

CANADA / JUDGMENT

R. v. Laroche

2024 BCSC 1692

COURT

Supreme Court of British Columbia

DECIDED

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2024 BCSC 1692 R. v. Laroche

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Laroche,

2024 BCSC 1692

Date: 20240719

Docket: 89855-2

Registry: Nanaimo

Rex

v.

Paris Jayanne Laroche

Restriction on publication: Pursuant to ss. 486.31(1), 486.5(1), and 486.5(9) of the Criminal Code, R.S.C. 1985, c. C-46.

Before: The Honourable Mr. Justice Baird

Oral Reasons for Judgment

Counsel for the Crown:

N. Barber

S. Avery

R. Enoch

(January 22, 2024 only)

Counsel for the Accused:

G. Orris, KC

R. Young

J. Hadley (A/S)

(January 24-25, 2024 only)

Place and Date of Trial:

Vancouver, B.C.

January 22-26, 29-31,

February 1-2, 5-7, 12-14, and

April 17-19, 2024

Place and Date of Judgment:

Vancouver, B.C.

July 19, 2024

INTRODUCTION

[1] Paris Jayanne Laroche is before the court on Nanaimo indictment 89855, which alleges, in Count 1, that on March 5, 2020, she committed the first-degree murder of Sidney Mantee, contrary to s. 235(1) of the Criminal Code, R.S.C. 1985, c. C-46, and, in Count 2, that from March 5, 2020 to April 19, 2021, she improperly or indecently interfered with, and offered indignities to, the dead human body of Sidney Mantee, contrary to s. 182(b) of the Criminal Code.

[2] There has never been any dispute that Ms. Laroche caused Mr. Mantee's death, or that, having done so, she painstakingly and methodically eviscerated and dismembered his corpse, cut, rendered or broke it down into pieces suitable for carrying in small bags or knapsacks, and disposed of his remains in various locations around Nanaimo, B.C. I agree with defence counsel, Mr. Orris, that Ms. Laroche's guilt on Count 2 has been proved beyond a reasonable doubt, and I hereby order a conviction on that Count.

[3] As for Count 1, on the morning of March 5, 2020, Ms. Laroche repeatedly bludgeoned Mr. Mantee with a hammer while he slept and then cut his throat when she realised that the hammer blows did not dispatch him as rapidly as she had hoped. There is no evidence to suggest that she was intoxicated, mentally disordered, or otherwise lacked the capacity to form the intent to kill Mr. Mantee. The partial defence of provocation set out in s. 232 of the Criminal Code has not been advanced and, in my view, is not available on the established facts.

[4] Instead, the evidence is overwhelming that Ms. Laroche intended to kill Mr. Mantee and set about doing it with singular determination and tremendous violence. Despite a brief defence submission recommending it, I conclude as a matter of law that this case cannot result in a manslaughter verdict. It follows that the available verdicts on Count 1 are:

- guilty of first-degree murder;
- not guilty of first-degree murder, but guilty of second-degree murder; or,
- not guilty.

MURDER

- [5] Culpable homicide is murder where the person who causes the death of a human being means to cause death, or means to cause bodily harm that she knows is likely to cause death, and is reckless whether death ensues or not. Murder is first-degree murder if it is planned and deliberate, otherwise it is second-degree murder.
- [6] For Ms. Laroche to be found guilty of murder in either degree, Crown counsel must prove beyond a reasonable doubt that she caused Mr. Mantee's death, that she did so unlawfully, and that she had the state of mind required for murder -- either in the first-degree because it was intentional as well as planned and deliberate, or in the second-degree because while not planned and deliberate, it was intentional or reckless.

SELF-DEFENCE

- [7] It is not always a crime to cause another person's death. Culpable homicide occurs only when a person causes the death of another person by means of an unlawful act. Canadian law provides that what would otherwise be culpable homicide is not a crime if it is caused by acts committed in self-defence as that term is defined in s. 34 of the Criminal Code, which, as far as it is applicable to the present case, reads as follows:

Defence - use or threat of force

34(1) A person is not guilty of an offence if

- (a) they believe on reasonable grounds that force is being used against them or another person or that a threat of force is being made against them or another person;
- (b) the act that constitutes the offence is committed for the purpose of defending or protecting themselves or the other person from that use or threat of force; and
- (c) the act committed is reasonable in the circumstances.

