

Citation: *R. v. Quock*, 2010 YKTC 58

Date: 20100514
Docket: 09-00958
09-00967
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: Her Honour Chief Judge Ruddy

REGINA

v.

KENNETH BLAINE QUOCK

Appearances:
Kevin Komosky
Melissa Atkinson

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCING

[1] RUDDY C.J.T.C. (Oral): Kenneth Quock is before me for sentencing on a single count of assault causing bodily harm arising in a spousal context.

[2] The information provided suggests that Mr. Quock and his spouse were both drinking heavily and got into some kind of argument, where they began throwing items at each other. I am advised that, in particular, Mr. Quock threw a video cassette tape at his common-law spouse, Ms. Amber Blanchard.

[3] The police attended at the residence as a result of a complaint. They knocked at both doors demanding entry, to no avail. They were able to hear a female screaming inside and they ultimately decided to enter the residence on the basis of there being

exigent circumstances. While they were pursuing the means to do so, Mr. Quock finally opened the door. When the police entered, Ms. Blanchard was in the bathroom having a shower and appears to have been quite uncooperative. They were finally able to get her to open the door at least and noted there to be a great deal of blood on her face. Emergency Medical Services was fortunately able to get into the room to treat her. There were two lacerations on her forehead and scalp, one of which required four stitches and the other required five. I am also advised that there were some minor injuries suffered by Mr. Quock, which included some bruising to his lips and a cut on the inside of his lip.

[4] He comes before the Court with a prior criminal record which is extremely concerning to the Court. It includes an assault causing bodily harm in 1996, a robbery in 1997, a common assault in 2002, and both a common assault and an assault causing bodily harm in 2008. The only thing, I suppose, in relation to the offence before me that could be said as being positive in relation to his criminal record is there appears not to have been a history of spousal violence, this being the first offence of violence arising within a spousal context. In addition to his history of violence, he has numerous convictions for failing to abide by court orders and court requirements.

[5] Crown is suggesting in the circumstances before me that a sentencing range of 10 to 12 months is appropriate, less credit for the time that Mr. Quock has spent in remand.

[6] Defence is suggesting that I consider a period of six months to be followed by a period of probation with a rehabilitative focus.

[7] Mr. Quock is currently 30 years of age and a member of the Kwanlin Dun First Nation. He and Ms. Blanchard had been in a one year common-law relationship and she has made indications to defence counsel that she wants to continue in that relationship and that she supports him. Mr. Quock has grade 10 education, some employment history in the outfitting area and has done some upgrading at Yukon College. He has a longstanding problem with addictions, both drugs and alcohol. His counsel advises me that he has had some success in staying away from drugs over the last couple of years, but alcohol continues to be a problem for him. He has indicated that he has an interest in addressing that issue. There does not appear to be any history that has been provided to me of his having sought out counselling or programming with respect to his addiction issues, particularly not on a recent basis.

[8] I am satisfied, based on the seriousness of the offence, in particular the injuries suffered, which were significant, by Ms. Blanchard, as well as the very aggravating feature of Mr. Quock's criminal record, that the appropriate principles of sentencing in this particular case are denunciation and deterrence, and that the focus ought to be on the question of public safety, as opposed to on rehabilitation, given his history. I am mindful of the fact that there was a guilty plea entered and that Mr. Quock is remorseful with respect to the consequences of his actions on this particular evening.

[9] That being said, I am satisfied that a custodial term is appropriate. I am satisfied that a sentence of ten months with respect to the count is appropriate. For the purposes of addressing remand, that would amount to some 300 days. He has spent 49 days in remand. Crediting him for that 49 days, that will leave a remaining 251 days to be served.

[10] This offence is a primary designated offence so there will be an order that Mr. Quock provide such samples of his blood as are necessary for DNA testing and banking.

[11] The mandatory firearms prohibition under s. 109 is also triggered. I understand from Mr. Quock he had a previous firearms prohibition some time ago. Accordingly, there will now be a lifetime prohibition. Mr. Quock is hereby prohibited from having in his possession any firearms, ammunitions, or explosive substances for the remainder of his life.

[12] Victim fine surcharges are waived, given his custodial status.

[13] The remaining counts?

[14] MR. KOMOSKY: If the counts of assault with a weapon, breach of an undertaking and simple assault could be withdrawn, please.

[15] THE COURT: Okay. It will be noted as withdrawn. Mr. Quock, you will need to go with the officer.

RUDDY C.J.T.C.