

STANLEY JORDAN—PROFESSING

Stanley Jordan is a professing man in Alberta, Canada.



The Calgary Sun -- Final
News Friday, September 14, 2001:26

KID-PORN ARREST MADE

Mike D'amour
Calgary Sun

LENGTH: Short

An almost three-month investigation into child porn has resulted in the arrest of a Calgary man -- now police are searching for any local children who may have been involved.

"Generally, the children were from South America," said District 7 Staff Sgt. Gary McDougall. "But that doesn't mean there weren't local children involved."

In July, District 7 detectives investigating an unrelated matter became aware of a person who may have been involved in the collection and distribution of child pornography.

After an extensive investigation, detectives executed a search warrant on a residence in the northwest community of Edgemont Sept. 12. Among items seized was a computer that contained images police believe were electronically imported.

"We are reviewing the contents of that computer to ascertain if local children were involved," McDougall said.

As far as police know, the man is not part of a larger child-porn network.

"I believe there is a community of people who have an interest in that kind of activity, but there is no information to suggest this involves an international ring, and it's believed (the suspect) acted alone."

As a result of this investigation, Stanley Howard Jordan, 55, has been charged with importation of child pornography, possession of child pornography and distribution of child pornography.

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DOC. #: 20010914CG0234

R. v. Jordan, 2002 ABPC 114

Date: 20020730

Docket: 016949075P10102

IN THE PROVINCIAL COURT OF ALBERTA

BETWEEN:

HER MAJESTY THE QUEEN

- and -

STANLEY HOWARD JORDAN

REASONS FOR SENTENCE OF THE HONOURABLE JUDGE T.C. SEMENUK

Counsel: G.J. Belecki, Q.C. for the Crown

A. Hepner, Q.C. for the accused

INTRODUCTION

[1] The accused Stanley Howard Jordan has pled guilty to the charge that he: "On or about the 17th day of July, 2001, at or near Calgary, Alberta, did possess child pornography, to wit: ten photographs of a female child, who is represented as being twelve years of age, engaged in both oral and vaginal intercourse with an adult male and three photographs of a female child whom he represented as being either eight or ten years of age, engaged in vaginal intercourse, contrary to Section 163.1(4) of the [Criminal Code](#) of Canada."

[2] The Crown proceeded by way of indictment. The matter is before the Court for sentencing. A Pre-sentence Report was prepared. Two reports and two supplemental reports from different psychologists, Dr. G.J. Kneier and Dr. P.H.F. Baillie were also prepared. Letters of reference both for and against the accused were adduced. A Victim Impact Statement from Rosaland Prober, co-founder of Beyond Borders was adduced through the exception created by s. 722.(3) of the [Criminal Code](#). Finally, the Court is grateful to defence counsel for adducing a bound volume of recent reported and unreported sentencing authorities in the area.

THE FACTS

[3] The facts were adduced by way of a written Agreed Statement of Facts between Crown and defence counsel as follows:

"1. A detective of the Calgary Police Service, acting in an undercover capacity, exchanged e-mails and had telephone conversations with Stanley Howard Jordan between the 13th and 17th of June, 2001. The content of the communications included bestiality, sex with children, and child pornography. This is referred to as "Horseplay Chronology" and is attached as Exhibit 'A'. Exhibit 'A' is the "new" material examined by Dr. Baillie and Dr. Kneier.

• 2. On July 17, 2001 the detective and the accused met at a northwest Calgary restaurant where the accused provided the detective with 13 black and white pictures on a sheet of 8½ by 11 inch piece of paper.

3. These pictures depicted small children engaged in both vaginal and oral intercourse with mature adult males, and is Exhibit 'A' in this material.

• 4. The accused told the detective that he had made arrangements the previous night to have these images sent from the jungle of Guatemala and that the reason for the lines in the photos was due to the poor phone lines in Guatemala.

5. It is hereby agreed that the motivation for the commission of this offence was a misguided attempt to assist the Calgary Police Service in an outstanding horse mutilation case.

