

CANADA / JUDGMENT

R. v. Bourque

2020 BCSC 1805

COURT

Supreme Court of British Columbia

DECIDED

23 September 2020

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2020 BCSC 1805 R. v. Bourque

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Bourque,

2020 BCSC 1805

Date: 20200923

Docket: 45842-2

Registry: Penticton

Regina

v.

Kiera Stacy-Jayne Bourque

Before: The Honourable Mr. Justice G.P. Weatherill

Oral Reasons for Sentence

Counsel for the Crown:

A.T. Vandersluys

Counsel for the Accused:

S.P. Varga

Place and Date of Trial/Hearing:

Penticton, B.C.

September 18, 2020

Place and Date of Judgment:

Penticton, B.C.

September 23, 2020

- [1] THE COURT: By way of introduction, Ms. Bourque, on February 24, 2020, you pleaded guilty to manslaughter in the April 2, 2017 death of your then boyfriend, Devon Blackmore, contrary to s. 236(b) of the Criminal Code.
- [2] Meaning no disrespect throughout these reasons, I will refer to Mr. Blackmore by his first name.
- [3] Ms. Bourque, you are now before me for sentencing.
- [4] Let me begin by acknowledging to Devon's family my heartfelt condolences for your loss. I recognize that the hole left in your lives can never be filled. I also recognize that whatever sentence I impose on Ms. Bourque will not bring Devon back. It will not ease any of the pain that you feel and will not bring you peace or solace. Indeed, no sentence will bring Devon back and no sentence will fill the void left in your hearts and lives. It is important that you understand that in imposing sentence it is my responsibility to follow the law of sentencing set out in the relevant sections of the Criminal Code and in the cases that have interpreted those sections and to take into account all the circumstances of this case. You must understand that ours is not a perfect system, but it is the system that we are all governed by. I hope in time that all of Devon's family and friends who continue to grieve his loss will understand and be able to come to peace with the sentence that I am about to impose.

The Circumstances

- [5] They are generally not in controversy. Ms. Bourque then aged 20 and Devon then aged 17, and a student at Penticton High School, had been dating for about six months. Ms. Bourque's parents were aware of the relationship. Devon's parents were not. Unbeknownst to Devon's parents, Devon would on occasion sleep over at the apartment where Ms. Bourque lived with her father. Ms. Bourque was a regular user of non-prescription morphine. She used it to help with chronic pain she was suffering from as a result of a 2014 spinal sport injury while playing rugby in school. For about two years after the injury, she tried to manage the pain with prescription medications, but found that they had significant unpleasant side effects. She resorted to various street drugs, including methamphetamine and marihuana, to manage her pain.
- [6] About the same time she began dating Devon, she started using injected morphine that she obtained illegally from a cancer patient she knew. Devon did not consume hard drugs. He did consume marihuana and cigarettes. There is a suggestion by Ms. Bourque that he also dabbled in other recreational drugs, but there are no details. At the time of their relationship, his use of both marihuana and cigarettes was minimal.

