

In the Provincial Court of Alberta

Citation: R v O'Mara, 2020 ABPC 201

Date: 20201102
Docket: 190292672P1
Registry: Edmonton

Between:

Her Majesty the Queen

- and -

Matthew O'Mara

Accused

Reasons for Sentence of the Honourable Judge D. DePoe

[1] On November 18, 2019 I convicted the accused Matthew O'Mara of common assault. My reasons are reported at *R v O'Mara*, 2019 ABPC 257.

[2] This assault occurred during the course of the accused's duties as a police officer with the Edmonton Police Service (EPS).

[3] The essential facts found were that in the course of making an arrest of the complainant, Mr. Jephtas-Crail, on the sidewalk on Jasper Avenue in Edmonton, for the provincial offences of trespass and being intoxicated in a public place, the accused delivered two hard punches to the head of the complainant as he lay prone on the ground. Mr. Jephtas-Crail was under the control of the accused, a much larger and more physically able person than the complainant. Constable O'Mara was assisted by his partner, Constable Holly Beutler.

[4] There was a pause between the infliction of the two blows, and at least the second one was inflicted after the complainant was handcuffed. I found that the two punches were not justified or excused by section 25 of the *Criminal Code of Canada*, and the conviction was entered accordingly.

[5] In these circumstances Mr. Jephtas-Crail was defenceless against Constable O'Mara's assault on him. The assault was observed by three independent eyewitnesses, who were located

in the front window of an establishment called the Bar Bricco. The incident occurred on the sidewalk right in front of the bar.

[6] Further, following the assault the accused failed to follow several EPS policies regarding the use of force and transportation of detainees. Instead, the accused and his partner drove the complainant into the North Saskatchewan river valley and left him there.

[7] The defence seeks a conditional discharge. The Crown's position on sentence is that the range of sentence would be from a suspended sentence to a conditional discharge. The defence in particular relies on a psychological assessment done in respect to the accused by the office of Dr. Leslie Block, an experienced forensic psychologist, who is familiar to the court. I will have more to say about that report presently.

I. PRINCIPLES OF SENTENCING

[8] The purpose and principles of sentencing are set out in sections 718 through 718.2 of the *Criminal Code*. I will not set these out in their entirety but I will make reference to those which I feel are most relevant in determining a fit sentence for this accused.

[9] The most important sentencing principle that I must apply is that of proportionality. A sentence must be proportionate to the gravity of the offence, and the degree of responsibility of the offender.

II. AGGRAVATING FACTORS

(a) The Accused was in a Position of Trust

[10] Section 718.2(a) lists aggravating factors which a sentencing court must take into account. Evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim is an important aggravating factor.

[11] There can be no doubt that a police officer is in a position of trust and authority, and that crimes committed by police officers represent a breach of the public trust. Our Court of Appeal has said so, and the defence concedes the point in its written submissions.

[12] In *R v Koopman*, 1999 ABCA 269, Chief Justice Fraser wrote at para 25:

...police officers enjoy a special status in our community. To the extent that they are the people on the front lines with whom the public has contact, they represent the justice system. For a police officer to breach that trust and engage in a violent criminal act, even though off duty, has consequences for the administration of justice which go beyond the actions of the officer on the one night. Put simply, it undermines public confidence in the police and in the end, in the rule of law.

[13] It has been said by numerous courts across Canada that police are in a special position of power over citizens in the community. Persons under arrest can do little to protect themselves against assaults by those whom the law has entrusted with their care. It is the law and the justice system which puts the police officer in the position of power over the citizen, and therefore it is the law and the justice system which must protect prisoners and detainees from abuse and excessive force. When a police officer assaults an arrestee, he commits a serious crime against not only that person, but a serious crime against the community, and the justice system itself.

[14] Police officers in one important way are like lawyers and judges - they take an oath before they assume their duties. These oaths are similar. Police officers in Alberta swear, or affirm, that they will diligently, faithfully and to the best of their ability execute, according to law, the office of Peace Officer. Police officers are supposed to not just uphold the law, but act within it, in a professional manner.

[15] It is for these reasons that the police are held to a higher standard than would be expected of an ordinary citizen. The principles of denunciation and deterrence become magnified in the sentencing of police officers. The public expects a high standard of conduct on the part of the police, and any abuse of power or excessive force on their part must be constrained. See in this regard *R v Forcillo*, 2018 ONCA 402, at paras 198 to 200, and *R v Ferguson*, 2008 SCC 6, at para 28.

