

Crown appeals Markham man's kiddie porn sentence

BY JEFF MITCHELL
Staff Writer

The provincial Attorney General's Crown Law Office is

appealing a Markham man's sentence for possessing and distributing child pornography.

Randy Weber, 43, was sentenced to 14 months of house arrest by

Ontario Court Justice Roy Bogusky during a hearing in Newmarket in February. Mr. Weber pleaded guilty to possession and distribution of child porn.

Gillian Roberts of the Crown Law Office will argue the case before the Ontario Court of Appeal. She declined to outline reasons for the appeal.

"I'm not prepared to talk about the case while it's before the courts," Ms Roberts said.

But the period of house arrest was clearly much more lenient than what the Crown sought during Mr. Weber's sentencing hearing in February.

Crown representative Michael Demczur argued for a one-year jail term, citing the grievous nature of the hundreds of photos and video clips found on a computer seized by police at Mr. Weber's Markham home in January 2002.

Mr. Demczur also argued imposing a stiff sentence would serve as a deterrent to others who might be tempted to view and distribute child pornography.

"If real penalties adhere to it then people will think twice," he argued before Mr. Justice Bogusky.

CALLS NOT RETURNED

Mr. Demczur did not return calls made to his Newmarket office this week.

Keith Geurts, who represented Mr. Weber in court, argued the publicity surrounding the man's arrest and the subsequent alienation and humiliation he suffered should be considered during sentencing.

Mr. Weber lost a high-paying job at IBM and was ostracized by the community, Mr. Geurts said.

York Regional Police Det. Const. Rob Thomson, of the force's child abuse unit, confirmed the Crown's intent to appeal the sentence. He said notification came from the Attorney General's ministry in late February. The original sentence was handed down Feb. 5.

While he would not comment on Mr. Justice Bogusky's ruling, the officer said jail time for those who distribute and collect child pornography might prove effective in the fight.

FOUR-MONTH INVESTIGATION

Det. Const. Thomson was among the York officers who testified during Mr. Weber's sentencing hearing. He described an investigation that lasted for months, beginning in April 2001.

Police here received a tip from Ohio law enforcement officials, who had made contact and received pornographic pictures involving children on the Internet from a user identified as Redaweber.

The user ID was traced to Mr. Weber's Internet account.

It is not known when the case might come up before the Court of Appeal.