• 6. It is hereby also agreed that Mr. Jordan entered a plea of guilty to Count 2 which is under Section 163.1(4) of the [Criminal Code](#) despite the typo error in material sent to Dr. P.H.F. Baillie on June 24, 2002.

7. Updated reports of Dr. Baillie and the letter by Dr. Kneier prepared after reviewing "Horseplay Chronology" and after Dr. Baillie re-interviewed Mr. Jordan are attached.

8. Dated at the City of Calgary, in the Province of Alberta, this 16th day of July, 2002."

THE CIRCUMSTANCES OF THE ACCUSED

[4] The accused in this case is 56 years of age. He is married and has two (2) children. He retired after 31 years of work for B.P. Amoco, where he was a supervisor. He started with the company in a junior position shortly after graduating from SAIT, and worked his way through the ranks. He has a retirement pension of \$30,000 per year. The family home is owned outright, and he has no debt load. Since retirement he has worked part-time as a funeral attendant for SCI Funeral Homes earning \$900 per month. As a result of the present offence he left that employment, but feels that the door is open for him to return. Finally, the accused is presently under the care of Dr. Kneier, a chartered psychologist. The accused has no record

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ISSUE

[5] The issue is to determine a fit sentence in this case. The position of the Crown is that a "short sharp" period of incarceration is warranted followed by a period of probation. The Crown also seeks a DNA Order pursuant to Section 487.052 of the *Criminal Code*. The position of the defence is that having regard to the facts, this case is exceptional, and warrants the granting of a conditional discharge, or, in the alternative, a Conditional Sentence Order. The defence initially opposed the DNA Order sought by the Crown but, after further consideration, stated that it would consent to the order being made.

LAW AND ANALYSIS

[6] In dealing with this case, the Court has the advantage of referring to the recent judgment of the Alberta Court of Appeal in *R. v. North* (2002) ABCA 134. At paragraphs 10 and 11 the Court stated as follows: "The primary goal of child pornography laws is to prevent harm to children: *R. v. Sharpe*, *supra* at 75. Child pornography inflicts harm on children in several ways. Children are clearly abused in its production, it can be used to groom or seduce victims, and it may reduce pedophiles' inhibitions respecting abuse of children. Because the market for child pornography is fueled by the demand of those who wish to possess it, criminalizing it may reduce that demand: *R. v. Sharpe*, *supra* at 96-99. Section 163.1 of the *Criminal Code* also reflects Canada's obligation under Article 34 of the Convention on the Rights of the Child to protect children from sexual exploitation and abuse, and in particular to prevent the 'exploitive use of children in pornographic performances and materials': *Convention on the Rights of the Child*, 26 January 1990, 1577 U.N.T.S. 3 (entered into force 2 September 1990, ratified by Canada 13 December 1991).

Courts have found denunciation and deterrence to be the primary sentencing objectives for this offence and sentences of incarceration are often imposed: *R. v. Stroempl* (1995), 85 O.A.C. 225 (C.A.); *R. v. Huycke* (15 May 1998), Alta. 71232011P-10101 (Alta. Prov. Ct.); *R. v. Ritchie*, [1997] O.J. No. 5664 (Prov. Ct.), online; QL (O.J.); *R. v. Lisk*, [1998] O.J. No. 1456 (C.A.), online; QL (OJ); *R. v. Weir*, (19 February 1998), Alta. 9703-0841C.1, (Alta. Q.B.)."

- [7] Although sentences of incarceration are often imposed, many recent cases have been dealt with by way of a Conditional Sentence Order pursuant to Section 742.1 of the *Criminal Code*. *North* (*supra*); *R. v. Tyshkewich* (2001) A.J. No. 1345; *R. v. Turcotte* (2000) A.J. No. 1402; *R. v. M.H.* (2002) BCJ No. 771; *R. v. Cohen* (2001) O.J. No. 1606; *R. v. Schan* (2002) O.J. No. 600; *R. v. Daniels* (1997) N.J. No. 242; *R. v. Patterson* (2000) O.J. No. 736, and *R. v. Hébert* (2000) J.Q. No. 2926.

