
CANADA / JUDGMENT

R. v. Sandy

2013 BCSC 2388

COURT

Supreme Court of British Columbia

DECIDED

20 November 2013

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2013 BCSC 2388 R. v. Sandy

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Sandy,

2013 BCSC 2388

Date: 20131120

Docket: 26054

Registry: Vancouver

Regina

v.

Savanna Mari-Ann Sandy

Before: The Honourable Madam Justice Gray

Oral Reasons for Sentence

Counsel for the Crown:

W.K. Clark, Q.C.

Counsel for the Accused:

V.M. Desroches

Place and Date of Trial/Hearing:

Vancouver, B.C.

November 20, 2013

Place and Date of Judgment:

Vancouver, B.C.

November 20, 2013

- [1] THE COURT: Ms. Sandy is now before the court for sentencing. She was found guilty on July 5, 2013, of committing an assault on June 15, 2010, in Burnaby, B.C. The assault was on Victoria Delorme and it caused her bodily harm. The Crown proceeded on a single-count indictment under s. 267(b) of the Criminal Code, R.S.C. 1985, c. C-46.
- [2] The trial occupied four days. Ms. Sandy did not testify at trial, although the evidence included videotaped statements that Ms. Sandy made to the police.
- [3] The position of the Crown is that a suspended sentence with conditions may be appropriate, if the court is satisfied that Ms. Sandy is likely to report as required.
- [4] The position of the defence is that a conditional discharge would be appropriate, with the conditions to be those suggested by the Crown for a suspended sentence.
- [5] The Crown's position with respect to ancillary orders is that there must be a firearms prohibition under s. 109 and a DNA sample must be provided. The defence takes no position on that.
- [6] The real issue in this case is weighing the public interest of denouncing violence against the sentencing principle of rehabilitation.
- [7] I will describe circumstances of the offence. It was a stabbing. Ms. Sandy and a number of others, including Ms. Sandy's sister, Ms. Marquardt, were at the residence shared by several people, including Ms. Sandy and her three year old son and Ms. Marquardt. Ms. Sandy had been drinking alcohol for several hours. Sometime around midnight, after an argument, Ms. Sandy told everyone to leave. All the people left, including Ms. Marquardt.
- [8] Ms. Marquardt soon realized that she had left her purse in the home. Ms. Marquardt tried to go in the front door to get the purse, but Ms. Sandy did not let her in. Ms. Marquardt and Ms. Delorme then started to go around the house, in the hope of entering from the back.
- [9] Somebody, but not Ms. Marquardt or Ms. Delorme, broke a window in the front of Ms. Sandy's home from the outside. Ms. Marquardt and Ms. Delorme returned to the front of the house to the site of the broken window. Ms. Sandy came out of the home with a knife and she stabbed Ms. Delorme in the back of the head.
- [10] It is very fortunate that Ms. Delorme did not suffer serious injury, such as serious brain damage. However, the head laceration was large enough and deep enough that the treating medical people at the hospital were able to palpate a small area of the bone at the skull at the depth of the wound.

- [11] Ms. Sandy was taken into custody shortly after the stabbing. During the videotaped interviews, she repeatedly inquired about whether everyone was all right and she asked about what had occurred.
- [12] I now set out Ms. Sandy's circumstances. She is presently 26 years old. She is of First Nations descent. She lives with her son, who is now six years old.
- [13] In the period of three and a half years since the offence, Ms. Sandy has improved her life and her son's life significantly. Right after the offence, her son was taken away from her and he was away for about six months. He was returned to Ms. Sandy after she satisfied the authorities that she was a fit parent, after she successfully completed parenting-related courses.
- [14] Ms. Sandy took courses in parenting and anger management, and she furthered her education, taking a culinary arts program starting in 2011. She completed that program this past May and she has found full-time work. She is now working Mondays through Fridays, and in addition is working on Saturdays to make some extra money.
- [15] Ms. Sandy has improved her life and that of her son, as I have said, and has gone from living on social assistance to being fully employed and also completing a number of programs.
- [16] Ms. Sandy does not have any criminal record. In addition, she did not have any contact with the police prior to this incident.
- [17] The offence, as I have said, was under s. 267(b) of the Criminal Code. That section provides that an offender is liable to imprisonment for a term not exceeding 10 years. Because the offence caused bodily harm, a conditional sentence is not available. The alternatives for the court, therefore, are to order a sentence of time in jail or a suspended sentence or a discharge, including a conditional discharge.
- [18] The provisions of s. 730 about discharges includes this passage:
- the court may, if it considers it to be in the best interests of the accused and not contrary to the public interest, instead of convicting the accused, by order direct that the accused be discharged absolutely or on the conditions prescribed in a probation order
- [19] As I have said, the Crown position is that the court should consider a suspended sentence, while the position of the defence is that the court should consider a conditional discharge.
- [20] I was not provided with any case law by either counsel. Ms. Desroches for the defence argued that this offence would be one for which it would be difficult to obtain a pardon, and that that was a factor that the court should take into account in considering making an order for a conditional discharge.
- [21] I will briefly refer to the principles of sentencing.

