

CANADA / JUDGMENT

R. v. Taylor

2025 BCSC 1739

COURT

Supreme Court of British Columbia

DECIDED

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2025 BCSC 1739 R. v. Taylor

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Taylor,

2025 BCSC 1739

Date: 20250520

Docket: 186462-2

Registry: Victoria

Rex

v.

Morgen Taylor

Before: The Honourable Justice Morley

Oral Reasons for Judgment

Counsel for the Crown:

L. M. Baskerville

Counsel for the Accused:

B. S. Lynskey

Place and Dates of Hearing:

Victoria, B.C.

May 15 and 16, 2025

Place and Date of Judgment:

Victoria, B.C.

May 20, 2025

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I. introduction

- [1] On May 15, 2025, Morgen Taylor pled guilty to one count of aggravated assault of Sandra Bigg. The Crown asks for a sentence of three to four years in a penitentiary with credit for pre-sentence custody. The Defence asks for a two-year conditional sentence order, followed by three years probation.
- [2] These are my reasons for sentence. When I gave them orally, I reserved the right to edit a written version for clarity, errors and to set out citations. I have made edits within those parameters. The result has not changed nor has the basis for it.

II. Overview

- [3] Everyone agrees this is a tragic case. In the summer of 2023, Mr. Taylor's circumstances were desperate: he was homeless and suffered from severe mental illness and addiction to crystal meth, as a result of his attempts to self-medicate. His condition led to delusions. As a result, when he was confronted by an elderly couple, he believed himself to be threatened by multiple people.
- [4] On July 26, 2023, Ms. Bigg and her husband, Michael Hannah, both 67 at the time, were out walking their dog in the Craigdarroch Castle area of Victoria, where they live. Mr. Hannah saw Mr. Taylor seated on a boulevard next to a burnt-out patch of grass. Mr. Hannah, apparently wrongly, suspected Mr. Taylor of causing the fire, which he had noticed a few days before. Mr. Hannah confronted Mr. Taylor, leading to an angry dispute between them, the details of which I will describe at greater length later on. When Ms. Bigg stepped between the two men, Mr. Taylor struck her with a closed fist on the left side of her chin. She fell backwards, causing her head to strike the sidewalk.
- [5] When Ms. Bigg arrived in the hospital, it was apparent she had suffered a severe traumatic brain injury. She was hospitalized for five months. During that time, Mr. Hannah was told on several occasions to prepare for her death. Ms. Bigg survived. But when she was released, she was a fundamentally different person. She is now cognitively impaired, requiring full-time care by Mr. Hannah. She requires assistance with eating and toileting and can only be left alone for short periods of time. She cannot remember the assault and has no insight into the extent to which her life has changed. She suffers from pain that Mr. Hannah cannot help her with. Sometimes he cannot determine what it is. Neither of them can experience the kind of retirement years they worked hard for and had every reason to expect. Their love continues, but because of the aggravated assault, it is suffused with pain and loss.
- [6] Mr. Taylor's story is tragic as well. He was a promising high school athlete and well-liked and gentle young man who developed schizophrenia, which was ultimately diagnosed when he turned 23. Because he had a very supportive family, he was able to stabilize and live independently, until his father's death caused him to spiral into crystal meth addiction and homelessness. Now in his forties, he has no history of violence - indeed no criminal history at all - other than this case.
- [7] The fundamental purpose of sentencing is the maintenance of a just, peaceful and safe society through the imposition of just sanctions. Intimately tied to this purpose is sentencing's most fundamental principle, namely that whatever sentence a court imposes must be proportionate, i.e., it must reflect the gravity of the offence, but also must not exceed what is appropriate given the moral blameworthiness of the offender, in this case Mr. Taylor. The Criminal Code sets out other principles as well, the most important of which in this case, in my view, are to assist in rehabilitating offenders (s. 718(d)) and to promote acknowledgment of the harm done to victims and to the community (s. 718(f)).

- [8] Applying these principles, I am satisfied that jail time, let alone a penitentiary sentence, would not be a just sanction, and would not promote a peaceful and safe society. On the evidence, Mr. Taylor is a generally peaceful man, who would not have acted violently if his cognition had not been severely distorted by the combination of his mental illness and the effects of crystal meth, which he used to self-medicate his schizophrenic condition. Since his arrest, and with the help of his family, better services and an extensive network of people who want him to succeed, he has obtained sobriety, managed his condition and complied with intrusive bail conditions. While there can never be absolute certainty, there is every reason to believe that gradual reintegration into the community will work, while there is every reason to fear that incarceration will destabilize him again.
- [9] With some modifications to extend the time for transition to living on his own, for the reasons I will now elaborate at greater length, I adopt the sentence proposed by the defence. I am persuaded that the sentence requested by the Crown, while within the range for aggravated assault, would exceed what is appropriate given the diminished moral blameworthiness of Mr. Taylor in light of the isolated nature of this assault in his life history and the effects of his condition on his ability to assess threats and react appropriately.

III. circumstances of the offence

- [10] Since the Criminal Code instructs sentencing judges to arrive at sanctions that are proportionate to the gravity of the offence and the degree of responsibility of the offender, the facts relevant to that decision are typically divided between the "circumstances of the offence" and the "circumstances of the offender." Because Mr. Taylor's history of mental illness, substance use and homelessness are relevant to his perception of what was happening during the offence, I will explore this history and what we know about Mr. Taylor's state on July 26, 2023, prior to talking about the objective events, and the impact on Ms. Bigg and Mr. Hannah.

A. Facts About Mr. Taylor Relevant to the Circumstances of the Offence

- [11] I had the benefit of the expert testimony of Dr. Rakesh Lamba, an extremely experienced forensic psychiatrist in British Columbia. On the first day of the hearing, he was qualified to give an opinion on psychiatric issues and diagnoses and in the use of the HCR (Historical, Clinical and Risk Management)-20 professional judgment tool to assess risk of violence. I will address Dr. Lamba's opinions about prognosis and risk assessment and management when I get to the circumstances of the offender, but his opinion, which was not disputed by the Crown, is useful as well in providing a background to the tragic events of July 26, 2023.