- [7] Over the school break weekend of April 1 and 2, 2017, Devon stayed at Ms. Bourque's father's apartment with her. He had told his parents that he was staying at a friend's house. During the day, he returned to his parents' home to do his chores. While he was with Ms. Bourque, he became quite ill with a chest cold that escalated into a severe case of pneumonia. Devon did not know he had pneumonia, believing instead that he was suffering from either a bad chest cold or bronchitis. He did not consider it serious enough to warrant a trip to the hospital. Ms. Bourque told the police later that she tried several times to persuade Devon to go to the hospital, but he declined.
- [8] In the afternoon of April 1, 2017, one of Devon's friends visited Devon and Ms. Bourque at her apartment. He observed Devon to be quite sick. Devon asked him to lend him some money for cold medication and peroxide. This friend knew that Devon was allergic to morphine from a previous allergic reaction that he had had. During the evening of April 1, 2017, a friend of Ms. Bourque's also visited the apartment. He too thought Devon looked quite ill. Devon was lying in bed at the time and appeared to be having trouble breathing. This friend and Ms. Bourque smoked marihuana together and then he left.
- [9] Ms. Bourque says that later that evening Devon asked her to give him some morphine to help reduce the pain he was in. He asked her to inject him because he was afraid of needles. Reluctantly, she says, she injected him with what she describes as a "little bit" of morphine. Ms. Bourque says Devon appeared fine afterwards. The next morning, about 7 a.m. on April 2, 2017, Devon was again in pain and again asked Ms. Bourque to inject him with morphine. She did so, but says that the syringe became clogged and he did not get the full dose of what was in it. It is unclear how much morphine was ultimately injected. The two of them then fell asleep. She admitted later that she was aware that Devon should not be using morphine and says that she tried to tell him so prior to injecting him.
- [10] At approximately noon on April 2, 2017, Devon got out of bed on his own and attempted to get to the bathroom. Ms. Bourque woke up as well. Devon collapsed on the floor and began having seizures. Ms. Bourque immediately called 9-1-1, explained that Devon was convulsing. 9-1-1 dispatched the ambulance and coached Ms. Bourque on how to perform CPR. Sadly, by the time the paramedics arrived, Devon was deceased.
- [11] Ms. Bourque was arrested on February 1, 2018, and charged with manslaughter. Following the arrest she gave a warned statement to the RCMP, admitting twice injecting Devon with a quantity of morphine which she knew she was unable to control. She told the officer that she was aware of the potentially fatal effects of morphine. Indeed, she had personal experience with overdosing on three occasions, requiring CPR and a Naloxone shot on one such occasion.

Autopsy Report

- [12] An autopsy was conducted on April 5, 2017. It disclosed that Devon's blood contained 364 nanograms of morphine per millilitre. It also revealed that he had severe pneumonia that if left untreated could be considered lethal. The pathologist's opinion was that, although it was difficult to distinguish whether it was the morphine or severe pneumonia that was more significant, the level of morphine was high enough to be fatal. The autopsy's ultimate conclusion was that the cause of Devon's death was a morphine overdose with severe and necrotizing pneumonia as definitely being a contributory factor. I note that the amount and concentration of the morphine in the loaded syringe that was found at Ms. Bourque's apartment during the investigation were never tested.

Manslaughter

- [13] The offence of manslaughter encompasses conduct which has caused the death of another person, but falls short of intentional killing. It covers a wide range of cases extending from near accident to near murder. Different degrees of moral culpability are engaged: *R. v. Badhesa*, 2019 BCCA 70, at para. 24. There is no mandatory minimum sentence for manslaughter and the maximum sentence is life imprisonment. A conditional sentence order is not available.

Ms. Bourque's Circumstances

- [14] As I understand it, Ms. Bourque, you are currently age 24. You were age 20 at the time of the offence. You graduated from grade 12 in 2015 and you are a certified cosmetologist. You struggle standing for long periods of time because of your rugby injury that involved fractures to L4 and L5 and a pinched sciatic nerve. You were ultimately diagnosed as having chronic pain syndrome. Coping with the pain was difficult for you. Your prescription pain medications were terminated because of significant unpleasant side effects and you resorted to illicit street drugs to cope. You became addicted to methamphetamine which became all-consuming. When you started dating Devon, you switched to morphine injections. You overdosed three times on morphine, having to be resuscitated on one occasion. You say that the medical system failed you by not providing you with the proper tools to manage your chronic pain. You continue to struggle with back pain and related issues.
- [15] You volunteer cutting hair for the homeless once per week. You recently secured employment with the Skaha Laundry, who are very supportive of you. Because you are artistic, you are hopeful of becoming a tattoo artist at some point in the future. You are continuing to attend alcohol and drug counselling. You see your psychiatrist regularly for symptoms of major depressive disorder and adjustment disorder with depressed moods. You have a good relationship with your treating practitioners. Happily, you have removed substance abuse from your life and have been in stable remission since February 2018 and you are determined to move forward. It is apparent that you are a young woman with a positive and bright future ahead of you.