[16] It is also frequently acknowledged that the job of a police officer can be a very difficult and stressful one. Police officers who patrol downtown beats in our major cities, like this accused, deal with all manner of street crime, and difficult, rude and sometimes violent people, as well as the homeless, the addicted and the physically and mentally ill.

[17] Nonetheless, the law is clear that for crimes committed by a police officer in a position of trust, denunciation and deterrence become the most important sentencing factors.

(b) Impact on the Victim

[18] Section 718.2(a)(iii.1) of the *Criminal Code* states that “evidence that the events had a significant impact on the victim, considering their age and other personal circumstances, including their health and financial situation”, must be considered by the court as aggravating.

[19] I have before me a poignant victim impact statement from Mr. Jephtas-Crail, who at the time of this incident was homeless, intoxicated and vulnerable. While conceding his own wrongful actions (which in the court’s view were minor), he details the negative impacts of this assault on him, and being left alone in the river valley, and further how it has changed his views of the police.

[20] He states “This experience has altered my view of the police as it leaves me feeling as though I cannot trust in them to keep me safe... because this incident was perpetrated by a police officer, someone so highly respected in our city, I felt as though any strength or voice I had was taken and I left this encounter feeling hurt and angry and unable to do anything about it because of who had done it”.

[21] This coincidentally speaks directly to the comments above, about how a police officer has a position of power over the ordinary citizen, and that persons under arrest can do little to protect themselves against assaults by those whom the law has entrusted with their care.

[22] It is also a clear example of how a violent criminal act perpetrated by a police officer has consequences for the administration of justice, that go beyond the actions of a police officer on one night, as described in *Koopman*.

[23] The complainant also comments directly on how he was left in the river valley, after the assault. “This experience has negatively impacted my self-worth as I was disregarded and left by another human being. As though I meant nothing. As a person with a disability and already facing barriers, it left me feeling as though I was worth next to nothing.”

(c) The Accused's Post-Offence Conduct

[24] The accused's conduct after the assault I also find to be aggravating. Important to my determination of a fit sentence is the fact that the accused failed to follow several important EPS policies in dealing with an injured arrestee against whom violence had been used by police.

[25] This is described in the trial decision; set out at paras 91 through 114. I will list the accused's failures briefly here.

[26] First, he failed to assess the complainant for injuries following the incident, and attend to the medical needs of Mr. Jephthas-Crail.

[27] Second, both he and his partner failed to declare over the radio that a Category II Use of Force Event had occurred.

[28] Third, he failed to request the attendance of a supervisor.

[29] Fourth, he failed to abide by the EPS transport policy in respect to sick or injured detainees.

[30] Fifth, he drove the complainant out of the area, down into the river valley and left him there, some distance from any shelter or assistance, late on a cold December evening.

[31] Sixth, he failed to complete any sort of written report as required.

[32] Seventh, he authored a misleading street check report about his encounter with the complainant.

[33] The defence submits that I should leave any consideration of the accused's behaviour after the incident to police discipline proceedings, which I am informed have been instituted against the accused, but not yet resolved.

[34] I cannot give effect to this submission. In my view these actions by the accused form an important part of the narrative of events, put the matter in proper context, and inform the level of moral culpability which ought to attach to the commission of the offence.

[35] In this regard I refer to *R v Ens and Moyse*, 2011 MBQB 301. The two accused in that case were police officers, convicted after trial of common assault. The fact that the accused created false reports over a period of several months after the events "in order to make the victim look bad" (para 4) was considered to be an aggravating feature of the facts in that case.

[36] It is in my view not possible or appropriate to divorce such matters from the immediate facts surrounding the commission of the offence, in the process of determining a fit sentence.

[37] In the case at bar, the post-offence actions of the accused were calculated and considered, again, in the company of his partner. There would have been ample opportunity for the two of them, or, since she is not on trial here, at least him in particular, to consider the rightness or wrongness of what he was doing following the assault.

[38] These actions were done to avoid having the matter reviewed on the night in question. The only reason the offence came to light is one of the independent eyewitnesses, of whom Constable O'Mara was unaware at the time, felt compelled to come forward.

[39] In my view this is all conduct which must be deterred.

