Sentence reduced to house arrest

MOTHER BURNED DAUGHTER WITH HOT ICE CREAM SCOOP

The Ontario Court of Appeal has overturned a jail sentence for a Markham mother convicted of repeatedly burning her daughter with a heated kitchen utensil, ordering the woman serve her sentence on house arrest.

In a decision released Friday, Justice Kathryn Feldman concluded the woman has made significant strides in repairing the relationship with her daughter and family.

"The situation has changed. This court has been provided with fresh evidence of what has transpired for this family since May 2004 and particularly for this mother and child and the very significant progress that has been made toward complete recovery of the family unit and relationship," the decision reads. The woman and "her family have made significant progress in the process of re-establishing the trust relationship and in reintegrating the family as a functioning unit. To remove the mother again and put her into custody to serve the balance of her sentence would be disruptive to the success already achieved and would not be in the best interests of the children, including the daughter."

The 42-year-old mother of two pleaded guilty last year to assault with a weapon and aggravated assault after admitting she heated a metal ice-cream scoop on a stove and used it to burn her nine-year-old daughter's arms, hands and legs as a disciplinary measure.

A vice-principal at the girl's school reported the situation to police.

The woman's identity was not released to protect the child.

The woman entered into several rehabilitative programs since her arrest and conviction.

She was released on bail pending the appeal after serving 49 days of a nine-month sentence.

The appeals court sentenced the woman to nine-months house arrest and upheld three years probation.

—Martin Derbyshire

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