Factors

- (2) In determining whether the act committed is reasonable in the circumstances, the court shall consider the relevant circumstances of the person, the other parties and the act, including, but not limited to, the following factors:
- (a) the nature of the force or threat;
 - (b) the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force;
 - (c) the person's role in the incident;
 - (d) whether any party to the incident used or threatened to use a weapon;
 - (e) the size, age, gender and physical capabilities of the parties to the incident;
 - (f) the nature, duration and history of any relationship between the parties to the incident, including any prior use or threat of force and the nature of that force or threat;
 - (f.1) any history of interaction or communication between the parties to the incident;
 - (g) the nature and proportionality of the person's response to the use or threat of force; and
 - (h) whether [or not] the act committed was in response to a use or threat of force that the person knew was lawful.
- [8] Ms. Laroche relies upon this exonerating provision of the Criminal Code. She claims to have been defending herself when she killed Mr. Mantee and therefore to have committed no offence. The burden of proving otherwise rests with the Crown. The Crown must prove beyond a reasonable doubt that Ms. Laroche did not act in self-defence.

EVIDENCE

- [9] The facts of this case are not much disputed. Ms. Laroche and Sidney Mantee lived together for a number of years in a one-bedroom apartment at 1-222 Rosehill Street in Nanaimo, B.C. At the time of the killing, she was 24 years old, and he was 32. Details of their relationship came mostly from Ms. Laroche's own recorded statements made, first to a pair of undercover police officers (UCOs), and later, after her arrest, to RCMP Corporal Tiffany Isenor. Ms. Laroche did not testify at trial. Her various statements were adduced in evidence by the Crown.
- [10] According to Ms. Laroche, her relationship with Mr. Mantee was happy for the first year or two, but it became toxic and volatile in its later stages. She said that Mr. Mantee was physically and emotionally abusive, persistently berating and assaulting her. She said that he choked her to the point of unconsciousness and attacked her with a shovel. Latterly, she said, he had threatened to kill her and her friends and family if she ever left him. There was some external and independent evidence in support of these claims, even if it was not as

clear or strong as is often seen, unfortunately, in cases involving allegations of intimate partner violence: see, for example, *R. v. Lavallee*, [1990] 1 S.C.R. 852; *R. v. Malott*, [1998] 1 S.C.R. 123.

- [11] Some of this evidence came from Mrs. Jillian Bartle, who was a surrogate mother to Ms. Laroche, and from Robyn Bartle, her daughter and Ms. Laroche's best friend. They testified about Mr. Mantee's constant criticism of Ms. Laroche for her shortcomings as he perceived them. On one occasion in particular they heard him bellowing at her in foul language over the phone about an unpaid cable bill. They told me about things that Mr. Mantee said to them at family dinners in the early days of his relationship with Ms. Laroche, including that he considered it acceptable for "men to beat their women." They once saw Ms. Laroche with a black eye, and Robyn once saw bruises on her arms. They did not make much of this, they said, because Ms. Laroche had always enjoyed "rough-housing", and she insisted that nothing was amiss.
- [12] Krista Dunham was another Crown witness who lived a couple of doors down from Ms. Laroche in the Rosehill Street apartment building. She testified that multiple times every day she heard yelling from Ms. Laroche's unit. She said that it was always a man yelling, and a woman crying. It never lasted long, she said, so she did not call the police. Another witness, Danny Striegler, testified about how, one morning when he was picking up Ms. Laroche for work, Mr. Mantee came out of the building and yelled obscenities while carrying a ballpeen hammer. Another resident of the building, Cole Darling, told me about seeing Mr. Mantee outside the apartment late one night, attacking a shrubbery with a machete. He, too, heard raised voices coming from unit #1, but "nothing too crazy."
- [13] I do not know if what Mr. Mantee told Ms. Laroche about his background is true - namely, that he witnessed his mother kill his father, that he was physically and sexually abused as a child, that he had been involved in criminal gang activity, that he had a long criminal record, and that he had committed murder himself and got away with it - however, in evaluating Ms. Laroche's defence, I will accept her police statements to the effect that she believed his stories and thought that he was capable of carrying out his threats against herself, her friends, and her family.
- [14] Eventually, the relationship between Ms. Laroche and Mr. Mantee deteriorated to the point where they were estranged or separated, even while they continued to live together within the close quarters of their small apartment. Ms. Laroche occupied the bedroom while Mr. Mantee slept on a mattress in the living room. I bear in mind that not all abused women flee from the men who mistreat them, and that it would be a serious error of stereotypical reasoning to assume that they would or should. I am also aware that the situation in which people have ended their intimate relationships but continue to cohabitate can be volatile, dangerous, and violent.