- [12] Mr. Taylor suffers from schizophrenia, a major mental disorder, which has a "chronic waxing and waning course" (i.e., the symptoms get better and worse). He has generally been compliant with medication, and when he is medicated and free of stimulant intoxication, his baseline symptoms are "negative" or "deficit" symptoms, such as paucity of thought and volition, decreased motivation and constricted range of moods. When medicated, he does not have "positive" symptoms, such as paranoia or delusions.
- [13] As Dr. Lamba explained, it is common for persons with schizophrenia to self-medicate its negative symptoms with stimulants. In many cases, these are milder, legal stimulants like nicotine and caffeine. However, schizophrenia is a risk factor for developing use disorders of illicit stimulants, including methamphetamines. These can provide temporary relief against the negative symptoms of lack of mood, motivation and cognition, but can also trigger positive symptoms. In Mr. Taylor's case, this included paranoid beliefs, such as that people could read his mind or were conspiring to get him, and hallucinations, which in Mr. Taylor's case usually comes in the form of voices.
- [14] Mr. Taylor began experiencing difficulties with his mental health in high school, including hearing voices, but was not diagnosed with schizophrenia until he was 23. I will get into his history in more detail later on in these reasons, but note at this point that after his father died in June 2016, he began to spiral. He began taking street drugs, mostly crystal meth. As a result, he lost his housing in 2022. By the time of the incident he had been living on the street for almost a year.
- [15] On July 26, 2023, Mr. Taylor was overdue on his anti-psychotic medication, which he was supposed to take monthly. His appointment was supposed to be July 18, but he had missed it, meaning he was eight days late. More importantly, probably, his crystal meth use triggered his positive symptoms despite the medication. When he uses crystal meth, he experiences visual hallucinations of aliens, super heroes and characters from the Lord of the Rings. The night before the incident here he had a visual hallucination seeing orcs and superheroes.
- [16] It is clear both from his self-report, and from a drug test administered after the events, that on the evening of July 26, he had smoked two to five points of crystal meth. He was pushing a baby stroller and had his possessions in a blue backpack. He remembers feeling "peaceful" when he sat down on a grass boulevard against a rock wall on Joan Crescent near Craigdarroch Castle.
- [17] Mr. Taylor was 44 years old when the incident took place. He is 6 feet tall and was then approximately 175 lbs.

B. Agreed Statement of Facts

- [18] The circumstances of the offence are as set out in the Agreed Statement of Facts.

- [19] Mr. Hannah and Ms. Bigg were out walking their dog, when they turned southbound onto Joan Crescent from Fort Street. As they were walking southbound on Joan Crescent, Mr. Hannah observed Mr. Taylor, smoking, sitting against the stone wall. His proximity to a burnt-out patch of grass made Mr. Hannah suspect that Mr. Taylor was responsible for the fire.
- [20] Mr. Hannah approached Mr. Taylor and asked, in a loud and confrontational tone, "Was this you? Was this you?"
- [21] It is an agreed fact that Mr. Taylor became visibly angry and started yelling at Mr. Hannah. I find, based on the agreed facts and on the report of Dr. Lambda, that Mr. Taylor was exhibiting positive symptoms of schizophrenia, including paranoia and hallucinations, and delusionally experienced this event as one in which he was being attacked by multiple individuals.
- [22] Mr. Hannah matched Mr. Taylor's loud volume, saying something along the lines of "I'm from the Neighbourhood Association and people who do this kind of stuff are not welcome here." I find this triggered Mr. Taylor's sense of persecution and threat.
- [23] Mr. Taylor jumped up from his seated position and moved towards Mr. Hannah. Mr. Hannah responded by pushing Mr. Taylor as hard as he could.
- [24] Mr. Hannah was 67 and is smaller and frailer than Mr. Taylor and a reasonable person in Mr. Taylor's position would have realized that he was no threat. However, Mr. Taylor was in a mental state where he could not process this information normally. His delusions and paranoia meant he sincerely felt threatened by Mr. Hannah's actions.
- [25] Mr. Taylor said, "push me, push me again". He moved his left leg towards Mr. Hannah to orient himself square to Mr. Hannah. Mr. Hannah responded by grabbing Mr. Taylor by the collar. Mr. Taylor said something along the lines of "you want to keep your heart beating", which Mr. Hannah understandably interpreted as a threat, although it is difficult to know what Mr. Taylor meant by this.
- [26] At this point, Mr. Hannah noticed that Mr. Taylor was holding a knife in his hand. He knocked the knife from Mr. Taylor's hand and it fell to the ground. It was closed.
- [27] Mr. Hannah tried to push the knife away. Mr. Taylor pushed him which caused Mr. Hannah to fall down on his knee.
- [28] Ms. Bigg stepped between the two men with her arms raised in a flailing motion. It is difficult to say what Ms. Bigg's intentions were: Mr. Hannah recalls thinking that she may have been preparing to slap Mr. Taylor.
- [29] Mr. Taylor then struck Ms. Bigg with a closed fist and with significant force on the left side of her chin.
- [30] She fell backwards from the blow, causing her head to strike the concrete sidewalk.

- [31] After Ms. Bigg fell to the ground, Mr. Taylor gathered up his belongings, including the knife, the stroller and a can of beer and left. He walked at a normal rate of speed towards Fort Street. Police found him sitting against a chain fence at the back parking lot of a property on Yates Street.
- [32] He was described as staring ahead and not making eye contact with the police. He was unresponsive when they told him to get on his knees and hands and crawl towards them. The police issued a warning that he would be hit with a bean bag if he did not comply. He continued not to respond. They then shot two rounds from a bean bag gun, hitting Mr. Taylor. He then complied with directions to lay on his stomach with his arms spread out and legs crossed. Mr. Taylor was arrested and taken into custody.
- [33] I should note that Mr. Taylor does not remember the event this way, although he admits that this is how it objectively happened. Instead, he recalls three people coming and yelling that they wanted him to clear out of the neighbourhood, making him believe they were going to beat him up. He recalls one man pushing him (presumably a distorted recollection of Mr. Hannah) and another putting him in a headlock (which is clearly a hallucination). He insisted to Dr. Lamba, the forensic psychiatrist who testified in this hearing, that he saw "the woman" (i.e., Ms. Bigg) fall down.
- [34] Because Mr. Taylor pled guilty, I must proceed on the basis that he committed all the elements of aggravated assault, including the mental ones. He must therefore have intended to apply force and he must have had an objective foresight of bodily harm, if not the actual damage that he caused: *R v. Godin*, [1994] 2 S.C.R. 484.
- [35] However, subject to this admission, the Crown must prove any culpable state of mind beyond a reasonable doubt. I find that Mr. Taylor had a very distorted perception of what was going on, a perception that greatly reduces his moral culpability. While of course Ms. Bigg was particularly vulnerable as an elderly woman much smaller than Mr. Taylor, I do not find that he was aware that the person he punched had these characteristics. I find that he felt threatened, and acted for the purpose of defending himself, although his fear was not based on the reality of the situation, let alone reasonable grounds, and was obviously not reasonable. It therefore clearly did not meet the requirements of self-defence under s. 34(1) (a) and 34(1)(c) of the Criminal Code, and is consistent with his being guilty of the offence.
- [36] At para. 7 of its written submission, the Crown characterized the conflict as follows:
- In brief, Mr. Taylor was questioned by Mr. Hannah about his proximity to a burnt patch of grass during a particularly hot and dry summer. The exchange quickly escalated into a verbal and physical confrontation between the two men. Mr. Hannah noticed that Mr. Taylor was holding a knife near his stomach; Mr. Hannah knocked it out of his hand, Mr. Taylor pushed Mr. Hannah and shortly after that Ms. Bigg stepped between the men to de-escalate the situation.