[40] In any event, one would expect the police discipline proceedings to consider all relevant aspects of the matter, just as the court is required to do in determining a fit sentence.

III. THE ACCUSED'S APPLICATION FOR A DISCHARGE

(a) The Report of Leslie Block

[41] The accused submits that a fit disposition in this case is a conditional discharge.

[42] This is grounded largely in the extensive report completed by Leslie Block. The report relies on personal interviews and testing with the accused, as well as further interviews with his family. This report embodies nearly all of the mitigation available to the accused in this case.

[43] In its written brief, the defence submits the following at paras 8 to 13:

8) The Report opines that at the time of the index offence Constable O'Mara "was experiencing florid PTSD symptoms at the time, which in turn, activated the fight-flight-freeze stress mechanism. His perception of threat led him to over-react in aggressive fashion, to mitigate the sensed danger. He felt that his reactions were appropriate and would alleviate harm or injury to himself and others." (Page 11)

9) The Assessment further connects the Offender's PTSD to the index offence by noting, "Although the exact relationship between PTSD, Dissociation, and criminal behavior are arguable, we feel that this man's problems and symptoms that accrued over his military and police career became detriments to his ability to function effectively, especially at work. His ability to "read" situations and gauge level of threat to self and others, was becoming compromised." (Page 12)

10) It is also notable that the report excluded the possibility that the offence was committed for anti-social or self interested reasons. (Page 13)

11) These findings are important because they directly connect with the factual findings by the Court on conviction. On the analysis conducted on the defence under s. 25 of the Criminal Code, the Court found that while constable O'Mara was acting within the scope of his law enforcement duties throughout the incident, it was found that the use of force was unreasonable and executed at an unnecessary level. Moreover, the Court found, that the force was unreasonable because "the situation from the perspective of the Accused was under control." It is respectfully submitted that the report of Les Block provides important context to this factual finding.

12) As the report notes, "Past training often equips police to react and respond effectively in most situations. However, with ongoing and frequent exposure to trauma, his ability to rely on past training is more remote. He lost the edge he needed to survive and function as a policeman. PTSD and Dissociation has compromised Constable O'Mara's ability to revert to past training. It has offset his ability to accurately assess/gauge risk threat." (Page 13)

13) This conviction is premised on this Court's findings that Constable O'Mara engaged in a disproportionate and unreasonable response to the perceived threat of Mr. Jephthas-Crail. The forensic Report makes it clear that at the time that he made those decisions that he was experiencing "florid PTSD symptoms." It is submitted that the offender's conduct and its genesis in his PTSD is impossible to separate. It is one and the same.

[44] I have carefully read and considered Dr. Block's report. I take particular note of Constable O'Mara's background, and his career both as a military police officer and with the EPS.

[45] Referring directly to the report, I have no issue with the conclusion drawn by Dr. Block that the accused has significant mental health problems related to PTSD and Dissociation, and that his mental state at the time of the offence contributed to his disproportionate use of force.

[46] However, there are some aspects of the report that I do have difficulty with. Despite reviewing a copy of the trial decision in this matter, Dr. Block relies in several instances on Constable O'Mara's version of events, which was largely rejected at trial.

[47] The report states that Constable O'Mara has limited actual memory of the incident in question. Nonetheless he gave a detailed account of what occurred during the course of the arrest, according to him, at trial.

[48] The accused repeated to Dr. Block that he attempted to stun the complainant with a punch to the head, as a way of gaining compliance. He has maintained, throughout the process, that his actions were justified.

[49] This is contrary to the findings the court made at trial. Based on the evidence of the eyewitnesses, the accused had the complainant under control, and was in the act of handcuffing him, with the assistance of his partner, when he punched Mr. Jephthas-Crail. At least the second punch was thrown after the handcuffs were secure. The strikes were not necessary, and were not used to "gain compliance".

[50] Further, it appears that the accused does not accept these findings, or the court's assessment of his credibility. His evidence as to what happened on the sidewalk was rejected. I find it hard to agree with the conclusion that Constable O'Mara accepts full responsibility for the events, as stated in the report.

[51] Further, he again offers the excuse to Dr. Block, as he did at trial, that he did not comply with EPS policy as he did not wish to do the "unending paperwork" involved in dealing with Mr. Jephthas-Crail.

