

Citation: *R. v. Lange*, 2014 YKTC 63

Date: 20140214
Docket: 13-00710
13-00601
13-00601A
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Judge Cozens

REGINA

v.

MARK LEWIS LANGE

Appearances:
Joanna Phillips
Nils F. N. Clarke

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCING

[1] COZENS T.C.J. (Oral): Mark Lange has entered guilty pleas to having committed offences under s. 354(1)(a) and 264.1(1)(a) of the *Criminal Code*.

[2] With respect to the incident under s. 354: On October 27, 2013, RCMP responding to a complaint regarding Mr. Lange, locating him in a vehicle that he was operating that had a stolen registration sticker on it.

[3] With respect to the 264.1(1)(a): Mr. Lange had been in a brief relationship with an Amber Blanchard. They had broken off communications. They reconnected online on January 13, 2014. There was a dispute. There was a Facebook posting that Mr. Lange is prepared to accept responsibility for, acknowledging that there had been

some heated exchanges on Facebook. Although intoxicated, he is not disputing the Crown's position that he made these Facebook postings, which included, "I'm going to kill you and your family" and "You will still be dead". Given Mr. Lange's criminal antecedents and offences of violence, those threats from him could quite reasonably give rise to a significant concern of fear on the part of Ms. Blanchard.

[4] Mr. Lange was arrested on January 15, 2014, and he has been in custody for one month.

[5] There is a joint submission before me. Mr. Lange is a 33-year-old member of the Na-Cho Nyak Dun First Nation. As I stated, he has a significant criminal record, in particular, with respect to the offences of violence which include a manslaughter conviction.

[6] He is a talented carver. He is an individual with some skill, but when he drinks alcohol, it all basically falls apart for him. He has shown he is capable of maintaining periods of sobriety. He was placed on probation for a period of 15 months, which ended in July of 2013, and there are no convictions for breaches of probation.

[7] The joint submission is that he be given credit of 1.5:1 for his 30 days in custody. I will presume that counsel have discussed the basis of that and have agreed on the basis of the *Vittrekwa* analysis that that is appropriate, so he will be given credit for 45 days pre-trial custody. Thirty of those days will be time served on the s. 354(1)(a) charge. Fifteen of those days will be attributed to the 264.1(1)(a) charge, for which he will also receive an additional 60 days consecutive. He will also be placed on probation in respect of the 264.1(1)(a) charge for a period of nine months.

[8] The terms of the probation order are as follows:

1. You are to keep the peace and be of good behaviour; appear before the Court when required to do so by the Court;
2. You are to notify your probation officer in advance of any change of name or address, and promptly notify your probation officer of any change of employment or occupation;
3. You are to remain within the Yukon Territory unless you obtain written permission from your probation officer or the Court;
4. You are to report to your probation officer immediately upon your release from custody, and thereafter, when and in the manner directed by your probation officer;
5. You are to reside as directed by your probation officer, abide by the rules of that residence, and not change that residence without the prior written permission of your bail supervisor;
6. You are to abstain absolutely from the possession or consumption of alcohol and controlled drugs or substances, except in accordance with a prescription given to you by a qualified medical practitioner;
7. You are not to attend any bar, tavern, off-sales, or other commercial premises whose primary purpose is the sale of alcohol;

8. You are to take such alcohol and/or drug assessment, counselling, or programming as directed by your probation officer;
9. You are to have no contact directly or indirectly or communication in any manner with Amber Blanchard or Jake Blanchard;
10. You are not to attend at or within 200 metres of the person, residence, school, or place of employment of Amber Blanchard or Jake Blanchard;
11. You are to make reasonable efforts to find and maintain suitable employment and provide your probation officer with all necessary details concerning your efforts;
12. You are not to possess any knife or sharp instrument at any time except for the purposes of carving.

[9] Those are all the terms that were sought; is there anything further?

[10] MS. PHILLIPS: No.

[11] THE COURT: There will not be a DNA order. There will not be a firearms prohibition. Those have already been covered as a result of the prior convictions.

[12] There is a mandatory victim fine surcharge of \$100 on each of these counts. Therefore, these \$200 shall be given six months time to pay.

[13] MS. PHILLIPS: Thank you.

[14] And a stay of proceedings to the 145 charge.

[15] THE COURT: Stay on the s. 145(5)(b) charge.

COZENS T.C.J.