

IN THE PROVINCIAL COURT OF NOVA SCOTIA

Citation: R. v. Sabean, 2006 NSPC 10

Date: 20060327

Docket: 1597428

Registry: Kentville

Between:

Her Majesty the Queen

v.

Eleanor Louise Sabean

LIBRARY HEADING

Judge: The Honourable Judge Alan T. Tufts

Heard: January 31, 2006 in Kentville, Nova Scotia

Subject: **Uttering Threats; What constitutes 'threat' under s. 264.1 of the Criminal Code;**

Summary: **The defendant was distraught over a failed relationship and had some knowledge that there was another individual involved with her partner. Upon a complaint from the defendant's sister that the accused may be suicidal the police responded to her home. They found her there and in response to questioning the accused advised how she had planned to confront this other individual. When the question was posed by the police "And then what?" her response was "I was going to kill her." This is the basis of the Crown's allegation of uttering a threat.**

Issue: **Whether the words uttered constituted a threat and if so whether the defendant had the necessary intent to utter the words as a threat in the context they were uttered.**

Result:

Found that the words spoken were not a present expression of a declaration of hostile determination; nor were they a denunciation to the police of ill to befall the individual, nor were they words amounting to a menace. At best a description of a past intention of a future action. The words were not a threat. Furthermore, the defendant did not intend to utter the words as a threat. Found not guilty.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***