- [15] So it proved to be in the present case. On the evening of March 4, 2020, Ms. Laroche returned to the apartment after work to discover that her cat, a female called Nikita, appeared to be in distress. Nikita was hiding under Ms. Laroche's bed, she had urinated on the floor, she was hissing non-stop, and was refusing to nurse her recently-born kittens. Ms. Laroche was convinced that Mr. Mantee must have hurt her somehow, as he had done once before by throwing her against the wall. Evidence of what, if anything, passed between Ms. Laroche and Mr. Mantee after she got home is entirely absent from the record of evidence at this trial. All I know is that Ms. Laroche went to bed, and arose at 4:00 the following morning to work an early shift at a local fish-processing plant. As she got ready to leave the apartment, an option that was surely available, she heard the hooting of an owl, and, for some inexplicable reason, she took this as a signal that the time had come for her to kill Mr. Mantee.
- [16] In surreptitiously audio-recorded conversations, Ms. Laroche told the UCOs that she went into the kitchen area and acted as if she were going about her normal morning routine of feeding her cats. She did this so that Mr. Mantee would not think that anything was amiss if he was or became conscious. She took hold of a hammer that she had hidden in one of the kitchen cupboards. She walked over to his mattress on the floor where she saw that he had not stirred. He was asleep, lying facing down. She gripped the hammer with both hands and struck three heavy blows on the top of his head. At one point she told the UCOs, "it was one hit, broke the skull. Second hit brought blood. Third hit, I swear I remember brains splattering I wanted to keep it in one spot because I didn't want to have to deal with the mess later." She heard him gurgle, and concluded that he was not dying quickly enough, so she cut his throat with a knife that she habitually wore in a sheath on her belt.
- [17] Ms. Laroche said that Mr. Mantee "bled out" fairly rapidly after that. She called in sick at work, and immediately set about the business of cleaning up. She said: "I left him there for a couple of hours, as I got shit done around him." She put empty ice cream containers under his head to minimise the spread of his blood across the floor. Once his body was stiff from rigor mortis, she stood him up and staggered with him into the bathroom. She maneuvered him into the bathtub, where, over what appears to have been a lengthy period of time, she disemboweled and dismembered him. She cut and broke him down into small pieces which she stored in the apartment refrigerator and freezer. Over many months, she disposed of his remains one backpack-full at a time in various public locations around Nanaimo.
- [18] Eventually, having not heard from her son, Mr. Mantee's mother called Ms. Laroche wanting to find out what was going on. Ms. Laroche told her that he had left her abruptly and moved to Victoria. The mother reported her son missing on October 2, 2020, and in short order the Nanaimo RCMP made the first of a number of calls upon Ms. Laroche with questions concerning his whereabouts. She gave them the same false story - that Mr. Mantee had left her in early March, and that as far as she knew he had gone to Victoria, or perhaps returned to his home province of Saskatchewan. She told them that she had not heard from him and hoped she never would.

- [19] On April 18, 2021, after a dinner celebrating Jillian Bartle's birthday, Ms. Laroche confessed to Robyn Bartle that she had killed Mr. Mantee. She also said that she had just finished disposing of the last of his remains. The following morning, after driving Ms. Laroche back to her apartment, Robyn Bartle proceeded directly to the local RCMP detachment to report the details of Ms. Laroche's disclosure to her. The police developed an investigation plan involving the two UCOs. Their mission was to introduce themselves into Ms. Laroche's life, coax a confession out of her, and find out what she had done with Mr. Mantee's body.
- [20] On April 29, 2021, the UCOs waited outside Ms. Laroche's apartment building until she came home from work. They posed as a father and a son. They told her that they were looking for Mr. Mantee. Their avowed purpose in doing this, they said, was to avenge Mr. Mantee's abuse of their fictitious daughter/sister. Without much prompting, Ms. Laroche told them that there was no further need to worry about Mr. Mantee because she had killed him. Soon after, she explained how she went about it.
- [21] Subsequently, over many hours on different days, having repeatedly stressed the urgency of getting rid of any evidence that might incriminate her, the UCOs persuaded Ms. Laroche to give them the murder weapon, a hammer which forensic analysis later confirmed had Mr. Mantee's genetic material on its head, and all of the bags, bowls, tools, and implements that she had used in eviscerating, dismembering, and breaking down Mr. Mantee's corpse.
- [22] Ms. Laroche also took the UCOs to the various locations around Nanaimo where she disposed of Mr. Mantee's remains. Searches of those sites were later conducted using dive teams, police dogs, and so on. Bones located either in the ocean or on the exposed foreshore at low tide at Neck Point Park and Pipers Lagoon Park in the northern part of Nanaimo were DNA tested and confirmed to be Mr. Mantee. Ms. Laroche was arrested for murder on May 21, 2021, and while in police custody she spent a number of hours speaking to Corporal Isenor on May 27 and May 28.

