distribute intimate images of her. The offender was 20 years old, did not have a criminal record, and was at a low risk to reoffend. The court imposed a CSO of 15 months, followed by 21 months probation.
- [60] In *Evans*, both parties had requested a CSO of 18 months. Starting at para. 56, the court considered whether a CSO would adequately address the sentencing objectives of deterrence and denunciation. At paras. 57-58, the court stated:
- [57] The law is clear that conditional sentence orders can, in some circumstances, adequately address those sentencing objectives. It is also clear that conditional sentence orders are not precluded from the sentencing alternatives available to a judge sentencing an offender for the offence of extortion where the sentence contemplated would be less than two years incarceration. *R. v. Royz*, *supra*, would seem to be an example of a CSO being imposed in a case of extortion. Indeed, it would be wrong for a judge in such circumstances not to consider the imposition of a conditional sentence order.
- [58] Accordingly, I have considered a CSO, and have concluded that no conditional sentence order which I might craft, even if it were for the maximum period permitted, and required house arrest for that entire time, would adequately convey the necessary messages of deterrence and denunciation, and it would not achieve those sentencing objectives.
- [61] In support of its position that the court should impose a CSO on Mr. Radau, the defence relied on *R. v. Drysdale*, [2025] A.J. No. 228 (Alta. C.J.). The offender was convicted of extortion and criminal harassment. He had had a sexual relationship with a sex worker. When the victim discontinued sex work, the offender threatened her that unless she had unpaid sex with him, he would reveal their previous sexual activity to the father of her child. Over a year-long period, the offender contacted the victim via text, email, and phone over a thousand times. The victim occasionally had sex with the offender in that period out of fear of his threats. The offender in *Drysdale* sought a CSO. At paras. 50-51, the court discussed

Bill C-5, which increased the availability of CSOs as a sentencing option. The court referred to *R. v. Vandal-Lauman*, 2024 ABKB 667, in which the court had held that, in enacting Bill C-5, Parliament has directed sentencing judges not to see conditional sentences as exceptional, but rather as a primary tool in achieving just sentencing outcomes grounded in restraint.

- [62] As set out at para. 60 of *Drysdale*, a CSO is available for all offences except a limited number which are excluded under s. 742.1(c) and (d). Those exceptions do not apply to extortion. Pursuant to s. 742.1, a CSO is available if the offence is not punishable by a minimum term of imprisonment, the term of imprisonment is less than two years, serving the sentence in the community would not endanger the safety of the community, and a CSO would be consistent with the fundamental purpose and principles of sentencing set out in ss. 718 to 718.2.
- [63] In *Drysdale*, the court accepted at para. 63 that two years imprisonment would be the starting point for sextortion where the victim is an adult. At para. 66, the court was satisfied that any imprisonment imposed would be less than two years for the extortion charge, thereby fulfilling that requirement. At para. 82, however, the court held that there were serious concerns whether a CSO would protect the community from the offender and, therefore, a CSO could not be imposed. While this was sufficient to reject the imposition of a CSO in that case, the court went on to consider whether a CSO would be consistent with the fundamental purpose and principles of sentencing. At paras. 96-97, the court concluded that a CSO would not be consistent with the purpose and principles of sentencing in that case. This was because the offender had bombarded the victim with unwanted communications and made her have sex with him against her wishes. Only actual incarceration could convey the proper message of deterrence and denunciation. In the result, the court imposed a sentence of 12 months jail on the extortion charge, concurrent with 12 months on the criminal harassment charge, followed by 12 months probation.
- [64] The defence also relied on *R. v. Almosawi*, [2024] Q.J. No. 3543 (QCCQ). The offender pleaded guilty to extortion and criminal harassment of a 17-year-old victim whom he had met on an online dating site. It was a classic sextortion case in which the offender told the victim that he had made videos of her performing intimate acts online which he threatened to disseminate to her friends if she refused to continue to interact with him. The offender was 30 years of age and had no criminal record. The court imposed a CSO of 15 months followed by 18 months probation.
- [65] I turn to a consideration of whether a CSO would be appropriate in this case. The first criterion is obviously met, as extortion is not subject to a mandatory minimum sentence.
- [66] In consideration of the sentences imposed in relatively similar cases and taking into account the aggravating and mitigating circumstances in *Mr. Radau's* case, I find that the term of imprisonment in this case would be less than two years, thus fulfilling the second criterion.

