

Citation: *R. v. Duke*, 2025 YKTC 48

Date: 20250828
Docket: 23-00645A
24-00152B
24-00820
24-00738
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before Her Honour Judge Cairns

REX

v.

TAYLOR DUKE

Appearances:
Kathryn Laurie and
Karlena Koot
Jennifer Budgell

Counsel for the Crown
Counsel for the Defence

This decision was delivered from the Bench in the form of Oral Reasons. The Reasons have since been edited without changing the substance.

REASONS FOR SENTENCE

[1] CAIRNS T.C.J. (Oral): Taylor Duke has pleaded guilty to nine indictable charges contrary to the *Criminal Code of Canada* (the “Code”) and the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19 (the “CDSA”). Counsel have advanced a joint recommendation for sentence, which I address below.

[2] The offences occurred between April 30, 2023 and October 8, 2024 and involve four Informations as follows:

Information 23-00645A

Count 5 – s. 117.01(1) of the *Code* (possession of a firearm while prohibited by release order);

Count 6 – *CDSA* s. 5(2) (possession a Sched. 1 - substance (Fluorfantanyl) for the purpose of trafficking;

Count 13 – s. 95(1) of the *Code* (possess a loaded prohibited firearm, an Unknown Model AR-15 Carbine);

Count 24 – s. 96(a) of the *Code* (possession of an Unknown Model 3D Printed Glock 17-Type Handgun knowing it was obtained by the commission of an offence).

Information 24-00152B

Count 4 – s. 465(1)(c) of the *Code* (conspire to commit indictable offence of assault with a weapon, to wit, a firearm);

Count 5 – s. 465(1)(c) of the *Code* (conspire to commit the indictable offence of trafficking a controlled substance to wit: cocaine);

Count 6 – s. 145(5) of the *Code* (fail to comply with term of release order).

Information 24-00820

Count 3 – s. 465(1)(c) of the *Code* (conspire to commit the indictable offence of arson).

Information 24-00738

Count 1– s. 267(b) of the *Code* (assault causing bodily harm).

[3] Mr. Duke’s guilty pleas were made following rulings on *Charter* applications, indexed as *R. v. Duke*, 2024 YKTC 51 and *R. v. Duke*, 2025 YKTC 33.

Circumstances of Offences

[4] The evidentiary foundation for Mr. Duke’s guilty pleas was provided to the Court through admissions set out in two Agreed Statements of Fact (“ASF”), which will be appended in full as Appendix A and Appendix B to my written reasons.

[5] Summarized, the admissions in relation to the offences on Information 23-00645A are that, on August 24, 2023, a warranted search of Mr. Duke’s residence found him in possession of a loaded AR-15 model firearm, which is a prohibited firearm pursuant to s. 84(1) of the *Code*. A restricted firearm, namely, a loaded privately made firearm, was also seized from the residence. At that time, Mr. Duke was on a release order with a condition prohibiting him from possession of any firearm or ammunition. The search of Mr. Duke’s residence led to the seizure of 636.13 grams of p-fluorfentanyl

(a Schedule 1 substance), fentanyl (a Schedule 1 substance), and etizolam (a Schedule IV substance).

[6] The ASF filed in respect of these charges set out that the following items were also seized from Mr. Duke's residence:

- five prohibited firearms, seven prohibited devices, one restricted firearm, and three non-restricted firearms;
- 1,435.00 grams of cocaine, determined to be 91% to 92% purity;
- 123.81 grams of cocaine;
- 126.57 grams of fentanyl, etizolam;
- 452 tablets labelled Xanax containing Flualprazolam;
- Multiple cellphones, drug trafficking paraphernalia and \$160,557.61 in Canadian currency; and
- A 2018 Honda ATV stolen from Air North in 2019.

[7] In relation to the seized items, Mr. Duke admits:

- Knowledge and control over the firearms and devices, that he did not possess a firearms registration certificate or a Possession and Acquisition Licence pursuant to the *Firearms Act*, S.C. 1995, c. 39; and

- Knowledge and control of the controlled substances, and possession of them for the purposes of trafficking.

[8] Pursuant to s. 725(1)(c) of the *Code*, counsel agreed that the additional items seized are to be considered in determining Mr. Duke's sentence, the items being linked to additional counts on Information 23-00645A, namely, Counts 3, 7, 8, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 34, and 35.

[9] In relation to Information 24-00152B, Mr. Duke admits the following facts underlying the offences he has pleaded to:

- A search warrant was executed at Mr. Duke's residence on August 24, 2023. The subsequent search of a cell phone seized led to the following evidence:
 - Mr. Duke communicated with Tyler Taylor through a Signal Chat between April 29, 2023 and August 24, 2023, contrary to the terms of his release order;
 - Mr. Duke conspired with Mr. Taylor to traffic cocaine between April 29, 2023 and March 6, 2024; and
 - Mr. Duke conspired with Mr. Taylor to commit an assault with a weapon, namely shooting Zander Firth with a firearm.