Sentencing Positions

- [16] The Crown seeks a period of incarceration of three years and the mandatory firearms and weapons prohibition, pursuant to s. 109 of the Criminal Code and a DNA order pursuant to s. 487.051 of the Code. The defence seeks a two- to three-year suspended sentence with probation.

Victim Impact Statements

- [17] I have had the benefit of hearing directly from some of Devon's family, who read victim impact statements in court. I have also had the benefit of other victim impact statements prepared by other members of Devon's family and friends, read by the Crown. They vary in length and detail, but the common thread is that Devon's death deeply impacted his family and friends and continues to do so. In a word, these victim impact statements are gut-wrenching. The devastation Devon's death has had on his family cannot be understated. It is difficult to fully imagine or put into words the sorrow that must be felt by Devon's family for his death. It has been and continues to be horrendously tragic for them. They feel his absence every day. Their suffering is unlikely to abate.

Letters of Support

- [18] In addition, members of your family, Ms. Bourque, and your friends have also provided letters of support. By my count, there were 15 of them. They all speak very positively of you as a kind, caring, and compassionate person with an exceptional work ethic, all qualities we want in our children. They speak to changes to your personality, your life, your drug dependency and bad choices resulting from your 2014 rugby-related spinal cord injury and the resulting chronic pain syndrome. One such letter succinctly --

(COURTHOUSE POWER OUTAGE)

- [19] THE CLERK: Thank you. You may be seated.
- [20] THE COURT: I understand that we are back up after the power outage and can everyone in Room 200 hear me? Yes, they are nodding their heads.
- [21] Ms. Bourque, when the power went out, we had to stand down, I was speaking about your letters of support and how they all speak very positively of you. They ask for leniency in your sentence and they say that incarceration will do far more harm than good. They all say that since Devon's death you have completely changed your life for the better.
- [22] I want to mention your statement to the court. In an emotional statement addressed, "Dear Loved Ones of Devon Blackmore," that you read out in court in the presence of Devon's family and friends on Friday, you took complete responsibility for injecting Devon and made what I consider to be a sincere, appropriate, and heartfelt apology to Devon's mom and dad, his family, and friends. You described him as brilliant, beautiful, and caring. You called him everyone's best friend. You described him as having had a positive impact on everyone he

met. You described how he constantly talked about his family and how much he loved them. You talked about how much Devon and you loved each other and that you were soulmates and how sorry you are for what happened. Your sincere remorse is noted.

Pre-Sentence and Psychological Reports

- [23] I want to speak briefly about the pre-sentence report and the psychological evaluation report. To assist me in crafting your sentence, I have had the benefit of both a pre-sentence report and a psychological evaluation. The pre-sentence report is dated May 27, 2020, and was prepared by Ms. Woodcox, a probation officer. It contains a detailed history of your background and upbringing. It suggests that, generally speaking, you had a positive and happy upbringing. Your family is tightknit and they are very supportive of you. You have had some deaths in your family that you have struggled with. You are described as a kind soul and someone who helps out the underdog. It indicates that you have been trying to grow and redeem yourself in the community by staying clean from drugs and volunteering. The report describes your back injury as devastating for you. It states that since Devon's death you have been clean from drugs. It also states that you have been fully compliant with the court-ordered conditions of your release.
- [24] A pre-sentence psychological report has also been prepared. it is dated May 5, 2020. It was authored by Dr. Matthew Burnett with B.C. Mental Health Forensic Psychiatric Service Commission. It, too, provides some insight into your background, upbringing, mental health issues, and morphine use. It suggests that you experienced severe symptoms of anxiety, distress, and depression in keeping with the longstanding history of significant and complex mental health issues.

