
Citation: *R. v. Mackie*, 2015 YKTC 17

Date: 20150616
Docket: 13-00308A
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Cozens

REGINA

v.

DUSTIN LEE MACKIE

Appearances:
Keith Parkkari
Bibhas D. Vaze

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCING

Overview

[1] Dustin Mackie has entered a guilty plea to having committed offences contrary to ss. 91(2), 99(2) and 354(1) of the *Criminal Code*.

COUNT #1: On or about the 20th day of July in the year 2013 at the City of Whitehorse, Yukon Territory, did have in possession a prohibited weapon or a restricted weapon to wit: Rifles and other firearms without being the holder of a licence under which he may possess it, contrary to Section 91(2) of the *Criminal Code*.

COUNT #2: On or about the 20th day of July in the year 2013 at the City of Whitehorse, Yukon Territory, did manufacture a firearm, to wit: Rifles and other firearms knowing that he was not authorized to do so, contrary to Section 99(2) of the *Criminal Code*.

COUNT #3: On or about the 20th day of July in the year 2013 at the City of Whitehorse, in the Yukon Territory, did have in his possession property to wit: a Ruger 10-22 Rifle Serial #11066706, a Ruger SR22 Rifle Serial #28019533, and a Smith & Wesson M&P 9 9 mm Handgun Serial #DXD3604, of a value not exceeding five thousand dollars contrary to Section 354(1)(a) of the *Criminal Code*.

[2] The circumstances of these offences are set out in an Agreed Statement of Facts dated February 9, 2015 and filed as an exhibit in these proceedings.

[3] In brief, as a result of information provided to the RCMP, two search warrants were obtained to search the dwelling that Mr. Mackie was residing at. During the search pursuant to the initial warrant, a number of firearms were observed in plain view inside the residence, several of which were loaded. Also observed was "...ammunition, a large quantity of firearms components, machining equipment, tools, schematics and firearms in various states of assembly". The residence was secured and a second search warrant was obtained.

[4] During the search made pursuant to the second warrant, in excess of 90 items were seized from the residence. A complete list of the items seized was filed as part of an exhibit in these proceedings (and is attached as an appendix to this judgment.)

[5] While the Agreed Statement of Facts does not specifically make reference to an acknowledgment from Mr. Mackie that he was manufacturing firearms, or further, that Mr. Mackie was selling the firearms that he was manufacturing, I am prepared to accept that the statements of A.R., P.R. and Mr. Mackie's co-accused, Steven Rathburn to that effect, as contained in the Agreed Statement of Facts, were conceded and accepted by Mr. Mackie as being true.

[6] Mr. Mackie was manufacturing firearms in a shed on the property of the residence that he resided at. Located inside this shed was a lathe, and a milling and drill machine. The manufactured firearms, ammunition and magazines were hidden in a number of locations within the residence itself.

[7] Mr. Mackie took orders from an individual and manufactured and distributed the firearms to this individual in exchange for money. A total of 50 – 100 AR-15 semi-automatic rifles had been manufactured by Mr. Mackie and shipped down south through this individual, at a rate of three to four per week. The firearms that were manufactured and sold were functional. Mr. Mackie made enough money from the manufacture and sale of these firearms to provide for his living expenses and basic needs only.

[8] Three of the firearms that were seized had been stolen previously and were not in the lawful possession of Mr. Mackie, and he acknowledges that he ought to have known that these firearms were stolen.

[9] At all material times, Mr. Mackie was not in possession of a valid Possession and Acquisition license or a valid Firearms Manufacturing license.

Positions of Counsel

[10] Crown counsel submits that a sentence of four years custody in total should be imposed, less credit for time spent in custody on remand. Mr. Mackie was in custody on consent remand from July 20, 2013 until May 28, 2014, at which time he was released on a recognizance. Mr. Mackie surrendered himself into custody on March 3, 2015, while awaiting sentence to be imposed. Mr. Mackie, according to my calculations, has spent a total of 419 (417) days in custody on remand for these two periods of time.

Counsel agree that he is entitled to be credited for his remand custody at a rate of 1.5:1, therefore he can be credited with 628.5 (625.5) days which is the equivalent of approximately 20.5 months. Crown counsel is therefore seeking that Mr. Mackie be sentenced to an additional approximate 27.5 months. In the event that Mr. Mackie receives a sentence of less than two additional years, he should be placed on probation for a substantial period of time.

[11] Counsel for Mr. Mackie submits that an appropriate sentence is the mandatory minimum sentence of three years for the s. 99(2) offence with concurrent sentences to be imposed for the remaining offences. Alternatively, an appropriate sentence would be one of less than two years, thus allowing Mr. Mackie to serve his time within the Yukon, rather than in a federal penitentiary.

Circumstances of Mr. Mackie

[12] Mr. Mackie is 45 years of age.

[13] He has a criminal record consisting of two convictions for theft under s. 334(b) and for fraudulent use of a credit card (s. 342(1)(c)), all in 1992, and a conviction for unauthorized possession of a prohibited or restricted weapon (s. 91(2)) in 2000. Mr. Mackie received fines for all of these offences and, for the s. 91(2) offence, in addition a three-year firearms prohibition order under s. 110.

[14] Mr. Mackie was primarily raised by his mother and step-father, after the breakup of the relationship between his mother and his biological father when Mr. Mackie was approximately four years of age. The circumstances of his upbringing were reported as being difficult, with Mr. Mackie struggling with poverty, conflict and violence at home.

His relationship with his mother and step-father was not a good one but there has been considerable improvement in recent years. Mr. Mackie has two half-sisters who reside in Alberta. He currently maintains a relationship with one of these sisters but has little contact with the other. His parents have filed a letter of support on Mr. Mackie's behalf.

