SUPREME COURT OF NOVA SCOTIA
Citation: *R. v. Redden*, 2017 NSSC 172

Date: 2017-06-14
Docket: CRH 452591
Registry: Halifax

Between:

Her Majesty the Queen

v.

Robert Lindsay Redden

Judge: The Honourable Justice James L. Chipman

Heard: June 14, 2017, in Halifax, Nova Scotia

Counsel: William Mathers, for the Crown
Tony C. Amoud and Christine Cooper (articled clerk), for Mr. Redden

Orally by the Court:

Introduction

[1] The matters in issue date back just over two years when the RCMP executed a search warrant on Mr. Redden's home address. As a result of their April 8, 2015 search, the RCMP located and seized a number of firearms and related items. Mr. Redden had been subject to a prohibition order with respect to firearms dating back to September 20, 2007. Accordingly, Mr. Redden was charged with a number of *Criminal Code* offences referable to possession of the firearms.

[2] During a September 29, 2016 Crownside appearance, a judge and jury trial was scheduled to take place over a period of ten days, beginning on April 10, 2017. At a subsequent Crownside appearance on November 17, 2016, the matter was set down for a resolution conference on January 26, 2017. During a December 22, 2016 Crownside appearance, Mr. Redden re-elected to a judge alone trial and then indicated his preparedness to enter guilty pleas on ten counts. Accordingly, on the indictment, guilty pleas were entered on the following counts:

Count	JEIN Case No.	Charge
Count 1	2877665	s. 91(2): overcapacity magazines
Count 3	2877667	s. 95(1): 32 caliber revolver
Count 4	2877674	s. 95(1): 32 caliber revolver
Count 5	2877676	s. 95(1): sawed-off rifle
Count 10	2877685	s. 117.01(1): pistols
Count 11	2877686	s. 117.01(1): rifles
Count 12	2877687	s. 117.01(1): shotguns
Count 24	2877713	s. 117.01(1): ammunition
Count 28	2877718	s. 92(1): rifles
Count 29	2877719	s. 92(1): shotguns

[3] The matter was initially set down for sentencing to take place on what was to have been the first day of trial, April 10, 2017. A pre-sentence report (PSR) had been requested and was prepared on February 16, 2017. On March 24, the Crown filed their submission and these authorities:

R. v. Chan, 2011 NSSC 471

R. v. Crathorne, 2015 NSPC 1

R. v. Haus, 2016 BCPC 11

R. v. Kift, 2014 ONCJ 625

R. v. Nur, 2015 SCC 15

R. v. Power, 2016 NSSC 198

R. v. Steel, 2007 SCC 36

[4] On March 31, the Defence wrote the Court to advise he would be seeking an adjournment of the sentencing. He asked for time to review a number of letters of support along with the Crown's sentencing submissions. In addition, the Defence asked for the adjournment on account of health issues experienced by Mr. Redden and his wife. Given the Defence's concession that with the request they would waive delay (in the event the passage of time might somehow derail the process), the Crown consented to the new sentencing date offered by the Court; i.e., today's date of June 14, 2017.

[5] On May 1, the Defence submitted eight letters of support for Mr. Redden. On June 8, the Defence submitted his sentencing brief and attached the PSR, *Nur* and *Haus* decisions, along with recent medical documentation in respect of Mr. Redden.

[6] On June 13, the Crown submitted three further cases for the Court's consideration:

R. v. Zabor, 1982 CarswellOnt 2118 (Ont. C.A.)

R. v. R.(A.), 1994 CarswellMan 114 (Man. C.A.)

R. v. Lai, 1998 CarswellNfld 149 (Nfld. C.A.)

[7] Today I heard oral argument and as part of his submission, Mr. Amound handed up *R. v. Proulx*, [2000] 1 S.C.R. 61. Finally, I received Mr. Redden's comments as he briefly addressed the Court with respect to his sentencing.