- [22] The fundamental purpose of sentencing is to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful, and safe society by imposing just sanctions. That is reflected in s. 718 of the Criminal Code, and I will refer to the objectives in that section after discussing other sentencing principles.
- [23] First, proportionality. It is a fundamental principle of sentencing that a sentence must be proportionate to the gravity of the crime and the degree of responsibility of the offender. This is reflected in s. 718.1 of the Criminal Code.
- [24] This is a case where the crime was a serious one, because it is a stabbing which caused bodily harm, although fortunately, the bodily harm was not serious. It is an offence where the offender appears to have acted entirely out of character in one strange and violent act.
- [25] I turn to aggravating and mitigating circumstances.
- [26] Section 718.2(a) of the Criminal Code provides that a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances. First, the mitigating circumstances. As I have said, this is Ms. Sandy's first offence and in fact resulted in her first contact with the police. I have already referred to the fact that Ms. Sandy's son was taken away from her for a period of about six months following the offence, and that she has taken parenting, anger management, and counselling programs, and has also furthered her education.
- [27] The aggravating circumstance is the fact that Ms. Sandy stabbed Ms. Delorme when she was apparently retreating and not attacking Ms. Sandy. However, Ms. Delorme was in view shortly after someone else broke the window into Ms. Sandy's home, and to that extent Ms. Sandy, in her drunkenness, apparently perceived Ms. Delorme as a threat to Ms. Sandy and her child and her home.
- [28] I turn to similarity.
- [29] Section 718.2(b) of the Criminal Code provides that a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances. I was not provided, however, with any cases to compare the similarity.
- [30] I now refer to sanctions other than imprisonment.
- [31] Section 718.2(e) provides that all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders.
- [32] I will not read out s. 718 of the Criminal Code, but it sets out objectives of sentencing, including denouncing unlawful conduct, deterring the offender and others from committing offences, separating offenders from society where necessary, assisting in rehabilitating offenders, providing reparation for harm done to victims or the community, and promoting a sense of responsibility in offenders, and acknowledgement of the harm done to victims and the community.

- [33] In this case, it was apparent from the statements that Ms. Sandy gave to the police that she was deeply concerned about the welfare of other people involved, even within hours of the offence. This is her first offence. She has taken significant steps in improving her life and that of her son since the time of the offence.
- [34] There was some suggestion in the pre-sentence report that there might be a concern about Ms. Sandy's reporting when she was on bail. Ms. Desroches explained that the problems arose because of Ms. Sandy's need to both attend her education programs in order to obtain social assistance, and also to report as required to her bail supervisor. Ms. Desroches explained that sometimes there was a misunderstanding about whether Ms. Sandy was required to report it in person or by telephone, and sometimes Ms. Sandy was not able to arrange a telephone attendance and had a schooling matter, such as an exam, that she could not change, so she instead telephoned.
- [35] I am satisfied that Ms. Sandy has been diligent in reporting. Her respect for appointments is evident from her completion of the various programs including her education program, and the fact that she is now working full-time.
- [36] Ms. Sandy did not choose to address the court, but I am satisfied that she is remorseful, because of the concern she expressed in the statements that she gave to the police following the incident.
- [37] The real question for the court in considering whether a discharge would be appropriate is whether it would be contrary to the public interest. In my view, it would not be contrary to the public interest for Ms. Sandy to receive a conditional discharge. This was a serious offence and it caused bodily harm. Fortunately, it did not cause significant bodily harm. The injury could have been very much more serious. The crime was provoked, to the extent that Ms. Sandy believed someone was breaking into her home, and a window in fact had been broken, but it was not immediately provoked at the moment of the stabbing, because Ms. Delorme was running away.
- [38] What is most significant in this case is the principle of rehabilitation of Ms. Sandy. She has already taken very important steps to improve her life, and it has significantly improved. I would like that improvement to continue. It is more likely to continue if Ms. Sandy is not left with a criminal record, and that would be available with the conditional discharge. I am able to make the terms of the probation order the same terms that were suggested in the pre-sentence report and suggested by the Crown for a suspended sentence.
- [39] So I will ask you to stand, Ms. Sandy, and I am going to tell you the sentence.
- [40] Ms. Sandy, you know that it is very serious to stab someone and it is very lucky that Ms. Delorme was not badly hurt. This is a serious matter and you have to be sure that it will not happen again.