[15] Mr. Mackie was unable to participate in many school activities due to financial constraints and severe asthma.

[16] He was misdiagnosed as suffering from ADHD and prescribed medication, which caused him to suffer from some medical distress.

[17] To a large extent these problems contributed to him being somewhat alienated at school and he suffered from bullying. It appears that Mr. Mackie had a somewhat lonely childhood.

[18] He is three credits short of obtaining his high school diploma. He currently has no plans of furthering his education.

[19] Mr. Mackie was kicked out of the family home at the age of 17. He lived on the streets of Edmonton from 17 until 21. While living on the streets he was the witness to and a victim of violence and he was sexually assaulted.

[20] Mr. Mackie has a history of sporadic and inconsistent employment history. He claims that he cannot work because of his severe asthma although apparently he was at one point cut off from receiving social assistance because he was considered to be able-bodied. He owes approximately \$40,000.00 to \$50,000.00 to friends and family for monies he has borrowed, in large part, to purchase the machining equipment that he

ended up using to manufacture the illegal firearms. He states that his initial intent was to operate a legal machining business. His future employment plans do not appear to involve obtaining a job with structured hours and a wage but are rather in the entrepreneurial category.

[21] He has no issues with alcohol or substance abuse.

[22] His criminogenic risk rating indicates that a medium level of supervision is required with a high level of needs. This needs risk factor is primarily related to the instability in many areas of Mr. Mackie's life to date.

[23] Mr. Mackie's life to date is somewhat akin to being that of what could be termed as a bit of a "drifter".

[24] While on release pending sentencing, Mr. Mackie resided with long-time friend Larry Kwiat. He had resided with Mr. Kwiat for approximately five years prior to moving into the residence with Mr. Rathburn, where he committed these offences and was arrested. While residing at Mr. Kwiat's while released on bail, Mr. Mackie has been doing chores in exchange for his accommodations. His current income consists solely of the \$200.00 a month that his mother sends him. Mr. Kwiat has filed a letter of support for Mr. Mackie in which Mr. Kwiat notes Mr. Mackie's regret and remorse and their discussions regarding Mr. Mackie's positive future prospects and choices.

[25] Mr. Mackie struggles with authority and has little trust in the justice system. He describes himself as a libertarian.

Authorities

[26] *R. v. Rathburn*, 2013 YKTC 90 was the sentencing of Mr. Mackie's co-accused before Chisholm J.

[27] Mr. Rathburn entered guilty pleas to offences contrary to ss. 354 and 91(3). He was sentenced to 16 months on the s. 91(3) offence with a sentence of six months for the s. 354 offence, to be served concurrently. He was placed on probation for a period of 12 months. Crown counsel had sought a sentence of two years less a day.

[28] Chisholm J. considered the commercial operation that Mr. Rathburn and Mr. Mackie were involved in to be significant. He noted that Mr. Rathburn, however, was not the principal actor and that he was not involved in the actual trafficking. His role was limited to assisting in the manufacturing of the firearms.

[29] It was conceded before me that, had the matter proceeded to trial, Mr. Rathburn could have been found to be a party to the manufacturing. Mr. Rathburn also entered early guilty pleas and was significantly helpful to the RCMP in their investigation. He was noted to be suffering from mental health issues i.e., schizophrenia. He was assessed as being at a low risk of reoffending.

[30] In paras. 11 – 13 Chisholm J. noted as follows regarding sentencing for offenders illegally in possession of restricted and prohibited weapons:

11 Courts have found that the illegal possession of restricted and prohibited weapons should attract significant penalties. I refer to *R. v. Jarsh*, 2007 BCCA 189, *R. v. Borecky*, 2013 BCCA 163, and *R. v. Zhu*, 2013 BCCA 416.

12 In the recent *Zhu* decision, *supra*, Mr. Justice Harris stated:

[21] Firearms are a scourge in our society. The possession and use of firearms poses unacceptable risks to the public and the police. There is no doubt that both must be protected from the illegal possession and risk of use of unlawful firearms. ...

13 The dangers associated with the illegal possession of firearms are obvious. In *R. v. Thompson*, 2007 ONCJ 342, the Court spoke of the rationale of the various *Criminal Code* provisions related to firearms:

[11] In my view, the purpose of these sections is to negate the risk posed by the illegal possession of loaded firearms. The risks to life and limb are obvious when such handguns are possessed by individuals who are not properly licensed and registered to own them. It may well be that the risk is posed by their use by untrained or inexperienced individuals; it may be the risk arises when individuals have ready access to such weapons when they get involved in emotionally volatile situations such as physical conflicts; it may be that the risk is posed by individuals who may use them in pursuit of other criminal activities or enterprises; or it may be simply the risk posed by the fact that illegal possession may lead to their unsafe storage such that the guns can be taken, stolen, or mishandled by other parties who come upon them.

[31] In *R. v. Balatoni*, [2004] O.J. No. 5311 (Sup. Ct.Jus.) the 46 year-old offender entered guilty pleas, after rulings on pre-trial motions, to having committed offences contrary to ss. 465(1)(c), 99(1) x3, 96(1) x2, 108(1)(b) and 100(1)(a).

[32] There was a joint submission before the sentencing judge for a period of incarceration of between six to eight years. Mr. Balatoni was sentenced to a period of seven years custody.

[33] Mr. Balatoni, who was employed as a gunsmith at Para-Ordinance, the only manufacturer of handguns in Canada, was providing illegal Para-Ordinance semi-automatic handguns to other individuals in response to orders placed by them. There

were no serial numbers on these handguns. He was also supplying large numbers of high capacity magazines for resale.