Positions of the Parties

Crown

[8] The Crown initially submitted that a custodial sentence of five years to be appropriate and that the sentence be apportioned, as follows:

Count	JEIN Case No.	Charge	Sentence
Count 1	2877665	s. 91(2): overcapacity magazines	6 months concurrent
Count 3	2877667	s. 95(1): 32 caliber revolver	4 years
Count 4	2877674	s. 95(1): 32 caliber revolver	4 years, concurrent to other s. 95(1) counts
Count 5	2877676	s. 95(1): sawed-off rifle	4 years, concurrent to other s. 95(1) counts
Count 10	2877685	s. 117.01(1): pistols	1 year, consecutive
Count 11	2877686	s. 117.01(1): rifles	1 year concurrent to other s. 117.01(1) counts
Count 12	2877687	s. 117.01(1): shotguns	1 year concurrent to other s. 117.01(1) counts
Count 24	2877713	s. 117.01(1): ammunition	1 year concurrent to other s. 117.01(1) counts
Count 28	2877718	s. 92(1): rifles	1.5 years, concurrent
Count 29	2877719	s. 92(1): shotguns	1.5 years, concurrent

[9] The Crown also sought ancillary orders with respect to DNA, s. 109 (firearms) and s. 491 (forfeiture of weapons and ammunition).

[10] In oral argument today, the Crown backed down from advocating five years to a revised recommendation of a two to three year custodial sentence, along with the same ancillary orders.

Defence

[11] The Defence asks for a conditional sentence order, followed by a period of probation. In addition, the Defence has suggested house arrest, curfew, no

alcohol/drugs conditions, assessment and counselling. With respect to house arrest, the Defence requests exemptions for medical appointments for Mr. Redden and his wife and an exemption for volunteering.

Background

[12] The Crown and Defence entered into evidence an Admissions of Fact, pursuant to s. 655 of the *Criminal Code*. The below facts were admitted by Mr. Redden:

1. THAT on the 8th day of April, 2015, the RCMP executed a search warrant on 60 Lindsay Lake Road, Lindsay Lake, in the Province of Nova Scotia (the "Residence");
2. THAT the Residence was the home of Robert Redden (Mr. Redden) and Sylvana Redden (Ms. Redden);
3. THAT in an outbuilding near the Residence, a number of items were located and seized, including:
    1) over 7,000 rounds of ammunition;
    2) 4 12 gauge shotguns (classification: non-restricted firearms);
    3) 3 Lee Enfield rifles (classification: non-restricted firearms);
    4) 3 Mauser rifles (classification: non-restricted firearms);
    5) 1 Mannlicher-Carcano rifle (classification: non-restricted firearms);
    6) 1 Savage rifle (classification: non-restricted firearms);
    7) 2 Cooey rifles (classification: non-restricted firearms);
    8) 1 Ross rifle (classification: non-restricted firearms);
    9) 2 .32 calibre revolvers (classification: prohibited firearms);
    10) 1 sawed-off .22 calibre rifle (classification: prohibited firearms);
    11) 1 44 calibre percussion cap revolver; and
    12) Quantities of black-powder.

    (the "Items")
4. THAT at all material times a number of the firearms listed in para. 3 were stored contrary to the *Storage, Display, Transportation and Handling of Firearms by Individuals Regulations*, including the Ross rifle, which was stored with a round of ammunition in the chamber;
5. THAT the Items are 'firearms' or 'ammunition' within the meanings of s.. 2 & 84, as the case may be;

6. THAT at all material times Mr. Redden was in possession of the items;

7. THAT at all material times Mr. Redden knew he did not possess a license or authorization to possess the Items;

8. THAT at all material times Mr. Redden was subject to a prohibition order under s. 109 of the *Criminal Code*, imposed on September 20, 2007, which is attached to these Admissions as Exhibit A;

9. THAT at all material times Mr. Redden was prohibited from possessing the Items, within the meaning of s. 117.01(1) of the *Criminal Code*; and,

10. THAT Mr. Redden has a prior criminal record, which is attached to these Admissions as Exhibit B.

[13] The prior criminal record (Exhibit B) referred to in the above para. 10 pertains to serious weapons-offences. Indeed, it was because of these convictions that Mr. Redden was sentenced on September 20, 2007, and therefore was under firearms restrictions when he was arrested on April 8, 2015.

[14] The aggravating factors in this case pertains to Mr. Redden's prior convictions for the weapons-related offences. He clearly has a record involving firearms and was under a weapons prohibition at the time of his arrest 26 months ago.

[15] As for mitigating circumstances, while not an early guilty plea, Mr. Redden pled guilty and in so doing, saved considerable court time and expense. A preliminary inquiry was not required as Mr. Redden consented to his committal. I would add that from the PSR and from his comments to the Court today, it is clear that he admits responsibility and expresses remorse for his crimes.