- [37] There are some discrepancies between this characterization and the Agreed Statement of Facts. Mr. Hannah pushed Mr. Taylor first, which is elided by the use of the passive voice in the statement, "the exchange quickly escalated into a verbal and physical confrontation". The ASF does not say that Ms. Bigg was trying to de-escalate the situation: Mr. Hannah thought she might be preparing to slap Mr. Taylor. It is impossible to know what her intentions were: to the extent this is relied on by the Crown to pursue a higher sentence, it bears the burden of proof on a beyond-a-reasonable-doubt standard, and thus speculation is impermissible.
- [38] I find that Mr. Taylor subjectively perceived Ms. Bigg's movement as threatening and was not able to process that she was smaller, older and female when he applied force to her. To be sure, I do not have any basis to say that her movement was objectively threatening to Mr. Taylor and in light of their differences in age, sex and size, I would reject this. But in considering Mr. Taylor's moral culpability, what matters is his own perceptions, while of course the extreme consequences to Ms. Bigg are also of great importance to a fit sentence.
- [39] At para. 8, the Crown characterizes what happened next as follows:
- Mr. Taylor intentionally punched the considerably smaller and elderly Ms. Bigg, causing a catastrophic brain injury. He then walked away from the scene without offering any assistance, leaving others to care for Ms. Bigg who remained unconscious on the sidewalk where she fell.
- [40] As a statement of the objective facts, this paragraph is correct, and it is true that Mr. Taylor, by pleading guilty, acknowledges that he intentionally applied force to Ms. Bigg. However, I find he was not aware that the person he was striking was smaller, older or female.
- [41] This passage also suggests there was something callous about his subsequent departure, and indeed leaving a victim of aggravated assault without trying to get medical assistance has been found to be aggravating: *R. v. Woodward*, 2010 BCPC 271; *R. v. Sesay*, 2020 BCCA 41 at para. 1. However, in those cases, the offender did not suffer from delusions and paranoid ideation during the offence and could be assumed to understand the natural consequences of the injury. Mr. Taylor's slow walk from the scene with a baby carriage is different. It indicates no concern whatsoever about escape, and shows that he was not thinking or perceiving clearly at all, but it is evidence of detachment from reality, not callousness.

C. Victim Impact

- [42] Ms. Bigg was transported from the scene via ambulance to hospital. She had suffered a severe traumatic brain injury, including extensive intracranial hemorrhage and cerebral contusions, bilateral subdural hematomas and bilateral subarachnoid hemorrhage. She remained in the hospital for five months, much of it in a medically-induced coma, most of it in the intensive care unit. Mr. Hannah was told multiple times to prepare for his wife's death.

- [43] Because of her brain injury, Ms. Hannah is permanently cognitively impaired. She has no memory of the assault, nor does she have insight into how her life has changed. There is no expectation that she will ever get better.
- [44] As a result, Ms. Bigg is unable to provide her own evidence of the impact on her.
- [45] Mr. Hannah provided a statement both of the impact on Ms. Bigg and on himself pursuant to s. 722(1) of the Code. I want to express my appreciation on behalf of the criminal justice system for his courage in coming forward and doing this. I have considered his statement and what it reveals about the profound physical and emotional harm to Ms. Bigg, the emotional harm to Mr. Hannah himself, and the economic loss for both of them, arising from the need to provide for Ms. Bigg's care if Mr. Hannah predeceases her.
- [46] Ms. Bigg was a high-functioning individual before the assault; she is now expected to require personal care in all areas for the remainder of her life. Mr. Hannah must not only take on tasks like organizing the couple's finances that Ms. Bigg used to do, but must closely supervise her for most daily activities like clothing herself and preparing and eating food. Ms. Bigg is incontinent as a result of the assault, which means the couple can no longer easily enjoy the walks that used to be central to their life together. Mr. Hannah is her full-time caregiver and committee, and this has been hard on him and on her.
- [47] Ms. Bigg suffers pain as a result of the assault. This will likely continue for the rest of her life. Mr. Hannah can hear her moan, but Ms. Bigg cannot describe where the pain comes from or where it hurts. She engages in no significant communication with anyone other than Mr. Hannah. She cannot remember the injury and cannot express herself.
- [48] The couple hoped to engage in travel that will never happen now. They no longer share a bed, something Mr. Hannah misses after 42 years of togetherness. Mr. Hannah is clearly overwhelmed. He also suffers from guilt, for which it can only be hoped he will obtain the help he clearly needs.
- [49] In a truly just, peaceful and safe society, which it is the aspiration of the Criminal Code to bring about, this would not have happened. Mr. Taylor would have obtained the psychiatric and counselling services he has received after the assault before it happened, before he destabilized and descended into homelessness and methamphetamine use. He would not have reacted as he did to Mr. Hannah confronting him, and Ms. Bigg would not have suffered a life-altering brain injury.
- [50] It is impossible not to empathize with Mr. Hannah's feeling of guilt. I have no doubt he returns every day to the events of July 26, 2023 and he would not be human if he did not often blame himself. This is an additional unfair burden.
- [51] If a "just, peaceful and safe society" means anything, it means one in which verbal confrontations about property damage are resolved without anyone being hurt. Ms. Bigg's life-altering injuries are, at root, attributable to our failure, as a society, to provide enough help people suffering from combinations of major mental illness, substance use and

homelessness to keep them from spiralling. If we had done so, Mr. Taylor would have been able to react rationally and this terrible tragedy would never have happened. The community owes Mr. Hannah its solidarity and acknowledgment of the unchosen burden he now bears. And of course it owes Ms. Bigg its solidarity and assistance in her plight. Sentencing must reflect that solidarity and it also must reflect Mr. Taylor's need for rehabilitation.