- [67] The third criterion requires the court to consider whether Mr. Radau serving his sentence in the community would endanger the safety of the community. In this regard, it is significant that there have been no reported breaches by Mr. Radau while he has been in the community under supervision since June 2023. Relying on the opinion provided by Dr. Rai, I find that, with stringent conditions, Mr. Radau's risk in the community can be satisfactorily managed. Mr. Radau has multiple mental health issues which were going untreated at the time of this offence. Dr. Rai recommended that he be required to resume taking medication for anxiety and depression. While he told the pre-sentence report writer that he did not have a substance use problem, and Dr. Rai that he did not think he had significant substance use issues, Dr. Rai diagnosed him with a substance use disorder and recommended that he be required to abstain from street drugs and alcohol and receive substance use treatment. I find that if those and other appropriate conditions were imposed, Mr. Radau would not pose a significant risk to the community if he were permitted to serve his sentence in the community.
- [68] I turn to the fourth and final criterion, which is whether the imposition of a CSO in this case would be consistent with the fundamental purpose and principles of sentencing. The fundamental purpose of sentencing is to protect society and to contribute to respect for the law and the maintenance of a just, peaceful, and safe society. The primary objectives relevant in Mr. Radau's case are deterrence and denunciation and, to a lesser extent, rehabilitation.
- [69] The case law makes clear that a CSO may be appropriate in cases of extortion but not always. The objectives of deterrence and denunciation may be achieved through a CSO but as the Supreme Court said in *R. v. Proulx*, 2000 SCC 5 at para. 107, "incarceration, which is ordinarily a harsher sentence, may provide more deterrence than a conditional sentence". As further stated at para. 106:
- ... there may be certain circumstances in which the need for denunciation is so pressing that incarceration will be the only suitable way in which to express society's condemnation of the offender's conduct.
- [70] Section 718.1 of the Code provides that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender. Extortion is a serious offence. Mr. Radau's conduct was not as egregious as in some of the cases I have discussed. While I accept that this is a sextortion case, Mr. Radau did not have a sexual relationship with the person whose intimate images he was threatening to disseminate, unlike in cases such as *P. (D.K.)*, *Walls*, *Hunt*, *Drysdale*, and *Almosawi*. He did not use the threat of disseminating the images to extort sex, but to obtain money. This renders his conduct somewhat less morally blameworthy than in some of the other cases. Additionally, Mr. Radau's degree of responsibility is somewhat reduced by his personal circumstances and the mental health crisis he was experiencing at the time he committed this offence.

- [71] Section 718.2(d) directs that an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances. Section 718.2(e) of the Code requires the court to consider "all available sanctions other than imprisonment that are reasonable in the circumstances and consistent with the harm done to victims or to the community".
- [72] Considering these principles, and particularly the principle of restraint, I have concluded that a CSO is consistent with the fundamental purpose and principles of sentencing. Provided appropriately restrictive conditions are imposed, a lengthy CSO can adequately communicate deterrence and denunciation of Mr. Radau's wrongful conduct, while at the same time better promoting Mr. Radau's rehabilitation and reintegration into the community than a term of conventional incarceration would.

Sentence

- [73] Mr. Radau, please stand. I hereby sentence you to a term of imprisonment of two years less a day, to be served in the community, to be followed by 18 months probation. You may be seated while I pronounce the conditions of both the CSO and the term of probation.