[34] This was considered by the sentencing judge to be a sophisticated operation. He found that Mr. Balatoni was "...in an ongoing conspiracy over a considerable period of time. He stole from his employer where he was in a position of extreme trust, given the dangerous nature of the articles manufactured by Para-Ordinance". Mr. Balatoni was noted to have been "...an ongoing supplier of these deadly and untraceable weapons". (para. 16).

[35] One of the parties Mr. Balatoni provided firearms to stated to the police that he had received 60 – 65 Para-Ordinance handguns from Mr. Balatoni. When he was arrested Mr. Balatoni was in possession of materials from which he could have constructed many more handguns.

[36] Mr. Balatoni had no prior criminal history and a positive pre-sentence report. His prospects for rehabilitation and a pro-social life were considered to be good. In aggravation the court noted as follows in paras. 29, 30:

29 On the aggravating side, I note the following. Mr. Balatoni was the manufacturer of these weapons. He was at the top. He was an ongoing supplier of potentially deadly illegal handguns of interest to the criminal element. This shows callous disregard to those who may have been victimized, injured, or killed with these weapons.

30 He did it for the money. He did not care what the firearms were used for. He was a relatively large-scale, ongoing supplier. He was a sophisticated underworld manufacturer of untraceable and very deadly semi-automatic handguns. He committed an egregious breach of trust. I agree with the Crown's submission that the hazardous nature of the product his employer made, leads to that conclusion.

[37] In *R. v. Radjenovic*, 2012 BCSC 630, the offender entered guilty pleas just prior to trial to having committed offences contrary to ss. 99(1), 100(1) and 108(1)(b) of the *Code*. While released on bail for these charges and prior to entering guilty pleas, the offender committed three offences of counselling to commit murder and one count of possession of firearms when prohibited from doing so. He had been sentenced to a total of 18 years for the counselling and possession offences.

[38] Mr. Radjenovic had received 300 semi-automatic handguns legally, but, after having removed the serial numbers and without deactivating them, sold 127 of these handguns, and was making arrangements to sell the remaining handguns.

[39] Mr. Radjenovic was considered to be “at or near the pinnacle” of the hierarchy of the handgun sale arrangement.

[40] He was 29 years of age and had no criminal record when he committed these offences. He was considered to have the potential to be rehabilitated.

[41] Butler J. referred to the following comments of Trafford J. in *R. v. Villella*, [2006] O.J. No. 4690 at para. 46 (S.C.J.):

First, the importation, distribution and possession of firearms are exceptionally serious crimes. There is no social utility in crimes of this nature. Seldom, if ever, is there any reasonable suggestion of good faith or justification to any such crimes. They lead to the use of firearms, causing death or grievous bodily harm, often to innocent people. The possession of firearms by some people is in furtherance of an intention to use them. Others possess them in contemplation of engaging in conduct, such as trafficking in narcotics, where the use of the firearm is possible, or likely. Still others may carry a handgun, loaded and operable, as a badge of power, or achievement, amongst peers, misguided though they are by the conventional norms of our society. The possession of a handgun may lead to a random, or intentional, act of violence, including the death of

innocent bystanders in the area of any confrontation. Unforeseen, and provocative, circumstances can lead to a senseless act of violence, and consequential grievous bodily harm or death, and all of the emotional devastation that goes with it. The importation, distribution and possession of firearms lie at the foundation of all crimes involving the use of firearms. As such, they are properly characterized as exceptionally serious crimes.

[42] I agree with the comments of Trafford J.

[43] Butler J. considered the circumstances of Mr. Radjenovic's offence to be close to the worst s. 99(1) offence. In considering the numerous sentencing authorities before him and the cumulative effect of any sentence to be imposed given the 18 year sentence he was already serving, a sentence of eight and one-half years for the s. 99(1) offence and 18 months for the s. 108(1)(b) offence was appropriate. The s. 100(1) offence was stayed pursuant to *R. v. Kienapple*, [1975] 1 S.C.R. 729.

[44] However, the sentence for the s. 99(1) was reduced to four years to be served consecutive to the 18 year sentence in accord with the totality principle. The 18 month sentence was to be served concurrently to the sentence for the s. 99(1) offence.

[45] In *R. v. Radjenovic*, 2011 BCSC 1841, the offender, Goudgeon, was found guilty after trial of having committed offences contrary to ss. 99(1), 100(1) and 92(1) of the *Code*. Mr. Goudgeon was involved in the transport of the 127 firearms referred to in the *Radjenovic* decision mentioned above. He was found to occupy a lower position in the purchaser's hierarchy, in the nature of being a hired hand. He was 33 years old with no prior criminal history. He had spent approximately five years between the time of his arrest until the date of sentencing on bail conditions, without any allegations of having breached the terms of his release. He had strong family and community support and

his crimes were a surprise to those who knew him. He was considered to have good rehabilitative potential.

[46] Noting that the mandatory minimum for the s. 99(1) offence at the time of the commission of the offence was one year as compared to the current three, and stressing that public safety, deterrence and denunciation were the most important sentencing objectives, Butler J. sentenced Mr. Goudgeon to six and one-half years on each charge, to be served concurrently.