IV. Circumstances of the Offender

- [52] In considering the circumstances of the offender, I will need to address in a fuller way Mr. Taylor's history of mental illness and substance use. I want to start, however, by noting that Mr. Taylor has no history of violence, or indeed of any criminal activity, other than this incident.
- [53] Mr. Taylor has received a number of letters from family members of all generations, friends and professionals who have worked with him. All talk of a gentle, artistic man and all demonstrate support for his struggles with mental health and addiction.
- [54] Mr. Taylor grew up in an ordinary middle-class family. He was successful academically and athletically. The use of cannabis in high school triggered hearing voices. His mother says that in his final year of high school, at 17, he rapidly went from being a popular student to becoming extremely isolated. As I mentioned, he was diagnosed with schizophrenia at the age of 23.
- [55] As I have also mentioned, he went into a spiral in 2016, after the death of his father. His crystal meth use caused him to lose his housing. While on the street, he remained a polite and gentle man. He was attacked once in a 7-11, but there is no example of his being aggressive other than this case.
- [56] His mother points to problems with the way the health care system addressed Mr. Taylor's mental illness. On her account, his initial exposure to the mental health system was traumatic, when his voluntarily arranged mental-health assessment at the Royal Jubilee resulted in what she sees as excessive use of force. More recently, in 2022, after his development of methamphetamine use disorder, his mother attempted to get him referred to the Red Fish Healing Centre, an intensive tertiary care residential treatment centre for co-existing mental disorders and substance use disorders, but for unclear reasons, no referral was made.
- [57] I can take judicial notice that individuals in Mr. Taylor's situation without his family support find it even more difficult to access the support that they need.
- [58] We do not know what would have been had he obtained those services. I am satisfied, however, that his unprecedented violence in this case was a result of psychotic symptoms in relation to his crystal meth use, which was in turn triggered by his underlying major mental disorder.

- [59] When he was first released in August 2023, he was unable to understand his release terms and went out for a walk after his 9:00 p.m. curfew. His mother and step-father called the authorities, and Mr. Taylor was rearrested close to their home. When he was released again in late 2023, it was on a 24-hour house-arrest basis, which has only been the subject of minor modifications since.
- [60] Since his second release, Mr. Taylor has been under the care of the Victoria Regional Forensic Psychiatric Clinic, where he has been seen regularly by a forensic psychiatrist, a case manager and a concurrent disorders counselor to address substance use. He has attended all his appointments and has been compliant with his medication regime. As a result of his efforts, and with an incredible amount of family support, he has attained sobriety and a considerable degree of insight into his condition.
- [61] Mr. Taylor has expressed his remorse about what he did to Ms. Bigg. He has expressed his commitment to being sober and safe.
- [62] I accept Dr. Lamba's opinion that Mr. Taylor has a low and manageable risk of future violence. As Dr. Lamba says, the likely scenario in which he may pose such a risk is if he is intoxicated on crystal methamphetamine and is confronted about his actions or his presence in a certain location is challenged. As happened in this case, that confluence of factors could lead to impulsive physical violence, which could have a serious impact despite a lack of a clear goal or intent to cause serious harm. However, this is neither a particularly likely scenario nor, if it were to occur, would it likely result in the catastrophic injury that happened in this case.
- [63] Further, so long as Mr. Taylor avoids crystal meth, then, he represents no risk to the public. Without the delusions that crystal meth triggers, all the evidence is Mr. Taylor is a peaceful man. Even if Mr. Taylor relapses into crystal meth use, he still would be low risk, but it is crucial both for his own and for the community's sake that this be avoided.
- [64] Despite his mental disorder, his lack of awareness of who he was hitting, and his lack of understanding of the consequences, Mr. Taylor has the same moral responsibility anyone does when they hit someone in an unjustified way. By pleading guilty, he has acknowledged that moral responsibility. But, as I will discuss when I come to the law, his moral responsibility has to be considered in terms of the situation as he subjectively understood it, and in light of his capacities of perception and self-regulation. In that sense, his moral responsibility is attenuated by his mental illness and substance use as a result of it. It is also consistent with a person who is of generally good moral character and who has obviously had many struggles.

V. Legal Principles

- [65] The principal question before me is whether there should be a conditional sentence order, as provided for by s. 742.1 of the Criminal Code:

If a person is convicted of an offence and the court imposes a sentence of imprisonment of less than two years, the court may, for the purpose of supervising the offender's behaviour in the community, order that the offender serve the sentence in the community, subject to the conditions imposed under section 742.3, if

- (a) the court is satisfied that the service of the sentence in the community would not endanger the safety of the community and would be consistent with the fundamental purpose and principles of sentencing set out in sections 718 to 718.2;

[66] In the text of s. 742.1, there follow other pre-requisites for a conditional sentence order, which do not apply because there is no minimum sentence for aggravated assault and it is not one of the specifically listed offences for which a conditional sentence is not available.

[67] In order to provide for a conditional sentence, I must find:

- a) the service of a sentence in the community would not endanger the community;
- b) a sentence of imprisonment of less than two years is a fit sentence; and
- c) a conditional sentence order would be consistent with the underlying objectives of sentencing applicable in this case, and would be fit in light of the circumstances of the offence and of the offender.

[68] On that first point, the Crown concedes that a conditional sentencing order would not endanger the safety of the community in this case. I am satisfied that this is correct. Dr. Lamba's opinion shows that Mr. Taylor is not at a high risk of reoffending and that any such risk can be managed if he avoids crystal meth. Public safety concerns can be addressed by imposing conditions that control that risk. As I will note later, I have concerns that a jail term will impose a much greater risk that Mr. Taylor will destabilize with the risk that he then returns to crystal meth use. As the Supreme Court of Canada has noted, there is always some risk that anyone will re-offend (R. v. Proulx, 2000 SCC 5 at para. 69). I am satisfied that the risk here is low and the risk that a new offence would have the magnitude of harm that occurred in this case is even lower.

[69] The issue is thus whether a conditional sentence order would be consistent with the fundamental purpose and principles of sentencing and if a term of two years or less would be consistent with that purpose and those principles.

[70] I will discuss that purpose and those principles next, but first note the following guidance from the Supreme Court of Canada in Proulx:

- a) Conditional sentences facilitate the achievement of Parliament's objective of reducing the use of incarceration as a sanction and giving greater prominence to the principles of restorative justice: Proulx at paras. 98-99.

