IN THE TERRITORIAL COURT OF YUKON
Before: His Honour Judge Cozens

REGINA

v.

LEONARD GEORGE CHARLIE

Appearances:
Lee Kirkpatrick   Counsel for Territorial Crown
Michael Reynolds   Counsel for Defence

REASONS FOR SENTENCING

[1]   COZENS T.C.J. (Oral):   Leonard Charlie has entered a guilty plea to

one charge under s. 7(1)(a) of the *Wildlife Act*, R.S.Y. 2002, c. 229, for hunting a bison

without a permit.

[2]   Circumstances are that conservation officers responded to a complaint from a

hunter who indicated that he saw a person, subsequently identified as Mr. Charlie, take

a couple of shots at a herd of bison. The circumstances in which that occurred caused

the hunter enough concern that he made this complaint to the conservation officers.

Subsequent investigation revealed that on December 16th the conservation officers

found a carcass of a cow bison with a .303 bullet in it, which appears to have been able

to be at least closely matched to a .303 cartridge that the complainant hunter found at the site where Mr. Charlie had shot at the bison.

[3]   Mr. Charlie did not have a permit to hunt bison; in fact, one of the individuals he was with did have a permit, but that individual was not accompanying him to the point where he shot at these bison, thus making up the commission of this offence.

[4]   There is a joint submission before me for a fine of $2,600 and that an order be made under s. 169(1)(i) of the *Wildlife Act* that Mr. Charlie take the hunter education and ethics development course, the HEED course, within two years, and that, pursuant to s. 173, he not be in possession of any permit to hunt and that he not be able to be granted a licence or permit to hunt until this HEED course is completed. I understand he is registered for it and will take it at the next opportunity.

[5]   There are a number of character letters filed on behalf of Mr. Charlie. It seems to be an out-of-character incident for him to do this. I accept the submission of defence counsel to the point that there was at least some motivation to assist the elders in the community in this bison hunt, but Mr. Charlie, I understand, will find a different way and a legal way to do it next time.

[6]   In all the circumstances, there will be a $2,600 fine. There will be a $390 victim fine surcharge. There will be an order under s. 169(1) (i) of the *Wildlife Act* that Mr. Charlie take the HEED course within two years. There will also be an order under s. 173 of the *Act* that he not possess a licence or permit to hunt until the HEED course is completed. That will not, as I understand it, affect his right to hunt for subsistence.

[7]   MS. KIRKPATRICK: That's correct.

[8]   THE COURT: How much time to pay?

[9]   MR. REYNOLDS: Perhaps if we could have a year, 12 months, Mr.

Charlie would be able to satisfy the fine.

[10]   THE COURT: Six months is pretty much usually the outside. We

will give six months, but if you need an extension of that time, just come back to court.

There is a circuit --

[11]   THE ACCUSED: I probably won't. I just figured I'd --

[12]   THE COURT: Pardon?

[13]   THE ACCUSED: I probably won't -- I just throw a number out there.

[14]   THE COURT: Well, do what you can and if you need more time, you

can apply to the Court for an extension.

[15]   THE ACCUSED: Okay.

[16]   THE COURT: There is another circuit on October 28 and you can be

back before the Court and apply for an extension if you need it.

[17]   THE ACCUSED: Okay. And I can just pay that at the Village Office,

right?

[18]   THE COURT: Pardon?

[19]   THE ACCUSED: I can just make payments at the Village Office?

[20]   THE CLERK: Territorial agent? Is that housing?

[21]   THE ACCUSED: Yes.

[22]   THE CLERK: Yes.

[23]   MR. REYNOLDS: I'm sure we'll be able to figure that out.

[24]   THE CLERK: There's no paperwork on my end, either.

[25]   THE COURT: Okay. The remaining --

[26]   MS. KIRKPATRICK: There'll be a stay of proceedings with respect to

Counts 2 and 3.

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                                   COZENS T.C.J.