Conditional Sentence Order

- [74] You must comply with a CSO for a term of two years less a day.
- [75] You must keep the peace and be of good behaviour. You must appear before the court when required to do so by the court. You must notify the court or your conditional sentence supervisor in advance of any change of name or address, and promptly notify the court or supervisor of any change in employment or occupation. You must remain in British Columbia unless you have prior written permission from the court or your conditional sentence supervisor to leave the province.
- [76] You must report by telephone to a conditional sentence supervisor by 3:00 p.m. tomorrow. If the office is closed, you must continue calling daily during regular business hours until you have spoken to a supervisor and received further direction to report. After that, you must report as directed by your supervisor.
- [77] You must have no contact or communication, directly or indirectly, with Suzanne Fiddler, Rebecca Hansen, and Bryanna Rourke, with the following two exceptions:
- 1) As allowed by a family protection order made by a judge or associate judge who has been given a copy of this order: You must immediately file a copy of this order in any family protection proceeding in which you are a party or become a party.
 - 2) During scheduled court appearances or case conferences but only with a sheriff present unless a judge or associate judge waives this requirement.

- [78] You must not distribute, publish, post, or make publicly available in any way, information, including comments and images, which refer to or depict Suzanne Fiddler, Rebecca Hansen, or Bryanna Rourke.
- [79] You must not go to or be within 150 metres of any place where Suzanne Fiddler, Rebecca Hansen, or Bryanna Rourke lives, works, attends school, or worships, or happens to be. If you see them, you must leave their presence immediately without any words or gestures. The exceptions are as follows:
- 1) As allowed by a family protection order made by a judge or associate judge who has been given a copy of this order. You must immediately file a copy of this order in any family protection proceeding in which you are a party or become a party.
 - 2) During scheduled court appearances or case conferences, but only with a sheriff present unless a judge or associate judge waives this requirement.
- [80] When first reporting to your conditional sentence supervisor, you must provide them with the address where you live and your phone number. You must not change your address or phone number without prior written permission from your supervisor.

[DISCUSSION ON ADDRESS]

- [81] For the first 12 months of this CSO, you must obey house arrest by being inside your residence at [address omitted], or on its lot, or another address approved in advance by your conditional sentence supervisor, 24 hours a day, every day.
- [82] During the period of house arrest, you must present yourself immediately at the door to your residence or answer the phone when any peace officer or conditional sentence supervisor attends or calls to check on you during the house arrest.
- [83] You may be away from your residence during the house arrest with the written permission of your conditional sentence supervisor. Such permission is to be given only for employment, treatment, or counselling, or other compelling reasons. You must carry the permission with you when you are outside your residence.
- [84] You may also be away from your residence during the house arrest while at, or going directly to, or returning directly from a healthcare facility because of a medical emergency. If asked, you must provide your conditional sentence supervisor with proof of your attendance at the facility.
- [85] For the following 12 months less a day of this CSO, you must obey a curfew by being inside your residence at 224 Van Horne Street South, Cranbrook, B.C., or on its lot, or another address approved in advance by your conditional sentence supervisor. Before I pronounce the curfew hours, I will ask counsel if they have any submissions. I had considered 7:00 p.m. to 6:00 a.m., but I will hear from counsel.

[DISCUSSION ON HOURS OF CURFEW]

- [86] THE COURT: And how early do you need to leave your residence to get to work for 5:30?
- [87] THE ACCUSED: Thirty minutes.
- [88] THE COURT: Okay. So I am not going to make it 7:00 p.m. to 6:00 a.m., I am going to make it 7:00 p.m. to 5:00 a.m. every day. That will ensure that you are able to get to work without having to have an exception made by your conditional sentence supervisor.
- [89] THE ACCUSED: Yes, Your Honour.
- [90] THE COURT: Thank you. You must present yourself --
- [91] CNSL G. VERDURMEN: Yes, it --
- [92] THE COURT: Did someone else --
- [93] CNSL G. VERDURMEN: Sorry, I just noticed that there's some seasonality attached to what I understand his work to be, but I suppose that should work well if during the winter his hours remain more or less the same.
- [94] THE COURT: He can always apply to vary it, should it be a problem, but I think --
- [95] CNSL G. VERDURMEN: Thank you.
- [96] THE COURT: -- we will go with 7:00 p.m. to 5:00 a.m. every day. You can always discuss that with your conditional sentence supervisor and, if necessary, an application can be made to court to vary the hours of the curfew. And that applies --
- [97] CNSL G. VERDURMEN: Thank you, Justice. Sorry for interrupting you.
- [98] THE COURT: No, that is quite all right. So that applies during the following 12 months less a day of the CSO.
- [99] You must present yourself immediately at the door to your residence or answer the phone when any peace officer or conditional sentence supervisor attends or calls to check on you during the curfew.
- [100] You may be away from your residence during the curfew with the prior written permission of your conditional sentence supervisor. Such permission is to be given only for employment, treatment, counselling, or other compelling reasons, and I will pause to note that I think that that gives the conditional sentence supervisor the ability to allow you to be outside of your residence for additional or different hours if it is necessary for employment purposes. You must carry the permission, which can be in electronic format, with you when you are outside your residence.
- [101] You may also be away from your residence during the curfew hours while at, or going directly to, or returning directly from a healthcare facility because of a medical emergency. If asked, you must provide your conditional sentence supervisor with proof of your attendance at the facility.