Aggravation and Mitigating Factors

- [25] In crafting an appropriate sentence, I am required to consider any aggravating and mitigating factors. The aggravating factors are, firstly, that Devon was only 17 at the time of his death. He was approximately three years younger than you. You were intimate partners. The fact that Devon was under the age of 18 and was in your care at the time you injected him is a statutory aggravating factor. Second, Devon had no prior experience with the use of street drugs such as morphine. Given the severity of his pneumonia and corresponding pain, he was in a vulnerable position that you should have recognized. Despite Devon asking you to give him morphine for the pain, he was not in any position to rationally consider the consequences of its use. You have acknowledged being unable to properly control the dosage of morphine you injected. From personal experience, you knew the potential negative consequences.
- [26] The mitigating factors are, firstly, Ms. Bourque, you entered a guilty plea on February 24, 2020, after the conclusion of the preliminary inquiry that took place on the April 10, 11, and 12, 2019, but before the scheduled commencement of your trial on March 9, 2020. This is a mitigating factor. You accepted responsibility and did not put Devon's family through the

agony of reliving his death at trial. Secondly, at age 20, you were relatively young at the time of the offence. Thirdly, this is your first involvement with the criminal justice system. You have no prior criminal record and you have been fully compliant with the terms of your release. Fourthly, you have taken steps to address your mental health and substance abuse addiction and have been in remission for a significant period of time. You voluntarily attended counselling at Pathways Addiction Resource Centre in Penticton and are under the care of a psychiatrist. Fifthly, you have contributed to the community by providing free haircuts to indigent individuals, volunteering on a weekly basis at the Gateway homeless shelter in Penticton. Although not mitigating, I also note, Ms. Bourque, that you did not attempt to conceal your involvement in Devon's death nor did you attempt to hide drugs or change the scene in any way. You called 9-1-1 immediately and attempted to do what you could to save Devon. You cooperated with the medical personnel, the police, and Crown throughout.

Sentencing Principles

[27] I turn now to the principles that guide my sentencing decision. As has been earlier noted, a manslaughter offence can draw a wide range of sentences from a suspended sentence at one end to life imprisonment at the other. In *R. v. Lacasse*, 2015 SCC 64, Justice Wagner, as he then was, summarized the task before the court on sentencing as follows:

1 Sentencing remains one of the most delicate stages of the criminal justice process in Canada. Although this task is governed by ss. 718 [and others] of the Criminal Code, and although the objectives set out in those sections guide the courts and are clearly defined, it nonetheless involves, by definition, the exercise of a broad discretion by the courts in balancing all the relevant factors in order to meet the objectives being pursued in sentencing.

[28] The fundamental purpose of sentencing is to protect society and to contribute to respect for the law and the maintenance of a just, peaceful, and safe society. There are additional objectives including denunciation, deterrence, retribution, rehabilitation, and reparations for harm done to victims or the community. The weight given to each objective when imposing sentence is a matter of discretion and depends on each case's circumstances. It is important to recognize that retribution is not vengeance. Rather, retribution:

80 represents an objective, reasoned and measured determination of an appropriate punishment which properly reflects the moral culpability of the offender, having regard to the intentional risk-taking of the offender, the consequential harm caused by the offender, and the normative character of the offender's conduct. Furthermore, unlike vengeance, retribution incorporates a principle of restraint; retribution requires the imposition of a just and appropriate punishment, and nothing more.

80 Retribution, as well, should be conceptually distinguished from its legitimate sibling, denunciation. Retribution requires that a judicial sentence properly reflect the moral blameworthiness of that particular offender. The objective of denunciation mandates that a sentence should also communicate society's condemnation of that particular offender's conduct.

[Emphasis in original.]