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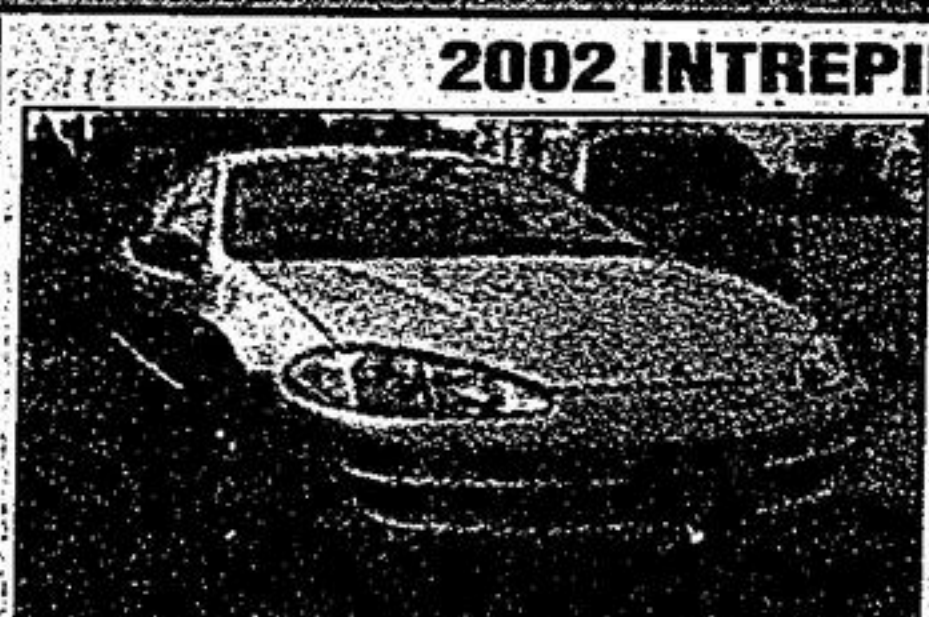
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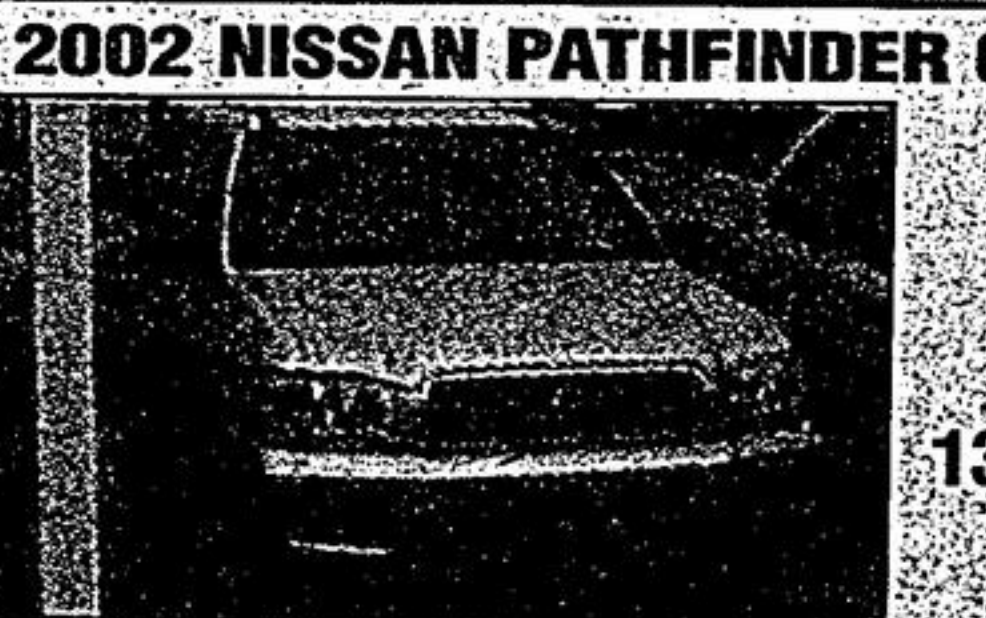
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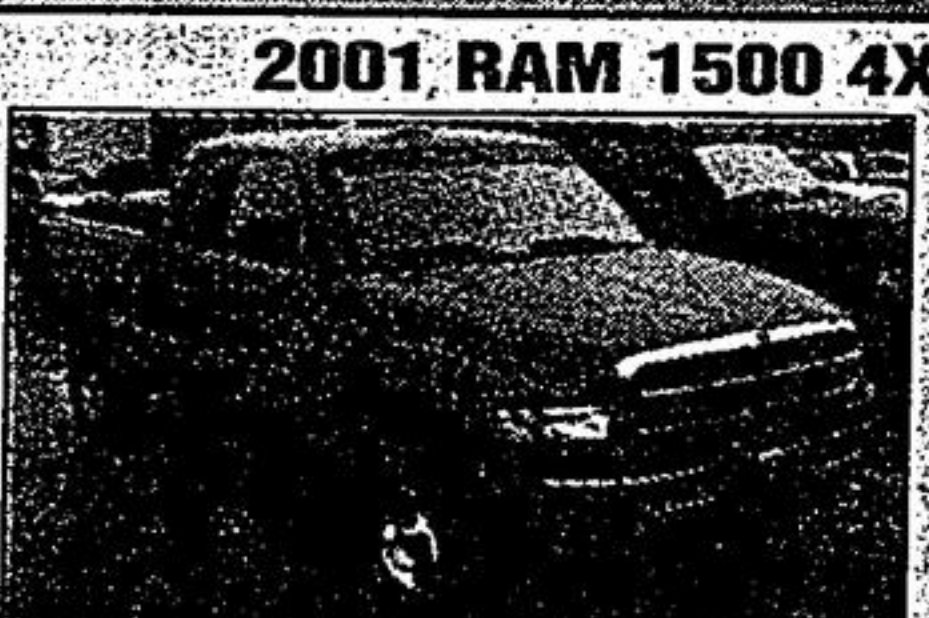
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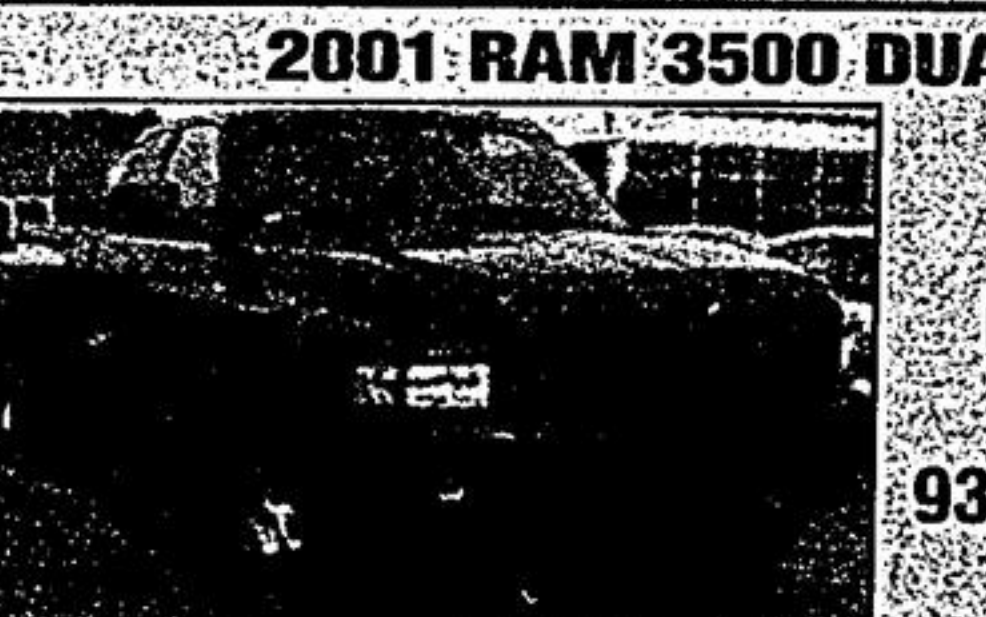
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