

CANADA / JUDGMENT

R. v. Laroche

2025 BCSC 391

COURT

Supreme Court of British Columbia

DECIDED

6 February 2025

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2025 BCSC 391 R. v. Laroche

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Laroche,

2025 BCSC 391

Date: 20250206

Docket: 89855-2

89855-5

Registry: Nanaimo

Rex

v.

Paris Jayanne Laroche

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Before: The Honourable Mr. Justice Baird

Oral Reasons for Sentence

Counsel for the Crown:

N. Barber

Counsel for the Offender:

G. Orris, K.C.

R. Young

Place and Date of Hearing:

Vancouver, B.C.

January 31, 2025

Place and Date of Judgment:

Vancouver, B.C.

February 6, 2025

INTRODUCTION

- [1] On July 19, 2024, after a trial lasting several weeks, I found Paris Jayanne Laroche guilty of the second-degree murder of Sidney Mantee, and of improperly or indecently interfering with, and offering indignities to, the dead human body of Sidney Mantee. My reasons for conviction have been published and are indexed at 2024 BCSC 1692.
- [2] In that decision, I set out all the material details of evidence; the reasons for my decision to dismiss the charge of first-degree murder, but to convict Ms. Laroche of the lesser and included offence of second-degree murder; a brief explanation for why a manslaughter verdict was not available on the established facts; and my reasons for determining beyond a reasonable doubt that the Crown had disproved the defence of self-defence. None of the facts related to the charge of interfering with human remains were contested and the guilty verdict thereon was conceded.

LEGAL PRINCIPLES

- [3] The mandatory sentence for second-degree murder is life imprisonment: s. 235 of the Criminal Code, R.S.C. 1985, c. C-46. This means that Ms. Laroche, who is only 29 years old, will be either incarcerated in a federal penitentiary or under the supervision and authority of the national parole board for as long as she lives. A life sentence is the severest penalty that can be imposed under Canadian law. It is reserved for the most serious types of criminal offending. What Ms. Laroche did to Sidney Mantee certainly qualifies for this description.
- [4] The maximum penalty for interfering with and offering indignities to human remains is imprisonment for not more than five years. The sentence must be concurrent with the life sentence for second-degree murder, because a sentence cannot logically run longer than a lifetime: *R. v. Panghali*, 2011 BCSC 421.

- [5] The principal decision to be taken on this sentencing proceeding is the number of years that Ms. Laroche must serve in a federal penitentiary on the second-degree murder conviction before she will be eligible to apply for parole. The period of parole ineligibility is a minimum of 10 years and a maximum of 25 years: Criminal Code, s. 745(c). I will repeat what I said during the hearing last Friday. This means, quite simply, that Ms. Laroche will not be lawfully entitled to seek her release on parole until she has served at least 10 years in prison or such a lengthier period as the court orders. This does not mean that she will be automatically released after 10 years, or whatever longer period that I decide to impose, only that she can begin to apply to be released after that period of ineligibility. Prisoners serving life sentences for murder are often denied parole for years after they become eligible to apply for it, and of course the most serious, dangerous and high-risk offenders never succeed in getting it. Determination of the question of parole eligibility is left to the expertise and experience of the national parole board whose paramount mandate is to ensure the safety and security of the public.
- [6] The law as handed down to me by our highest court is that, as a general rule, the period of parole ineligibility for offenders convicted of second-degree murder should be limited to 10 years, but that this period can be lengthened if I determine, bearing in mind the criteria set out in s. 745.4 of the Criminal Code - namely the character of the offender, the nature of the offence, and the circumstances surrounding its commission - that the offender should serve longer than 10 years before being permitted to apply for consideration of her suitability for release on parole: *R. v. Shropshire*, [1995] S.C.J. No. 52 at para. 27. Here, the Crown seeks an extension of the period of parole ineligibility from 10 to 15 years because of the violent and frankly gruesome nature of the case.
- [7] Parole ineligibility greater than 10 years is justified where there is some particularly aggravating feature in the individual case under consideration: *R. v. Cerra*, 2004 BCCA 594 at para. 17. In *R. v. Bennight*, 2012 BCCA 461, MacKenzie J.A. summarised the following principles which apply to the decision to impose an extended period of parole ineligibility:
- Under s. 745.4 of the Criminal Code, as I have just mentioned, the sentencing judge must consider the character of the offender, the nature of the offence, the circumstances surrounding the commission of the offence, and the recommendation of the jury (there was no jury in this case).
 - The general sentencing principles of denunciation and deterrence, separation from the community, reparation, and rehabilitation apply to the determination, and the judge's assessment of the offender's likely future dangerousness or risk to re-offend is a highly relevant factor.
 - Parole ineligibility greater than 10 years is justified when there is some particularly aggravating feature in the case under consideration.