R. v. M.(C.A.), [1996] 1 S.C.R. 500.

- [29] The principle of denunciation mandates that your sentence should communicate society's condemnation of the conduct to which you have pled guilty. The principle of deterrence refers to ensuring your sentence will specifically deter not only you from committing further offences, but generally deter others from offending. As argued by the Crown, protection of the public is also of paramount importance in this case.
- [30] My role as your sentencing judge is to assess your moral culpability by considering the circumstances surrounding Devon's death, subjective intent, awareness that you were doing something that could endanger Devon, whether you were wilfully blind, your personal circumstances, characteristics and doing my best to blend and balance all in combination. I must consider the intentional risk you took in injecting Devon with a very dangerous and potent drug and the fact that you have admitted that it caused his death.
- [31] In performing this balancing exercise, I must ensure that your sentence fits the degree of your moral fault in causing Devon's death. That is called the principle of proportionality. It is a fundamental principle of sentencing that requires that the sentence I impose be proportionate to the seriousness of the offence and your moral blameworthiness, meaning your degree of responsibility. A proportionate sentence is one that promotes justice for victims, in this case, Devon's family, and ensures public confidence in the justice system by giving meaningful effect to the seriousness of the offence. At the same time, it must be a sentence that ensures that it not exceed what is appropriate in light of your moral blameworthiness. The proportionality principle requires that I consider all the facts of this case and the circumstances as a whole. In R. v. Carte, 2017 BCSC 2421, Justice DeWitt-Van Oosten, as she then was, emphasized the case-specific nature of the sentence:
- [67] [T]he "general" range of sentence for manslaughter was described as four to 15 years. See also, R. v. Vikilani, 2017 BCSC 2074, wherein Justice Pearlman noted:
- [69] Although the range of sentence for manslaughter is from a suspended sentence to life imprisonment, the Court of Appeal has held that most cases fall within the period of 4 to 15 years, and that a sentence below or above that range is imposed only in a case involving special circumstances:
- [68] The determination of where a particular case falls within the "general" range is informed by its facts, including the circumstances surrounding the commission of the offence and the offender's personal context.

- [32] Because sentencing is always an individualized process, this range functions as a guideline only and does not displace the individualized nature of the proportionality analysis. Whether you fit within this range or outside the range depends on the circumstances of the offence, your personal circumstances, the aggravating and mitigating factors, and an individualized application of the principles of sentencing. The harm and damage you caused to Devon's family and friends is also a relevant consideration. So, as you heard during the sentencing submissions, there are a constellation of relevant factors that are at play in this case.
- [33] Crown counsel put a number of authorities before me dealing with manslaughter sentences. Those cases are: *R. v. M.(C.A.)*, [1996] 1 S.C.R. 500; *R. v. Badhesa*, 2019 BCCA 70; *R. v. LaBerge*, 1995 ABCA 196; *R. v. Creighton* (1991), 66 C.C.C. (3d) 317 (Ont. C.A.); *R. v. Creighton*, [1993] 3 S.C.R. 3; *R. v. Bernardino*, [2004] O.J. No. 5698 (Ont. S.C.J.); *R. v. Bernardino*, [2003] O.J. No. 5674; and *R. v. Cybak*, 2010 BCSC 2042.
- [34] The defence referred me to the following cases: *R. v. M.(S.K.)*, 40 N.S.R. (2d) 616; *R. v. Anguelov*, [2014] O.J. No. 6323; *R. v. Alphonse*, 2018 BCSC 2045; *R. v. Quannaaluk*, 2018 QCCS 5179; *R. v. Nielsen*, [2012] B.C.J. No. 3093; *R. v. Paul*, [2000] O.J. No. 2251; *R. v. Henry*, 2015 ONSC 3905; *R. v. Mananghaya*, 1997 CanLII 23083 (Man. C.A.); *R. v. M.C.1*, 2009 MBQB 226; *R. v. Lai*, 2006 BCCA 368; *R. v. Torrezao*, 2018 ONSC 2157; *R. v. Delos Santos*, 2014 BCSC 34; *R. c. Charbonneau*, 2012 QCCS 147; and *R. c. Duval*, 2015 QCCS 2149.
- [35] I have reviewed and have considered these cases. Some have similarities, many do not. Given the individualized nature of the sentencing process and the fact that sentences imposed in other cases provide only guidance and given that they were fully canvassed during sentencing submissions before me, I do not propose to review them here. I found them all helpful. One case in particular that stands out is *R. v. Alphonse*, 2018 BCSC 2045, where Madam Justice Murray quoted these comments of Mr. Justice Smith in *R. v. Marchand*, 2014 BCSC 2554, at para. 48: "a noncustodial sentence for manslaughter is fit only in exceptional circumstances at or near the accident end of the spectrum".
- [36] The Crown argues that your moral blameworthiness is high and on the near-murder end of the spectrum. Mr. Varga argues that what happened here was at the near-accidental end. In my view, what happened here is closer to the near-accidental end of the spectrum than to the near-murder end.
- [37] So, Ms. Bourque, deciding what your sentence should be has been difficult and challenging and I have agonized over it. On the one hand, it is difficult to imagine that the crime of manslaughter of a young, bright, likeable, 17-year-old just about to start out in life would not result in a period of incarceration. The fact remains that you made a seriously ill-advised decision to inject Devon with morphine when you knew he was ill and you knew the risk you were taking. On the other hand, Devon and you loved each other and you were not trying to harm him. From the moment Devon began having seizures and right up to today, you have done everything right. You immediately called 9-1-1, you did your best to save him, you told