- b) A conditional sentence can achieve both punitive and restorative objectives and where it can do so, a conditional sentence is preferable to incarceration. "Punitive" objectives in this context includes both denunciation and deterrence: Proulx at para. 114.
 - c) A corollary of this is that to the extent punitive objectives need to be met, punitive terms should be part of the conditional sentence: Proulx at para. 103.
 - d) The principle of proportionality does not presumptively exclude any offences from the conditional sentencing regime (other than those with a mandatory minimum or explicitly excluded by Parliament): Proulx at para. 83.
- [71] Thus, a conditional sentencing order can meet the purpose and principles of sentencing, including the punitive ones, and whether it does so in any particular case requires looking carefully at that purpose and those principles.
- [72] As I have already mentioned, 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 by imposing just sanctions: s. 718.
- [73] The most fundamental principle, set out in s. 718.1, is that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender. In other words, the severity of the punishment should increase with the seriousness of the consequences of the offences and the moral blameworthiness or culpability of the offender.
- [74] The objectives of sentencing are set out in s. 718 of the Code:
- a) to denounce unlawful conduct and the harm done to victims or to the community that is caused by unlawful conduct ("denunciation");
 - b) to deter the offender and other persons from committing offences ("deterrence");
 - c) to separate offenders from society, where necessary ("incapacitation");
 - d) to assist in rehabilitating offenders ("rehabilitation");
 - e) to provide reparations for harm done to the victim or the community; and
 - f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims or to the community.
- [75] Conditional sentences can meet the objectives of denunciation and deterrence. The amount of denunciation provided by a conditional sentence will be heavily dependent on the circumstances of the offender, the nature of the conditions imposed and the community in which the sentence is to be served. Longer and more onerous conditions express greater denunciation. There may be certain cases in which the amount of denunciation called for requires incarceration: Proulx at para. 106. But of course this will not be true in all cases. Similar considerations apply to deterrence: it can be met by the length and onerousness of the conditional sentence, although there will be cases in which only incarceration will have

sufficient deterrent effect: Proulx at para. 107.

- [76] As I have already mentioned, and will explain further, in this case the most important objectives are rehabilitation of Mr. Taylor and acknowledgment of the harm done to Ms. Bigg. It is also important to recognize the harm to the community more generally of a shocking event like this and the impact on Mr. Hannah in particular. For reasons I will explain, other objectives, including denunciation and deterrence, remain relevant, but are attenuated because of the impact of Mr. Taylor's mental illness on what happened here.
- [77] I note the principle that an offender should not be deprived of liberty if less restrictive sanctions are appropriate, and that available sanctions other than imprisonment should be considered if consistent with the harm done to the victims or the community. These are set out in ss. 718.2(d) and 718.2(e). They can together be referred to as the "restraint principle". We should not punish more than is necessary to fulfill the objectives of sentencing. While 718.2(e) states that particular attention should be given to the circumstances of Aboriginal offenders, the restraint principle applies to all offenders.

A. Mental Illness and Consequent Substance Use

- [78] Both parties agree that mental illness can be highly relevant to the moral culpability of the accused. A sentence should be reduced where the mental illness contributed or caused the commission of the offence or the effect of imprisonment or other penalty would be disproportionately severe because of the offender's mental illness: *R. v. Belcourt*, 2010 ABCA 319 at para. 8, adopting Clayton C. Ruby, *Sentencing* (6th ed.) (Markham: Butterworths, 2004) at paras. 5.246 and 5.256.
- [79] To be sure, this principle should be applied contextually. When assessing a fit sentence, the judge should attribute a degree of moral culpability to the offender commensurate with the magnitude of the mental illness and its overall role in the commission of the offence: *R. v. Badhesa*, 2019 BCCA 70 at para. 44. This requires "detailed and specific medical evidence": *Badhesa* at para. 43. Just having a mental illness does not necessarily diminish culpability: *R. v. Milne*, 2021 BCCA 166.
- [80] So, for example, the Court of Appeal has denied that a personality disorder, as opposed to a major mental illness like schizophrenia, will normally reduce culpability: *Sesay* at para. 30. When intoxication affects the thinking process of an offender, it is important to distinguish between cases in which the intoxication was purely voluntary or recreational, was the product of a use disorder that the offender has failed to treat despite past offences or, as here, is the product of self-medicating a major mental illness: contrast *Sesay* with *Badhesa* and *R. v. Forner*, 2020 BCCA 103.

- [81] In Mr. Taylor's case, his substance use was the product of his mental illness, over which he never had any control. That does not mean he bears no responsibility in addressing his substance use, but he clearly needed help to do so, and that help was tragically not forthcoming until after this crime.
- [82] As a general rule, the importance of deterrence and denunciation is attenuated when sentencing mentally ill offenders: *R. v. Ayorech*, 2012 ABCA 82 at para. 11; *Badhesa* at para. 42 (with respect to general and specific deterrence; I am satisfied that applies in British Columbia to denunciation as well). "Attenuated" is not, of course, the same as "negated". Since Mr. Taylor pled guilty, he acknowledged responsibility for his acts and therefore for the consequences of those acts, and social condemnation needs to be expressed. However, just denunciation must take into account his diminished moral guilt. I find he was experiencing an extreme sense of threat. His psychosis meant he did not experience the actual situation of two elderly people - one of them female - confronting him, but an unprovoked attack by multiple people. His paranoia meant the threat was increased in his own mind. He knew he was applying force to somebody and he could have foreseen that this could cause serious injury, but I am not prepared to attribute more ability to understand the situation than that.

VI. Considerations About Fitness of Conditional Sentence

- [83] In applying these principles to the specific issue before me, namely whether a conditional sentence or a penitentiary term of imprisonment is a fit sentence, I must consider:
- Whether the Crown has proven the aggravating or the Defence the mitigating factors each allege. The Crown must establish aggravating factors beyond a reasonable doubt and the Defence must establish mitigating factors on a balance of probabilities.
 - The specific provisions of the Criminal Code with respect to the sentencing of aggravated assault and the sentencing range established by the Court of Appeal.
 - The "parity cases" provided by each side, recognizing that each case is different and sentencing is an individualized process.

A. Aggravating and mitigating factors

[84] The Crown asserts the following aggravating factors:

- The degree of violence used;
- Mr. Taylor's possession of a knife;
- The relative size and strength difference between Mr. Taylor and Ms. Bigg;
- That the assault was, in the Crown's submission, "unprovoked";
- The severity of the injuries caused.