[8] In some cases an absolute or conditional discharge have been granted. *R. v. Logan* (1996) BCJ No. 352 and *R. v. B.E.H.* (1997) BCJ No. 3120.

- [9] As in all sentencing cases the ultimate disposition for an offender must reflect the fundamental purpose and principles of sentencing provided for in Section 718 of the *Criminal Code*. The sentence must be in accordance with the fundamental principle of proportionality found in Section 718.1 of the *Criminal Code*. As well, the sentence, in accordance with Section 718.2(a) of the *Criminal Code*, must account for any relevant aggravating or mitigating circumstances tailored to fit the individual accused before the Court. "Individualized" sentencing, as opposed to "tariff" sentencing, has been endorsed by the Supreme Court of Canada in *R. v. McDonnell* (1997) 1 S.C.R. 948 and *R. v. Proulx* (2000) 140 C.C.C. (3d) 449.

[10] That being said, what are the aggravating and mitigating circumstances in this case?

Aggravating Circumstances

(i) The 13 photographs in this case were retrieved by the accused from the internet and graphically depict a 12 year old female and an 8 to 10 year old female having oral and/or vaginal intercourse with an adult male;

(ii) According to the Victim Impact Statement of Rosalind Prober, the harm done to children starts with the initial trauma inflicted on those abused in order to produce the photos, and is ongoing in children knowing their victimization exists in perpetuity. The knowledge festers as the child grows into adolescence and adulthood. The damage done is further compounded by the fear that their photographs can be disseminated worldwide, and that anyone, at any time, can view their violation repeatedly.

(iii) Although the accused has the support of many individuals who know him, letters to the contrary by other people not sharing that same support are in evidence.

(iv) There is some evidence in the accused's distant past, and in Dr. Baillie's report results, that the accused gave positive responses to being sexually aroused about sexual contact with animals.

Mitigating Circumstances

- (i) The accused has entered a timely guilty plea;

- (ii) The accused has no prior record;

- (iii) The offence has been described as "out of character" for this accused by his family and other people who know him and continue to support him;

- (iv) There is some evidence that the accused's early retirement left him in an emotional vacuum. He felt disconnected from life and was desirous of doing something worthwhile in the community;

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- (v) The motivation for the commission of the offence was not sexual gratification, but a misguided attempt by this accused to assist the Calgary Police Service with their investigation into an ongoing horse mutilation case in Calgary by using the photographs as "bait" for a would be offender, and not for circulation or distribution;
- (vi) From the psychological reports prepared by Dr. Baillie and Dr. Kneier, the accused appears to have suffered some child abuse and has an ongoing problem with his self-esteem. However, neither report categorizes the accused as being a danger to the public or a sexual deviant. He has no apparent interest or history demonstrating any sexual desire for children;
- (vii) There is some evidence that the accused suffers from depression and is receiving ongoing psychological counselling and treatment from Dr. Kneier.

The Court acknowledges that denunciation and deterrence are primary sentencing objectives in this case. The publicity that this case has engendered and the shame that has been brought on the accused had had a significant specific deterrent effect on him. He has felt denunciation directly in open court from his family and other people in the community who know him. Insofar as general deterrence is concerned, the moral blameworthiness of this offender is tempered by the unique facts in this case. The photographs were not possessed by this accused for sexual gratification. He did not possess the photographs for circulation or distribution, but in a misguided attempt to assist the police in an unsolved case. He was, however, astute enough to be able to knowingly access these photographs from the internet (a new offence now created by section 163.1(4.1) of the *Criminal Code* in Bill C 15-A). In terms of the protection of the public, the accused is not a danger. He is not a sexual deviant, and has no sexual interest in children. Insofar as rehabilitation is concerned that process is well underway with the accused's ongoing psychological counselling and treatment with Dr. Kneier.

[12] On the facts, this case is not as serious as *North (supra)*; *Tyshkwich (supra)*; or *Turcott (supra)* where Conditional Sentence Orders were made. On the other hand the Court views the circumstances in this case as being more serious than *Logan (supra)* and *B.E.H. (supra)* where discharges were granted. The Court is of the view that a discharge is not appropriate in this case as the granting of such discharge, under all the circumstances, would be contrary to the public interest. The Court also rejects the view of Crown counsel that a "short, sharp" period of incarceration is warranted.