- There are two broad groupings of cases where parole ineligibility is extended beyond 10 years: parole ineligibility periods from 12-15 years and parole ineligibility periods from 15-20 years. The latter group relates to cases at the highest order of moral culpability or dangerousness.
- Orders extending the period of parole ineligibility are highly discretionary and form part of the sentencing process.
- The court must consider sentences imposed in roughly analogous cases, but the range of sentences establish guidelines only, not strict rules. A sentence outside the regular range is not necessarily unfit, if it accords with the principles and objectives of sentencing articulated in ss. 718, 718.1 and 718.2 of the Criminal Code.
- The range of extended parole ineligibility across precedent cases make for guidelines only, not binding categories within which a particular case must necessarily be placed.

[8] Section 718 of the Criminal Code provides that:

718 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 by imposing just sanctions that have one or more of the following objectives:

- (a) to denounce unlawful conduct . . .
- (b) to deter the offender and other[s] . . . from committing offences;
- (c) to separate offenders from society, where necessary;
- (d) to assist in rehabilitating offenders;
- (e) to provide reparations for harm done to victims or to the community; and
- (f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims [and] to the community.

I must also consider the fundamental principle of sentencing in s. 718.1, that "a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender", and the admonition in s. 718.2(b), which states that the "sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances", bearing in mind that each case and each offender are different and that sentencing is an individualised process. I would also refer to the principle of restraint in the use of incarceration as a sanction, especially for a first-time offender like Ms. Laroche.

[9] The sentencing authorities cited to me by counsel, all of which I have read and considered, are as follows:

- a) By the Crown: the previously-mentioned cases of *Shropshire*, *Cerra*, and *Bennight*. Also: *R. v. Florence*, 2015 BCCA 414; *R. v. Batstone*, 2022 BCCA 171; *R. v. Armstrong*, [1995] O.J. No. 535 (C.A.).

- b) By defence counsel: R. v. Naslund, 2022 ABCA 6; R. v. Waraich, 2008 BCSC 919; R. v. Ghiorghita, 2017 BCSC 1636; R. v. Sutherland, 2023 BCSC 1990; R. v. Thomson, 2019 BCSC 365.

SUMMARY OF FACTS

- [10] As I said, my reasons for finding Ms. Laroche guilty of the offences at bar are a matter of public record and I will not repeat them here except in summary form. This sentencing decision should be read in conjunction with my conviction reasons in order to gain a full appreciation of just how unusual and disturbing are the detailed facts of this case, and to understand the Crown's motivation for seeking an extended period of parole ineligibility.
- [11] Ms. Laroche and Mr. Mantee were domestic partners. They lived together in a small apartment on Rosehill Street in Nanaimo, BC. They met while working at a local fish processing plant. When they met, Ms. Laroche was only 18 years old. Mr. Mantee was approximately eight years older. This was Ms. Laroche's first serious relationship, and according to her best friend Ms. Bartle, she was initially besotted with Mr. Mantee, who shared her passion for nature and outdoor activities. She thought that she had found her "soulmate".
- [12] The Crown's evidence, which came mostly in the form of statements Ms. Laroche made to various police officers, including two undercover police officers (UCOs), indicated that Ms. Laroche's relationship with Mr. Mantee was happy to begin with, but became increasingly dysfunctional and violent after the first couple of years. Ms. Laroche told the police that Mr. Mantee's abusive and controlling behaviour escalated as time went by. She told them about occasions on which Mr. Mantee berated her, hit her, and choked her. Other residents of her apartment building testified that they often heard yelling coming from her apartment, usually a man yelling and a woman crying. The available evidence suggests that, as time wore on, Ms. Laroche became depressed, pale, emaciated and isolated from her friends and family.
- [13] Towards the end, according to Ms. Laroche, Mr. Mantee threatened to kill her, her family, and her friends if she ever left him. She told the police that she believed he was capable of following through with these threats. She said that it had got to the stage where she feared that there might be a fatal confrontation between herself and Mr. Mantee, and that before the murder he had "pushed her to the limit". He was asking for death, she said, and he knew that she would give it to him. On the evening before the murder Ms. Laroche returned home from work to discover that her female cat, Nikita, was in distress. Nikita was hiding underneath her bed. She was hissing non-stop, had urinated on the floor, and was refusing to nurse her recently born kittens. Ms. Laroche inferred from this that Mr. Mantee had abused Nikita, as she claimed he had done in the past by throwing her against the apartment wall and breaking one of her fang teeth.

