

Citation: *R. v. Thiessen-Bishop*, 2023 YKTC 37

Date: 20230612
Docket: 23-00124
23-00153
23-00161
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Judge Phelps

REX

v.

SIMONE STEPHANIE BROOKE THIESSEN-BISHOP
aka SIMONE THIESSEN-BISHOP

Appearances:
Andreas Kuntz
Amy Steele

Counsel for the Crown
Counsel for the Defence

REASONS FOR JUDGMENT

[1] PHELPS T.C.J. (Oral): This is a contested judicial interim release hearing for Ms. Thiessen-Bishop, who is before the Court on three Informations.

[2] The facts, quite briefly, are that on May 18, 2023, at approximately 7:00 p.m., RCMP were dispatched to 4th Avenue and Alexander Street, the Big Bear liquor store. There was a call from an employee indicating that Ms. Thiessen-Bishop had attended and indicated that she had been threatened. While on the premises, it is alleged,

although with little detail, that Ms. Thiessen-Bishop damaged the property of the Big Bear premises, being a railing in the entrance to the premises.

[3] At about the same time, the RCMP received a complaint from an Albert Metcalfe reporting that he had been assaulted by Ms. Thiessen-Bishop, the nature of the assault being that he was struck in the head with a can.

[4] I note that Mr. Metcalfe was known to Ms. Thiessen-Bishop, as they resided in the same apartment complex in downtown Whitehorse on Alexander Street.

[5] She was arrested on three counts: the first count being the assault on Mr. Metcalfe; the second being the mischief to the property; and the third being an assault against a Kathy Atkinson, however, the circumstances of that offence are not before me today.

[6] The second Information alleges that on the same date, being May 18, 2023, there was an altercation whereby Amber Shewchuk was assisting a friend moving from the apartment building in question on Alexander Street when she was approached and threatened by Ms. Thiessen-Bishop. Ms. Thiessen-Bishop tried to get into her vehicle, which was locked with Ms. Shewchuk inside, and she broke the handle off the vehicle. She was charged with uttering the threats and mischief to the car.

[7] Finally, in the early hours of June 2, 2023, RCMP were in contact with Ms. Thiessen-Bishop. She was taken to the Whitehorse General Hospital due to complaints regarding public mischief. She was cleared at the Whitehorse General Hospital and taken to the arrest processing unit, during which time she spat at one of

the Whitehorse Correctional Centre (“WCC”) guards, Lee Gallant, committing the offence contrary to s. 270(1)(a) of the *Criminal Code*.

[8] All matters are proceeding summarily. The onus is on the Crown regarding the detention of Ms. Thiessen-Bishop. Crown’s submission is that they have concerns on the secondary grounds, particularly given the lack of relationship between the two named complainants on the Informations before the Court and the nature of Ms. Thiessen-Bishop’s behaviour giving rise to the offences before the Court.

[9] I note that this matter has been before two previous judges and there were concerns raised by those judges to the extent that there was an assessment done by Dr. Lohrasbe to address fitness, and that assessment was received. Dr. Lohrasbe found Ms. Thiessen-Bishop fit. There is also a letter from Ms. Thiessen-Bishop’s doctor, Dr. Bryant, indicating his support for her, both with respect to her ability to make decisions on her own behalf and to support her should she wish to travel, which was the plan that he was aware of.

The Plan

[10] Ms. Thiessen-Bishop is 33 years old. She seeks to be released and reside with a friend on Range Road here in Whitehorse until her departure to Ontario. There is confirmation that her social worker team is prepared to provide her with a plane ticket to Ontario. The confirmation was provided through Leah White. In Ontario, she would reside with a friend in Niagara at a defined residence.

[11] There is a criminal record that is before the Court. There are no entries since 2017. In 2017, there was an assault and an uttering threats; and prior to that, some process-related offences and a significant matter while she was a youth.

[12] Defence pointed out ss. 493.1 and 493.2 of the *Criminal Code* requiring me to apply principles of restraint with respect to Ms. Thiessen-Bishop.

[13] I note, for the record, that Ms. Thiessen-Bishop has been calm and cooperative with her counsel today in court. This is a vast improvement from what I understand took place at previous appearances before the Court, leading me to the position, provided the proper structure of release in allowing her to access the supports that she has in place, that the concern raised by the Crown can be met.

[DISCUSSIONS]

[14] Ms. Thiessen-Bishop, I am prepared to release you today on some relatively strict conditions that you will have to abide by while you are in Whitehorse, and then continue to abide by while you are in Ontario.

1. You must not communicate directly or indirectly with Albert Metcalfe, Kathy Atkinson, Martin Ruyz, or Amber Shewchuk;
2. You must not go to [redacted], Whitehorse, Yukon, except on one occasion in the presence of a peace officer for a period of not more than one hour to retrieve your personal belongings from that residence;

3. You must not go to any known place of residence, employment, or education of Albert Metcalfe, Kathy Atkinson, Martin Ruyz, or Amber Shewchuk except for the one occasion that you attend [redacted], which is also the address of the residence of Albert Metcalfe;
4. You are to reside with Stephanie Beazley at [redacted], Whitehorse, Yukon, and not change that residence until June 15, 2023;
5. You are to abide by a curfew between the hours of 9:00 p.m. and 6:00 a.m. daily until June 15, 2023;
6. You are to report to a Bail Supervisor immediately upon your release from custody, and thereafter, when and in the manner directed by your Bail Supervisor;
7. On June 15, 2023, and thereafter, you are to reside with Alisa Chaly at [redacted], Niagara, Ontario, abide by the rules of that residence, and not change that residence without the prior written permission of your Bail Supervisor;
8. Given Dr. Lohrasbe's remarks with respect to risk and substance use, you will be required to not possess or consume alcohol or illegal drugs that have not been prescribed to you by a medical doctor until June 16, 2023;

[DISCUSSIONS]

9. You must not possess any firearm, ammunition, explosive substance, or any weapon as defined by the *Criminal Code*; and

[DISCUSSIONS]

10. You are to leave Whitehorse on June 15, 2023, and fly on that date to Ontario and not attend Whitehorse thereafter except for the purpose of attending court with the approval of your Bail Supervisor.

PHELPS T.C.J.