

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

REGINA

v.

HEATHER LOUISE VERMETTE

Appearances:
Michael Cozens
Edward Horembala, Q.C.

Counsel for Crown
Counsel for Defence

REASONS FOR SENTENCING

[1] FAULKNER C.J.T.C. (Oral): In this case, Heather Vermette entered a guilty plea to a charge of assault with a weapon. The weapon in question was a beer bottle, with which she struck another woman. The bottle broke, causing a cut, but it did not require medical attention.

[2] Ms. Vermette has no prior record and entered an early guilty plea. Through counsel, she has sought a conditional discharge with respect to this offence. A discharge is certainly not foreclosed in the case of a crime of violence, but since there is a need for deterrence and denunciation of such conduct, the result is that discharges will be often contrary to the public interest and therefore will be rare in cases of this kind.

[3] Having said that, I have concluded that Ms. Vermette is one of those rare persons who should be granted the discharge. I have already indicated she has no prior record and entered an early guilty plea. She has an excellent work record, excellent family and community support, and has been fully engaged in counselling to deal with the issues that got her into this trouble in the first place. She has also recently taken steps to advance her education and thus, improve her future prospects in life.

[4] The reports of her attendance in counselling with Ms. White at the Family Violence Prevention Unit are very positive and allow me to conclude that it would certainly be in Ms. Vermette's interest and not contrary to the public interest that she be discharged.

[5] Accordingly, there will be a discharge, but it will be subject to the successful completion of a probation order for a period of nine months. The terms of the order will be that:

1. Keep the peace and be of good behaviour;
2. Report to the Court as and when required;
3. Report within two working days to an adult probation officer and thereafter as and when directed;
4. Advise the probation officer in advance of any change of name or address, promptly notify her of any change of occupation or employment;
5. Take such alcohol or substance abuse assessment, treatment or counselling as the probation officer directs;

6. Take and complete any assessment, counselling or programming with the Family Violence Prevention Unit as the probation officer will direct.

[6] This offence is one which requires that you supply samples of bodily substances for the purpose of DNA, analysis and banking and I make that order.

[7] Additionally, there will be a victim surcharge of \$50.

[8] MR. HOREMBALA: Two weeks to pay.

[9] THE COURT: Fourteen days time to pay.

[10] MR. COZENS: For the record, Your Honour, there will be no firearms prohibition; is that correct?

[11] THE COURT: Yes. Given the antecedents of this accused and the circumstances of the offence, I see no efficacy in making such an order.

FAULKNER C.J.T.C.