

CANADIAN JUDICIAL COUNCIL
CJC FILES: 24-0799 and 24-0818

IN THE MATTER OF A REDUCED HEARING PANEL ESTABLISHED TO REVIEW THE
CONDUCT OF THE HONOURABLE ANDREW J. GOODMAN OF THE SUPERIOR
COURT OF JUSTICE OF ONTARIO, ESTABLISHED PURSUANT TO THE *JUDGES
ACT* AND THE *CANADIAN JUDICIAL COUNCIL PROCEDURES FOR THE REVIEW
OF COMPLAINTS OR ALLEGATIONS ABOUT FEDERALLY APPOINTED JUDGES
(REVIEW PROCEDURES 2025)*

To: Scott C. Hutchinson, attorney
Partner
HENEIN HUTCHISON ROBITAILLE LLP, BATTISTERS
235 KING STREET EAST, TORONTO, ONTARIO M5A 1J9
shutchison@hhllp.ca

Attorney for Justice Andrew J. Goodman

STATEMENT OF ALLEGATIONS

Pursuant to sections 107 and 125 of the *Judges Act*, (R.S.C., 1985, c. J-1) and
sections 9.3(1) and 9.4 of the *Review Procedures (2025)*

I. BACKGROUND

1. The purpose of this Statement is to inform Justice Andrew J. Goodman of the allegations in respect of which evidence will be presented before the Reduced Hearing Panel and to allow him to have the opportunity to provide written submissions, oral comments or other evidence with the Reduced Hearing Panel.
2. The Reduced Hearing Panel in this matter has been established at the request of Justice Goodman, pursuant to an August 5, 2025, letter of his to the Executive Director of the Canadian Judicial Council.

3. Pursuant to section 111 of the *Judges Act*, in considering the complaint, the reduced hearing panel shall not consider the decision of the review panel that caused Justice Goodman to make the request or the reasons for that decision.
4. At the hearing, the undersigned presenting counsel will present before the Reduced Hearing Panel all the evidence relevant to the allegations against Justice Goodman.
5. For the purposes of the Reduced Hearing Panel, the facts alleged in this Statement of Allegations have not yet been established.
6. This Statement of Allegations does not consider any answers or explanation(s) that Justice Goodman might provide before the Reduced Hearing Panel.
7. The reduced hearing panel shall refer the complaint to the Council for the establishment of a full hearing panel if it determines that the removal from office of the judge who is the subject of the complaint could be justified.
8. If the reduced hearing panel does not refer the complaint to the Council under section 112, it may dismiss the complaint or take one or more of the actions referred to in paragraphs 102(a) to (g) of the *Judges Act* if it considers it appropriate to do so in the circumstances.

II. COMPLAINTS AND RELEVANT FACTS

9. The subject matter of these allegations stems from the June 6, 2023, sentencing hearing in the matter of *His Majesty the King and Peter Khill* (“*R. v. Khill*”), over which Justice Goodman presided. A jury had found Mr. Khill guilty of manslaughter in the death of Jonathan Styres.
10. On April 12, 2023, Justice Goodman heard arguments on sentencing. Crown counsel sought a 10-year sentence (plus various ancillary orders). Defence sought a 4-year sentence (the minimum provided by law because a firearm was used in the commission of the offence) and took no issue with the ancillary orders sought by the Crown.
11. On June 6, 2023, Justice Goodman read from a 176 paragraph, 52-page written decision. The sentence that he ordered came at the very end (paragraph 176). Justice Goodman, reading from the draft he brought to the courtroom, told the court: “I conclude that a fit and appropriate sentence in this case is a term of imprisonment of eight (8) years in a federal penitentiary.”

