

Citation: *R. v. Aldridge*, 2009 YKTC 47

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08-00765
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: Her Honour Chief Judge Ruddy

REGINA

v.

PATSY WANDA ALDRIDGE

Appearances:
Melissa Atkinson
James Van Wart

Counsel for Crown
Counsel for defence

REASONS FOR SENTENCING

[1] RUDDY C.J.T.C. (Oral): Patsy Aldridge is before me in relation to six counts to which she has entered pleas of guilty. There are two spousal assaults and four counts of failing to comply with court expectations.

[2] All of these arose in the last few months, the first being January 4, 2009, at which point it appears Ms. Aldridge slapped her former partner, Mr. Mendelsohn, on the left cheek. She also, when he arrived to pick up their son -- I believe the two children involved are Ms. Aldridge's from a prior marriage but are residing primarily with Mr.

Mendelsohn at this point in time; is that right?

[3] THE ACCUSED: Correct.

[4] THE COURT: Okay. So it appears on this particular incident she slapped Mr. Mendelsohn on the left cheek. She was also yelling at him, followed him outside, exchanged words with his new partner, and there were a number of phone calls that she made to him that day. She was ultimately arrested by the police, advised them she had taken some 27 sleeping pills, and was taken to the hospital.

[5] She was released on an undertaking to an officer and charged with a number of conditions, including no contact with Mr. Mendelsohn and his new partner and a condition that she report. It appears that on the 5th of January she had telephone contact with him contrary to that condition. She has not entered a plea to that count; it is entered as an aggravating factor.

[6] On the 16th of February, 2009, the police were called to another altercation between Mr. Mendelsohn and Ms. Aldridge. Mr. Mendelsohn advised that she tried to strike him on a number of occasions, and she was observed by the RCMP to push him when they arrived. She was under the influence of alcohol, provided a breath sample of 286 milligrams percent, contrary to an abstain condition on her probation order.

[7] She was released February 22nd, with conditions again requiring her to abstain, to have no contact with Mr. Mendelsohn and to report. She failed to report to a bail supervisor on March 4th as directed. She failed to attend court on March 9th as required. On the 21st of March, Mr. Mendelsohn called the RCMP to advise, firstly, that

Ms. Aldridge had made a number of telephone calls to him, contrary to her no-contact condition, while he was at the Superstore assisting the children with fundraising. She then arrived in person to speak to him at the Superstore. He called security and she, ultimately, fled.

[8] She has spent some 69 days in remand, which at the normal credit of one and a half to one would amount to approximately 105 days. Crown is seeking a global sentence of six to nine months, plus probation. Defence is suggesting a sentence that would amount roughly to time served plus a couple of weeks.

[9] I should point out that Ms. Aldridge comes before the Court with a prior criminal record which includes some eight breaches of court orders, as well as a 2007 assault on the same complainant. As a result of the past history, I have some significant concerns about Ms. Aldridge and the risk that she presents, particularly to Mr. Mendelsohn. As her counsel has pointed out, the assaults, in terms of the actual behaviour, are on the lower end of the scale, but what concerns me is the pattern of behaviour. We now have, in a period of two years, three assaults on the same individual.

[10] I am also significantly concerned about the fact that we have two children that have been exposed on an ongoing basis to violence and to arguments. There appears to have been a history of ongoing arguments.

[11] Ms. Aldridge is now 35 years of age. It appears she herself was subjected to an abusive and alcoholic childhood, which resulted in her being removed and placed in foster care. She later married and had the two children, who are now 15 and five. Her

husband died some four years ago, at which point Ms. Aldridge moved to the Yukon with the children, as her biological father was here. She met Mr. Mendelsohn and they entered into a relationship which ended approximately a year ago. As I have noted earlier, the children are currently with him, so there is ongoing contact as they transfer the children back and forth, and clearly that has not worked out well.

[12] To Ms. Aldridge's credit, she has entered pleas of guilty, which I have considered. She has also, while in custody, been attending AA, meeting with Dr. Heredia, meeting with Kate Hart, and has been employed cleaning. She indicates that she hopes to take advantage of programming here, including the 28-day residential ADS program, and then hopes to return to Hamilton.

[13] Based on all of the information before me, I am satisfied, looking at the circumstances of the offences before me, looking at Ms. Aldridge's history and record, that there does need to be a custodial response with respect to the charges before me. I am satisfied, in terms of the principles that I am required to consider, that in this particular case denunciation, given that the charges are spousal in nature, and deterrence, particularly specific deterrence, given the fact that Ms. Aldridge continues to behave in the same manner, are such that appropriate sentences would be as follows.

[14] Dealing first with the 105 days credit. On the March 4th fail to report breach there will be a sentence of one day deemed served by Ms. Aldridge's attendance in court today, and I would ask the record reflect that she is being credited for 30 days spent in remand. With respect to the March 9th fail to appear, there will be a sentence of one day deemed served by her attendance in court today, and I would ask that the

record reflect she is being credited for 30 days in remand. With respect to the no-contact breach on March 21st there will be a sentence of one day deemed served by her attendance in court today, and I would ask that the record reflect she is being credited for the remaining 45 days spent in custody.

[15] That leaves us with the two assaults and the probation breach. On the first of the assaults, dated January 4, 2009, there will be a sentence of 30 days consecutive to any other sentence being served. With respect to the second assault, on February 16, 2009, there will be a sentence of 60 days consecutive to any other sentence being served. With respect to the abstain breach there will be a sentence of 45 days concurrent. So that is an additional 90 days to be spent in custody.

[16] With respect to the issue of probation, she is currently subject to an 18-month probation order, dated September 17, 2008, so that would run until February of 2010. I note, in looking at that order, that it is extremely comprehensive. There are a number of conditions that address virtually everything I would include in a probation order, in any event. So I am not of the view that it is necessary to place her on further probation.

[17] Hopefully, Ms. Aldridge, once you get matters resolved and get into some programming, there will not be a need for you to be under court supervision anymore. I am not confident at this point in time that you are at that stage, given the frequency with which you have been returning, but I do not see utility, at this stage, in placing you on additional probation.

[18] The Crown has also noted the possibility of a discretionary firearms prohibition and discretionary DNA order. I do not see any need at this point in time for there to be

a DNA order. I do take the position there may be some value with a firearms prohibition for a couple of years, but, Mr. Van Wart, you did not make any submissions on that point. Do you have anything that you want to say?

[19] MR. VAN WART: Only that the violence doesn't seem to escalate --

[20] THE COURT: No.

[21] MR. VAN WART: -- other than a very low level of physical confrontation, so I would say it's unlikely that it would escalate to a use of a weapon.

[22] THE COURT: Unlikely, yes, but as I indicated, we have an ongoing pattern of behaviour, and the potential is certainly there. I am going to order, Ms. Aldridge, that you be prohibited from having in your possession any firearms, ammunition or explosive substances for a period of two years. At this point, you know, we are lucky that we are not dealing with serious injuries. I do not want this to escalate to the point where somebody gets hurt.

[23] Victim fine surcharges are waived. Remaining counts?

[24] MS. ATKINSON: Crown directs a stay of proceedings.

[25] THE COURT: Thank you.

RUDDY C.J.T.C.