- [14] Ms. Laroche did not testify at trial. There is no evidence of what, if anything, passed between her and Mr. Mantee that evening. All I know is that she went to bed and arose early the following morning to go to work. Mr. Mantee was sleeping on a mattress in a living room area. Their relationship had deteriorated to the stage where they were essentially separated from one another while continuing to live together within the confines of their small apartment. Ms. Laroche's intention when she got out of bed was to work an early shift at the fish processing plant, not to murder Mr. Mantee. I found as a fact that her violence against Mr. Mantee was not planned or deliberate in the sense required for a first-degree murder conviction.
- [15] I found that Ms. Laroche's acts were more improvised than planned, but the evidence was overwhelming that they were fully intentional. She knew perfectly well what she was doing. She was not mentally ill or intoxicated. She was not provoked in the legal sense of that term. Instead, as Ms. Laroche went about her usual morning routine in preparation for leaving the house, she heard the hooting of an owl, and for some reason she interpreted this as a sign that the time had come for her to murder Mr. Mantee. That she set about doing this with single-minded determination and enormous violence has never been disputed.
- [16] Mr. Mantee was fast asleep on his mattress in the living area. Ms. Laroche went through the motions of feeding her cats to create the impression, if Mr. Mantee awakened, that everything was normal. She armed herself with a hammer that she had hidden in a kitchen cupboard, she said, in case Mr. Mantee ever attacked her again. She used it to strike three heavy blows to the top of Mr. Mantee's head as he lay sleeping. When she realised that these blows had not succeeded in killing him, she cut his throat clean across with the hunting knife she habitually wore in a sheath on her belt. She called in sick at the fish plant and cleaned up around Mr. Mantee as he bled out. Once rigor mortis set in, she staggered into the bathroom with his corpse and manoeuvred it into the bathtub.
- [17] Thereafter, over a period that the evidence suggested may have been slightly more than a year, Ms. Laroche cut Mr. Mantee's corpse into pieces and disposed of his remains in various public places in the Greater Nanaimo area. This painstaking and grimly macabre process required innumerable sorties from her apartment with parts of Mr. Mantee in zip-lock bags concealed in a backpack. In the meantime, what remained of Mr. Mantee was stored in the apartment refrigerator and freezer, including his decapitated head, which remained in the freezer to be disposed of last of all.
- [18] Ms. Laroche told the undercover officers all about this in a strangely matter-of-fact and sometimes oddly enthusiastic way. The UCOs told her that they would help her to get rid of any evidence of her crime, and she handed over to them all of the implements that she had used to cut up Mr. Mantee. She also took them on a tour of places where she had disposed of his remains, including the downtown waterfront and the lavatory of a local shopping mall. The RCMP located bones in the ocean or on the exposed foreshore at low tide at Neck Point Park and Pipers Lagoon Park, two of the places where Ms. Laroche took the UCOs on their tour. These were DNA tested and confirmed to be Mr. Mantee.