- [102] You must not possess or consume alcohol or controlled substances as defined in the Controlled Drugs and Substances Act, S.C. 1996, C. 19 [CDSA], or any other intoxicating substance, except with a medical prescription.
- [103] You must attend, participate in, and complete any intake, assessment, counselling, or education program directed by your conditional sentence supervisor. This may include, but is not limited to, counselling or programming for:
- a) anger management;
 - b) violence prevention;
 - c) alcohol or drug addiction;
 - d) spousal abuse prevention;
 - e) psychiatric or psychological health
- [104] You must attend, participate in, and complete any intake, assessment, program, treatment, or a full-time live-in treatment program as directed by your conditional sentence supervisor. This may include programming or treatment for:
- a) alcohol or drug addiction;
 - b) psychiatric and psychological health
- [105] You must pay restitution in the amount of \$360 to the clerk of the court for the benefit of Bryanna Rourke. This is in compensation for the costs of counselling incurred by Ms. Rourke as a result of your criminal conduct. And in terms of the date by which that is to be imposed, counsel, I will hear from you, or by which that is to be paid. Mr. Verdurmen?
- [106] CNSL G. VERDURMEN: Well, if he's working, I think maybe -- the total sum would be then --
- [107] THE COURT: \$360. I had considered perhaps giving him until June 1, that is pretty generous in terms of amount of time.
- [108] CNSL G. VERDURMEN: Yes, he is working, he should be able to do that.
- [109] THE COURT: Mr. Miller?
- [110] CNSL S. MILLER: I think that's fair.
- [111] THE COURT: Okay. So this is in compensation for the costs of counselling incurred by Ms. Rourke as a result of your criminal conduct. You must pay your restitution by June 1, 2026.
- [112] You must not possess, directly or indirectly, any weapon as defined by the Code, including:
- a) firearms and ammunition;
 - b) cross-bows; prohibited or restricted weapons or devices or explosive substances;

- c) anything used, designed to be used, or intended for use in causing death or injury to any person, or to threaten or intimidate any person;
- d) any imitation of all of the above, including any compressed air guns or BB/pellet guns; or
- e) any related authorizations, licences, and registration certificates, and you must not apply for any of these.

Probation Order

[113] I will now turn to the terms of the probation order. You must comply with a probation order for a term of 18 months.

[114] You must keep the peace and be of good behaviour. You must appear before the court when required to do so by the court. You must notify the court or your probation officer in advance of any change of name or address, and promptly notify the court or the officer of any change in employment or occupation.

[115] You must report in person to a probation officer, at an address that will be inserted in the order, within two business days after completion of your conditional sentence, unless you have obtained, before completion of your conditional sentence, written permission from the probation officer to report elsewhere or within a different timeframe. After that, you must report as directed by your officer.

[116] You must have no contact or communication, directly or indirectly, with Suzanne Fiddler, Rebecca Hansen, and Bryanna Rourke, with the following two exceptions:

1. First, as allowed by a family protection order made by a judge or associate judge who has been given a copy of this probation order. You must immediately file a copy of this order in any family protection proceeding in which you are a party or become a party.
2. Through court documents served through a third party and during scheduled court appearances or case conferences, but only with a sheriff present, unless a judge or associate judge waives this requirement.