12. In separate complaints submitted on September 11, 2024, and September 15, 2024, two complainants alleged that Justice Goodman read the wrong written version of his prepared sentence in the matter of *R. v. Khill*.
13. As a result of this error, Justice Goodman imposed a sentence of imprisonment that was two years longer than the 6-year sentence he had concluded (prior to the judgment on sentence) was the appropriate sentence in the matter. That intended sentence of 6 years was the conclusion of the written sentence that he intended to bring with him to the courtroom on June 6, 2023. It appears that he inadvertently brought the wrong draft of his reasons and read out an 8-year sentence that he had also considered but had ultimately rejected.
14. Mr. Khill appealed his sentence.
15. On August 12, 2024, fourteen months after the sentence and a little over two months before the hearing at the Court of Appeal for Ontario, Justice Goodman wrote to the Associate Chief Justice of Ontario (sitting for the Court of Appeal for Ontario), the Honourable J. Michal Fairburn.
16. The first paragraph of Justice Goodman's letter to Justice Fairburn reads: "I respectfully request that you consider this letter to the Court of Appeal, as a Trial Judge's Report, akin to that which would be provided under the old *Criminal Appeal Rules* regime."
17. In his 2-page letter, Justice Goodman acknowledged "two relevant errors" he made during the sentencing hearing in the Khill matter. He said he felt "strongly compelled and duty bound" to bring the matter to the attention of the Court of Appeal.
18. The first error, Justice Goodman wrote, found its root in the fact that he prepared three sets of written rulings in advance of the June 6, 2023, hearing. Each was identical – except for the number of years of incarceration to be imposed. When he left his chambers for the courtroom on June 6, 2023, he inadvertently brought the wrong document with him. It was only at the very conclusion of reading the judgment he brought, which took over 90 minutes, that he realized that he read out the "wrong" prison term, and thus he realized that he brought the wrong document with him. Justice Goodman wrote: "In a momentary lapse of judgment, I read out the disposition of eight years. In doing so, I misspoke."

19. The second error that Justice Goodman acknowledged was his “ensuing inaction” to not stand the matter down or immediately admit the mistake and/or properly correct himself and the record “at the relevant time.”
20. Justice Goodman added some explanation for his inaction. Notably, he explained that in the immediate wake of the sentencing hearing, he consulted with “several experienced judicial colleagues specializing in criminal law” to discuss what steps he could take to rectify the error. He explained having considered having counsel return before him to address the issue, either in chambers or in open court. Justice Goodman indicated in his letter that he was dissuaded from doing so, as he was *functus officio* in relation to the Khill matter and “the overall sentence imposed was entirely within the scope of the prevailing jurisprudence”.
21. The complaints, which followed media revelations about Justice Goodman’s letter, essentially alleged:
 - a. That Justice Goodman read the wrong version of his prepared decision at the sentencing hearing;
 - b. That Justice Goodman failed to correct the error;
 - c. That he waited for more than a year to inform the Court of Appeal for Ontario of the error.
22. The complaints also raise concerns about Justice Goodman’s claim that he consulted with colleagues who advised him not to act to correct his error.
23. On December 16, 2024, Justice Goodman wrote to the Executive Director of the Canadian Judicial Council to respond to the complaints. He explained that in large measure his August 12, 2024, letter to Associate Chief Justice Fairburn spoke for itself, in that after realizing his error in relying on the wrong version of his sentencing judgment he believed he was *functus officio* with no jurisdiction or legal recourse to revisit the matter.
24. In the same letter, he added that he became aware that Mr. Khill’s appeal was to be heard in October 2024, and that “I took the unusual step of writing to the Associate Chief Justice of Ontario on August 12, 2024. In doing so, I drew an analogy to what was known as a trial judge’s report under the long-repealed pre-1993 Criminal Appeal Rules as my justification for departing from the rule that the role of a trial judge is to speak from the bench and provide cogent reasons for appellate review.”