MS. LAROCHE'S STATEMENTS

- [23] I will now relate in some greater detail what Ms. Laroche said to various witnesses about what happened between her and Mr. Mantee. Much of what she said in the many hours that she spent with the UCOs, in particular, is graphic and disturbing. I do not intend to refer to all of it, but only to the main points for the purpose of evaluating the defence of self-defence.
- [24] Ms. Laroche told the UCOs that she had become tired of Mr. Mantee's abuse, which she claimed included death threats and physical assaults. She showed them a number of cracks in the bathroom tiles and holes in the drywall inside the apartment which she said had been caused by Mr. Mantee lashing out in rage at unspecified times in the past. She told them that he had once given her a black eye, and other witnesses confirmed that they had seen her with such an injury. She said that Mr. Mantee had threatened to kill her, her friends, and her family. She reported these claims to her employer, Terry Lynn Boyle, and to her best friend,

Robyn Bartle.

- [25] Ms. Laroche confessed to killing Mr. Mantee within 10 minutes of meeting the UCOs. When they told her that they wanted to deal with Mr. Mantee, she said "He's not a problem I dealt with him." When one of the UCOs asked, "What does that mean?" she said, "It means that I dealt with him. So you guys can rest easy. Don't talk to me again ... I'm living with the reality of what I had to do. Okay? It's already done ... You want him off the earth, he's off the earth ... He abused me ... Not anymore. He's done."
- [26] In rapid order, she told the UCOs that she had "smashed his head in with a hammer", and afterwards had broken his body down and "put him into the ocean piece by piece over months." She said "it was my life or his," and that she had killed Mr. Mantee because "I was pushed to my fucking limit." She told them about her suspicion that Mr. Mantee had abused her cat. She said, "I was like no ... I woke up to an owl hoot, which is rare in this area, and I'm like, today's the day. I tried to make it as quick as possible", she said. "I did one hit, [he] gurgled, two more hits and I'm like fuck, you're not dying yet ... I think it was like two or three hits with the hammer and then I ended up slitting his throat to try and make it quicker."
- [27] As for the aftermath, she said, "I broke him down piece by piece like an animal in the bathtub," and "I broke him down into major chunks, put him in the fridge and then just kind of piece by piece worked away, which is why it took me a few months to get rid of him." She described how she got Mr. Mantee into the bathtub, cleaned up the apartment, and then "just kind of you know, gutted and skinned him." She talked about how she stored parts of Mr. Mantee in the refrigerator and the freezer. She flushed his fat and fluids down public toilets. "I would like, dump, dump, flush. Dump, dump, flush. Dump, dump, flush." Meanwhile, working mostly through the night, she fragmented Mr. Mantee's bones with a saw and a sledgehammer. Over many days, she put parts of Mr. Mantee in her backpack in Ziploc bags and disposed of him in the ocean and in a small local lake. She told the UCOs that, for her, this was a matter of life or death. "I'm not going to jail," she said.
- [28] Ms. Laroche told the UCOs about her motive for killing Mr. Mantee. "He hurt my cat," she said, "I wasn't going to allow that to go I was done with the abuse. I had been constantly threatened with death. He held a fucking shovel to my neck a few times, passed me out, choked me out to the point where I was passed out multiple times, pushed me around, kicked me around, always the bruises he knew to make sure it was concealed." In the end, she said, "it was the animal abuse that pissed me off, and that's where I snapped. It's like I'm not letting this go."
- [29] She said that Mr. Mantee had been asking her to kill him, that he wanted death, and that "he was pushing me to the point where he knew I would give it to him it was just a matter of when I felt ready, when it was time." There was going to be a point, she said, where she would snap. It was only a question of whether she killed Mr. Mantee in self-defence, in which case she would notify the police, or took the initiative to do it on her own, unilaterally,

in which case she would have to cover it up. The evidence establishes, in my view, that the killing fell into the second category. The night before, Ms. Laroche slept, arose early in the morning, heard the hooting of an owl, and decided that now was the time for her to act.