[47] A number of other cases were filed that dealt with the sentencing of offenders on various firearms related offences. (*R. v. Hamilton*, 2011 ONSC 4813; *R. v. Christenson*, 2012 BCPC 374; *R. v. Taylor*, 2013 ONSC 4306, *R. v. Cater*, 2012 NSPC 38, *R. v. Bijelic*, 2001 OCA 31544 and *R. v. Ivanic*, 2009 BCSC 931). I have reviewed these cases and noted the authorities referred to within these cases. In considering the appropriate sentence for Mr. Mackie

[48] It is clear that firearms offences that involve the distribution of illegal firearms require a strong emphasis on the objectives of public safety, deterrence and denunciation. While rehabilitation remains a relevant consideration, substantial sentences of incarceration are generally imposed, even on relatively youthful offenders with no prior criminal history.

[49] Mr. Mackie was involved in a premeditated plan to manufacture and distribute firearms. As Chisholm J. noted in *Rathburn*, this was a significant operation, albeit I note not perhaps as elaborate and sophisticated an endeavour as some operations. Mr. Mackie was involved in this endeavour for financial gain, which is clearly an

aggravating factor. Again, this said, he was not making more than what he was spending to maintain a simple lifestyle. He was not banking any significant sum of money.

[50] As stated in the cases filed above, the manufacturing and trafficking of illegal firearms are serious crimes which must be strongly denounced. All too often these firearms end up being used in the commission of offences of violence, with tragic and devastating consequences. Society must be protected from the violence associated with illegal firearms and those who facilitate the manufacturing and/or trafficking of such firearms should expect to receive significant jail sentences when they are brought before the courts for sentencing.

[51] As alluded to in the Pre-Sentence Report (“PSR”), I find that a person of Mr. Mackie’s intelligence would have to be wilfully blind in order not to know where the firearms he was manufacturing and distributing were likely ending up, that being in the hands of individuals who were in all likelihood going to be using them for criminal activity.

[52] Simply put, the safety of society was put at risk by Mr. Mackie’s actions, as it is in all such similar criminal endeavours involving the manufacturing and/or distribution of illegal firearms.

[53] Certainly, Mr. Mackie is to be given full credit for his pleas of guilty which demonstrate not only his acceptance of responsibility but also spares the state the considerable expenditure of resources.

[54] I find that, in reviewing the cases filed and the circumstances of Mr. Mackie, that the appropriate disposition, after allowing Mr. Mackie 20.5 months' credit for his time in custody on remand, is one of two years less one day for the s. 99(2) offence.

[55] Certainly the sentence of four years sought by the Crown, less credit for time served, is within the appropriate range. This said, I find that the ability to place Mr. Mackie on probation through imposing a sentence of two years less one day better meets the purposes, objectives and principles of sentencing than imposing a further 3.5 months of incarceration and thus not being able to place him on probation.

[56] Mr. Mackie has established some positive connections within the Yukon community that will be able to assist him in pursuing a pro-social lifestyle in the future. He has concerns about the elevation of his risk of re-offending were he to be transferred to a federal institution where he would have contact with individuals who may be able to exercise a negative influence on him. He does not have those concerns in regard to completing his sentence at Whitehorse Correctional Centre ("WCC").

[57] While I am less concerned about the possible concerns Mr. Mackie has regarding the impact of a federal sentence, I nonetheless consider that a territorial sentence plus a period of probation affords the best opportunity to reduce Mr. Mackie's noted risk factors, while yet giving appropriate consideration to denunciation and deterrence. I further consider that the protection of the public is best achieved by the sentence I am imposing, which includes probation, within the range proffered in the submissions before me.

[58] For the s. 99(2) offence, Mr. Mackie is sentenced to two year's less one day custody, after credit for 20.5 months in custody on remand. The effective sentence is therefore 44.5 months.

[59] For the s. 91(2) and the s. 354 offences the sentences will be six months on each concurrent to be noted as time served.

[60] There will be the mandatory s. 109 order. This will be for life.

[61] There has already been an Order granted for forfeiture of the items seized. No further Order will be made in that regard.

[62] The s. 91(2) and s. 99(2) offences are secondary designated offences for the purposes of the application of s. 487.051 and I order that Mr. Mackie provide a sample of his DNA pursuant to that section.

[63] There will be a \$100.00 Victim Fine Surcharges on each count, payable forthwith. Mr. Mackie is to be noted to be in default and he will serve his default time concurrent to the time he will be serving in custody.

[64] Mr. Mackie will be placed on probation for two years. This will attach to all three offences.

[65] The terms of the Probation Order will be as follows:

1. Keep the peace and be of good behaviour.
2. Appear before the Court when required to do so by the Court.

3. Notify the Court or Probation Officer, in advance, of any change of name or address, and promptly, of any change in employment or occupation.
4. Remain within the Yukon unless you obtain written permission from your Probation Officer or the court.
5. Report to a Probation Officer immediately upon your release from custody, and thereafter, when and in the manner directed by your Probation Officer.
6. Reside as approved by your Probation Officer and not change that residence without the prior written permission of your Probation Officer.
7. Attend and actively participate in all assessment and counselling programs as directed by your Probation Officer, and complete them to the satisfaction of your Probation Officer for the following issues:
 - (a) psychological issues, and
 - (b) any other issues identified by your Probation Officer.And provide consents to release information to your Probation Officer regarding your participation in any program you have been directed to do pursuant to this Order.
8. Not possess any firearm, ammunition, explosive substance or any weapon as defined by the *Criminal Code*, or anything that may reasonably be used to manufacture any such item.

COZENS T.C.J.