[52] Again, this is contrary to the trial findings of the court, in that this was not found to be a credible explanation for his failure to comply with the numerous EPS policies, as I have set out above. He concedes to Dr. Block that he employed a Category II Use of Force, which he knows triggers a corresponding duty to follow these policies.

[53] Further, Dr. Block states "That he did not complete an accurate account of the incident in question is likely due to the memory problems associated with PTSD." There is no evidence before me that would lead to the conclusion that his memory immediately after the event would be impaired to the point where he could not write an accurate account of it, or report the matter to his supervisor, or comply with the other policies that he breached.

[54] For example, there is no information before the court that he had difficulty, related to his mental condition, writing proper reports in respect to any other investigation he was involved in at around the same time.

[55] It was clear to the court that he did not comply with these policies because he did not wish to have this incident reviewed on the night in question.

[56] There is also no cogent explanation offered, related to his mental condition or otherwise, as to why, in the company of his partner, he would drive the complainant into the river valley on a cold night and effectively dump him there. This alone is a significant aggravating factor, and in my view places this case into a different category.

[57] To his credit, the accused had sought out counselling prior to the incident to deal with his mental problems, spending in the area of \$7000.00 for this purpose. He currently sees a registered social worker that is on the EPS approved service provider list.

(b) The Law with Respect to Conditional Discharges

[58] The leading case in Alberta in respect to the appropriateness of a discharge is still *R v MacFarlane*, 1976 AltaSCAD 6. There are, of course, two conditions precedent to the exercise of the jurisdiction to grant a discharge, either conditionally or absolutely. The first is that it is in the best interests of the accused. In almost every case it can be said that a discharge is in the best interests of the accused.

[59] The second condition precedent is that the court must consider that a conditional discharge is not contrary to the public interest.

[60] The Court of Appeal in *MacFarlane*, starting at para 15, outlined a non-exhaustive list of factors that must be considered in every case in deciding whether giving a discharge is not contrary to the public interest:

[15] Firstly, there is the nature of the offence. While it is to be borne in mind that the Section may be used in respect of any offence other than one for which a minimum punishment is prescribed by law or the offence is punishable by imprisonment for 14 years or for life, or by death, one must nevertheless be concerned with the seriousness of the offence, and it would seem appropriate that the more serious the offence, the less frequent would be the use of a Discharge in sentencing. It would, for instance, be a most exceptional case where a crime involving violence would be dealt with by an order of Discharge.

[16] Secondly, one has to consider the prevalence of the particular offence as it may exist in the community from time to time.

[17] Thirdly, one must consider whether an Accused stood to make some personal gain at the expense of others, as distinct from some activity which might be in the nature of a prank or in respect of which his motives were other than self-interest.

[18] Fourthly, where the offence is relating to property, as here, the value of the property destroyed or stolen must be relevant. The theft of a ball-point pen would not ordinarily be regarded as seriously as the theft of a colour television set.

[19] Fifthly, we think that it is relevant to consider whether the crime was committed as a matter of impulse, and in the face of unexpected opportunity, or whether it was calculated.

[20] Sixthly, we think it relevant to consider whether the circumstance that an Accused has committed the offence is something which should be a matter of record so that members of the public may have the opportunity of being aware of the fact that that Accused had committed the offence in question. Theft from an employer would, in most cases, involving as it does a breach of trust, not warrant a Discharge, as it may be thought that prospective employers should have the means of knowing something about the character of the prospective employee. Even here there may be exceptional circumstances, such as a falling-out, or a civil dispute about money which did not amount to colour of right, but which might result in the offence being in the nature of a technical one.

[61] The Court of Appeal was also of the view that the jurisdiction should be used sparingly.

(c) Application of the Law to This Case

[62] When looking at the relevant factors set out in *MacFarlane*, three stand out as being the most important in relation to this case.

[63] The first is the nature of the offence. The court must be concerned with the seriousness of the offence; it would seem appropriate that the more serious the offence, the less frequent would be the use of a discharge. Further, the court in *MacFarlane* was clear that it would be a most exceptional case where a crime involving violence would be dealt with by an order of discharge.

[64] This point has been reinforced more recently in *R v Reid*, 2015 ABCA 334, at para 19:

A discharge is only available in the most exceptional circumstances in crimes of violence. In *R v Teclesenbet*, 2009 ABCA 389, this Court stated:

As to the second condition; that the discharge is not contrary to the public interest, *MacFarlane* noted that it would be an exceptional case where a crime of violence attracted a discharge. In our view this case does not reach that level. This is all the more true given the nature of the conviction-in this case assault causing bodily harm, an offence that often attracts jail terms...

