

Citation: *R. v. Robinson et al.*, 2012 YKTC 43

Date: 20120413
Docket: 10-05282
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Schmidt

REGINA

v.

ALAN ROBINSON
JOHN ROBINSON
JEAN-CLAUDE MASSE

Appearances:
Lee Kirkpatrick
Robert Dick

Counsel for the Territorial Crown
Counsel for the Defence

REASONS FOR SENTENCING

[1] SCHMIDT T.C.J. (Oral): The three accused have entered pleas of guilty after three days of trial with respect to a number of charges relating to hunting. The Court also has the impact statement with respect to the Finlayson Caribou herd, and it has been marked as an exhibit in these proceedings. This case takes on importance, firstly, because there are only 15 conservation officers in the vast area of the Yukon, and the catching of the persons violating the hunting regulations has to be taken extremely seriously to support those few officers in the field; secondly, to support the management efforts to ensure the survival in viable numbers of the various species of wildlife that are found in the Yukon.

[2] The conservation officers in this case did a brilliant job in investigation and used every technique at their disposal, and should be commended for their hard work and the persistence with which they investigated this matter.

[3] The Court had three days of trial, after which a guilty plea was entered to a number of the charges and, as part of the discussions leading up to that guilty plea during the trial, the Crown and the defence weighed various factors and came up with a joint submission which the Court accepts as being appropriate. It is not necessary to comment specifically on that joint proposal that was reached during knowledgeable discussions by competent counsel, and certainly is an acceptable disposition for the Court to adopt. Not being a party to those discussions, I am not going to comment with respect to sentencing other than in the comments that I have made about the seriousness of the offence and the importance of the court process in ensuring the survival of the wildlife in this territory.

[4] So then, dealing with the specifics of the sentencing with respect to Mr. Al Robinson, on Count 2, there will be a forfeiture of the two six-by-six Polaris ATVs that were seized pursuant to s. 167. There will be a \$4,000 contribution to the TIPS fund. There will be a five-year hunting prohibition under s. 173 of the *Wildlife Act*, RSY 2002, c. 229; and an order that there be completion of the Ethical Hunting Course offered in the Yukon. He is not to obtain his licence until he has completed that course and until he has made both contributions to the TIPS fund that will be levied pursuant to Counts 2 and 4. Under s. 150, the caribou antlers and hides that were seized will be forfeit to the Crown. There will be a victim fine surcharge of \$50 with respect to the contributions. Then, on Count 4, there will be a contribution of \$1,000 to the TIPS fund.

[5] With respect to John Robinson, with respect to Count 2, there will be a \$4,000 contribution to the TIPS fund; a five-year hunting prohibition; an order to complete the Ethical Hunting Course offered in the Yukon; and that his licence will not be returned until he has made his contributions under Counts 2 and 4 and completed the course. There will be a \$50 victim fine surcharge.

[6] With respect to Al Robinson and John Robinson there will be a time to pay order until May 1, 2013.

[7] With respect to Count 4 for John Robinson, there will be a \$1,000 contribution to the TIPS fund.

[8] With respect to Mr. Masse, he has pled guilty to Counts 6 and 8. With respect to Count 6, there will be forfeiture of the Sako rifle, scope and extra barrel under s. 167. There will be a \$2,500 contribution to the TIPS fund; a five-year hunting prohibition. He is required to attend and complete the Ethical Hunting Course and his licence cannot be returned or applied for until he has paid the fines and contributions in Counts 6 and 8 and completed the course. There will be a \$50 victim fine surcharge with respect to that Count 6. On Count 8, there will be a fine of \$1,000 and a victim fine surcharge of \$150.

[9] THE CLERK: Time to pay for Mr. Masse?

[10] THE COURT: Time to pay for Mr. Masse, again, May 1, 2013.

[11] THE CLERK: And the outstanding charges?

[12] MS. KIRKPATRICK: I just have one question. The prohibition on obtaining a hunting licence also applies to the contributions to be made by Mr. Al and John Robinson, the \$1,000 contributions as well; is that correct?

[13] THE COURT: Yes, that's correct.

[14] MS. KIRKPATRICK: Thank you. There will be a stay of proceedings with respect to Counts 1, 3, 5, and 7.

[15] THE COURT: All right.

SCHMIDT T.C.J.