- [30] When one of the UCOs asked if the killing was planned, Ms. Laroche said, "No, that's just how it happened ... when he did the act [and I took her to mean the supposed harming of her cat, Nikita] that made me say 'fuck no.'" When the UCO asked, "did you know the night before or did you decide that morning?", she answered, "That morning. It was literally when I heard the hoot [of the owl] and I dealt with Nikita. I am like, yeah it was the fact that he was hurting the cats. I was prepared to die. I really was because nobody wants that but if he's hurting the cats to hurt me because I'm still there, that's where my problem was ... he was hurting them to hurt me."
- [31] Ms. Laroche's subsequent meetings with the UCOs mostly involved her showing them where she had disposed of Mr. Mantee's remains. She said: "I tried to dice everything up as much as I could so that it would be bite-size chunks for the fish." She explained that, prior to the killing, she had watched videos about how to break down a deer, a bear, a rabbit, and a raccoon. She said that she had never tried anything like it herself, but then she had Mr. Mantee to "practice" on. She disposed of his teeth and skull in a small local lake because, without a tide, they would not wash ashore and "possibly come back to me." She said that, as she worked away on Mr. Mantee's corpse, the song "Getting Away With Murder" by a singer called Papa Roach was constantly playing in her mind.
- [32] She said that she started with Mr. Mantee's organs and skin because they would decompose fastest. Then she dealt with the "muscle meat" and bones, which could be kept for longer in the refrigerator. She talked with a curious enthusiasm about the removal of flesh from bones, popping cartilage from joints, breaking down the tarsals of the feet, and of leaving Mr. Mantee's skull in the freezer to be dealt with last. "It was fascinating," she said, "but it was also fucked up." She said that dealing with the major bones was when things got tough, "That's when I needed those hammers to like crush and splinter fragments." She said that she had to buy a special saw for the femurs.
- [33] Ms. Laroche went on to tell the UCOs about the local RCMP questioning her concerning Mr. Mantee's disappearance. She told them that Mr. Mantee had left and gone to Victoria because in her view that was the most believable story. She told them that Mr. Mantee "had a habit of just fucking off", was used to living on his own, and was affiliated with gangs in Saskatchewan and might have gone back there. She told them that Mr. Mantee had a "crazy" criminal record, and that he was a dangerous offender who was usually not caught for what he did. She emphasised these points, she said, so that there would be "a lot of things against him", while creating the impression that she was "just an innocent female" who had been abandoned. She said that she was not someone "that gives off the feeling of murder", and she invited affirmation of this fact from one of the UCOs: "like did you see it?", she asked him. When the UCO answered "no," Ms. Laroche said "Fuck no!"

- [34] One of the UCOs asked her if she had done research to dispose of the body. She responded, "this is where it is fucked up." She had thought about such things for years, she said, even before she met Mr. Mantee. She watched videos and listened to podcasts about how killers disposed of their victims in case she ever had to do the same thing herself. She was also interested in learning how murderers got caught, and thought about how they might have avoided it. Her affinity for these subjects was a matter of entertainment or morbid curiosity, she said, but when, all of a sudden, she had Mr. Mantee to deal with, she realised that she would have to put her knowledge into practice.
- [35] In her interviews with Corporal Isenor, Ms. Laroche denied killing Mr. Mantee at first, repeating earlier lies that she had told about his disappearance. Later, after she was played the recording of her telling the UCOs that she had bludgeoned Mr. Mantee and slit his throat, she said "He asked for it literally and my friends and family were threatened so I acted. Him or me." She likened her situation with Mr. Mantee to the proverbial frog in water slowly brought to a boil: "you're not aware of the threat," she said, "until you can't get out." She said the "tipping point" was her suspicion that he had hurt her cat, even though she said "I don't even know exactly what he did." She repeated: "I woke up to owls hooting and we don't hear them too often, so it was like, it's time. Done."
- [36] She said that she had been thinking for months about how to deal with Mr. Mantee, but this was a "breaking point". "It was like," she said, "when am I going to have to deal with this?" She went on: "it wasn't really planned. It was, but it wasn't. I was hoping there would be an out." She confirmed that she had put tools in places in the apartment where she could access them in the event of a violent confrontation with Mr. Mantee. "That's about as far as the planning went it was just escalating to a degree that I wasn't sure if I was going to be okay in the end." She repeated what she had earlier told the UCOs, namely, that if the killing had been an "in the moment thing", she would have gone to police and told them, "this is the shit I was going through, this was a self-defence moment," but she conceded that this was not how things "went out" on the morning of March 5, 2020.

DEFENCE EXPERTS

- [37] As I have said, Ms. Laroche did not testify, but the defence called expert opinion evidence from two witnesses. Dr. Johann Brink is a forensic psychiatrist who evaluated Ms. Laroche in clinical interviews over a number of hours on different days. Her narrative of events given to Dr. Brink does not differ all that much from what she told the police. There was no suggestion in Dr. Brink's evidence that Ms. Laroche, when she killed Mr. Mantee, was suffering from any mental illness or other condition that could lead me to doubt that she was responsible for the natural consequences of her acts.
- [38] I am also prepared to accept Dr. Brink's opinion that, in the immediate run-up to the homicide, Ms. Laroche exhibited trauma-related symptoms such as heightened startle response, chronic anxiety, avoidance and fear, which are features of "battered spouse syndrome", even if she did not exhibit certain diagnostic criteria - notably post-traumatic

stress disorder - that are commonly associated with the legally accepted definition of that term. I bear in mind, however, that the presence of the symptoms Dr. Brink identified does not entitle Ms. Laroche to an acquittal. "Battered women may well kill their partners other than in self-defence. The focus is not on who the woman is, but on what she did." Lavallee at para. 62.