PRESENTENCE REPORT & OTHER EVIDENCE

- [19] A presentence report was prepared for this case. It records that Ms. Laroche was born in Nanaimo, BC, the only child of Anthony and Jennifer Laroche. Ms. Laroche became estranged from her parents during her relationship with Mr. Mantee owing, in part at least, to a lawsuit that she instigated against them, encouraged by Mr. Mantee, over amounts that she claimed were due to her for unpaid wages over the years working in her parents' janitorial business. Ms. Laroche reported that, since Mr. Mantee's murder, she has reconnected with her parents and is rebuilding their relationship. The report writer attempted to contact Ms. Laroche's parents but was unsuccessful. The tenor of the report is quite clearly that Ms. Laroche's parents were not terribly attentive towards her as a child, but neither were they abusive or violent towards her or each other.
- [20] When she was 18 years old Ms. Laroche went to live in the family home of her best friend Robyn Bartle. The Bartle family permitted Ms. Laroche to live rent-free with them as long as she went to school, but eventually she met Mr. Mantee and moved into the one-bedroom apartment on Rosehill Street where the murder was committed. Ms. Laroche did not complete high school. She reported that her relationship with Mr. Mantee was her first and only significant one. She said that she lost touch with other friends after she "chose to focus on her relationship with" Mr. Mantee.
- [21] With regard to employment, Ms. Laroche reported that she worked for her parents' janitorial firm throughout high school. After that, she worked full-time at Hub City Fisheries, where she met Mr. Mantee. It was seasonal work, so between times she took other jobs. The picture that emerged of Mr. Mantee through the evidence on this trial is not particularly clear or detailed, but it points in the direction of his having been unemployed most of the time, while Ms. Laroche worked up to three minimum-wage jobs at a time to support both of them. Ms. Laroche was described by various sources as hard-working, self-reliant, and self-contained.
- [22] Both Robyn Bartle and her mother Jillian Bartle were quick to emphasise in their trial testimony that, in their opinion, Ms. Laroche was abused by Mr. Mantee. Neither witnessed any physical violence towards her, but they described instances where they observed verbal or emotional abuse. As I have said, other evidence adduced by the Crown, notably from her statements to the police, indicate that there was, indeed, physical violence as well as emotional abuse, and I have said on multiple occasions that I am prepared to accept that evidence. I also accept the trial evidence of Dr. Johann Brink, a forensic psychiatrist, who evaluated Ms. Laroche and offered the opinion that she displayed a number of symptoms that are commonly associated with the legally accepted definition of the battered spouse syndrome, including heightened startle response, chronic anxiety, avoidance and fear.
- [23] Dr. Amy Fitzgerald, an academic sociologist with a sub-speciality of research into the coincidence or co-occurrence of intimate partner violence and the mistreatment of domestic pets, both of which were suggested in the evidence about Ms. Laroche's home life

adduced by the Crown, testified that some abuse sufferers stay in relationships longer because they cannot bring themselves to abandon their pets; that abusers often victimise not only their partners, but also sometimes their pets, all along the way to controlling and terrorising them. There is some evidence in this case that the deceased could act violently and threateningly not only towards Ms. Laroche, but also her cat. Dr. Fitzgerald's research suggests that some people come to view their pets as an extension of themselves, such that they perceive violence or the threat of it against their pets as violence or the threat of it against themselves.

- [24] The presentence report note that Ms. Laroche has been in custody at the Alouette Correctional Centre for Women since March 10, 2022. She has been an active inmate of the facility, maintaining several jobs as a peer support worker, meal server and unit cleaner. During her time in custody she has completed most of the programs made available to her including Career Life Education, Ridge Meadows College courses, certificates for office skills and customer support, Microsoft Word, Employment Preparation, FoodSafe, and Occupational First Aid Level 1. She has taken courses on developing healthy relationships, and has said that she would be interested in counselling specific to intimate partner violence if it were made available to her.
- [25] Under the heading "Attitude and Understanding Regarding the Offence", the presentence report writer notes that Ms. Laroche continues to attribute Mr. Mantee's killing to self-defence. She maintains that their relationship would inevitably have resulted in either one of their deaths because the abuse needed to stop. She believed her life was in imminent danger; she just wanted to "live her life and move on", and for Mr. Mantee to "disappear". Ms. Laroche told the report writer that she did not think the police would believe that she was in an abusive relationship or that she acted in self-defence. She chose to dismember Mr. Mantee's body and dispose of his remains to avoid police detection, arrest, and a lengthy jail sentence.