25. In responding to the allegation that his failure to correct the incorrect sentence had brought the administration of justice into disrepute, Justice Goodman wrote “I did bring my mistake ... to the attention of the Court of Appeal for Ontario before Mr. Khill’s appeal against sentence was heard and in so doing corrected the error ... while occasioning me some personal angst and embarrassment, my action in bringing the mistake to the attention of the Court of Appeal for Ontario was consistent with the due administration of justice.”
26. In a later paragraph, Justice Goodman added that his August 12, 2024, letter to Associate Chief Justice Fairburn was “tantamount to a trial judge’s report, something that has not formed part of our criminal procedure in Ontario for two decades. While unusual, it demonstrates my commitment to be transparent with the parties and the Court of Appeal about my error and to ensure that there was an opportunity to correct it.”
27. On February 27, 2025, the Court of Appeal for Ontario rendered its decision in *R. Khill*, 2025 ONCA 146, in which it quashed the 8-year custodial sentence that Justice Goodman had imposed and replaced it with a 6-year custodial sentence (the sentence that Justice Goodman had intended to impose).
28. On April 21, 2025, Justice Goodman wrote to the Executive Director of the Canadian Judicial Council. In that letter he acknowledged having had the opportunity to review the decision of the Court of Appeal for Ontario. He accepted the Court’s criticism that he did not correct his misstatement of Mr. Khill’s sentence at sentencing on June 6, 2023, and reiterated the acknowledgement he made in his letter to Associate Chief Justice Fairburn that he did not react as he should have in the circumstances. He also acknowledged that the length of time he took to determine an appropriate formal corrective action “may reflect adversely on the administration of justice” and apologized that this happened.
29. On August 21, 2025, Associate Chief Justice Fairburn, in a follow-up letter to the Executive Director and Senior General Counsel of the Canadian Judicial Council, provided details of events that led up to the August 12, 2024, letter she received from Justice Goodman. She explained that while attending a conference in France in 2024, Justice Goodman told her of the problem related to the Khill sentence and the follow-up he had engaged in, including consulting colleagues of his who had told him nothing could be done.

30. Upon her return to Canada, Associate Chief Justice Fairburn wrote to Justice Goodman. In a letter dated August 1, 2024, she followed up on her recent conversation with Justice Goodman in which Justice Goodman asked for her advice about whether there were any steps he could take to remedy the matter. She suggested he discuss with his Regional Senior Judge and consider whether a report to the Court of Appeal, similar to a Trial Judge's Report as it existed under the old Criminal Appeal Rules, would be the appropriate mechanism by which to place all relevant information before the Court of Appeal and parties. She also indicated in the letter that the appeal would be heard on October 23, 2024, and added, "In view of the imminent nature of the impending appeal, it is my view that you should act swiftly".
31. In her August 21, 2025, letter to the Canadian Judicial Council, Associate Chief Justice Fairburn wrote that the August 12, 2024, letter she received from Justice Goodman was a direct response to her August 1, 2024, communication to him.

III. ALLEGATIONS

32. Considering the aforementioned facts, which have yet to be proven, the following allegations are made against Justice Goodman:
- a. That he breached his duty as a judge to act diligently in not taking any action for approximately fourteen months to correct an error and an injustice he was immediately aware of, as of June 6, 2023, in ordering a term of imprisonment in the matter of *R. v. Khill* that was two years longer than the term of imprisonment he intended to order.
 - b. That he breached his duty as a judge to act with transparency and accountability in not taking any action for approximately fourteen months to correct an error and an injustice he was immediately aware of, as of June 6, 2023, in ordering a term of imprisonment in the matter of *R. v. Khill* that was two years longer than the term of imprisonment he intended to order, thus undermining, or putting at risk, the confidence of the public in the justice system.

Montreal, December 23, 2025



Mr Giuseppe Battista, Ad.E.
Presenting Counsel
Mr Robert Israel
BATTISTA TURCOT ISRAEL s.e.n.c.
388, rue Saint-Jacques, 2nd floor
Montréal (Québec) H2Y 1S1
Telephone: 514-903-4112 ext. 104
Fax: 514 312-1510