[117] You must not distribute, publish, post, or make publicly available in any way, information, including comments and images, which refer to or depict Suzanne Fiddler, Rebecca Hansen, or Bryanna Rourke.

[118] You must not go to (or be within 150 metres) of any place where Suzanne Fiddler, Rebecca Hansen, or Bryanna Rourke lives, works, attends school or worships, or happens to be. If you see them, you must leave their presence immediately without any words or gestures. The exceptions are as follows:

1. As allowed by a family protection order made by a judge or associate judge who has been given a copy of this order. You must immediately file a copy of this order in any family protection proceeding in which you are a party or become a party.

2. During scheduled court appearances or case conferences, but only with a sheriff present, unless a judge or associate judge waives this requirement.

[119] When first reporting to your probation officer, you must provide them with the address where you live and your phone number. You must not change your address or phone number without prior notifying your probation officer in writing at least seven days in advance of any change.

[120] You must not possess or consume alcohol or controlled substances as defined in the CDSA, or any other intoxicating substance, except with a medical prescription.

[121] You must attend, participate in, and complete any intake, assessment, counselling, or education program as directed by your probation officer. This may include, but is not limited to counselling or programming for:

- a) anger management;
- b) violence prevention;
- c) alcohol or drug addiction;
- d) spousal abuse prevention; and
- e) mental health.

[122] The following conditions which I am about to impose require your consent, Mr. Radau. I will read them out and then I will have you confirm your consent, and so I will read these conditions out and then I will ask you that at the end, all right.

[123] THE ACCUSED: Yes, Your Honour.

[124] THE COURT: Having consented in court, you must attend, participate in, and complete any intake, assessment, program, treatment, or a full-time live-in treatment program as directed by your probation officer. This may include programming or treatment for:

- a) alcohol or drug addiction;
- b) psychiatric and psychological health.

[125] Having consented in court, you must do the following:

1. Report to Forensic Psychiatric Services or elsewhere for any intake, assessment, counselling, or treatment as directed by your probation officer;
2. Attend all scheduled appointments with the professionals in charge of your mental health care;
3. Take all medications and medical treatment prescribed to you by those professionals;
4. Provide your probation officer with the names, addresses, and phone numbers of those professionals;

5. Give those professionals a copy of this order.
6. If you decide not to follow these directions, you must immediately report that fact to your probation officer.
- [126] You have consented in court to those professionals notifying your probation officer if you fail to attend for an appointment or refuse to take the prescribed treatment or medication.
- [127] Having consented in court, you must sign any document that is necessary for your probation officer, counsellors, or treatment providers to check your attendance and completion of any intake, assessment, counselling, or treatment program.
- [128] Having consented in court, if asked by your probation officer, you must provide proof of your attendance and completion of any assessment, counselling or treatment program.
- [129] Mr. Radau, do you understand those orders that I just read out?
- [130] THE ACCUSED: Yes, I do, Your Honour.
- [131] THE COURT: Do you consent to complying with those orders?
- [132] THE ACCUSED: I do consent, yes.
- [133] THE COURT: Thank you, Mr. Radau.
- [134] You must not possess, directly or indirectly, any weapon as defined by the Code, including:
- firearms and ammunition;
 - cross-bows, prohibited or restricted weapons or devices, or explosive substances;
 - anything used, designed to be used, or intended for use in causing death or injury to any person, or to threaten or intimidate any person;
 - any imitation of all the above, including any compressed air guns or BB/pellet guns; or
 - any related authorizations, licences, and registration certificates, and you must not apply for any of these.

