

Citation: *R. v. Charlie*, 2014 YKTC 3

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13-00576
13-00576A
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Chief Judge Cozens

REGINA

v.

MAUREEN VANESSA CHARLIE

Appearances:
Leo Lane
David Christie

Counsel for the Crown
Counsel for the Defence

REASONS FOR JUDGMENT

[1] COZENS C.J.T.C. (Oral): Maureen Charlie is facing charges under s. 226, s. 264.1(1)(a) times two, and s. 430(4) of the *Criminal Code*. I find, based on the facts as alleged by Crown counsel, which are not disputed by defence counsel, that Ms. Charlie committed the following: that on September 2, 2013 in Ross River, when her older sister came to Ms. Charlie's house to pick up her son, Ms. Charlie became very angry, swearing at her and making threats to her, that she wished she were dead, and told her to leave. That as her sister, Celina Charlie, was going down the steps, she was

pushed from behind by Maureen Charlie, causing her to fall down the steps and hit the railing, causing no injuries other than some redness to her knee.

[2] I further find that Maureen Charlie, on September 4, 2013, at Ross River, was at Gordon Dick's house, with whom she has 11 and six-year-old sons. At 5:00 a.m., Ms. Charlie woke up the two children, swearing and yelling at Mr. Dick; and in the course of the argument she told him that she was going to kill him and she told him to get out.

[3] I find that on October 20, 2013, in Ross River, Franklin Charlie, the father of Maureen Charlie, phoned the RCMP, saying that his daughter was outside his residence yelling, albeit not intoxicated. The RCMP attended and found Ms. Charlie in the yard crying. They were concerned about her mental health, and as a result, asked her to accompany them to the health centre. On the way there, she told the RCMP officers that she went to her father's house so that she could get his rifle from the house and shoot him. She was arrested under the *Mental Health Act*, R.S.Y. 2002, c. 150. She told the two RCMP officers, Constable Hanna and Constable Kemp, that she hoped she could shoot Franklin Charlie and then she would be happy. They found a 270 calibre bullet in her pocket.

[4] Finally, I find that on December 14, 2013, in Ross River, while bound by a recognizance, Ms. Charlie went to Gordon Dick's residence, contrary to the terms of the recognizance. Ms. Charlie walked in, was there for 30 to 35 minutes, and on her way out she used an object to puncture Mr. Dick's truck tire.

[5] Having found that Ms. Charlie committed these acts, I find her not guilty, however, on the basis that she was not criminally responsible by virtue of mental

disorder. I note that Crown counsel supports that finding and that defence counsel, while not supporting it, takes no issue with it.

[6] I have a comprehensive report that was filed by Dr. Lohrasbe, and this report clearly comes to the conclusion that Ms. Charlie was not criminally responsible at the time that she considered these acts. I will read only from the summary of this report, which states:

- 1) Ms. Charlie is severely mentally disordered.
- 2) Her history and clinical presentation include symptoms in the realms of affective, cognitive, personality, and behavioral dysfunctions. Accordingly, a variety of diagnoses can reasonably be applied. In such circumstances, diagnostic labels can impede rather than further understanding of the individual or her actions.
- 3) A simpler formulation focuses on the primary etiology of her mental disorders as being 'organic' or structural, the result of brain damage initiated by maternal consumption of alcohol during gestation, and exacerbated by subsequent misuse of inhalants during childhood, followed by marijuana, alcohol, and possibly other drugs during adulthood. Specific manifestations of brain dysfunction will vary over time and circumstance.
- 4) Among the manifestations of Ms. Charlie's brain dysfunction have been intermittent episodes of psychosis, during which contact with object reality has been lost.
- 5) Her psychosis has manifested in a variety of symptoms, including paranoid delusions.
- 6) Her cognitive dysfunctions include limitations on her ability to comprehend, in a realistic manner, the 'real life' meanings of her actions. Such cognitive limitations become acute, and severe, when she is actively psychotic.
- 7) Paranoid delusions – that her children were sexually abused by her father – were primary factors driving her actions, including the threats to shoot him, on 20 October 2013.
- 8) Preoccupation with the sexual abuse of her children continues to the present time. Variations of the paranoid delusions that result from that

preoccupation (for instance, that she was being accused of being a sexual abuser herself, or that the children were sexually abused by their father) were likely important factors in other incidents leading to the current charges against her.

In view of all of the above, and based on my understanding of the criteria under S. 16 of the Criminal Code of Canada, this assessment would support a legal consideration that Ms. Charlie be found not criminally responsible for her actions [and he notes] on (at least) 20 October 2013 as a result of her mental disorders.

[7] I am satisfied that with respect to all of these offences, she was not criminally responsible on account of mental disorder. I decline to make a disposition and I refer the matter to the Review Board for a disposition.

[8] The Crown has brought a s. 524 application, which I will grant. With respect to all of these matters before the Court, she will continue on consent remand until the Review Board deals with her otherwise. I will again, as I did last week, make a recommendation that Ms. Charlie be held in custody in a hospital facility until the Review Board is able to meet and deal with her accordingly. The remaining counts, Mr. Lane?

[9] MR. LANE: Stay of proceedings.

[10] THE COURT: Stay of proceedings on the all the remaining counts except those which the Crown proceeded on today.

COZENS C.J.T.C.