PSYCHIATRIC REPORT

- [26] I ordered a psychiatric assessment of Ms. Laroche's present-day mental status, with an emphasis on the risk, if any, that she might pose for future re-offending. A summary of that report is that Ms. Laroche is now 29 years old. She was 24 when she murdered Mr. Mantee. She has never in her life committed an act of violence against anyone else. She has no criminal history. She repeated much of what she said to the presentence report writer about her family and early life.
- [27] Ms. Laroche said that her parents are Christians who follow the "guidelines" of the Bible but do not attend church regularly. Her own spiritual interests and inclinations are aligned with the natural world, and have developed into a personal belief system which she characterises as Pagan. She said, however, that she did not associate with other people of similar beliefs. It is a personal sort of credo. Ms. Laroche apparently self-identifies as a witch, and she believes herself to be able to use symbols or perceptions to influence external events to get

the outcomes that she desires.

- [28] Ms. Laroche has worked consistently throughout her life, first with her parents' janitorial business and more recently in the fish processing plant where she met Mr. Mantee and later disposed of some of his remains. According to the report, physically and mentally Ms. Laroche is doing "as well as can be expected". She is seeing a counsellor every two to four weeks. She is unable to pursue her Pagan beliefs while incarcerated so she has been attending Indigenous ceremonies, noting that she shares similar beliefs.
- [29] The reporting psychiatrist noted Dr. Brink's observation that Ms. Laroche displayed "a flatness of emotional expression and ... there seemed to be a dulled affect when talking about humans", and also referred to a counsellor at Alouette River who observed that "Ms. Laroche can present as emotionally unattached". However, she has never been given any diagnosis of mental illness or prescribed any psychiatric medication. Ms. Laroche admitted to having used marijuana fairly regularly, and psilocybin mushrooms to cope with stressors, as well as occasionally binge drinking, but she does not characterise this as problematic, and a diagnosis of substance-related psychiatric disorder has never been made.
- [30] The report writer summarises under "Diagnosis" that Ms. Laroche does not appear to suffer from any major mental illness. She does not have major depressive disorder, bipolar disorder or psychotic disorder. She briefly experienced flashbacks and anxiety related to the murder and its aftermath, but these have stopped. Her personal beliefs are not "mainstream" but they are not delusional, nor does she have a "cluster A" personality disorder such as schizotypal or schizoid personality disorder. It may be that her use of cannabis to manage stress around the time of the murder could have been maladaptive, and perhaps a contributing factor to her remaining in an abusive relationship, but she could not be diagnosed with Cannabis Use Disorder. As she is not suffering from any recognised psychiatric disorder, there is no particularly relevant risk assessment tool that can be used to reliably evaluate her risk of future re-offending.
- [31] That said, Ms. Laroche has been compliant in custody, and if she is eventually granted parole, the report writer says that she can expect to be provided with adequate access to professional support. She has no history of violence upon partners, family members, strangers or acquaintances, nor does she have a pattern of relationship difficulties, or any history of employment problems. She was not exposed to violence as a child and has no history of suicidal or homicidal ideation. All things considered, the reporting psychiatrist has provided me with the opinion that Ms. Laroche's risk of violent reoffending is low.

VICTIM IMPACT

- [32] Mr. Mantee's mother, Mrs. Emma Mantee, prepared a victim impact statement which she read in open court at the first stage of this hearing on January 31, 2025. I will not repeat her comments except to say that the violent death of her son and the inhumane treatment of his

mortal remains at the hands of Ms. Laroche are a source of enormous and never-ending pain and anguish for her. She confirmed the lies that Ms. Laroche told her about her son's whereabouts when she contacted her in 2020, and the agony of receiving the news, after months of worry, that he had been murdered, dismembered and thrown away, in her words, "like he was garbage". It was plain to see that Mr. Mantee's murder has caused a profound sorrow and is a permanent blight on Mrs. Mantee's life.