- [41] I know you have taken important steps to make sure that it will not happen again. I am satisfied that you are contributing to your own life and that of your son and your community by taking serious steps to be responsible in your life. Because of that, the sentence that I am imposing is a conditional discharge. I am making the conditions in the terms of a probation order, and I am going to state the terms in a moment, but this is really part of my hope that you will continue with improving your life for yourself and your son.
- [42] I have to make two other orders. First, you are prohibited, starting today and for 10 years, from possession of the items listed in the Criminal Code at s. 109(2)(a), which consist of any firearm, other than a prohibited firearm or a restricted firearm, and any crossbow, restricted weapon, ammunition, and explosive substance. Second, I am also making an order, and it is pursuant to s. 487.051(1) of the Criminal Code, that you must supply a DNA sample.
- [43] I am exempting you from the victim surcharge on the basis of your financial circumstances.
- [44] Ms. Sandy, you can sit down and I will just read the terms of the probation into the record. It is for a period of two years of probation, and the terms are close to what is set out in the pre-sentence report, but I will make the revision suggested by the defence that reporting can be done by telephone.
- [45] I will read the terms quickly into the record. You are to report forthwith to a probation officer, and the address is 103 - 80A Sixth Street, New Westminster, B.C., and to report thereafter by telephone as directed.
- [46] You are to attend for such counselling or programming as directed by the probation officer, which may include substance abuse, psychiatric and/or psychological assessment, and/or counselling.
- [47] You are to have no contact, direct or indirect, with Victoria Delorme, and you are not to attend her residence, school, or place of employment if you come to know what that is.
- [48] I have already spoken about the weapons prohibition order. I will make it a term in the probation order that you are not to be in possession of any weapons as defined in the Criminal Code of Canada, and not to possess any knives, save and except while preparing or consuming food or while engaged in employment.
- [49] You are to provide your current residential address to the probation supervisor and not change that address without prior written notification to the probation supervisor.
- [50] THE COURT: Is there anything else, counsel?
- [51] MS. DESROCHES: No, I have already discussed with her the need to remain in the courthouse to sign the appropriate documents at the criminal registry. The only other concern I had was a date proper. As Ms. Sandy's surname commences obviously with an S, the DNA appointment is typically set. She is -- I wasn't sure if you wanted a date secured now. That is often how it is done, but I am in --

[52] MR. CLARK: I am not sure about this, My Lady. It might be prudent to do that, if that is the usual way it is done.

[53] THE COURT: I have not had this issue before.

[54] MS. DESROCHES: I can --

[55] MR. CLARK: I haven't seen it either actually.

[56] MS. DESROCHES: If it is of assistance, Ms. Sandy is now subject to this court's order that she provide a DNA sample pursuant to the provisions of the Criminal Code. Accordingly, given that her name begins with an S, in Vancouver the appointment dates are Thursday, commencement time 10:00 a.m. She has to call and present herself in person for the purposes of presenting the sample. I am going to suggest, if I could just have a moment, I am just asking enough time for her to give notification to her employer. With respect to the DNA order, if she presents herself at 3585 Graveley Street, Vancouver, B.C., first floor, on Thursday, December the 5th.

[57] THE COURT: All right.

[58] MS. DESROCHES: In order for the order to be perfected through the registry, the criminal registry, that information needs to be filled in and Ms. Sandy then signs it downstairs.

[59] THE COURT: All right, and is that acceptable to you, Mr. Clark?

[60] MR. CLARK: Yes.

[61] THE COURT: Yes.

[62] MS. DESROCHES: Thank you.

[63] THE COURT: I will make that order then, that Ms. Sandy present herself on Thursday, December 5, for the DNA sample at the address Ms. Desroches stated.

"Gray J."

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/SC/13/23/2013BCSC2388.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-sandy-2013>

Prepared on 27 October 2026 · Esheria