

Citation: *R. v. Nukon-Netro*, 2013 YKTC 97

Date: 20131017  
Docket: 12-00956B  
Registry: Whitehorse

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

REGINA

v.

KEVIN NUKON-NETRO

Appearances:  
Kevin MacGillivray  
Lynn MacDiarmid

Counsel for the Crown  
Counsel for the Defence

**REASONS FOR SENTENCING**

[1] COZENS C.J.T.C (Oral): The circumstances before me on this allegation of breach of a Conditional Sentence Order are that Mr. Nukon-Netro had been picked up on a breach of his curfew conditions of the nine-month conditional sentence he was on, imposed March 26, 2013. He was before Justice of the Peace Burgess, who varied one of the conditions, Condition 6 of the Conditional Sentence Order, to change the curfew that was in effect for the fourth, fifth and sixth months of the Order back to the house arrest condition that had applied in the first three months of the Order. This all occurred and the amended Order was made on September 26, 2013.

[2] On September 27, Mr. Nukon-Netro reported to his conditional sentence

supervisor by telephone, and was told to check in on Monday by telephone. He did not do that and did not report back to his supervisor at all prior to his arrest on October 11. He also was not in his residence for a check to ensure that he was complying with the conditions of his Conditional Sentence Order, when it was checked on September 20, 2013. His grandfather said that he was not home and he did not know where he was going, or where he was. In fact, Mr. Nukon-Netro had left Old Crow and come back to Whitehorse. He was arrested when RCMP responded to a 9-1-1 call of a disturbance on Wheeler Street in Whitehorse, where Mr. Nukon-Netro was found hiding under a blanket in an intoxicated condition, in circumstances that were less than ideal.

[3] He really has no plan. He is not really seeking his release; and recognizing that, in the circumstances, the only viable solution is that he serves the rest of his sentence at WCC. I think that is an honest recognition of the fact that he really is not at a point where he wants to follow the terms of the Conditional Sentence Order. He had employment; he walked away from it. He does not want to be in Old Crow. I appreciate that there were some difficult circumstances, taking place after he left, that occurred while he was in Whitehorse.

[4] I am going to not alter the fact that the order was suspended from the issuance of the warrants on October 2 until the date of his arrest, October 11; I think that is nine days suspension. He will be committed to custody until his sentence is served in full with respect to these two breaches.