Appendix "A"

MAJOR INCIDENT SCENE EXHIBIT FLOW CHART

Caption: RATHBURN/MACKIE		Detachment / Unit: GIS - Whitehorse		Occurrence No: 2013-887171		Series #:	
Item #	Description of Exhibit	Location of Exhibit	Located By (Name, Date & Time)	Seized By (Name, Date & Time)	Turned Over To (Name, Date & Time)		
1	Small Box with label "Lower parts kit AR-15"	D - floor in front of closet	BROWN 2013-07-20 @1311	SHERK 2013-07-20 @1313			
2	Cardboard Box with bag of Ammo "223"	D - floor in front of closet	BROWN 2013-07-20 @1314	SHERK 2013-07-20 @1314			
3	Plastic Container with Ammo (Green Casings)	D - floor in front of closet	BROWN 2013-07-20 @1315	SHERK 2013-07-20 @1316			
4	Sales Receipt from Wolverine Supplies "AR-15"	D - floor in front of closet	FRASER 2013-07-20 @1319	SHERK 2013-07-20 @1319			
5	FN Rifle with Scope (AimPoint) "1949" stamped on rifle and loaded with Item #6	D - Beside bed	FRASER 2013-07-20 @1330	SHERK 2013-07-20 @1330			
6	Loaded Magazine out of Item #5	D - Beside bed	FRASER 2013-07-20 @1330	SHERK 2013-07-20 @1330			
7	Cardboard Box with Slides and other pistol components	D - Floor in front of Closet	BROWN 2013-07-20 @1336	SHERK 2013-07-20 @1336			
8	Ruger .22 Cal pistol SN - 12-04332	D - On bin beside bed	FRASER 2013-07-20 @1338	SHERK 2013-07-20 @1338			
9	Lever Action Rifle with black scope SN - 645056	D - Closet	FRASER 2013-07-20 @1350	SHERK 2013-07-20 @1350			
10	"Arch-Angel" Ruger 10-22 rifle with suppressor SN - 110-66706	D - Closet in dresser	FRASER 2013-07-20 @1356	SHERK 2013-07-20 @1356			

Draft I-0164 (2013-05-23)

REVIEWED

By Cst Ty Daniels at 12:50 pm, Aug 12, 2013

MAJOR INCIDENT SCENE EXHIBIT FLOW CHART

Caption: RATHBURN/MACKIE		Detachment / Unit: Whitehorse		Occurrence No: 2013-887171		Series #:	
Item #	Description of Exhibit	Location of Exhibit	Located By (Name, Date & Time)	Seized By (Name, Date & Time)	Turned Over To (Name, Date & Time)		
11	Remington Shotgun SN - 3129051	D - Closet	FRASER 2013-07-20 @1358	SHERK 2013-07-20 @1358			
12	Short Barrel Remington Shotgun SN - T494648V	D - Closet	FRASER 2013-07-20 @1401	SHERK 2013-07-20 @1401			
13	Bingham .22 Cal Rifle	D - Closet	FRASER 2013-07-20 @1403	SHERK 2013-07-20 1404			
14	Drum magazine from Item #13	D - Closet attached to #13	FRASER 2013-07-20 @1407	SHERK 2013-07-20 @1408			
15	Sturm, Ruger Rifle SN - 187-24153	D - Closet	FRASER 2013-07-20 @1407	SHERK 2013-07-20 @1408			
16	Magazine from Item #15	D - Closet attached to #15	FRASER 2013-07-20 @1410	SHERK 2013-07-20 @1411			
17	Receiver and bolt of rifle SN - T04167A	D	FRASER 2013-07-20 @1414	SHERK 2013-07-20 @1415			
18	Ruger SR-22 Rifle SN 280-19533	D - Closet	FRASER 2013-07-20 @1414	SHERK 2013-07-20 @1415			
19	Magazine from Item 18	D - Closet attached to #18	FRASER 2013-07-20 @1414	SHERK 2013-07-20 @1415			
20	Grey Ruger box containing Ruger pistol SN 215-55360	D	FRASER 2013-07-20 @1422	SHERK 2013-07-20 @1423			

Draft R:0164 (2013-05-23)

REVIEWED

By Cst Ty Daniels at 4:05 pm, Aug 16, 2013

MAJOR INCIDENT SCENE EXHIBIT FLOW CHART

Caption: RATHBURN/MACKIE		Detachment / Unit: Whitehorse		Occurrence No: 2013-887171		Series #:	
Item #	Description of Exhibit	Location of Exhibit	Located By (Name, Date & Time)	Seized By (Name, Date & Time)	Turned Over To (Name, Date & Time)		
21	Remington Shotgun with 6 rounds in tube mag and 6 attached to side	F - Under bed	FRASER 2013-07-20 @1435	SHERK 2013-07-20 @1436			
22	Compaq Persario Computer Tower SN - MXK6110L4G	C - In front of coffee table	SHERK 2013-07-20 @2053	SHERK 2013-07-20 @2054			
23	Marstar Canada Inc receipt for .308 steel stripper clips	B - Cabinet above freezer	BROWN 2013-07-20 @2057	SHERK 2013-07-20 @2058			
24	Dell Computer tower SN - HP4XJ71	C - Desk closest to hallway	SHERK 2013-07-20 @2101	SHERK 2013-07-20 @2102			
25	Asus Computer Tower SN - ECDG020228	C - Under desk closest to window	SHERK 2013-07-20 @2108	SHERK 2013-07-20 @2108			
26	Acer Laptop, White SN - LUS020B0518491694A2536	C - On computer by window	SHERK 2013-07-20 @2116	SHERK 2013-07-20 @2117			
27	2 Strike Face hard body armour plates - black	D - Top shelf of closet	FRASER 2013-07-20 @1330	SHERK 2013-07-20 @2131			
28	Hard body armour face mask - black	D - Top shelf of closet	FRASER 2013-07-20 @1330	SHERK 2013-07-20 @2131			
29	Cooler Master Computer SN - RC350KKR5001102100102	C - On floor closest to window	SHERK 2013-07-20 @2138	SHERK 2013-07-20 @2139			
30	6 Upper AR-15 Assemblies (Only 1 with bolt)	D - On dresser in closet	FRASER 2013-07-20 @2145	SHERK 2013-07-20 @2149			

