

Citation: *R. v. Graves*, 2007 YKTC 23

Date: 20070129
Docket: T.C. 06-05454
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Chief Judge Faulkner

REGINA

v.

RICHARD DALE GRAVES

Appearances:

Lee Kirkpatrick

Edward Horembala, Q.C.

Counsel for Crown

Counsel for Defence

REASONS FOR SENTENCING

[1] FAULKNER C.J.T.C. (Oral): Richard Dale Graves has entered a plea of guilty to a charge of hunting grizzly bear, a species of wildlife that he was not permitted to hunt under the *Wildlife Act*, R.S.Y. 2002, c. 229, in the area of the Yukon where he shot the animal, contrary to s. 6 of the *Wildlife Act*.

[2] The circumstances of the offence are as set out in the agreed statement of facts filed by counsel. Essentially what happened was that Mr. Graves, who was a resident of Alberta, was being specially guided by Yukon resident, a Mr. Odo. Mr. Graves shot a grizzly bear in a particular sub-zone where he was not permitted to be specially guided and to shoot a grizzly bear. Mr. Graves and Mr. Odo both well knew that they could not

do what they were doing and they took steps to cover up what had occurred by first switching the tags and then later completing a false report to the Game Management Branch, indicating that the bear had been shot in a location other than the true location.

[3] I have been presented with a joint submission by counsel that the matter should be dealt with by what Crown counsel describes as a monetary package totalling \$4,000. That amount she arrives at by including the \$500 that Mr. Graves has already paid as a trophy fee as a successful non-resident hunter, a further \$2,000, which is said to be the value of the rifle Mr. Graves used and was subsequently seized by Government, and a fine of \$1,500. In addition, I am invited to direct that both the trophy and, of course, the firearm, be forfeit, and that Mr. Graves be prohibited from hunting in the Yukon for a period of seven years.

[4] I am prepared to accede to the joint submission of counsel in the circumstances, having regard to the early guilty plea and the overall monetary package as described. The trophy and the firearm are forfeit. Mr. Graves is prohibited from hunting or obtaining a licence to hunt in the Yukon for a period of seven years, and he will forfeit and pay a fine in the amount of \$1,500, that fine being payable forthwith.

[5] MS. KIRKPATRICK: Just to confirm, Your Honour, that the scope is also forfeited, that's attached to the firearm?

[6] THE COURT: Yes. Yes, rifle and scope.

[7] MS. KIRKPATRICK: Thank you.

[8] THE COURT: If that was not clear.

[9] MS. KIRKPATRICK: The Crown enters a stay of proceedings for the remaining three counts in the long form Information and to the single-count -- sorry, convictions, that ticket.

FAULKNER C.J.T.C.