

IN THE COURT OF APPEAL OF MANITOBA

Coram: Chief Justice Richard J. Chartier
Mr. Justice William J. Burnett
Madam Justice Lori T. Spivak

BETWEEN:

<i>HER MAJESTY THE QUEEN</i>)	<i>M. C. Reimer</i>
)	<i>for the Appellant</i>
)	
)	<i>J. M. Mann</i>
<i>- and -</i>)	<i>for the Respondent</i>
)	
<i>TRAVIS KENNETH WILLIAM SADOWY</i>)	<i>Appeal heard and</i>
)	<i>Decision pronounced:</i>
<i>(Accused) Appellant</i>)	<i>June 4, 2019</i>

NOTICE OF RESTRICTION ON PUBLICATION: No one may publish, broadcast or transmit any information that could disclose the identity of the complainant(s) or witness(es) (see section 486.4 of the *Criminal Code*)

CHARTIER CJM (for the Court):

[1] The accused, who was 26 years of age at the time of these incidents, seeks leave to appeal and appeals his 30-month total sentence of incarceration relating to five prostitution-related offences involving three young complainants, one of whom was 16 and two of whom were 19 years of age at the time of the offences.

[2] The accused argues that the sentencing judge did not properly apply the principle of parity and that she erred by considering the harm that is “generally” caused by these offences despite two of the three complainants asserting that they did not consider themselves to be victims or to have suffered harm. The Crown submits that the sentencing judge considered the relevant factors and imposed sentences that were within an appropriate range given the circumstances surrounding the offences and the circumstances of

the offender.

[3] We are all of the view that there is no merit to this appeal.

[4] The sentencing judge did not err when she took into account the harm generally caused by these offences, despite some of the complainants stating that they had not been exploited. Exploitation is inherent in these prostitution offences (see the preamble of the *Protection of Communities and Exploited Persons Act*, SC 2014, c 25, which repealed the prostitution offences after the decision in *Canada (Attorney General) v Bedford*, 2013 SCC 72, and replaced them with the new legislation).

[5] In addition, the sentencing judge did not misapply the parity principle. She was not sentencing the accused for a single, continuous criminal transaction. There were three different complainants that had been recruited at three different times involving four different offences. In our view, it was entirely appropriate in the circumstances for the sentencing judge to impose three consecutive sentences, one for each complainant. Furthermore, each of the consecutive sentences she imposed was within the sentencing range set out in the case law. Under the circumstances, it cannot be said that the 30-month total sentence for three separate and distinct criminal transactions runs contrary to the parity principle or is demonstrably unfit.

[6] While leave to appeal is granted, the sentence appeal is dismissed.

Chartier CJM

Burnett JA

Spivak JA
