

CANADA / JUDGMENT

Regina v. Isaac

2006 BCSC 1529

COURT

Supreme Court of British Columbia

DECIDED

12 September 2006

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

2006 BCSC 1529 R. v. Issac IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Regina v. Isaac, 2006 BCSC 1529 Date: 20060912 Docket: 50517, 51907 Registry: Chilliwack Regina v. Tanis Elaine Isaac Before: The Honourable Mr. Justice Joyce Oral Reasons for Sentence September 12, 2006 Counsel for the Crown J. Hempstead Counsel for the Defendant S. Paterson Place of Trial/Hearing: Chilliwack, B.C.

- [1] THE COURT: Ms. Isaac is before me for the imposition of penalty upon her breach of a conditional sentence order made March 27, 2006, as well as for sentencing on three new charges, namely: Count 1, break and enter a dwelling house and commit theft on June 13, 2006; Count 2, possession of stolen property, which offence was committed June 14th, 2006 and Count 3, break and enter a dwelling house and commit theft on May 25, 2006.
- [2] I will deal firstly with the breach of the conditional sentence order.
- [3] On January 20, 2006, I convicted Ms. Isaac on a charge of break and enter a dwelling house and theft, and on March 27, 2006 I imposed a sentence of six months, having taken into account time spent in custody prior to sentencing. I ordered that Ms. Isaac may serve that sentence within the community as a conditional sentence. I also imposed a two-year probation order which was intended to assist Ms. Isaac in her rehabilitation.
- [4] It is apparent that Ms. Isaac has a longstanding drug addiction problem, most recently, an addiction to crystal methamphetamine, which she must overcome if she is to break her cycle of offending. While subject to the conditional sentence order, Ms. Isaac committed the property offences to which she has pleaded guilty for which she is to be sentenced. Ms. Isaac has been in custody since her arrest on June 15, 2006 and Crown and defence counsel are agreed that the time spent in custody is to be credited against her conditional sentence. I am told that as of today, she has 15 days remaining on her conditional sentence order.
- [5] Given the nature and seriousness of the offences that form the subject matter of the conditional sentence order breach, and their similarity to the offence that gave rise to that order, I am satisfied that Ms. Isaac has demonstrated an unwillingness and/or inability to comply with the terms of a conditional sentence order. I therefore terminate the conditional sentence order and direct that she be committed to custody until the expiration of the

sentence. That sentence will run consecutively with the sentence I am going to impose for the new offences.

- [6] I turn then to the new offences. Briefly, their circumstances are as follows. On May 25, 2006 Ms. Ryder came home to her house to find Ms. Isaac walking out the front door and away from it. Ms. Ryder found that a number of items had been taken, including her wallet and credit cards. On June 14, 2006, as a result of police investigation, Ms. Isaac was arrested and found in possession of property that had been stolen the day before from another house. The stolen property included items of jewellery and heirlooms.
- [7] Ms. Isaac's circumstances are as follows. She is 32 years old. I am satisfied that she grew up in a dysfunctional and alcoholic family. However, certain information that she related to the probation officer who prepared the Presentence Report was contradicted by her mother, who gave brief evidence at the sentencing hearing. It is therefore somewhat unclear as to the precise circumstances of Ms. Isaac's upbringing. Ms. Isaac obtained grade 11 before leaving school. She has had little by way of gainful employment during her life. Ms. Isaac has a long history of drug abuse involving cocaine and crystal methamphetamine. It appears she has been addicted to drugs since at least the age of 17 and has rarely been clean. She has not demonstrated an ability to follow through with her expressions of interest in attending and completing drug rehabilitation programs, but once again, at this time, professes a desire to remain drug free.
- [8] Ms. Isaac has a lengthy record, beginning in 1989, involving numerous property-related offences, some 18 or so theft convictions, two convictions for possession of stolen property, two fraud convictions and the previous break and enter and commit theft conviction for which she received the conditional sentence. Fortunately, thus far Ms. Isaac's offending has not involved any serious violence. However, the nature of her recent offending, breaking into houses and stealing from them, has the potential for serious violence. On two occasions, the homeowner has returned to find Ms. Isaac in the process of absconding with stolen property, but fortunately, there were no confrontations that resulted in violence.
- [9] Crown counsel submits that given Ms. Isaac's record, sentences of two years for the break and enter convictions to be served consecutively would be in order. He submits, however, that taking into account the principle of totality expressed in s. 718.2(c) of the Criminal Code, a total penitentiary sentence of three years is appropriate. Crown counsel recognizes that the imposition of a penitentiary sentence for these offences would necessitate setting aside the probation order that I made in March, as it would become an illegal sentence. Ms. Paterson, on behalf of Ms. Isaac, agrees that a custodial sentence is appropriate in the circumstances, but submits that concurrent sentences of 12 months would be sufficient to meet the sentencing objectives.
- [10] In my view, considering Ms. Isaac's lengthy record and the apparent inability of the sentences and probation orders that have been meted out to curb her offending and effect any sort of rehabilitation, a significant period of incarceration is required. It is required, in