[65] These comments are very relevant to the case at bar.

[66] Second, in reference to the sixth factor, Mr. O'Mara was in a position of trust. As indicated above, there is a long line of authority that clearly establishes that peace officers of all types are in a position of trust.

[67] Offences which involve abuse of a position of trust by peace officers require denunciation and deterrence.

[68] It seems axiomatic that discharges do not have the same deterrent effect as other types of criminal sanctions which follow on a conviction. When we speak of deterrence here, it is important to note that we are not just considering some broad concept of general deterrence, but also the deterrence of other police officers.

[69] These factors strongly militate against a discharge in this case.

[70] When it comes to the fifth factor, whether the crime was committed as a matter of impulse, in my view this consideration is attenuated when the applicant for a discharge is a peace officer purportedly acting in the execution of his duty. Peace officers, generally speaking, ought not to act on impulse, but according to their training and within the authority granted to them by the law.

[71] Against this latter consideration, I must balance the mental condition of the accused at the time of the offence. The conclusion of Dr. Block is that the accused was suffering symptoms of PTSD and Dissociation at the time of the offence, which caused him to overreact in an aggressive fashion. I can accept this is so even though I disbelieve the accused's version of events.

[72] The law is clear that mental disorders can mitigate a sentence, even if the evidence does not disclose that the mental illness was a direct cause of the offence. The relative importance of deterrence and denunciation is lessened when sentencing mentally ill offenders. *R v Ayorech*, 2012 ABCA 82.

[73] However, in my respectful view on all of the evidence before me there is no significant connection that can be drawn between the mental state of the accused, and his calculated actions after the offence, which I have already described. There is little in the way of mitigation that can be given in respect to this aspect of the matter.

[74] The defence in its submissions also relies on a number of decisions, from this and other jurisdictions, which I have reviewed, where police officers convicted of assaultive behaviour received discharges. All can be distinguished, for a variety of reasons.

[75] For example, the case of *R v Willet*, 2017 ABPC 68 is cited. In that case a police officer was found guilty of charges of assault causing bodily harm and failure to comply with a release condition. He suffered from mental issues, including PTSD, a persistent depressive disorder, unspecified anxiety disorder comorbid with the PTSD, and alcohol use disorder. However, the offence occurred while the officer was off-duty, he expressed immediate remorse, and entered a guilty plea.

[76] The defence also relies on the unreported case of Sean Michael Briegel, #150662344P1, a decision of Judge Wheatley of the Provincial Court of Alberta. Briegel was a police officer who pleaded guilty to an offence of assault causing bodily harm, arising out of an incident that occurred while on duty. He was given a conditional discharge, but in a situation where it was conceded that he was entitled to use force, but did so excessively, and where he immediately complied with all EPS policies in respect of the use of force. Further, the court in that case was impressed with a series of very positive annual performance reviews, and with letters of support not just from the community, but from all levels of the Edmonton Police Service right up to the rank of Inspector.

[77] There are also numerous decisions in the law reports where police officers convicted of assault were denied a conditional discharge. I have reviewed many of these as well.

[78] While other cases may serve to provide guidance, each case must be decided on its own facts, and in consideration of the circumstances of the individual offender.

[79] Mr. Teskey also argued that should a conviction be entered against Mr. O'Mara this might lead to him losing his employment, and for this reason I should impose a discharge.

[80] I adopt here the reasoning of Judge Rosborough in *R v Lepine*, 2010 ABPC 374, at paras 26 to 28:

[26] Mitigation in this context is discussed by Manson, et al in *Sentencing and Penal Policy in Canada*, 2nd ed, Manson, Healy, Trotter, Roberts and Ives, Edmond Montgomery Publications Limited, Toronto, 2008. The authors state (at p.124):