Ancillary Orders

- [135] The court is also required to impose some ancillary orders on you. Pursuant to s. 109(2), you are prohibited from possessing:
- any firearm, other than a prohibited firearm or restricted firearm, and any cross-bow, restricted weapon, ammunition, and explosive substance -- and Mr. Miller, I am going to look to you. Is that ten years from today's date or ten years from the completion of the CSO?
- [136] CNSL S. MILLER: From today's date.
- [137] THE COURT: From today's date. For a period of ten years from today's date. Thank you, Mr. Miller. And,

- b) any prohibited firearm, restricted firearm, prohibited weapon, prohibited device, and prohibited ammunition for life.
- [138] Count 1 on Indictment 38367-2 is a primary designated offence. Pursuant to s. 487.051(1) of the Code, I make an order in Form 5.03 authorizing the taking of samples of bodily substances from you for the purpose of registration in the DNA National Data Bank.
- [139] I am proposing that Mr. Radau report to the Cranbrook RCMP station no later than October 10, 2025, unless they have some schedule for doing these things that I am not familiar with, Mr. Miller?
- [140] CNSL S. MILLER: No, they should be able to accommodate him.
- [141] THE COURT: Okay. So that was you must attend at the police station at Cranbrook, B.C., no later than October 10, 2025, and submit to the taking of the samples. This order is valid until executed.
- [142] Counsel, I have not heard from you, I believe, on the victim surcharge.
- [143] CNSL G. VERDURMEN: Yes, there is no objection to him paying that. It would be hard to say so, given that he has a sentence by which he can maintain employment.
- [144] THE COURT: Thank you.
- [145] CNSL S. MILLER: I concur.
- [146] THE COURT: You must pay a victim surcharge in the amount of, I believe it is \$200, is that correct, Mr. Miller?
- [147] CNSL S. MILLER: For an indictable offence, yes.
- [148] THE COURT: Okay. It must be paid and I would propose it to be within 60 days, but I will hear from counsel.
- [149] CNSL G. VERDURMEN: Sixty days is reasonable. I do take into -- I do take into account that he has been employed, and he -- but he also has one more fine to pay imposed by the court, but I don't think that is impossible, and of course these are -- there is punishment involved in it, so there may be limited hardship. But I think he should be able to accommodate that.
- [150] THE COURT: So within 60 days of today's date, you must pay a victim surcharge in the amount of \$200, and I believe you do that by way of payment to the clerk of the court. Is that right, Mr. Miller?
- [151] CNSL S. MILLER: Yes. Madam Clerk would know a bit more about that, but I think they facilitate payment at the registry.
- [152] THE COURT: Is that correct?
- [153] THE CLERK: Yes, Justice, they can attend at the registry to make that payment.

[154] THE COURT: Very good, thank you. Counsel, is there anything else that needs to be addressed?

[155] CNSL S. MILLER: Not from our perspective. I was paying close attention and I think you got all the relevant considerations.

[156] THE COURT: Thank you. Mr. Verdurmen?

[157] CNSL G. VERDURMEN: Just a concern about either that -- well, I'd like him to leave the courthouse today with a copy of both orders. Whether or not the signature is required is up to the court.

[DISCUSSION ON DRAFTING ORDER]

[158] THE COURT: I just want to say, Mr. Radau, that I think that you should consider yourself fortunate that, given the gravity of your offence and your related criminal record, the court has given you the opportunity to serve your sentence in the community. Any breach of the conditions I have imposed as part of the CSO is likely to lead to you serving the remainder of your sentence in jail, and may also lead to your prosecution for the breach.

[159] Your consent to the orders in the probation order requiring you to undergo treatment as directed is, in my view, a very positive sign that you are prepared to continue to take the steps necessary to ensure that you do not find yourself before the court again, hopefully in relation not only to this but on any other matter.

[160] I do wish you the very best going forward, Mr. Radau.

[161] THE ACCUSED: Thank you, Your Honour.

[162] THE COURT: Thank you, counsel, very much for your excellent submissions on this matter.

[163] CNSL S. MILLER: Thank you.

[164] THE CLERK: My apologies if I missed it, Justice, was Mr. Radau to sign those documents in the registry as well, or was his signature --

[165] THE COURT: I would prefer it, if that is possible to manage logistically, if we could have Mr. Radau's signature on it.

[166] THE CLERK: Yes, Justice.

[167] THE COURT: Thank you very much. Thank you.

"L.M. Lyster J."

LYSTER J.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/sc/25/21/2025BCSC2112.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-radau-2025>

Prepared on 27 October 2026 · Esheria