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R. v. Williams

Her Majesty the Queen v. Jermaine Williams

Ontario Court of Justice

J.M. Grossman J.

Heard: January 19, 2011

Judgment: January 19, 2011

Docket: None given.

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Counsel: Ms M. Misener, for Crown

Mr. S. Pieters, for Defendant

Subject: Criminal

Criminal law.

J.M. Grossman J., (Orally):

1 Mr. Williams, people make decisions in life, some for the better, some for the worse. You're a very young man. You're nineteen years old. You now know that your parents chose to make certain decisions when you were but an infant. As I understand it from the discussions in chambers, your father was deported to Jamaica when you were a very young child. Your mother chose to go with him and to leave you, at a young age, with your grandmother. Now you have chosen, by your actions, to leave your child at a young age because the mother of your child was pregnant when you decided to commit these offences.

2 As a result, as your lawyer has said, you have not had the benefit that a father would normally have of living with the miracle of birth, of seeing your child born and growing up and now, for some time, will miss those early years. That's not because someone has forced that situation upon you. It's because you have chosen, through your conduct, to put yourself in this position.

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3 You know how you felt as you grew up without parents. What's this young child going to feel Like having learned that her father was in the penitentiary or in jail from the day she was born, for at least a couple of years thereafter? What kind of example are you going to set for her and what kind of a lifestyle are you going to choose for yourself?

4 You have a grade nine education. I understand you're going to upgrade that as best you can. Mr. Pieters talks about added responsibilities and that's what it's all about, being responsible. Possessing loaded restricted firearms is not being responsible. Placing yourself in circumstances as was the case last October where you are shot in a situation that perhaps, and only you know, may have been avoided, again begs the issue of responsibility. Doing something with your life and doing something for the mother of your child and for your child is something you're going to have time to think about now. When you get out, you'll have choices to make. You'll have decisions to make. Like I said, people make decisions in life. And you will either return to this type of culture which involves weapons and drugs and find yourself precisely where you are now again, or perhaps you might avail yourself of certain programs during your period of custody that will enlighten you into making a more meaningful contribution to society, to your life and to those who are now dear to you.

5 You have people who are here today because they're concerned about you. Perhaps you should think about that so that when you are released you can reciprocate and be concerned about them.

6 I take into account you have spent six months of pretrial custody. I am mindful of your background and of your age. I'm also mindful of the grave concern that arises with respect to the proliferation of weapons within our community and I'm also aware of the mandatory provisions of the *Criminal Code*.

7 Taking into account all of the circumstances and mindful of the joint submission of counsel, with respect to the plea as it relates to the charge of being in possession of a loaded, restricted firearm, I am obliged to consider the mandatory minimum sentence and impose a sentence of three years in the penitentiary.

8 With respect to the further count to which you entered a plea, namely, having a firearm in your possession while prohibited from doing so by court order, the sentence will be six months consecutive, for a total sentence of three years, six months.

9 I am mindful this is a primary designated offence and I will make a D.N.A. order. Pursuant to s. 109 of the *Criminal Code*, you are prohibited from possessing any weapons and the proliferation of items therein set out, namely, firearms, crossbows, prohibited weapons, restricted weapons, prohibited devices, ammunition, prohibited ammunition, and explosive substances, for life. I will waive the victim fine surcharge. The remaining charges?

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MS. MISENER: They should all be marked withdrawn, please.

THE COURT: Taking into account that he was arraigned on each of those and did not re-elect on those other counts, would it be appropriate to dismiss those charges?

MS. MISENER: Yes, that's fine.

THE COURT: The remaining charges are dismissed. Good luck.

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