the 9-1-1 operator exactly what happened, you fully cooperated with the police and their investigation, you have abided fully with the terms of your release, you have addressed your drug abuse issues, and you have volunteered in the community. You are an extremely remorseful young woman with no prior criminal history who made a serious lack of judgment and who has taken full responsibility for what happened.

- [38] In sentencing an offender, the Criminal Code instructs me to consider all available sanctions other than imprisonment that are reasonable in the circumstances and consistent with the harm done to victims or the community. I have considered and have reconsidered the circumstances of this case, the cases provided to me by counsel, and the principles of sentencing which I am required to follow and to which I have referred. Ms. Bourque, while I am satisfied that you did not have any intention of causing Devon's death and on the spectrum of moral blameworthiness what happened here is at the lower end, what you did was reckless, senseless, and naïve. You should have known better, especially since the drug you were administering was non-prescription, dangerous and, in this case, lethal. Devon's death and the whole ordeal was so unnecessary.
- [39] Ms. Bourque, please stand.
- [40] It gives me no pleasure to have to sentence you today for Devon's death. Injecting him with a lethal dose of morphine has robbed him of his life and taken him away from his family and friends. I can think of nothing worse than losing a child. It has had a devastating impact on his family. You heard the victim impact statements and the ongoing loss the family feels. You made a serious mistake with tragic consequences. In all the circumstances, I conclude that your sentence must include a period of incarceration. I sentence you to one year in prison to be followed by two years of probation.
- [41] You may now be seated.
- [42] I want to make it clear to everyone here that this sentence is in no way a reflection on the value of Devon's life. There is no debate that he was a good young man, he was well-liked, and he was full of life.
- [43] As earlier mentioned, sending you to jail, Ms. Bourque, will not bring Devon back nor will it heal his family's wounds.
- [44] Following your release from jail, the terms of your probation will be stringent. For the first year, it will be akin to house arrest. These conditions are designed to assist you to continue with your rehabilitation and the work you have done to address your issues. I am going to now tell you what the terms of probation are. I have got copies for you, Madam Clerk, and for counsel. Here are the terms of your probation, Ms. Bourque, and this will start when you are released from custody.

- [45] You must keep the peace and be of good behaviour. You must appear in court when required to do so. You must notify the court or the probation officer in advance of any change of name or address, and promptly notify the court or your probation officer of any change of employment or occupation.
- [46] Within 48 hours of your release, you must report in person to a probation officer.
- [47] When first reporting to your probation officer, you must inform him or her of your residential address and phone number. You must not change your residence or phone number without written permission from your probation officer.
- [48] If at any time prior to the expiration of your period of probation, you are arrested, detained, or have served a sentence for another offence, you shall report to your probation officer within two business days of your release from custody.
- [49] You must reside at a residence approved of in advance by your probation officer, you must provide your probation officer with your phone number, and you must not change your residence or your phone number without the prior written permission of your probation officer.
- [50] For the first 12 months of this order, you must obey a curfew by being inside your residence between the hours of 9 p.m. and 6 a.m. each day.
- [51] You must present yourself immediately at the door of your residence or answer the phone when any peace officer or probation officer attends your residence or calls to check your compliance with the curfew condition of this order.
- [52] You may be away from your residence during the curfew hours with the prior written permission of your probation officer. Such permission is to be given only for compelling reasons. You must carry the written permission with you when you are outside of your residence during the curfew hours. You may be away from your residence during the curfew hours:
- (a) while in the course of your employment or at school or a job training course or when travelling directly to or returning directly from same; if requested, you must provide your probation officer with details of your employment, school, or job training course, including location and hours;
 - (b) in the event of a medical emergency and only while at the healthcare facility or when travelling directly to or returning directly from the facility; if requested, you must provide your probation officer with written confirmation that you went to the facility, signed by a representative of the healthcare facility to which you went; or
 - (c) for counselling appointments or other meetings approved by your probation officer.
- [53] You must not possess or consume alcohol, drugs, including marihuana, and/or any other intoxicating substance, except in accordance with a medical prescription.