The loss of employment or professional qualifications will often be raised as relevant collateral consequences. However, there is a distinction between situations where the specific criminal act results in disqualification from a profession or employment, and those situations where employment is lost as a result of personal or community response that stigmatizes the offender. The latter should be taken into account because it flows from the criminal process while disqualification is a more difficult issue. Careful distinctions are required. Some mitigation may be available if the disqualification arises from an offence which is not centrally related to professional responsibility. For example, there is a difference between a surgeon who is struck off the professional roll for criminal negligence causing death after performing surgery while intoxicated, and a

physician who commits an offence of dishonesty in his billing practice. The former receives no sympathy for losing a profession which his conduct shows he was ill-suited to perform while the loss of livelihood for the latter is not directly related to professional qualities. Another example is a police officer who is convicted of an offence related to policing. A conviction for assaulting a prisoner will likely end a career and should not generate any mitigation when being sentenced for the assault. An off-duty offence may also end a law enforcement career but this factor would be viewed in a different light depending on the nature of the offence. (emphasis added)

[27] In *R. v. Mand*, 1999 ABPC 160 Ayotte P.C.J. considered the potential effect on the offender's employment of the entry of a conviction. The offender, an RCMP officer, had assaulted a young person by 'cuffing' him on the head during the course of an arrest. The court stated (at para.5):

He [the offender] also makes a more troubling submission when he gently asks me to take into account the possible effect on the constable's employment, on his career as a police officer, if a conviction is entered. I realize that there may be disciplinary action by the Force if a conviction is entered. However, I hasten to add that sentencing courts cannot be held hostage to what employers might do. Every employed offender must face the reaction of his employer to his or her conviction for a criminal offence. Indeed courts hear every day about the likely loss of a job upon conviction for impaired driving, for example. That is an inevitable side-effect of breaking the law. Employers have the right to make decisions about employment; courts have a duty to impose an appropriate sentence.

See also: *R. v. Ryan* (1976), 1976 ALTASCAD 188 (CanLII), 1 A.R. 355 (C.A.); *R. v. Zinkhofer*, 2000 ABPC 16.

[28] The offender in this case committed the crime of assault during the course of his duties as a police officer. Indeed, the offence occurred in the police detachment itself and in the company of other RCMP staff. I accept the distinction drawn by Manson, et al and decline to mitigate what would otherwise be a fit and proper sentence on the basis of potential disciplinary action yet to be taken by his employer as a result of this conviction and sentencing.

[81] The potential impact of this process and a conviction on the ability of Constable O'Mara to continue his career is a valid consideration, but one that cannot overpower the rest of the analysis and cannot move the sentence significantly below what the court finds to be fit. See *R v Pham*, 2013 SCC 15.

[82] There are two additional factors present which I feel compelled to take into account. I wish to make it clear that neither is aggravating, but in my view, they disentitle the accused to lenience.

[83] First, the accused was convicted after a trial. He has expressed very little in the way of remorse.

[84] Second, the accused was found not to be a credible witness at trial; in fact, I found that he lied about several important matters in his attempt to defend himself. For example, the court rejected his explanation for punching the complainant, and found contrary to his evidence that at least one of the hard punches he threw was inflicted after the complainant had been handcuffed and was under his control. The court further found it impossible to believe that he did not notice

that the complainant had been injured. His evidence that he drove the complainant to an address on the south side following the incident was untrue. There were other examples.

[85] Police officers are often described as professional witnesses, and are expected in all circumstances to be truthful when offering evidence to the court. Constable O'Mara failed in this obligation.

IV. CONCLUSION

[86] It is my opinion that in consideration of and balancing all the circumstances of this case, a conditional discharge is not a fit disposition. I would point out that prior to the receipt of the psychologist report, and hearing the submissions of counsel, the court was considering a sentence of imprisonment.

[87] Instead, in light of the mitigation offered by the report of Dr. Block, I suspend the passing of sentence and place the accused on probation for a period of 18 months.

[88] I would impose the following conditions:

- a) He shall keep the peace and be of good behavior.
- b) He shall appear before the Court when required to do so.
- c) He shall notify the Court or Probation Officer in advance of any change of name or address, and notify the Court or Probation Officer of any change in employment or occupation.
- d) He shall not communicate directly or indirectly with the victim.
- e) He shall report to a Probation Officer within two days of the making of this Probation Order and thereafter when directed.
- f) He shall perform 100 hours of community service.
- g) He shall attend for assessment and counselling as may be directed by his Probation Officer which may include, psychiatric/psychological counselling; substance abuse; and such other counselling as may be directed.

Dated at the City of Edmonton, Alberta this 2nd day of November, 2020

D. DePoe
A Judge of the Provincial Court of Alberta

Appearances:

D. Spaner
for the Crown

K. Teskey, Q.C.
for the Accused