Draft I.D164 (2013-05-23)

REVIEWED

By Cst Ty Daniels at 11:51 am, Aug 14, 2013

MAJOR INCIDENT SCENE EXHIBIT FLOW CHART

Caption: RATHBURN/MACKIE		Detachment / Unit: Whitehorse		Occurrence No: 2013-887171		Series #:	
Item #	Description of Exhibit	Location of Exhibit	Located By (Name, Date & Time)	Seized By (Name, Date & Time)	Turned Over To (Name, Date & Time)		
31	US Mail Box with item listed as "Toy Body" - containing pistol grip and slide	D - In plastic tub in closet	BROWN 2013-07-20 @2155	SHERK 2013-07-20 @2156			
32	S&J Hardware receipt for carbine buffer and buttstock	D - Closet	FRASER 2013-07-20 @2159	SHERK 2013-07-20 @2159			
33	18 Prohibited magazines (3 loaded)	D - Closet on boxes	FRASER 2013-07-20 @2206	SHERK 2013-07-20 @2207			
34	Pistol Parts: 4 lower receivers, 2 slides, springs, barrel	D - Closet floor	FRASER 2013-07-20 @2213	SHERK 2013-07-20 @2213			
35	Ammo box with 15 boxes of Remington 223 ammo (20 rounds/box)	D - Closet floor	FRASER 2013-07-20 @2218	SHERK 2013-07-20 2218			
36	Ammo box with assorted boxes of ammo	D - Closet floor	FRASER 2013-07-20 @2221	SHERK 2013-07-20 @2222			
37	AR-15 receiver	D - Closet floor	FRASER 2013-07-20 @2228	SHERK 2013-07-20 @2228			
38	Plastic bin with AR-15 parts	D - Closet	FRASER 2013-07-20 @2233	SHERK 2013-07-20 @2234			
39	Plastic bin with AR-15 parts	D - Closet	FRASER 2013-07-20 @2233	SHERK 2013-07-20 @2233			
40	Cardboard "HK" with AR-15 parts (stocks and barrels)	D - Closet	FRASER 2013-07-20 @2237	SHERK 2013-07-20 @2237			

Draft #D164 (2013-05-23)

REVIEWED
By Cst Ty Daniels at 1:03 pm, Aug 14, 2013

MAJOR INCIDENT SCENE EXHIBIT FLOW CHART

Caption: RATHBURN/MACKIE		Detachment / Unit: Whitehorse		Occurrence No: 2013-887171		Series #:	
Item #	Description of Exhibit	Location of Exhibit	Located By (Name, Date & Time)	Seized By (Name, Date & Time)	Turned Over To (Name, Date & Time)		
41	Large bin containing miscellaneous firearms parts	D - Closet	FRASER 2013-07-20 @2241	SHERK 2013-07-20 @2242			
42	Sony VAIO laptop SN - C102LLKH	C - Beside Chair	SHERK 2013-07-20 @2245	SHERK 2013-07-20 @2245			
43	Ziplock bag with 4 Glock magazines	D - Closet in bin	FRASER 2013-07-20 @2247	SHERK 2013-07-20 @2247			
44	Grey plastic bin with assorted firearms parts	D - Closet floor	FRASER 2013-07-20 @2250	SHERK 2013-07-20 @2250			
45	AR-15 lower receiver parts kits (4)	D - From Item #44	FRASER 2013-07-20 @2250	SHERK 2013-07-20 @2250			
46	Box with AR-15 parts	D - Closet floor	FRASER 2013-07-20 @2252	SHERK 2013-07-20 @2253			
47	Black bin with miscellaneous parts and instructions	D - Closet floor	FRASER 2013-07-20 @2252	SHERK 2013-07-20 @2253			
48	4 rifle stocks	D - Closet	FRASER 2013-07-20 @2259	SHERK 2013-07-20 @2259			
49	Hand drawn schematics	D - Bookshelf	FRASER 2013-07-20 @2311	SHERK 2013-07-20 @2312			
50	Assorted ammo	D - Bookshelf	FRASER 2013-07-20 @2311	SHERK 2013-07-20 @2312			

Draft I:0163 (2013-05-23)