- [54] You must not possess drug paraphernalia that is suitable for the sale or consumption of drugs that have not been prescribed to you.
- [55] You must not enter any liquor store, beer and wine store, marihuana store, bar, pub, lounge, nightclub, beer garden, or any other business where the primary commodity sold is liquor.
- [56] You must not reside at any place where any other resident has illegal drugs or marihuana or alcohol in his or her possession or permit any of these items to be brought into your residence.
- [57] You must attend, participate in, and successfully complete any intake, assessment, counselling, program, treatment, or residential treatment program as directed by your probation officer and as strongly recommended by Dr. Burnett. This includes substance misuse, mental health care, and chronic pain programs as available.
- [58] You must sign any waiver of confidentiality or release-of-information forms as will enable your probation officer, counsellors, or treatment providers to monitor your attendance and completion of any intake, assessment, counselling, or treatment programs, and to collaboratively discuss your treatment needs. You must sign any release-of-information forms as will enable your probation officer to monitor your attendance and completion of any assessments, counselling, or rehabilitative programs as directed. You must provide proof of your attendance and completion of any assessments, counselling, or rehabilitative programs as directed by your probation officer.
- [59] You must not possess, either personally or through another person, any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, or explosive substance, anything that resembles a weapon or firearm, any weapon as defined in s. 2 of the Criminal Code, or any related authorizations, licences, or registration certificates.
- [60] You must not reside in any residence in which any other person keeps or stores any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, or explosive substance.
- [61] You must not possess any knives, except for the immediate preparation or consumption of food or for the purposes directly and immediately related to your employment. You will be permitted to possess scissors and other such implements required for your work.
- [62] You are to have no contact directly or indirectly with any immediate members of Devon Blackmore's immediate family except with the written consent of your probation officer.
- [63] Finally, you must pay restitution in the amount of \$5,400 to the clerk of this court for the benefit of Devon's parents to help offset his funeral costs. Your restitution must be paid by October 1, 2023.
- [64] You will be subject to all these terms, save for the curfew, for both years of your probationary period. This curfew is just for the first year.

- [65] In accordance with Dr. Burnett's strong recommendations, I am directing that if possible, while incarcerated, you will be given access to healthcare, psychiatric resources, as well as a chronic pain program.
- [66] By way of ancillary orders, I am also ordering a firearms and weapons prohibition pursuant to s. 109 of the Criminal Code; and a DNA order pursuant to s. 487.051 of the Code. These orders are mandatory.
- [67] Finally, Ms. Bourque, you are still very young. You have told me that you have learned by your mistake. You have the rest of your life to live, to learn, to grow, and be a productive member of society. I hope you will use the time you spend incarcerated and during your probationary period positively and productively. I wish you well.
- [68] Mr. Vandersluys, anything?
- [69] MR. VANDERSLUYS: No, thank you, My Lord.
- [70] THE COURT: Mr. Varga?
- [71] MR. VARGA: Nothing, Your Honour -- My Lord.
- [72] THE COURT: Thank you all.
- [73] THE CLERK: I missed the length, Your Honour, of the firearms prohibition.
- [74] THE COURT: It is a lifetime prohibition.
- [75] MR. VANDERSLUYS: Under s. 109, it would be for life.
- [76] THE COURT: It is a lifetime prohibition.
- [77] THE CLERK: Thank you.
- [78] THE COURT: Thank you all.
- "G.P. Weatherill J."

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