The Court is of the view that all of the prerequisites for the granting of a Conditional Sentence Order are met having regard to section 742.1 of the *Criminal Code* and the principles set forth by the Supreme Court of Canada in *Proulx (supra)*. More specifically,

1. there is no minimum punishment prescribed by law;
2. the case does not call for probation or a penitentiary term of imprisonment;
3. serving the sentence in the community would not endanger the safety of the community; and
4. serving the sentence in the community would be consistent with the fundamental purpose and principles of sentencing.

The accused is therefore sentenced to a term of imprisonment for three months which shall be served in the community. The conditions of the Conditional Sentence Order are as follows:

1. Keep the peace and be of good behaviour.
2. Appear before the court when required to do so.
3. Report to a supervisor forthwith or within two working days, and thereafter when required by the supervisor, and in the manner directed by the supervisor.
4. Remain within the jurisdiction of the court unless written permission to go outside the jurisdiction is obtained from the court or the supervisor.
5. Notify the court or the supervisor in advance of any change of name or address, and promptly notify the court or the supervisor of any change of employment or occupation.
6. Reside only where approved by the supervisor.
7. Perform 100 hours of community service to the satisfaction of his supervisor and make a \$1,000 donation to a charity for children approved by his supervisor prior to the expiration of this Community Service Order.
8. Attend school (either through correspondence or attendance at classes) on a full time basis (or a part-time basis if approved by the supervisor), or be employed full time (or part-time if approved by the supervisor), or be making meaningful efforts (satisfactory to the supervisor) to obtain employment.
9. Remain in his residence, or its grounds, at all times with only the following exceptions permitting him to be absent from his residence, or its grounds, during the term of this Conditional Sentence Order: absences from his residence in the 24 hours a day curfew period are only permitted if the accused has the prior written approval of the supervisor, or for the purposes of attending at his place of employment or education for the purpose of work or education (as the case may be), or to perform the community service hours required by this Order, or to attend as required at the office of his supervisor, or the court, or to attend to medical emergencies or scheduled medical appointments.
10. He shall attend for such psychological and/or psychiatric assessment, counseling and treatment as directed by the supervisor.

11. He shall provide to the supervisor proof of attendance and completion of any such assessment, counseling and treatment.
12. He shall not possess or use any computer, nor maintain or use any account with an Internet provider, nor access the Internet, nor possess any electronic information storage device designed to be used with a computer, unless required by his employer to use a computer owned and controlled by his employer, in the course of his employment, and on the employer's premises; and
13. He shall permit searches of his residence to be conducted, without a warrant, for the purpose of ensuring compliance with condition 12.

In the particular circumstances of this case I decline to make a DNA Order pursuant to Section 487.052 of the *Criminal Code*. In *North (supra)* the Alberta Court of Appeal adopted the reasoning of the Ontario Court of Appeal in *R. v. Briggs* (2001) 55 O.R. (3d) 417 in making such an order in that case. The facts in *North(supra)* and particular circumstances of the accused in that case supported the making of the order. The Court has also made reference to the "test" and principles stated in the recent decision of the Ontario Court of Appeal in *R. v. P.R.F. (2002) 161 C.C.C. (3d) 275*. In this case in the proper exercise of my discretion pursuant to s. 487.051(b) of the *Criminal Code* having regard to the accused's lack of any prior criminal record, the particular circumstances of the offence, and the offender, before the Court, and the impact such order would have on the accused, I am not of the view that it is in the best interests of the administration of justice to make the order in this case.

[16] There will be an order pursuant to section 164(4) of the *Criminal Code* forfeiting the 13 photographs to Her Majesty The Queen.

Finally, there will be a Victim Surcharge in this case of \$100.

[18] Dated at the City of Calgary, in the Province of Alberta, this 30th day of July, 2002.