[16] In addition, Mr. Redden comes to Court with unique personal circumstances related to his age and health. Further, he has a strong level of community support as expressed by the eight letters of support and comments within the PSR.

[17] The PSR confirms Mr. Redden comes before the Court as a 66-year-old offender. He is a retired teacher who plays bagpipes on a part-time basis. He last worked thirteen years ago as a Commissionaire. His hobbies include beer and wine making, along with making leather products. Mr. Redden has an interest in history and the military. He serves with the 84th Highland Foot Regiment, a historical re-enactment group.

[18] Mr. Redden currently resides with his wife of ten years in Lindsay Lake, a rural community in the Musquodoboit area. Mr. Redden is a regular consumer of

alcohol but from all reports, his consumption is not problematic. The author of the PSR, Diana Scott-Demont, concludes her report, as follows:

> While Mr. Redden is deemed a suitable candidate for community supervision, there are no apparent areas within his life at the current time that he requires support with. As noted by his previous Parole Supervisor, Mr. Redden was deemed a low risk and it does not appear his circumstances have greatly changed since that time.

[19] There are no victim impact statements and indeed, the current charges stem from what I would characterize as victimless crimes. The eight letters in support of Mr. Redden are consistent with the tenor of comments of the individuals interviewed as part of the PSR. By way of example, these comments appear on page 5 of the PSR:

> The subject's friend, Rick Walsh was contacted for his comments. Mr. Walsh advised he has known Mr. Redden for 30 years, noting he first met him when he was working as a Chaplin in Gagetown. According to Mr. Walsh, they have stayed in touch over the years and are now involved in performing historical re-enactments together as part of a Club they both belong to. He described the subject as a gentleman, who is honest and a good friend. Mr. Walsh advised the subject is a history buff who he always knew to have an interest in guns and be a gun collector.

Authorities and Discussion

[20] No two cases are alike and the submitted authorities demonstrate a wide range of sentences for the offences in question. In the Crown's brief, the following is offered at paras. 7-9:

> 7. *R. v. Haus* affords the lowest sentence the Crown has been able to locate involving circumstances in which the offender was sentenced for the possession of multiple firearms, including prohibited class firearms and over-capacity magazines. Mr. Haus had no prior criminal involvement whatsoever and he was not prohibited from possessing firearms: he was a "pillar of the community" who employed 15 people in his bakery. Judge Keyes imposed a six-month conditional sentence order, and wrote as follows with respect to the offence:
>
> > 82 This is a case in which the pursuit of an otherwise harmless hobby led Mr. Haus into serious conflict with the law. While this is not simply a technical offence, such as an error in licensing, I find these circumstances are within the least blameworthy end of the spectrum noted in *R. v. Nur*.

> [… …]
>
> 85 No one was harmed. No one was endangered. No harm was intended. There were no ill-gotten gains. There were no surrounding circumstances of criminal behaviour. It was simply that Mr. Haus foolishly allowed his obsessive pursuit of an intriguing hobby to lead him astray.

8. While *Haus* represents the low-water mark for offences of this type, the decision of *R. v. Kift* stands at the other end of the spectrum. Mr. Kift had secreted 67 firearms and explosives throughout his house. He was on parole at the time, for weapons offences, and attempted to use his RCMP connections to influence the investigating officer. Mr. Kift received a sentence of 8 years but the court reduced that to 7 years, 9 months in consideration of an egregious *Charter* breach.

9. The Crown has been unable to locate a decision involving the mere possession of large numbers of firearms, including prohibited or restricted class firearms and over-capacity magazines, in which the offender was on a prohibition stemming from the actual use of a prohibited or restricted class firearm.

[21] When I review the facts of this case, I find that *Kift* in no way approximates what the Court is dealing with in this case. The search in *Kift* was described by the sentencing judge as "high risk". Police seized 67 firearms and Justice Deluzio's comments at para. 12 are illustrative of the seriousness of the situation:

> Mr. Kift's offences are serious. While he was on parole for gun trafficking offences, and subject to a prohibition order, Mr. Kift concealed an arsenal of guns, ammunition and explosives in his home, where he lived with his wife, and where his two adult daughters and grandson have visited. According to Mr. Kift most of the weapons found in his home were "missed" by the police during their search of his residence in 2003. If this is true, Mr. Kift was in continuous breach of Court imposed prohibition conditions for ten years. The evidence at trial established that Mr. Kift continued to acquire firearms and ammunition, and created additional hidden compartments for his weapons following his release on parole in 2010. Among the firearms in Mr. Kift's possession there were multiple prohibited firearms including 5 Sten sub-machine guns, a fully automatic AK47, a Russian sub-machine gun, and several handguns. All of these guns were fully operational and with readily accessible ammunition. Guns and explosives were found hidden behind false closet walls in two of the bedrooms of Mr. Kift's home. Police found over 10,000 rounds of ammunition and explosives in an upstairs bedroom. Among the explosives were grenades, detonators and black powder. Many of the guns hidden in bedrooms and behind false closet walls were not secured safely. A fully operational antique Webley handgun was found hidden under a nightstand beside the bed in the master bedroom. The serial numbers had been removed from several guns.

[22] As will become apparent later in my decision, *Haus* offers facts more in line with what we have here.

[23] The three Court of Appeal decisions submitted by the Crown on yesterday's date stand for the proposition that a sentencing court should take into consideration the age and health of the individual who is to be sentenced. For example, in *Zabor*, the Ontario Court of Appeal stated at para. 5:

> The trial judge properly took into account the appellant's health, his age, his previous good record and the mitigating circumstances. He, nonetheless, concluded that the offence was of such gravity that the appropriate sentence to be imposed was two years. We are unable to say that on the facts as they then existed that the trial judge was wrong in imposing the sentence that he did and, indeed, we are all of the view that, apart from the appellants state of health, it was a fit sentence.

[24] In *R. v. R.(A.)*, the Manitoba Court of Appeal noted at paras. 25-39:

> 25 Although the impugned question was improper, it was the form of the question which made it so. In light of the accused's earlier evidence, Crown counsel was certainly entitled to enquire as to the accused's knowledge of facts from which the untruthfulness of the complainant might be inferred. Whether it was wise for him to do so, when the accused had failed to offer such evidence in answer to his own counsel, is not for us to decide.
>
> 26 If asked in the proper form, the question would undoubtedly have drawn the same answer from the accused. The answer did not hurt his case: it advanced it. The accused disclosed facts, previously unknown to the trier of fact, which demonstrated a possible source of animosity between him and his daughters. That this animosity was not sufficient to raise a doubt in the judge's mind is neither here nor there. The accused's case was stronger as a result of this cross-examination than without it.
>
> 27 The only remaining point is the judge's reaction to the answer given by the accused to the improper question. Having rejected the accused's explanation as raising no reasonable doubt, did he convict because there was no other? In other words, did he place a burden on the accused to explain why the complainant might have lied?
>
> 28 Having read the trial judge's reasons in their entirety, I am satisfied that he convicted because he was satisfied by the Crown's evidence that the accused had committed the offence charged. As part of the narrative, he did refer to the accused's explanation as "the only reason the accused could give for the allegations against him." I am satisfied, however, that it was not the absence of

another explanation, but his acceptance of the complainant's evidence as proof beyond reasonable doubt that led to the conviction.

Unreasonable Verdict

29 There is insufficient merit in this ground of appeal to warrant extensive reasons for rejecting it. Put quite simply, the verdict was one which a properly instructed jury could reasonably have reached.

Sentence

30 The ordinary rule in cases of this kind is that a prison term is mandatory: see *R. v. D. (C.)* (1991), 75 Man. R. (2d) 14 (C.A.). Indeed, in that case, an even longer term than that imposed here was suggested as the starting point.

31 It was nonetheless acknowledged in *D. (C.)*'s Case, at least by the majority, that there were cases in which the ordinary rule might not apply. The cases referred to there were ones in which "there were strong grounds for believing that the victim as well as the accused would benefit from departure from the usual course."

32 No such grounds exist in this case. Instead, we are asked to treat the antiquity of the offence, the age of the accused and his infirm state of health as special circumstances which make a prison term an unfit sentence.

33 The antiquity of the offence is not usually a mitigating feature: see *R. v. Spence* (1992), 78 C.C.C. (3d) 451 (Alta. C.A.). Denunciation and general deterrence remain the predominant sentencing principles. As the Court said in *Spence* (at p. 455):

> ... if the court were to impose a lenient sentence because of the passage of time, some members of the community might regard the sentence as judicial condonation of the conduct in question. That would tend to lessen respect for the administration of justice.