- [39] I would emphasise, as well, that I do not adopt or endorse Dr. Brink's theory of the case expressed in the final paragraph of his written report, or in his trial testimony repeating it, to the effect that Ms. Laroche was compelled to kill Mr. Mantee as the only means of ensuring that neither she, her friends, her family, nor her cats would be harmed or killed. He purported to offer a "clinical" opinion that Ms. Laroche had no other option available to her. In his estimation, it seems, her acts were not only self-defensive and reasonable, but necessary.
- [40] I am, of course, no more bound to accept these propositions than I am Dr. Brink's trial testimony that Ms. Laroche's dismemberment and disposal of Mr. Mantee's corpse was actually a "tender process", an assertion which I do not mind saying I find to be extremely odd. In any event, it goes without saying that whether or not, on all of the evidence, and as a matter of law, Ms. Laroche is entitled to exoneration by the provisions of s. 34 of the Criminal Code is for the court to decide, not Dr. Brink.
- [41] I also received opinion evidence from Dr. Amy Fitzgerald, a sociologist, that there is sometimes a co-incidence of intimate partner violence and the abuse of domestic pets. I admitted this evidence because, in the record before me, there were plain indications of intimate partner violence of the sort that Dr. Fitzgerald has studied and researched, including that the deceased could act violently and threateningly, not only towards Ms. Laroche, but also towards her cat.
- [42] On this point, I have no doubt that Ms. Laroche was profoundly attached and devoted to her cats, and I certainly accept that she was motivated to kill Mr. Mantee, in part at least, by her belief - correct or not - that he had injured one of her cats the night before. As I have said, she told the UCOs that this was her "snapping point": "[I]t was the animal abuse that pissed me off," she said, "and that's why I snapped. It's like I'm not letting this go."
- [43] As well, I have no difficulty with Dr. Fitzgerald's opinion that abusive partners in intimate relationships employ various means of controlling and terrorizing their victims. I also accept as logical and uncontroversial her research suggesting that some people come to view their pets as an extension of themselves, or as members of their family, such that they perceive violence or the threat of it against their pets as violence or the threat of it against themselves.
- [44] However, it was only to this extent that I admitted the opinion evidence of Dr. Fitzgerald. Once again, it is the court's role exclusively to decide, consider, weigh, and evaluate whether or not Ms. Laroche's acts that would otherwise amount to murder were legitimately and reasonably undertaken in self-defence. Whether or not anything that happened the night

before the killing could be characterised as a "precipitating event", as theorized by Dr. Fitzgerald, is commentary that in my view was not within the realm of admissible opinion evidence, but falls exclusively for me to determine as the ultimate trier of fact.

PLANNING AND DELIBERATION

- [45] As I have already said, there is no doubt that Ms. Laroche killed Mr. Mantee or that she did so intentionally, and leaving aside for now the issue of self-defence, this is surely a murder case. It is only a matter of what degree. I am not satisfied beyond a reasonable doubt that it was planned and deliberate within the generally accepted meaning of those terms in our law. On the totality of the evidence, I am not satisfied that it was the result of a calculated scheme or design, or that Ms. Laroche specifically studied and considered it in advance.
- [46] I acknowledge that there are aspects of evidence that cause the compass to tilt in the direction of first-degree murder, such as her macabre video and podcast watching habits, and her rehearsing in her imagination how she might get away with murder if she ever committed one, and saying that Mr. Mantee had asked her to kill him and that she knew he would push her to it. I appreciate, as well, that there is room for the common-sense inference that her painstaking dissection and dismemberment of Mr. Mantee was something that she expected and was prepared to do because she had planned the killing in advance.
- [47] In the end, however, the most favourable construction of things on all of the evidence is that Ms. Laroche was involved in an abusive relationship, she thought it might well end in a deadly confrontation, and she took precautions against that eventuality by strategically leaving tools or implements around the apartment where she could access them in case she had to defend herself against an attack from Mr. Mantee. I find as a fact that Ms. Laroche turned in for the night and set her alarm for an early hour the next morning because she had to go to work. Her plan for the day was to process fish, not to murder Sidney Mantee.
- [48] Ms. Laroche may well have thought, and even thought frequently, that one day there would be a lethal confrontation with Mr. Mantee, but I believe that the specific intention to kill him as he lay defenceless and sleeping only settled upon her when she heard the hooting of an owl immediately before she did it. I am not convinced in the final analysis that her planning and deliberation went further than that. I conclude, instead, that she did not form the intention to kill Mr. Mantee until she got out of bed at around 4:00 a.m. on March 5, 2020. Her actions were more spontaneous and improvisational than planned and deliberate.
- [49] As a result, I am not satisfied beyond a reasonable doubt that Ms. Laroche is guilty of first-degree murder.