DISCUSSION

- [33] As I have said, the general narrative that Ms. Laroche gave to the police about her relationship with Mr. Mantee was that it was volatile, abusive, and sometimes violent, and that, towards the end of it, Mr. Mantee threatened to kill her, her friends, and her family. This evidence, I would stress for the last time, was adduced and relied upon by the Crown, and many of her statements on other subjects were confirmed to be true. Aspects of her description of her relationship with Mr. Mantee were also corroborated by other witnesses whom I have no reason to disbelieve.
- [34] I have also said that I am prepared to accept that Ms. Laroche subjectively believed that Mr. Mantee was 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. She told the police, essentially, that she thought that Mr. Mantee would one day attempt to inflict lethal violence upon her and she was planning to use weapons to defend herself if that happened. I found, in all of the circumstances, and I repeat now, that both her belief and her plan to defend herself if necessary can be considered as objectively reasonable.
- [35] Ms. Laroche conceded, however, that this is not how things "went out" when she killed Mr. Mantee. She knew to a certainty that he was unconscious and had no capacity to harm or threaten her. I found beyond a reasonable doubt that she did not subjectively believe that she was acting in self-defence. In my reasons, I said the following at paras. 57-59:
- [57] On the [question] 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 fury and 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 anger and 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.
- [36] Another reason for the failure of the defence was my conclusion beyond a reasonable doubt that Ms. Laroche's acts in brutally killing Mr. Mantee were not reasonable. On this topic I said the following at paras. 64-66:
- [64] [The self-defence provision] 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 . . .
- [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 . . . in this extremely violent and punitive way while he slept was not reasonable.
- [37] I have already mentioned that parole ineligibility of greater than 10 years is justified in a given case where there is some particularly aggravating feature. I would say that the extreme and retributive violence of Ms. Laroche's murderous attack on Mr. Mantee as he lay sleeping qualifies as such a feature. I consider, as well, that her methodical and calculated

destruction of Mr. Mantee's corpse, and the disposal of his remains over many months in places resorted to by the public, is a profoundly aggravating feature of her criminal misconduct overall. There is the fact, as well, that she misled the police and lied to Mr. Mantee's mother, telling them that Mr. Mantee had left town and that she had no idea where he had gone. She did this, of course, to avoid detection and punishment for the serious wrong that she knew she had committed, even if she has now persuaded herself that her conduct was justifiable.

- [38] On this latter subject, according to both the psychiatric assessment and the presentence report, Ms. Laroche has expressed herself to be surprised by my verdict and considers that her unusually grotesque acts of violence were reasonable and necessary. There is a notable absence of any remorse and rather a remarkable lack of insight into the gravity of her criminal wrongdoing. I repeat that Ms. Laroche herself told the UCOs, in an unguarded narrative of surreptitiously recorded evidence, when she had no idea she was talking to undercover policemen, that she did not believe that she killed Mr. Mantee in self-defence, but instead that she murdered him pre-emptively and unilaterally. She killed him out of anger for past misconduct, including her belief - true or not - that he had harmed her cat the night before, and in apprehension of possible future violence from which she was not under any present threat.
- [39] Battered spouse syndrome, accompanied or not by a desire to avenge injury thought to have been inflicted on a domestic pet, is not a defence to murder. It is not the case that a woman need only establish that she is suffering from aspects of the syndrome in order to secure an acquittal: *R. v. Malott*, [1998] 1 S.C.R. 123 at para. 37. "The focus is not on who the woman is, but on what she did": *R. v. Lavallee*, [1990] 1 S.C.R. 852 at para. 62. Nevertheless, I would emphasise and adopt the comments of the court in *Naslund* at para. 98, that a woman's past subjection to domestic violence is a relevant factor in evaluating her subsequent acts in committing an unlawful homicide of her abuser, even where the Crown establishes beyond a reasonable doubt that those acts were not committed in self-defence.
- [40] The law recognises a diminished moral blameworthiness and reduced culpability in offenders for whom elements of battered spouse syndrome are present, even if they do not form the basis of a successful self-defence claim at trial: *Naslund* at para. 108. They comprise a significant mitigating factor on sentencing and are material to the s. 718.1 proportionality analysis: thus, while the gravity of the offending in this case is high, Ms. Laroche's moral blameworthiness is attenuated by her experience, objectively established in the evidence, of repeated domestic abuse and violence committed against her by Mr. Mantee. I would register my respectful agreement with the authorities referred to in *Naslund* specifying that while violence inflicted on a domestic partner is listed as an aggravating factor in s. 718.2(a)(ii) of the Criminal Code, it loses much of its force when the perpetrator is the victim's battered partner.