T. C. SEMENUK
A Judge of the Provincial Court of Alberta

From: <http://www.beyondborders.org/p2.shtml>

Victim Impact Presentation Cork Ireland (April 1, 2003)

SEEN BUT NOT HEARD

HOW VICTIM IMPACT STATEMENTS CAN BE A VOICE IN THE CANADIAN COURTS FOR ANONYMOUS CHILDREN SEXUALLY ABUSED IN PORNOGRAPHY

By **Rosalind Prober B.A.**

President, Beyond Borders, Canada

COPINE COLLOQUIUM

CORK, IRELAND

APRIL 1, 2003

5. R. v. Stanley Howard Jordan- A Door Opens

When exceptionally generous plea bargains are made, victims and relatives of victims can take many different actions in order to vent their displeasure. Presently, in many cases, victims are even consulted beforehand for approval of plea bargains. Not so with children in pornography. They must rely on the vigilance of often overworked and pressured crown attorneys to hold their exploiters accountable especially in cases like R. v. Jordan involving individuals who, if not caught red handed, would be the last to be suspected of involvement with child abuse images. Stanley Howard Jordan's 13 images of two young girls having vaginal and oral intercourse with a visibly recognizable white male were of enormous importance to him. He risked everything to download those photos. He is a 56-year-old husband and father, a well to do retired oil executive and member of an ultra-conservative home-based religious sect. Jordan traveled frequently to Guatemala where he distributed much needed clothing donated by his church for poor children. Jordan pled guilty to possessing the child pornography following a plea bargain and the dropping of charges of importing and distribution of the photos of the girls. Law enforcement were dumb-founded and angry with that plea bargain. How was Jordan caught? When horses were being sexually mutilated in Calgary in 2001, a Detective, Lionel Busch, went undercover to find the offender. He went into a bestiality chat room on the Internet and posted a message asking if anyone was interested in horses in Calgary. Busch was contacted by email and telephone by Jordan who quickly broadened their conversations from bestiality to sex with children and child pornography. Jordan offered to get the undercover officer child pornography from the jungles of Guatemala. The next day, apologizing for the poor quality due to the inadequate phone system in Guatemala, Jordan gave Busch 13 child abuse images of the girls. This very generous plea bargain breached the rights of the victims whose images law enforcement were ready to testify had been imported and distributed by Jordan. Now, Beyond Borders felt the harm done to Jane Doe I and 2, the names assigned to the child victims to personalize them, was going to be ignored or minimized in this case. Jordan's position before the court was that while on his frequent trips to Guatemala seeing so many unfortunate children he went into a dissociative state reliving his own traumatic and tormented childhood. He lost self-esteem, became depressed, and to change his life decided to help law enforcement by solving the horse mutilation case. That is why he gave the undercover officer child pornography. Although Jordan was supported by reports of a psychologist and a psychiatrist and a large number of people in his religious group, the crown told the court they could not believe this far-fetched tale. To speak up for the abused girls, Beyond Borders filed an application to make a victim impact statement on their behalf. As we had failed in R. v. Sharpe to use the section of the legislation 722 (3) allowing expert evidence to be allowed by way of the victim impact statement, this application proposed that I represent the female victims in the same way that a parent or relative would as defined in 722 (4). In the alternative, if the judge did not accept that I could represent the victims, then Beyond Border's position was that the judge could use section 722 (3) and admit the victim impact statement in order for the court to be apprized of information it would not otherwise have. Both the crown and defence supported this application. Judge T. C. Semenuk allowed me to address the court on the harm to the girls and extensively used the victim impact statement in his reasons for judgment. Sadly, unlike the experienced crown attorney, the court accepted Mr. Jordan's bizarre and unsubstantiated reasons for possessing the sexual abuse images. Jordan was sentenced to three month house arrest with a fine of \$1000.00 to be sent to a children's charity. Like Sharpe, he received no probation. However, for Beyond Borders, opening that door to allow the courts to hear about the harm to children in pornography and proving that the Criminal Code can be interpreted to allow child pornography victims to be heard was a tremendous victory.