DID MS. LAROCHE ACT IN SELF-DEFENCE

[50] I now turn to the question of self-defence which, if applicable, would lead to an acquittal for what I have decided, in its absence, would constitute the offence of second-degree murder. Tracking the requirements of s. 34(1) of the Criminal Code, and repeating what we often tell juries, there are three discrete, rather awkwardly worded questions to be addressed:

1. Has the Crown proved beyond a reasonable doubt that Ms. Laroche did not believe that force was being used against her or the threat of force was being made against her?
2. Has the Crown proved beyond a reasonable doubt that Ms. Laroche did not commit the acts that killed Mr. Mantee for the purpose of defending or protecting herself from the use of that force? And,
3. Has the Crown proved beyond a reasonable doubt that Ms. Laroche's acts were not reasonable in the circumstances?

[51] If I find that the answer to one or more of these questions is "yes", the defence of self-defence fails and Ms. Laroche is guilty of second-degree murder. If the answer to all three of these questions is "no", Ms. Laroche is entitled to an acquittal. In *R. v. Khill*, 2021 SCC 37, the court held that these three inquiries may be conceptualised as (1) the catalyst; (2) the motive; and (3) the response: see, generally, paras. 52-70. I will address each of these in turn.

THE CATALYST: USE OR THREAT OF FORCE?

[52] On this first question, my duty is to consider Ms. Laroche's state of mind and the perception of events that led her to act. Unless she believed that force or a threat of it was being used against her or others the defence is unavailable. The evaluation requires a modified objective standard in which the reasonableness of Ms. Laroche's belief is measured not purely from the perspective of a reasonable person, but from the perspective of an ordinary person who shares her attributes, experiences and circumstances where they are relevant to what she thought or did: *Khill* at para. 54.

[53] In this connection, as I have said, I am prepared to accept the general narrative that Ms. Laroche gave to the UCOs and Corporal Isenor about her relationship with Mr. Mantee, namely that it was volatile, abusive, and sometimes violent and that, towards the end of it, Mr. Mantee threatened to kill Ms. Laroche, her friends and her family. This evidence, as I have said, was adduced and relied upon by the Crown. Many of her statements on other subjects have been confirmed to be true, and aspects of her description of her relationship with Mr. Mantee were corroborated by other witnesses whom I have no reason to disbelieve.

[54] In advancing self-defence, it is an obvious problem for Ms. Laroche that when she killed Mr. Mantee, she knew to a perfect certainty that he was unconscious and not poised imminently to harm her or anyone else. He was not using or threatening to use force against anyone in the moments before she decided to attack him. However, it is important to recognise that one of the differences between s. 34 of the Criminal Code and its predecessor provisions is

that the imminence of an attack by Mr. Mantee is not a precondition to the availability of the defence for Ms. Laroche: Khill at para. 40. It is now just one factor to be considered in evaluating the overall reasonableness of her actions.

- [55] Bearing in mind this more flexible standard, I am prepared to accept that Ms. Laroche subjectively believed Mr. Mantee to be capable of further violence against her, of carrying out the threats that he had been making for quite some time against her and others, and that she considered those threats to be ongoing. The measure of how seriously she took them is shown by her hiding the hammer in the kitchen. She told the UCOs, essentially, that she thought that Mr. Mantee would one day attempt to inflict lethal violence upon her and she was planning to use the hammer to defend herself. I find that this belief was reasonable, or at least it raises a reasonable doubt, when considered from the perspective of an ordinary person who shares Ms. Laroche's attributes, experiences and circumstances.
- [56] In this sense, then, and even in the absence of the imminence of violence coming from Mr. Mantee immediately before he was killed, a factor better addressed on the question whether Ms. Laroche's acts were reasonable, I find that the Crown has failed to prove beyond a reasonable doubt that Ms. Laroche did not believe, on reasonable grounds, that in the months preceding his death, Mr. Mantee was actively and persistently using or threatening to use force against her or other people in her life, and that these threats were credible, serious, and would likely continue. My answer to the first of the three questions posed by s. 34(1) is therefore "no".

THE MOTIVE: ACTS FOR THE PURPOSE OF DEFENDING HERSELF?