34 Nonetheless, where the delay in the reporting of the offence has not resulted from threats made by the offender, or from other attempts to suppress a complaint, the offender may be entitled to a somewhat reduced sentence if he has led an exemplary life during the intervening years and demonstrates genuine remorse. Such circumstances would obviate the need for individual deterrence and time for rehabilitation.

35 Advanced age is usually a mitigating feature. There are two reasons for this. The older a person is the harder it is to serve a prison term and the less is that person's life expectancy after prison.

> 36 As a general rule, however, advanced age does not entitle a person who has committed an offence of the kind we are dealing with here to a non-incarceratory sentence. The most such an offender can hope for is a reduction in the time he or she would otherwise have served: see, e.g., *R. v. Dinn* (unreported decision of Newfoundland C.A., January 26, 1993 [reported 104 Nfld. & P.E.I.R. 263, 329 A.P.R. 263]) in which a 79-year old woman was only given a two-year sentence for assaulting young children.
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> 37 An accused's infirmity, always a factor to be considered, may warrant a reduction in the sentence that would otherwise have been imposed or a different kind of sentence. It all depends on the nature and effect of the infirmity and the nature and seriousness of the crime. Compassion must neither be stifled nor allowed to take control.
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> 38 In *R. v. Dinn*, supra, the offender, as well as being elderly, suffered from chronic anxiety, heart problems and arthritis. The Newfoundland Court of Appeal said, in confirming the two-year sentence, that "had the appellant been younger and in good health, the jail term would have been considerably longer."
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> 39 The Ontario Court of Appeal went further in *R. v. Lysack* (1988), 26 O.A.C. 338. The offender, a 66-year-old male, had been convicted of recent sexual assaults committed against young girls whom he was teaching. Noting the state of his health, the Court said (at p. 339):
>
> > His health is fragile. He requires constant medication and monitoring. At the time of his sentencing he collapsed, hyperventillating, and required hospitalization. It appears that he may not survive any period of incarceration.
>
> In consequence, the Court set aside a prison term and substituted a suspended sentence plus probation.

[25] Finally, in *Lai*, the Newfoundland Court of Appeal confirmed that the physical condition of Dr. Lai was a “most important factor to be considered in sentencing him” at para. 28.

[26] The parties have presented the Court with diametrically opposed positions on sentence. A conditional sentence with probation is clearly a lenient sentence when contrasted with the Crown’s recommended two to three year custodial sentence. In Justice Moldaver’s dissenting judgment in *Nur*, he concluded his decision with this:

> 199 Section 95 represents Parliament’s considered response to the pressing problem of gun violence in our communities. Parliament chose to craft a wide-

> reaching offence to denounce and deter serious criminal activity with lengthy mandatory minimums. At the same time, it provided a safety valve to divert the least serious cases into summary proceedings carrying no minimum sentence …

[27] I do not regard this case as correlating with "gun violence in our communities". Rather, we have a gun collector who in the time since his 2007 sentencing possessed a number of firearms, some of which he used for historical re-enactments. Mr. Redden knew he was subject to weapons prohibitions and it is indeed unfortunate he chose to possess the weapons in question.

[28] In *Nur*, Chief Justice McLachlin wrote on behalf of the majority, which held that the mandatory minimum sentences imposed by s. 95(2)(a)(i) and (ii) of the *Criminal Code* violate s. 12 of the *Charter* and are null and void under s. 52 of the *Constitution Act, 1982*. After setting out s. 718 of the *Criminal Code* which deals with the fundamental purpose of sentencing, the Chief Justice has this to say:

> [41] The sentencing judge must also have regard to the following: any aggravating and mitigating factors, including those listed in s. 718.2(*a*)(i) to (iv); the principle that a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances (s. 718.2(*b*)); the principle that where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh (s. 718.2(*c*)); and the principle that courts should exercise restraint in imposing imprisonment (ss. 718.2(*d*) and (*e*)).
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> [42] In reconciling these different goals, the fundamental principle of sentencing under s. 718.1 of the *Criminal Code* is that "[a] sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender."
>
> [43] It is no surprise, in view of the constraints on sentencing, that imposing a proportionate sentence is a highly individualized exercise, tailored to the gravity of the offence, the blameworthiness of the offender, and the harm caused by the crime: *R. v. M. (C.A.)*, [1996] 1 S.C.R. 500, at para. 80. "Only if this is so can the public be satisfied that the offender 'deserved' the punishment he received and feel a confidence in the fairness and rationality of the system": *Re B.C. Motor Vehicle Act*, [1985] 2 S.C.R. 486, at p. 533, per Wilson J. As LeBel J. explained in *R. v. Ipeelee*, [2012] 1 S.C.R. 433:

[29] Once again, I have before me a senior citizen who along with his wife has health issues. While in prostate cancer remission for four years, the recent medical information confirms Mr. Redden may be at risk for colon cancer. He also suffers

from high blood pressure, a wrist injury and has "bad knees" dating back to injuries sustained while in the military. Mr. Redden's wife has various health problems including poor vision, meaning she is reliant on Mr. Redden to drive her from their relatively isolated home in Lindsay Lake.

[30] Returning to the *Haus* decision, paras. 82, 85, 87 and 96 are apposite:

> [82] This is a case in which the pursuit of an otherwise harmless hobby led Mr. Haus into serious conflict with the law. While this is not simply a technical offence, such as an error in licensing, I find these circumstances are within the least blameworthy end of the spectrum noted in *R. v. Nur*.
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> …
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> [85] No one was harmed. No one was endangered. No harm was intended. There were no ill-gotten gains. There were no surrounding circumstances of criminal behaviour. It was simply that Mr. Haus foolishly allowed his obsessive pursuit of an intriguing hobby to lead him astray.
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> …
>
> [87] I am satisfied that Mr. Haus would never use any of these weapons in a fashion that would be dangerous. It could be argued that this collection poses a danger because other persons could break into his home and steal the weapons and use them for nefarious purposes. On the other hand, the same can be said of every firearm legitimately possessed by every licensed gun owner, or indeed of any motor vehicle belonging to anyone.
>
> …
>
> [96] With respect, I do not agree that the nature and size of Mr. Haus's collection, by itself, renders a conditional sentence inappropriate.

[31] Having reviewed the case before me, I am able to make the same observations of Mr. Redden's situation.

[32] Section 742.1 of the *Criminal Code* addresses the imposition of conditional sentence orders. In considering an overall disposition, I am persuaded by the Defence's argument at paras. 29 and 30 of their submissions:

> 29. Mr. Redden is an elderly veteran living in a rural community with his wife. His is a military veteran that worked for the Commissionaires and he volunteered with Cadets. He is a known gun aficionado to many of his friends. He was found

> with a number of firearms in a locked shed in his backyard. None of the firearms were stolen or used in the commission of offences. Many of the firearms found were antiques or were used to hunt by his wife.
>
> 30. The investigation into Mr. Redden did not involve allegations of violent offences. Mr. Redden was not trafficking the firearms or working for a criminal organization. Despite the fact that Mr. Redden is facing serious charges, following his arrest, the police released him on a Promise to Appear with no conditions relating to his liberty (house arrest, curfew, etc.). At no point has the Crown applied to revoke his release due to safety concerns.

[33] At the end of the day, I do not feel Mr. Redden presents as a threat to society. He has demonstrated remorse and pled guilty to the offences. While under the cloud of these charges, he has remained compliant. Indeed, it bears emphasizing that Mr. Redden was initially released on a Promise to Appear and he has consistently appeared in Court in the years since. In all of the circumstances, I regard Mr. Redden's offences as being on the regulatory side. He is a senior along with his wife and they both have fairly significant health issues. In my view, having Mr. Redden serve his sentence within the community will not endanger the public.

Disposition

[34] In all of the circumstances, I am satisfied that a sentence involving jail time would not be a fair and just outcome. Rather, I am of the view that Mr. Redden's sentence must involve a fairly lengthy conditional sentence order along with probation and appropriate conditions, orders and fines. In particular, I am satisfied that a fit and proper sentence for Mr. Redden shall consist of the following:

1) A conditional sentence order of two years less a day consisting of house arrest for the first 12 months (including the terms and exceptions as outlined in the Order);

2) That the conditional sentence order shall be followed by 24 months of probation involving regular reporting;

3) That the sentence include the precise ancillary orders sought by the Crown; namely, DNA (s. 487.06(1)), forfeiture of weapons and ammunition (s. 491) and a lifetime firearms and other weapons restriction (s. 109); and

4) The mandatory victim fine surcharge of $200 per count for a total of $2,000, shall be payable within one year of today's date.

Chipman, J.