my view, to adequately address the principles of deterrence and denunciation, as well as to ensure the protection of the public. Further, in my view, a custodial order will provide Ms. Isaac with the ability to engage in programs in a structured environment with, hopefully, a greater incentive to follow through, which ultimately may set her on the right course towards rehabilitation. Ms. Isaac is still relatively young and the prospect for rehabilitation should not be overlooked, but the kinds of sentences imposed thus far appear to have had no effect.

- [11] While the offences took place some 19 days apart and involved different houses and different victims, I am, nonetheless, of the view that it is appropriate to impose concurrent sentences for them. I say that for two reasons. First, the offences occurred within a relatively short period of time, were similar in nature and were both committed as part of the offender's continuing quest for a means to pay for her drug habit. Furthermore, I consider that by imposing concurrent sentences I can fashion a sentence of an appropriate total length while imposing for each offence a sentence which I think is merited. I note that concurrent sentences were imposed in similar circumstances in *R. v. Grave* (2004) BCCA 171, a case which Crown counsel brought to my attention. There the offender was given concurrent sentences of two years less a day on each of two break and enter counts, and 60 days concurrent on a theft charge. They were separate offences that occurred on separate days. In that case, the offender had a substantial record. The Court of Appeal dismissed an appeal and did not comment unfavourably on the fact that concurrent sentences were imposed. I am of the opinion that a total sentence at the higher end of the provincial range is appropriate and will adequately address the other principles of sentencing, while not frustrating the purpose for which the earlier probation order was made. A sentence in the provincial range will also, in my view, reflect the mitigating effect of Ms. Isaac's early guilty plea.
- [12] Accordingly, I sentence Ms. Isaac to prison for six months on Count 1, 18 months on Count 2, and 18 months on Count 3, all sentences to be concurrent with each other. Thank you. I will waive the victim surcharge.
- [13] MR. HEMPSTEAD: My Lord, was there any request with respect to probation on the new offences, with respect to no-gos, no contacts or things of that nature? I don't know whether Mr. Waldoff would have made that request or not.
- [14] THE COURT: I don't recall anything being sought with respect to that. There is a no-go on the existing probation order.
- [15] MR. HEMPSTEAD: There is with respect to one residence in question. And I'm sure -- I recall a number of rehabilitative-type provisions, but I just wondered whether the Court was considering a no-go to various residences involved in this time around.
- [16] THE COURT: No.
- [17] MS. PATERSON: I would suggest --

[18] MR. HEMPSTEAD: All right, thank you.

[19] THE COURT: Thank you. I say that because these were, I think, totally random. (SENTENCE CONCLUDED) "B.M. Joyce, J." The Honourable Mr. Justice B.M. Joyce

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/06/15/2006bcsc1529.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/regina-v-isaac-2006>

Prepared on 28 October 2026 · Esheria