- [57] On the second inquiry, whether Ms. Laroche's acts were committed for the purpose of defending herself or others, the focus is on her subjective state of mind, what she thought at the time of the killing. As much as Ms. Laroche may have told various witnesses that her relations with Mr. Mantee had deteriorated to the point where "it was him or me," and talked to Corporal Isenor and Dr. Brink about being the frog in the boiling water, the evidence in its totality satisfies me beyond a reasonable doubt that she did not kill Mr. Mantee for the purpose of defending herself.
- [58] I consider it obvious, instead, that she took up her hammer not for the purpose of defending herself from the use of force or the threat of it, but as an offensive weapon to kill Mr. Mantee when she knew he was unconscious and incapable of harming her or anyone else or of defending himself. I find that this killing was an act of vengeance, probably fuelled by a multitude of past transgressions, but in particular because she thought that Mr. Mantee had harmed her cat the night before. The violence of her attack was extreme and unmistakably punitive. I do not accept that, at the material time, it had anything to do with thoughts of self-preservation or the protection of others. It was a matter, instead, of revenge.
- [59] In considering Ms. Laroche's subjective purpose in committing the acts that killed Mr. Mantee, insight is to be found by revisiting what she told the UCOs: that it was destined to be a question of whether she killed Mr. Mantee in self-defence, in which case she would report

it to the police, or whether she took matters into her own hands and murdered him pre-emptively and unilaterally, in which case she would have to cover it up. The fact that Ms. Laroche herself believes that she pursued the latter course is, I maintain, well established in the evidence. Her own subjective view of the fatal incident was that she was not acting in self-defence.

- [60] It follows that the answer to the second question posed by s. 34(1), whether the Crown has proved beyond a reasonable doubt that Ms. Laroche did not commit the acts that killed Mr. Mantee for the purpose of defending or protecting herself from that use or threat of force, is "yes". The defence of self-defence must fail because of it.

THE RESPONSE: REASONABLE ACTS?

- [61] For the sake of completeness and finality, however, I will go on to address the third and final question posed by s. 34(1), namely whether Ms. Laroche's actions were reasonable. In answering this question, I must consider the relevant circumstances of Ms. Laroche, of Mr. Mantee, and of the fatal attack itself, including, but not limited to, the factors in s. 34(2) which I have already read into the record.
- [62] This part of the inquiry, I want to stress, "operates to ensure that the law of self-defence conforms to community norms of conduct": Khill at para. 62. Personal characteristics of Ms. Laroche must be considered, but the focus must remain on what a reasonable person would have done in comparable circumstances, and not what Ms. Laroche thought at the time: Khill at para. 65.
- [63] Turning to the s. 34(2) factors that I consider to be relevant, I will accept, as I have said multiple times, that Mr. Mantee had a history of physically and emotionally abusing Ms. Laroche and that, before his death, he uttered threats to kill her, her friends, and her family. I will assume that Ms. Laroche took these threats seriously, and that she sincerely apprehended that one day she might find herself in a fatal confrontation with Mr. Mantee. At the time of the killing, however, it simply cannot be overlooked that Ms. Laroche knew that Mr. Mantee was unconscious and had no capacity to harm or threaten her.
- [64] I said earlier that s. 34 of the Criminal Code does not necessarily require the imminence of violence by one person to justify forceful self-defensive acts by another; it is only one factor to be considered in all of the circumstances. I would nevertheless venture, as a matter of practical reality, that in most cases involving claims of self-defence, imminence will be a highly influential if not a determinative factor. I have concluded that this is such a case.
- [65] No use of force by Mr. Mantee was imminent as he lay dormant on his mattress in the living room. Ms. Laroche knew that he had no present capacity to harm or threaten her as she stood over him with her hammer. She acted unilaterally. It was entirely a one-sided transaction. Mr. Mantee was unarmed and defenceless. The level of violence that Ms. Laroche inflicted was extreme and catastrophic. She used a hammer and then cut his throat with a knife. Difference in size, age, strength, and so on did not matter in these

circumstances.

- [66] The evidence provided by Ms. Laroche herself shows plainly that she had total control of the situation. She was not presently under attack. She was not in immediate danger. It is not reasonable to suggest, in those circumstances, that there were no alternatives to acting in this way. I repeat that the law of self-defence must conform to community norms of conduct. From this point of view, I find that the totality of Ms. Laroche's actions against Mr. Mantee were decidedly abnormal. Even if Ms. Laroche may have feared future violence and threats from him during his waking hours, for her to kill him unilaterally while he slept in this extremely violent and punitive way was not reasonable.
- [67] The answer to the third question posed by s. 34(1), whether the Crown has proved beyond a reasonable doubt that Ms. Laroche's acts were not reasonable, is "yes" and, for this reason, as well, the defence of self-defence is not available.

CONCLUSIONS

- [68] In summary, Ms. Laroche's killing of Sidney Mantee was intentional but not planned and deliberate. The Crown has proven beyond a reasonable doubt that she was not acting in self-defence. As a result, I find her not guilty of first-degree murder, but guilty of the second-degree murder of Sidney Mantee. She is also guilty of improperly or indecently interfering with, and offering indignities to, the dead human body of Sidney Mantee.
- [69] Stand up, please, Ms. Laroche. I hereby find you guilty of the offence of second-degree murder and of interfering and offering indignities to the dead human body of Sidney Mantee.

"Baird J."

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