

Citation: *R. v. Laflamme*, 2011 YKTC 56

Date: 20110819  
Docket: 11-10049  
Registry: Watson Lake  
Heard: Whitehorse

**IN THE TERRITORIAL COURT OF YUKON**

Before: Her Honour Judge Ruddy

REGINA

v.

ROBIN ALEXANDER LAFLAMME

Appearances:  
Terri Nguyen  
Melissa Atkinson

Counsel for the Crown  
Counsel for the Defence

**REASONS FOR SENTENCING**

[1] RUDDY T.C.J. (Oral): Robin Laflamme is before me for sentencing with respect to a single count of assault causing bodily harm, which occurred on June 23, 2011.

[2] Following a report of a stabbing, the RCMP in Watson Lake located Crystal Donnessey, who appeared to have blood on her clothing and bruising on her face. She advised the police that Mr. Laflamme had grabbed her and thrown her to the ground. When another individual by the name of Scott Dennis intervened, Mr. Laflamme stabbed him behind the ear two times and then fled the scene.

[3] The incident resulted, for Mr. Dennis, in injuries including a two to three centimeter laceration with a damaged vein, I take it, behind the ear area, which required three stitches to close, and a second superficial laceration on the neck, which required cleaning only. Mr. Laflamme was under the influence at the time of the offence, and I am advised through his counsel that he does have a longstanding substance abuse problem. He is now 32-years of age, born and raised in the Agassiz, B.C. area, with a Grade 10 education, but seems to have a fairly solid employment history working with heavy equipment, most recently, in the mining area.

[4] I accept, that he is remorseful and that he clearly recognizes he needs to take some significant steps to manage his particular issues such that he does not find himself in this situation again. He has engaged in discussions with his case manager about available programs, and one of his concerns with respect to changing his status at the Whitehorse Correctional Centre is to allow him to engage in some programming. In particular, he is exploring substance abuse programming, anger management and two ticket programs, the H2-SI (phonetic) program and the WHMIS program. So his primary concerns are addressing the underlying issues which have brought him before the Court, and then getting himself back into employment, as he does provide financial support for three step-children from a former relationship.

[5] There is a joint submission before me, so the primary issue is whether or not I am satisfied that it falls within the range and that it is appropriate in all of the circumstances as described to me. I do not have any difficulty in this case accepting that what is being suggested is appropriate.

[6] Accordingly, I adopt the joint submission by making the finding that I am satisfied that an eight-month custodial term is appropriate in all of the circumstances, which would then be reduced by credit for 57 days spent in remand, leaving a remaining sentence to be served of 183 days, to be followed by a two-year probationary term on the following terms and conditions, Mr. Laflamme, that you:

1. Keep the peace and be of good behaviour;
2. Appear before the Court when required to do so by the Court;
3. Notify the Probation Officer in advance of any change of name or address and that you promptly notify the Probation Officer of any change of employment or occupation;

[7] I am required by law to include those conditions in every probation order. In addition to those, I did not hear indication of a request for a reporting condition, but it would seem to me that this probation order is not going to work unless you have a Probation Officer. So I am going to add the condition, that you:

4. Report to a Probation Officer immediately upon release from custody and thereafter when and in the manner directed by the Probation Officer;

They generally come up to the facility before your release and have discussions with you about what your reporting is going to look like once you are released, okay? So there will be time for you to speak to them and ask questions about what you might expect.

[8] I am also going to require that you:

5. Have no contact, directly or indirectly, or communication in any way with

- Crystal Donnessey or Scott Dennis, except with the prior written permission of your Probation Officer in consultation with Victim Services;
6. You are not to attend at the residence of Crystal Donnessey or Scott Dennis;
  7. You are to take such assessment, counselling, and programming as directed by your Probation Officer;
  8. You are to provide your Probation Officer with consents to release information with regard to your participation in any programming, counselling, employment or educational activities that you have been directed to do pursuant to this order;
  9. You are to make reasonable efforts to find and maintain suitable employment;
  10. You are not to have in your possession any firearm, ammunition, explosive substance or weapon;

[9] That leaves us, I believe, with the abstain condition. In this particular case, because of the nature of the offence, I am concerned about including it, but I will tell you that the Probation Office here works closely with people, and they use that condition sparingly, in an appropriate fashion, when they recognize someone is struggling with a substance abuse problem. So it is not a situation like it would be with a conditional where if you slip, you are in custody. They are more flexible than that, but talk to them about what your struggles are and help them understand what is going on. But I do think it needs to be there because neither I nor you want you to be in this position again, particularly when it could be a situation where somebody could be even more seriously

hurt than Mr. Dennis was and potentially killed. You know you need to get the substance abuse under control to prevent that from happening. So I am satisfied it is necessary in this case, but I am also satisfied that the Probation Office is reasonable in the way that they manage that condition on a probation order, okay. So I will require that you:

11. Abstain absolutely from the possession or consumption of alcohol and controlled drugs or substances, except with a prescription given to you by a qualified medical practitioner.

[10] Given the nature of the offence, there are certain mandatory orders that I am required to make as well. The first of those is a firearms prohibition pursuant to s. 109, and I would accordingly make an order that you be prohibited from having in your possession any firearms, ammunition, or explosive substances for a period of ten years. The remaining order that I am required, because of the nature of the offence, to make is that you provide such samples of your blood as are necessary for DNA testing and banking. The RCMP will make arrangements to take the blood from you to execute that order. Generally, it is done here, I believe, before the --

[11] THE PROVOST: Here or at the WCC, Your Honour.

[12] THE COURT: Or at the facility, okay. It is a prick your finger, kind of thing, so it is not very intrusive. So they will come and see you when they are ready to execute that order.

[13] I would waive the victim fine surcharge given his custodial status. I think that leaves us the remaining count, unless I have missed something else.

[14] MS. NGUYEN: Withdrawn.

[15] THE COURT: Thank you.

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RUDDY T.C.J.