

IN THE TERRITORIAL COURT OF YUKON
(Before His Worship Justice of the Peace Cameron)

REGINA

v.

TRACY MAY BLANCHARD

Michael Cozens

Appearing for Crown

Lynn MacDiarmid

Appearing for Defence

REASONS FOR SENTENCING

[1] CAMERON J.P.T.C. (Oral): Ms. Blanchard has pled guilty to one Count under s. 264.1(1) and one Count under s.145(3) of the *Criminal Code*.

[2] On August 30th of this year, Ms. Blanchard wound up in a confrontation with her neighbours, there was shouting and challenging back and forth. Ms. Blanchard challenged her neighbour to a fight, indicating that she would beat her up and then eventually indicated that she would kill her.

[3] Ms. Blanchard was released on a recognizance on September 12, 2003. A number of conditions, including a condition not attend within 50 metres of 506A Jeckell Street. Ten days later, Ms. Blanchard was found in attendance at 506B

Jeckell Street, which had been her residence at that point.

[4] Ms. Blanchard has been in custody on these matters for seven days.

[5] Ms. Blanchard has a prior record, seven prior assaults, one prior uttering threats, and ten prior process convictions.

[6] Ms. Blanchard, you have to understand that you no longer have the luxury of being able to vent as others may. When you get angry and you start to rant and rave and make all kinds of allegations of what you would do to the other person, it becomes very serious because you have this reputation and you have this history. You have a reputation and a history that shows that you follow through, that you have a violent nature. There are a lot of people who can say the same things that you did and it is not even taken seriously, but when you say them it is taken seriously.

[7] In regards to the 145(3), time served will be imposed and indicated as seven days. In regards to the uttering of threats, there will be a 30-day sentence imposed.

[8] In regards to intermittency, I am well aware of the difficulties that your young child has. I find it very frustrating in what I see you utilizing these difficulties to try to benefit yourself. Your last release was based on the fact that you had this child at home to take care of. Yet, you decided that you had to try to sneak back home for whatever reason, maybe to get clothes, but you were not supposed to go there. You knew that, you were told that you were not supposed to go there. So it seems that taking care of your child is not always the primary thing that you do when you are out. It seems to be the primary thing you want to do when you are in custody.

[9] I am not content that it is reason for you to get an intermittent sentence

because you have never taken it seriously enough at this point in my view.

[10] The sentence will be served as straight time.

[11] Victim fine surcharges will be waived on all counts, as there are limited means involved with Ms. Blanchard.

[12] Now, I understand that you are consenting to the amendment of your existing probation order? Is she consenting or is she not consenting?

[13] MS. MACDIARMID: She is consenting?

[14] THE COURT: She is. The existing probation order will be amended to include a no contact direct or indirect with Rachel Plourde and not attend within 50 metres of the residence of Rachel Plourde, which is, as far as we know it may be, 506A Jeckell at this time, but it may change.

[15] Ms. Blanchard is to attend for a psychological assessment as directed by her probation officer.

[16] Those amendments will be added to the existing probation order.

[17] MR. COZENS: Did the order indicate Rachel and Daniel Plourde?

[18] THE COURT: It did not say Daniel but it could just as easily indicate that.

[19] MR. COZENS: Yes, no contact with Rachel and Daniel
Plourde.

[20] THE COURT: Okay.

CAMERON J.P.T.C.