- [85] I agree with the Crown that it is an aggravating factor that the injuries here were life-altering and permanent.
- [86] Within the framework of aggravated assault, however, I disagree that the "degree of violence" could be characterized at the high end. "Degree of violence" is distinct from extent of injury. Cases where this has been a factor increasing sentence have involved the use of weapons or continuing violence when the victim is already incapacitated. A single punch to the chin in a fight between people of equal strength and size would not be considered at the high end of the spectrum of violence for aggravated assault.
- [87] What is shocking here is that the punch was delivered by a large man in his forties to a small woman in her sixties. However, I find that because of his mental state Mr. Taylor did not appreciate this when he landed the blow. I am therefore not prepared, in the very unusual circumstances here, to find it aggravating in a way not already reflected by the severity of the injuries, which were presumably much greater because of the victim's frailty.
- [88] Possession of a knife, even closed, will in many circumstances of assault be an aggravating factor. However, there are unusual facts in this case. Mr. Taylor was not looking for or expecting a fight. We do not know why he had the knife, but there is no basis to suggest he did anything with it as a result of the confrontation. It was just in his hand, presumably from the outset. He was a man with a mental illness and homeless and we cannot say why he had it. If he had removed it from his pocket or certainly if he had brandished it, it would be an aggravating factor.
- [89] I note that if I am wrong about whether the possession of the knife was an aggravating factor, it would not alter what I consider to be a fit sentence.
- [90] Although not specifically enumerated in this section of the Crown's submission, there was some suggestion that Mr. Taylor's walking away indicated callous disregard, which can be an aggravating factor in aggravated assault cases: *Sesay* at para. 35. But as I have already explained, I do not believe the Crown has established "callous disregard" in this case, since the explanation for Mr. Taylor slowly walking away is much more likely his disconnection from reality.
- [91] Several mitigating factors are undisputed. These include:
- a) The fact that this was Mr. Taylor's first offence.
 - b) Mr. Taylor's mental illness.
 - c) The fact that Mr. Taylor pleaded guilty and has expressed remorse. While the guilty plea took place after a preliminary inquiry, in the specific context of this case, this was early, because Mr. Taylor does not have an independent recollection of the events. The guilty plea meant Mr. Hannah especially did not have to testify again or be subject to cross-examination, which would inevitably have been very hard on him.

- d) Mr. Taylor's compliance with very stringent bail conditions. This is an important indication that a conditional sentence would be effective and also itself a punitive consequence. If I make a conditional sentence order and thus do not give him credit, his time in jail must also count in mitigation.
 - e) Mr. Taylor's sobriety for 14 months. This is bolstered by the fact that he has met with his team, seems to enjoy his interactions with them and the substantial family support he has, both of which bode well for the prospect of continuing sobriety.
- [92] In my view, the Defence has established on a balance of probabilities that Mr. Taylor did not understand who he was hitting or the consequences of his blow, and he acted out of a real sense of threat as a consequence of his paranoia and hallucination. These were not the result of voluntarily-chosen intoxication, but of intoxication as a result of a substance use disorder that was itself rooted in schizophrenia. Sadly, society provided him resources to deal with these complex problems only after he was arrested.

B. Offence-specific Provisions and Sentencing Range

- [93] As explained in *R. v. Parranto*, 2021 SCC 46, two secondary principles, individualization and parity, although apparently contradictory, in fact express this fundamental principle of proportionality. "Parity" implies that it is important to look at other cases and appellate guidance to ensure that sentences are similar to those imposed on similar offenders for similar offences committed in similar circumstances, as mandated by s. 718.2(b) of the Criminal Code.
- [94] The "individualization" principle, on the other hand, recognizes that no two situations are exactly the same. While I should pay heed to the need for greater consistency, ultimately regard must be had to all the unique circumstances of the offence and of the offender and the needs of the community in which the offence occurred: *R. v. Nasogaluak*, 2010 SCC 6 at paras. 43-44. Sentencing is always about the seriousness of the specific offence and the blameworthiness of the specific offender before the court: in this case, Mr. Taylor.
- [95] I note that the maximum punishment for aggravated assault is fourteen years imprisonment: Criminal Code, s. 288(2).
- [96] I agree with the Defence submission that the range for aggravated assault is between 16 months and six years: *R. v. Craig*, 2005 BCCA 484 at para. 10, as adopted in *R. v. Kawerninski*, 2023 BCSC 377 at para. 14.
- [97] It is true that longer sentences have been issued and have been upheld by the Court of Appeal. In *Sesay* at para. 33, the Court of Appeal characterizes these cases as follows:

This Court has upheld sentences in the range of six to eight years for assaults causing life-altering injuries to the victim.

[198] However, in context, this is a statement that in some cases it is appropriate to go above the range, not that the range itself was increased to eight years when victims do not recover. This can be seen by the fact that in para. 32, right before the passage I have just quoted, the Court says, "That a sentence exceeds the generally applicable range does not mean that it is the product of an error in principle or that it is demonstrably unfit".

[199] It is orthodox sentencing law that a sentencing judge can exceed the range, and the fact that the Court of Appeal upholds such a sentence does not imply it is increasing the range. The maximum is the one set by Parliament, not the high end of the "generally applicable range". While a sentencing judge is under an obligation to explain why he or she has departed from that range, it is, as the Court pointed out in *Sesay*, not necessarily an error to do so, in either direction. On my interpretation of *Sesay*, the Court of Appeal upheld the decision of the sentencing judge to impose a sentence six months above the general range, in the circumstances of that case, but did not change the range itself.

[100] In *R. v. Johnson*, (1998) 131 CCC (3d) (B.C.C.A.), 274 1998 CanLII 4838, Prowse J.A. stated that where in the range a case lies depends on the following:

Sentences in the lower end of the range tend to be imposed in "fight" situations in which the altercation escalates and results in injuries to the victim. Sentences in the higher end of the range tend to be imposed in situations where the victims are attacked with a weapon, without provocation and without any opportunity to defend themselves.

[101] These categories are not, in my view, particularly helpful here. From Mr. Taylor's subjective point-of-view, this was a "fight" situation, although objectively he was not under any serious threat. He did not use a weapon. It would be absurd to call what Mr. Hannah did, let alone Ms. Bigg's action in trying to intervene, "provocation", but it is important to note that from Mr. Taylor's perspective he was sitting quietly when he was told he had to leave the situation in an angry voice and Mr. Hannah pushed him first. The tragedy is he was unable to perceive the frailty of those who were challenging him. That is different from the cases where unprovoked violence is referred to.

C. Parity Authorities

[102] I note that before November 27, 2022, conditional sentence orders were not available for aggravated assault, and so the most useful cases are recent ones.

