

Citation: *R. v. Currie*, 2008 YKTC 38

Date: 20080502
Docket: T.C. 07-00305
08-00031
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: His Honour Judge Faulkner

REGINA

v.

SHEILA CURRIE

Appearances:
Eric Marcoux
David Christie

Counsel for Crown
Counsel for Defence

REASONS FOR SENTENCING

[1] FAULKNER T.C.J. (Oral): In this case Sheila Currie has entered pleas of guilty to two charges of assault causing bodily harm and a further charge of breach of recognizance.

[2] The first matter arose last July, and Ms. Currie's involvement in that offence, I suppose, started understandably enough: she observed her son fighting with Mr. Robert Stone. She intervened on her son's behalf, but, unfortunately, her involvement went far, far beyond extricating her son from the scrap with Mr. Stone, because Ms. Currie and her son proceeded to administer a vicious beating to Mr. Stone, resulting in his jaw being shattered, his teeth damaged, and so on. He had to be medevaced to Vancouver to deal with injuries he had suffered.

[3] The second charge of assault causing bodily harm is also an unfortunate matter. It arose after the assault on Mr. Stone, and, as I understand it, after Ms. Currie had entered a guilty plea and the matter had been adjourned for sentence and the preparation of a pre-sentence report. Ms. Currie, who had been drinking, contrary to her release conditions, got into a drunken argument with her daughter, which ultimately resulted in Ms. Currie attacking her daughter with a bottle and causing injury.

[4] So the matters are serious. I have been presented with a joint submission in this case and I am prepared to accede to the joint submission. I note in Ms. Currie's favour that she has entered early guilty pleas in each case, and the Crown concedes that the prosecutions would have been difficult. So there is a clear acceptance of responsibility. I also note that Ms. Currie has a very limited prior record, but, in light of the seriousness of the assaults, a substantial custodial sentence is clearly warranted.

[5] The pre-sentence report that was prepared does not offer any particular hope that any sort of community-based disposition would be successful, and, indeed, such a disposition is not sought by the accused. The joint submission is for a sentence of one year with respect to the assault of Mr. Stone, 30 days consecutive for the assault of Ms. Currie's daughter, and 30 days concurrent with respect to the breach of recognizance.

[6] There is, however, one additional matter, and that is that Ms. Currie has 20 days of pre-sentence custody, and she is entitled to some credit for that.

[7] In the result, as I say, I am prepared to accede to the joint submission of counsel and will deal with the matters as follows: With respect to the charge of assault causing bodily harm on Robert Stone, Ms. Currie, you are sentenced to a period of

imprisonment of one year. With respect to the charge of assault on your daughter, which caused her bodily harm, I agree that you should receive a sentence of 30 days consecutive on that, but since you have already 20 days served, allowing you credit for that at the usual rate would bring that to a period of 30 days. So on the charge of assault causing bodily harm on your daughter, I sentence you to a period of imprisonment of one day in addition to time served, which I calculate at 30 days. With respect to the breach charge, 30 days concurrent.

[8] In the circumstances I will waive the surcharges.

[9] There will also be an order whereby you will provide samples of bodily substances for the purpose of DNA analysis and banking. There will also be an order prohibiting you from having in your possession any firearm, restricted firearm, crossbow, restricted weapon, ammunition or explosive substance for a period of ten years following your release from imprisonment. You are prohibited from having in your possession any prohibited firearm, restricted firearm, prohibited weapon, prohibited device, or prohibited ammunition for the remainder of your life.

[10] The remaining counts?

[11] MR. MARCOUX: Yes, I would direct the clerk to enter a stay of proceedings.

[12] THE COURT: Thank you.

FAULKNER T.C.J.