- [41] I repeat that Ms. Laroche had been living with Mr. Mantee since the age of 18. He was her first and only sexual partner. Over the years, their once happy relationship looks to have turned abusive and violent. Ms. Laroche may have said it best when she told the presentence report writer that both parties were too invested in the relationship to walk away. It would appear that they became enmeshed in a toxic and profoundly dysfunctional dynamic from which, possibly due to immaturity, they were unable to peacefully and rationally disentangle themselves, and it ended up in acts of extreme and fatal violence, followed by a grisly and disturbing cover-up.
- [42] It bears emphasis, however, that Ms. Laroche is still young, only 29 years old, 24 at the time of the murder. She has no criminal record. She has no history of violence. She has never harmed anyone other than Mr. Mantee and cannot be said to be a foreseeable risk to anyone else. She suffers from no psychiatric disorder that could give rise to reasonable apprehensions of future violent recidivism. She has been rated by the court's expert psychiatrist to pose a low risk to re-offend. She has been a model prisoner in pretrial custody. She has an admirable history of hard work and productive employment. The people who know her well speak highly of her.
- [43] The offending here is most grave. This is why the penalty, life imprisonment, the heaviest sanction that can be imposed under Canadian criminal law, is the mandatory result. Parole exists to permit offenders to return to the community once the parole board is satisfied that they have been adequately deterred and rehabilitated, and that it may be confidently forecast that they will not re-offend or pose a danger to the public. This will likely entail a lengthy process even after the lapse of Ms. Laroche's period of parole ineligibility fixed by this court today. As I have said, parole is not automatic. It has to be earned. Many offenders have to apply multiple times before they are determined to be fit for release, and in my experience an offender's lack of insight and denials of wrongdoing can be a significant impediment to success.
- [44] In the absence of significant mitigating factors, I would have no hesitation in endorsing the Crown's submission that 15 years of parole ineligibility would be appropriate in this case, at the higher end of the first "grouping" of cases referred to in Bennight where parole ineligibility may be justifiably extended beyond 10 years. However, given the various mitigating factors just mentioned, which I consider to be significant, I have decided to exercise my discretion to impose a lesser parole ineligibility period of 12 years.
- [45] Stand up, please, Ms. Laroche. For the second-degree murder of Sidney Mantee, I hereby sentence you to life imprisonment in a federal penitentiary with no eligibility for parole for 12 years. For the offence of offering indignities to the dead human body of Sidney Mantee, which must be rated at the upper end of gravity for cases of its kind, there will be a concurrent sentence of four years. Thank you, Ms. Laroche, you may be seated.
- [46] I also make the following ancillary or related orders:

- a) Pursuant to s. 109(2) of the Criminal Code, there will be a firearms and weapons prohibition. Ms. Laroche is hereby prohibited from possessing any firearm, other than a prohibited firearm or restricted weapon, and any crossbow, restricted weapon, ammunition, and explosive substance, starting on the day of this order and ending 10 years after her release from prison; and furthermore, Ms. Laroche is prohibited from possessing any prohibited firearm, restricted firearm, prohibited weapon, prohibited device, and prohibited ammunition for life.
- b) I will make the mandatory DNA order under s. 487.051 of the Criminal Code. In other words, Ms. Laroche, you must provide a sample of your DNA by the least-intrusive means available in accordance with directions given to you by correctional authorities.
- c) Pursuant to s. 743.2 of the Criminal Code, I order that the following documents must be forwarded to the Correctional Service of Canada:
- (1) a copy of these reasons for sentence;
 - (2) all presentence materials and Mrs. Emma Mantee's victim impact statement.
- d) Pursuant to s. 743.21, Ms. Laroche is prohibited from communicating, directly or indirectly, with Emma Mantee or Robyn Bartle while she remains in custody and serving this sentence.
- [47] With respect to forfeiture, counsel, you told me that you are going to address that by means of a desk order by consent?
- [48] CNSL G. ORRIS: That's correct.
- [49] THE COURT: All right. I would like to thank counsel for their assistance in this case. I am much obliged to you. That is the end of the matter.

"Baird J."

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Prepared on 26 October 2026 · Esheria