[103] Ms. Baskerville forthrightly conceded that this case is different from all of her aggravated assault sentencing authorities. I agree with this assessment:

- a) In *R. v. Hiscock*, 2002 BCSC 1772, the offender attacked the victim for wearing a red jacket, which he perceived as support of a rival gang. The offender attacked the victim from behind and punched him in the head. The victim struck the ground, and an accomplice kicked the victim in the head. The victim suffered a brain injury that put him in a permanent vegetative state. The offender had a prior record. Stromberg-Stein J. sentenced him to eight years'

imprisonment However -- and in fairness to Ms. Baskerville, she did not dispute this -- the gang context, the lack of a mental disorder, the prior record and the fact that multiple people participated in an attack, including a kick to the head when the victim was down, and I render this case not comparable.

- b) In Sesay, the term of imprisonment was six and a half years. This offender in Sesay had a lengthy record and was assessed as moderate-to-high risk of reoffending. The Court of Appeal ruled that his personality disorders were not mitigating. He had substance use problems that contributed to the attack, but did nothing to address them despite multiple opportunities as a result of prior offending. Again, I do not consider this a comparable case.
- c) Woodward involved a similar punch and a similar injury, but was otherwise completely different. It was a homophobic attack on the victim essentially because the victim offered to buy him a drink in a gay bar. He never expressed any real remorse. Six years' imprisonment was ordered. In terms of the circumstances of the offender, especially, Woodward was a completely different case.

[104] The Defence puts forward the following parity cases:

- a) In Kawerninski, the offender was given a conditional sentence order. The offender participated in a 2-on-1 attack on the victim. He used a knife and cut open the palm of the victim's hand, causing permanent damage. The offender was an adopted Indigenous man. He suffered a significant brain injury as a result of a racist attack. Like Mr. Taylor, he had methamphetamine addiction and a supportive family. Unlike Mr. Taylor, he did not exhibit remorse and his compliance with his bail conditions was patchy. Justice Baird made a conditional sentence order. Although Mr. Kawerninski was Indigenous and Mr. Taylor is not, their circumstances are in many ways similar and Mr. Kawerninski's culpability was greater than Mr. Taylor's. I consider Kawerninski to be a reasonably, although not perfectly, analogous case.
- b) In R. v. Nakamura, [2012] B.C.J. No. 437, two 18-year-old offenders attacked the victim to rob him of money and drugs, and one of them stabbed the victim in the face and stomach. The victim was hospitalized with life threatening injuries, but ultimately recovered. The offenders expressed remorse and it was a first offence. One of them was gainfully employed at the time of sentencing and the other supported his ailing mother. The offenders were given suspended sentences. While the injuries were not life-altering as they are in this case, the moral culpability of the offenders was clearly greater. This is a useful parity case, although it would not support a suspended sentence. Nakamura was decided before conditional sentences were available for aggravated assault.
- c) In R. v. Adolph, [2022] B.C.J. No. 2753, the offender was given a conditional sentence order for an aggravated assault. The crime involved an unprovoked stabbing, including to the torso and neck. The victim suffered from a brain injury and could no longer work in his occupation. The offender had severe substance use issues at the time of the offence, but had obtained sobriety as a result of strict release conditions. A distinction is Mr. Adolph's

Indigenous identity, but this is in many ways a similar case, and Mr. Adolph did not have Mr. Taylor's major mental illness, although he had some substance use issues. I also consider this to be a useful parity case.

VII. Conclusion on Conditional Sentence

[105] At para. 104 of Proulx, C.J. Lamer stated the process for determining whether to grant a conditional sentence:

- a) First, the sentencing judge must decide whether a probationary sentence and a penitentiary term (>two years) are inappropriate.
- b) Second, the sentencing judge must consider whether a conditional sentence of less than two years would be consistent with the fundamental purpose of sentencing. There is no requirement that the length of the conditional sentence be the same as the term of incarceration that would otherwise be imposed.

[106] In my view, a penitentiary term would be disproportionate to the moral culpability of Mr. Taylor and could undermine his rehabilitation. It would not make the community safer and it would not be a just sanction.

[107] On the other hand, a merely probationary term would not recognize the life-altering harm to Ms. Bigg, harm that Mr. Taylor has acknowledge he is ultimately responsible for.

[108] For the same reason, I think a conditional sentence of less than two years would not be adequate in recognizing these harms. It would fail to acknowledge that Ms. Bigg's life has been fundamentally altered and the extraordinary loss she and Mr. Hannah have suffered.

[109] I think a conditional sentence of two years with significant conditions would promote rehabilitation and would recognize the attenuated objective of denunciation, as well as the restorative value of social recognition of the harm to the victims. Combined with a further three years of probation, it will provide the best chance of fully rehabilitating Mr. Taylor. I am persuaded this is the fit sentence, taking into account both the circumstances of the offence and the circumstances of the offender.

VIII. Conditions

[110] The defence proposal is that there should be a transition to two nights a week in his own apartment immediately, and then, after one month, four nights a week and then, one month later, always in his own apartment.

[111] I have concerns that this would be a too rapid transition, and I will make some adjustments for a slower transition. That increases somewhat the punitive nature of the conditional sentence order, but that is proportionate in the circumstances.

IX. Mandatory Ancillary Orders

[112] Aggravated assault is a designated offence under s. 487.04(a)(x) of the Criminal Code. Therefore, pursuant to 487.05(1), an order for the taking of Mr. Taylor's DNA is mandatory, and one will be made.

[113] Section 109 of the Criminal Code makes a weapons prohibition order mandatory. I agree with the Crown that this prohibition should be for life.

X. conclusion

[114] Please stand up Mr. Taylor.

[115] I pronounce the following sentence on you:

- a) You will serve a period of imprisonment of two years less one day in the community as provided for in s. 742.1 of the Criminal Code. The terms and conditions of the conditional sentence order are:
 - i. You must keep the peace and be of good behaviour.
 - ii. You must appear before the court when required to do so by the court.
 - iii. You must report in person to a conditional sentence supervisor at 836 Courtney Street in Victoria, BC by 3:00 p.m. Wednesday, May 21, 2025, and, after that, you must report as directed by your conditional sentence supervisor.
 - iv. When first reporting to your conditional sentence supervisor, you must provide them with the address where you live and regularly sleep and your phone number if you have one.
 - v. You must not change your address or phone number without prior written permission from your conditional sentence supervisor.
 - vi. You must notify the court and your conditional sentence supervisor in advance of any change of name or address and promptly notify the court or conditional sentence supervisor of any change or employment or occupation.
 - vii. You must remain in British Columbia unless you have prior written permission from the court or your conditional sentence supervisor to leave the province.
 - viii. If you are arrested, detained, or serve a jail sentence for another offence, you must report in person to your conditional sentence supervisor within two business days of your release from custody or completion of the sentence so that your conditional sentence supervisor can give you further direction to report.
 - ix. You must have no contact or communication, directly or indirectly, with Sandra Bigg or Michael Hannah.