REVIEWED

By Cst Ty Daniels at 1:09 pm, Aug 14, 2013

MAJOR INCIDENT SCENE EXHIBIT FLOW CHART

Caption: RATHBURN/MACKIE		Detachment / Unit: Whitehorse		Occurrence No: 2013-887171		Series #:	
Item #	Description of Exhibit	Location of Exhibit	Located By (Name, Date & Time)	Seized By (Name, Date & Time)	Turned Over To (Name, Date & Time)		
51	Cardboard box with ammo brass	D - Closet shelf	FRASER 2013-07-20 @2313	SHERK 2013-07-20 @2314			
52	Asus Nexus tablet computer	F - Bottom bunk	MYKE 2013-07-20 @2329	SHERK 2013-07-20 @2330			
53	6 boxes of Winchester 12 gauge shells (25/box)	F - Floor beside bed	MYKE 2013-07-20 @2331	SHERK 2013-07-20 @2331			
54	Acer Laptop SN - LXPX02002023469371601	F - Dresser beside bottom bunk	MYKE 2013-07-20 @2333	SHERK 2013-07-20 @2335			
55	Paper with jobs and possible amounts and receipts	D - Bookshelf	FRASER 2013-07-20 @2344	SHERK 2013-07-20 @2345			
56	Assorted ammo and shells from backpack	F - Backpack on dresser	MYKE 2013-07-20 @2352	SHERK 2013-07-20 @2355			
57	Receipt and owners manual for HP Shotgun	D - Bookshelf	FRASER 2013-07-20 @2359	SHERK 2013-07-21 @0001			
58	HP Laptop SN - 2CE7234TDW	F - TV Shelf	BROWN 2013-07-21 @0000	SHERK 2013-07-21 @0001			
59	Shopping bag with ammo brass	D - Floor beside bed	FRASER 2013-07-21 @0004	SHERK 2013-07-21 @0005			
60	White tin box with assorted ammo, parts	D - Floor beside bed	FRASER 2013-07-21 @0006	SHERK 2013-07-21 @0007			

Draft 17:01:64 (2013-05-23)

REVIEWED
By Cst Ty Daniels at 1:35 pm, Aug 14, 2013

MAJOR INCIDENT SCENE EXHIBIT FLOW CHART

Caption: RATHBURN/MACKIE		Detachment / Unit: Whitehorse		Occurrence No: 2013-887171		Series #:	
Item #	Description of Exhibit	Location of Exhibit	Located By (Name, Date & Time)	Seized By (Name, Date & Time)	Turned Over To (Name, Date & Time)		
61	White box with pistol parts	D - Floor beside bed	FRASER 2013-07-21 @0008	SHERK 2013-07-21 @0008			
62	Plastic Bag with ammo brass	D - Floor beside bed	FRASER 2013-07-21 @0011	SHERK 2013-07-21 @0012			
63	Metal ammo box with ammo and assorted gun parts	D - Floor beside bed	FRASER 2013-07-21 @0011	SHERK 2013-07-21 @0012			
64	Papers with shipping information	D - Bookshelf	FRASER 2013-07-21 @0011	SHERK 2013-07-21 @0012			
65	Black nylon bag with ammo and firearms parts	D - Floor beside bed	FRASER 2013-07-21 @0015	SHERK 2013-07-21 @0016			
66	Tap tool for machining parts	D - Floor beside bed	FRASER 2013-07-21 @0019	SHERK 2013-07-21 @0020			
67	2 receivers - Property of US Government - M41A carbine	D - Bin beside bed	FRASER 2013-07-21 @0025	SHERK 2013-07-21 @0027			
68	Taser Battery chargers and 2 cartridges SN - "F07-1078993" and "F07-1078979"	D - Bin beside bed	FRASER 2013-07-21 @0025	SHERK 2013-07-21 @0027			
69	Blue case with slide and magazine for pistol	D - Bin beside bed	FRASER 2013-07-21 @0025	SHERK 2013-07-21 @0027			
70	Hand written schematics	D - Bin beside bed	FRASER 2013-07-21 @0036	SHERK 2013-07-21 @0037			

Dratt I:\D16+ (2013-05-23)

REVIEWED
By Cst Ty Daniels at 12:09 pm, Aug 15, 2013

MAJOR INCIDENT SCENE EXHIBIT FLOW CHART

Caption: RATHBURN/MACKIE		Detachment / Unit: Whitehorse		Occurrence No: 2013-887171		Series #:	
Item #	Description of Exhibit	Location of Exhibit	Located By (Name, Date & Time)	Seized By (Name, Date & Time)	Turned Over To (Name, Date & Time)		
71	Cardboard box with receiver (Smith and Wesson SN - DXD3604), slide and parts	D - Bin beside bed	FRASER 2013-07-21 @0040	SHERK 2013-07-21 @0040			
72	Small white box with pistol slide and parts	D - Bin beside bed	FRASER 2013-07-21 @0040	SHERK 2013-07-21 @0040			
73	Small white box with pistol slide, magazine and parts	D - Bin beside bed	FRASER 2013-07-21 @0040	SHERK 2013-07-21 @0040			
74	Bolls and parts	D - On dresser in closet	FRASER 2013-07-21 @0042	SHERK 2013-07-21 @0043			
75	Black bag with receiver and parts for tommy gun	D - Top shelf of closet	FRASER 2013-07-21 @0046	SHERK 2013-07-21 @0046			
76	Cooler Master Computer SN - RC350KKR5001130100082	D - Desk	BROWN 2013-07-21 @0049	SHERK 2013-07-21 @0050			
77	Armtac receipt for 5.56 barrel	D - Bookshelf	FRASER 2013-07-21 @0050	SHERK 2013-07-21 @0050			
78	Bin from beside bed with assorted parts	D - Beside bed	FRASER 2013-07-21 @0025	SHERK 2013-07-21 @0053			
79	Sheet with possible orders and dollar amounts	D - Bookshelf	FRASER 2013-07-21 @0051	SHERK 2013-07-21 @0053			
80	Addresses and dollar amounts on paper	D - Bookshelf	FRASER 2013-07-21 @0055	SHERK 2013-07-21 @0056			

Draft I:ID164 (2013-05-23)

REVIEWED
By Sgt. Ty Daniels at 12:27 pm, Aug 15, 2013

MAJOR INCIDENT SCENE EXHIBIT FLOW CHART

Caption: RATHBURN/MACKIE		Detachment / Unit: Whitehorse		Occurrence No: 2013-887171		Series #:	
Item #	Description of Exhibit	Location of Exhibit	Located By (Name, Date & Time)	Seized By (Name, Date & Time)	Turned Over To (Name, Date & Time)		
81	Parts receipts and AK-47 templates	D - Bookshelf	FRASER 2013-07-21 @0059	SHERK 2013-07-21 @0059			
82	Acer laptop computer SN - 2129798300554	A - On floor	MYKE 2013-07-21 @0111	SHERK 2013-07-21 @0112			
83	CISNET Computer SN - 202144711248	A - Desk	MYKE 2013-07-21 @0114	SHERK 2013-07-21 @0115			
84	Schematics	H - Beside lathe	SHERK 2013-07-21 @0137	SHERK 2013-07-21 @0137			
85	Upper and lower assembly for rifle	H - Stool by lathe	SHERK 2013-07-21 @0143	SHERK 2013-07-21 @0143			
86	2 lower assemblies	H - Beside lathe	FRASER 2013-07-21 @0144	SHERK 2013-07-21 @0144			
87	Barrel and handle from the table by lathe	H - Table by lathe	FRASER 2013-07-21 @0144	SHERK 2013-07-21 @0144			
88	Lower receiver	H - On bin by milling machine	FRASER 2013-07-21 @0148	SHERK 2013-07-21 @0148			
89	Box of Gunsmithing fixtures	H - Beside lathe	FRASER 2013-07-21 @0150	SHERK 2013-07-21 @0150			
90	Die, lower receiver and box of assorted parts	H - Shelf beside lathe	FRASER 2013-07-21 @0153	SHERK 2013-07-21 @0153			

Draft I:0162 (2013-05-23)

REVIEWED
By Cst Ty Daniels at 12:29 pm, Aug 15, 2013

MAJOR INCIDENT SCENE EXHIBIT FLOW CHART

Caption: RATHBURN/MACKIE		Detachment / Unit: Whitehorse		Occurrence No: 2013-887171		Series #:	
Item #	Description of Exhibit	Location of Exhibit	Located By (Name, Date & Time)	Seized By (Name, Date & Time)	Turned Over To (Name, Date & Time)		
91	Pistol mags and parts in plastic bag	Item 41	SHERK 2013-07-23 @1308	SHERK 2013-07-23 @1308			
92	U.S. Mail box with barrels, pistol grip, trigger guard, metal washers	Item 41	SHERK 2013-07-23 @1311	SHERK 2013-07-23 @1311			
93	Small cardboard box with pistol parts	Item 41	SHERK 2013-07-23 @1315	SHERK 2013-07-23 @1315			
94	Magazine with pin removed	Item 44	SHERK 2013-07-23 @1417	SHERK 2013-07-23 @1417			
95	3 Magazines with pin removed	Item 46	SHERK 2013-07-23 @1442	SHERK 2013-07-23 @1442			
96	DAC 394/P228 Frame Drawings	Item 64	SHERK 2013-07-24 @1425	SHERK 2013-07-24 @1425			
97	4 Papers with numbers and item descriptions	Item 64	SHERK 2013-07-24 @1425	SHERK 2013-07-24 @1425			
98	Envelope, shipping documents and papers with addresses and phone numbers	Item 64	SHERK 2013-07-24 @1425	SHERK 2013-07-24 @1425			
99	17 Papers with drawings, measurements and schematics	Item 64	SHERK 2013-07-24 @1425	SHERK 2013-07-24 @1425			
100	2 Steel pistol receiver blanks	Item 78	SHERK 2013-07-25 @1120	SHERK 2013-07-25 @1120			

Draft 1: D163 (2013-05-23)

REVIEWED
By Cst Ty Daniels at 10:30 am, Aug 16, 2013

MAJOR INCIDENT SCENE EXHIBIT FLOW CHART

Caption: RATHBURN/MACKIE		Detachment / Unit: Whitehorse		Occurrence No: 2013-887171		Series #:	
Item #	Description of Exhibit	Location of Exhibit	Located By (Name, Date & Time)	Seized By (Name, Date & Time)	Turned Over To (Name, Date & Time)		
101	Barrels, bolts, chamber, revolver parts	Item 78	SHERK 2013-07-25 @1120	SHERK 2013-07-25 @1120			
102	Magazine with pin removed	Item 78	SHERK 2013-07-25 @1120	SHERK 2013-07-25 @1120			
103	Rifle and pistol ammo reloading manual; Ruger manual with schematics	Item 78	SHERK 2013-07-25 @1120	SHERK 2013-07-25 @1120			
104	Ammunition from Item #6	Item 6	SHERK 2013-08-06 @1133	SHERK 2013-08-06 @1133			
105	Sample of 8 rounds from Item #104 for submission to lab	Item 104	SHERK 2013-08-06 @1133	SHERK 2013-08-06 @1133			
106	Ammunition from tube magazine of Item #21	Item 21	SHERK 2013-08-06 @1133	SHERK 2013-08-06 @1133			
107	Ammunition from side carrier of Item #21	Item 21	SHERK 2013-08-06 @1133	SHERK 2013-08-06 @1133			
108	Original Search Warrant executed on 2013-07-20@1044	GIS Constable DANIELS	DANIELS 2013-07-20 @1044	DANIELS 2013-07-20 @1044			
109	Original Search Warrant executed on 2013-07-20@2007	GIS Constable DANIELS	DANIELS 2013-07-20 @2007	DANIELS 2013-07-20 @2007			
110	Interview Notes of Constable Daniels from Patrick RANDALL interview	GIS Constable DANIELS	DANIELS 2013-07-23 @1655	DANIELS 2013-07-23 @1655			

Draft 1:0:16: (2013-05-23)

REVIEWED

By Cst Ty Daniels at 4:07 pm, Aug 16, 2013