- x. You must not go to or be within 100 metres of any place where Sandra Bigg or Michael Hannah 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.
- xi. For the first two months of this order, you must obey a house arrest condition by being inside [redacted address], Victoria BC, between the hours of 3:00 p.m. and 10:00 a.m., with the following exceptions:
- 1) With the prior written permission of your conditional sentence supervisor. Such permission is to be given only for employment of other reasonable purposes.
 - 2) You are in the immediate presence of Barbara Jefferson, Larry Jefferson or Nigel Taylor.
 - 3) You are going directly to, or returning directly from, a health care facility because of a medical emergency. I note that you have, in court, consented to providing proof of your attendance at the healthcare facility if requested by your conditional sentence supervisor.
 - 4) You remain in the common areas of the building at [redacted address] or within 10 metres of the front door where you can immediately be located.
 - 5) You are going directly to or returning directly from a scheduled medical or psychiatric appointment, or programming for alcohol or drug addiction services, but only if the location and time and date of those programming services are provided to your bail supervisor in advance.
 - 6) From Sunday night to Monday morning and Thursday night to Friday morning, you are permitted to be at the address of [redacted address]. During this attendance, you must obey all other curfew conditions.
- xii. 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.
- xiii. If you are given permission by your conditional sentence supervisor, you must carry it with you in paper or electronic format at all times when you are away from the place where you live and regularly sleep.
- xiv. If a peace officer finds you outside the place where you are living during the curfew, or house arrest hours, and requests to see the permission, you must show it to the officer.
- xv. For the third and fourth months of this order, you must obey the same house arrest conditions, except that you may be at [redacted address] from Sunday night to Tuesday morning and from Thursday night to Saturday morning. During this attendance, you must obey all other curfew conditions.
- xvi. From the fifth month to the conclusion of this conditional sentence order, you must obey the same house arrest conditions, except that you must do so by being at [redacted address]

xvii. During the term of the conditional sentence order, you are not allowed to use alcohol or controlled substances as defined by the Controlled Drugs and Substances Act.

xviii. You must attend, participate in, and complete any intake, assessment, counselling or education program as directed by your conditional sentence supervisor. If you are expelled or you remove yourself from the treatment program, you must immediately report this in person to your conditional sentence supervisor. If their office is closed, you must return immediately on the next business day during regular business hours.

xix. Having consented in court, you must do the following:

- 1) Report to Forensic Psychiatric services or elsewhere for any directed intake, assessment, counselling, or treatment as arranged by your conditional sentence supervisor;
 - 2) Attend all scheduled appointments with your doctor, psychiatrist, psychologist, counsellor, and mental health worker;
 - 3) Take all medications and medical treatment prescribed for you;
 - 4) Having consented in Court, you agree that your mother, Barbara Jefferson, or Larry Jefferson, can accompany and attend your medical treatment appointments including by not limited to directly observing your receiving your regular injections;
 - 5) Provide your conditional sentence supervisor with the names, addresses, and phone numbers of your doctor, psychiatrist, psychologist, counsellor, and mental health worker;
 - 6) Authorize your conditional sentence supervisor to give all professionals identified in this condition a copy of this order;
 - 7) Authorize your conditional sentence to tell all professionals identified in this condition that if you do not follow this order they have your permission to inform your conditional sentence supervisor;
 - 8) Sign any documents that are necessary for your conditional sentence supervisor and all professionals identified in this condition to check your attendance and completion of any intake, assessment, counselling, or treatment program;
 - 9) If you decide not to follow the terms of this order, you must immediately report this to your conditional sentence supervisor and advise them of the reasons why you no longer consent. If their office is closed, you must return immediately on the next business day during regular business hours.
- b) On the completion of your period of imprisonment served in the community, you will have a three-year term of probation with the following conditions.
- i. You must keep the peace and be of good behaviour.
 - ii. You must appear before the Court when required to do so by the Court.

- iii. You must have no contact or communication with Sandra Bigg or Michael Hannah.
- iv. You must not go or be within 200 metres of the residence of Sandra Bigg or Michael Hannah or the place where they worship or work, or any other place that you are aware that they are. If you see either of them during those three years, you must immediately vacate.
- v. You must report to a probation office within 48 hours of release from conditional sentence. Unless you obtain written approval to attend a different probation office, you must attend the Victoria Community Corrections office at 836 Courtney Street, which is just close to here. After that you must report as directed by your probation officer.
- vi. On first reporting, you must provide your probation officer with your legal name and your address.
- vii. You must notify your probation officer in advance of any change of name or address.
- viii. You must attend, participate in and complete any intake, assessment, counselling or treatment program relating to the use of methamphetamines and other illegal stimulants, as directed by your probation officer.
- ix. If you are expelled or remove yourself from a treatment program, you must report this in person to your probation officer on the next business day.
- x. You must not possess or use any controlled substance during the time of your probation.
- c) There will be an order prohibiting you from possessing any firearm, any crossbow, restricted weapon, ammunition or explosive substance for life.
- d) There will be an order in Form 5.03 authorizing the taking of samples of bodily substances from you as reasonably required for the purpose of forensic DNA analysis.
- i. Having consented in court, you must do the following:
 - 1) Report to Forensic Psychiatric services or elsewhere for any directed intake, assessment, counselling, or treatment as arranged by your probation officer;
 - 2) Attend all scheduled appointments with your doctor, psychiatrist, psychologist, counsellor, and mental health worker;
 - 3) Take all medications and medical treatment prescribed for you;
 - 4) Having consented in Court, you agree that your mother, Barbara Jefferson, or Larry Jefferson, can accompany and attend your medical treatment appointments including by not limited to directly observing your receiving your regular injections;
 - 5) Provide your probation officer with the names, addresses, and phone numbers of your doctor, psychiatrist, psychologist, counsellor, and mental health worker;

- 6) Authorize your probation officer to give all professionals identified in this condition a copy of this order;
- 7) Authorize your probation officer to tell all professionals identified in this condition that if you do not follow this order they have your permission to inform your conditional sentence supervisor;
- 8) Sign any documents that are necessary for your probation officer and all professionals identified in this condition to check your attendance and completion of any intake, assessment, counselling, or treatment program;
- 9) If you decide not to follow the terms of this order, you must immediately report this to your probation officer and advise them of the reasons why you no longer consent. If their office is closed, you must return immediately on the next business day during regular business hours.

"J. G. Morley, J."

The Honourable Justice Morley

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