[10] Summarized, the communications between Mr. Duke and Mr. Taylor included discussions about the timing of multi-kilogram cocaine and multi-ounce fentanyl shipments purchased by Mr. Taylor and received from outside the Yukon territory; the relative quality of the cocaine and fentanyl shipments received; techniques for adulterating the cocaine and fentanyl with additives to stretch the product further and increase profits; the relative sales of individual drug traffickers working for the group; debts owed and payments received from individual drug traffickers and users associated with the group; the processing, storage, and shipment to Mr. Taylor of cash proceeds derived from drug trafficking; and the purchase and exchange of firearms for the use of members of the group. Consistent with the Signal Chat discussions, 8.7 kilograms of powder and crack cocaine were found during searches carried out in Dawson City connected to Mr. Taylor. After being instructed by Mr. Taylor to shoot Zander Firth, Mr. Duke sent a video to Mr. Taylor of Mr. Firth with a fresh, bleeding gunshot wound to his bicep and confirmed he had shot Mr. Firth as instructed.

[11] In relation to Information 24-00820, the admissions are that Mr. Duke conspired to commit arson by setting fire to the residence of Kyle Lloyd. Mr. Lloyd, Ms. Jensen, and their pets were asleep inside the residence at the time of the arson. In text communications, Mr. Duke specifically noted he could see an individual inside the Lloyd residence while it was on fire. The fire caused significant damage. Counsel have agreed that additional facts to consider in determining Mr. Duke's sentence are set out in the appended ASF and establish that Mr. Duke also conspired to commit arson in relation to a vehicle belonging to Chantal Tizya and the residence of Joseph Smarch, reflective of Counts 1 and 2 on Information 24-00820. Text communications establish

that Mr. Duke discussed the preparation, fulfillment, and after-effects of the various acts of arson in the days leading up to and following them.

[12] In relation to Information 24-00738, Mr. Duke admits that, while he was an inmate at Whitehorse Correctional Centre, he microwaved a cup of jam and butter, approached another inmate, Billy Callahan-Smith, and threw the molten liquid in his face. Mr. Callahan-Smith suffered from first and second-degree burns to 50 percent of his face.

[13] Following Mr. Duke's assault of Mr. Callahan-Smith, Corrections Officers intervened, relocating Mr. Duke to a different unit and placing him in leg shackles. The shackles were too tight, and Mr. Duke noticed that his ankles were cut and bleeding. Medical assistance was provided but no photographs of the injuries were taken.

Circumstances of Offender

[14] Mr. Duke is a 23-year-old member of Carcross/Tagish First Nation; he has four younger siblings. His mother was just 18 years of age when Mr. Duke was born; his biological father left before he was born and was a minimal presence in his young life. Mr. Duke's counsel advises that there are *Gladue* factors to consider but submits that a *Gladue* Report was not sought as Mr. Duke has only just begun to open up to a trusted Elder about various traumas he experienced as a child.

[15] Absent a *Gladue* Report, and consistent with the Supreme Court of Canada's ruling in *R. v. Ipeelee*, 2012 SCC 13, I am prepared to take judicial notice of the broad systemic and background factors that affect Indigenous people generally. More

specifically, based on the information presented about Mr. Duke's background, I find that Mr. Duke has been impacted by the intergenerational trauma caused by Canada's history of colonialism and residential schools.

[16] I am advised that Mr. Duke's upbringing was difficult and that he experienced traumatic abuse. Members of his family attended residential schools. As a child, he was exposed to drinking and drug use by the adults surrounding him. He dropped out of school in grade 9 or 10, after experiencing years of relentless bullying. As a young teen, he began using drugs and alcohol himself. By the age of 20 or 21, his use of drugs and alcohol had turned into a significant substance abuse problem.

[17] Mr. Duke has attended treatment. In July 2022, he was released on bail and participated in the Cedars program on Vancouver Island, British Columbia. He completed a 90-day residential treatment program, then carried on, spending four months at Acorn Recovery in Surrey, British Columbia. Following this successful period of sobriety, he relapsed in the fall of 2022. Mr. Duke's counsel advises that, between spring of 2023 and fall of the same year – this being the period when most of the offences were committed – Mr. Duke was using substances heavily. However, subsequently, while in custody, Mr. Duke participated in programs available to him in the custodial setting. Letters confirming his participation in 20 programs and his engagement in counselling were filed. This information suggests that the potential for Mr. Duke's rehabilitation and reintegration into society remains an important consideration.

[18] Mr. Duke clearly has significant family support – his mother has attended almost all his court appearances. That she is devastated about Mr. Duke’s current situation is without doubt - she has consistently appeared distressed and ravaged by emotion. Mr. Duke’s grandmother and his stepfather have also attended to support him regularly. It is very positive that Mr. Duke retains this family support.

[19] Finally, Mr. Duke is before me with a serious but limited criminal record. He had no criminal convictions at the time most of the offences were committed, his first convictions being entered in March 2024.

Impact of Drug and Firearms Offences on Community

[20] There is no doubt whatsoever that the offences Mr. Duke committed are serious and have a significant and devastating impact on the community.

Drug Offences

[21] Mr. Duke’s drug offences involve cocaine, fentanyl, and other substances. While the danger of cocaine is grave, fentanyl has been described as altering the landscape of substance abuse in Canada, revealing itself as “public enemy number one” (*R. v. Parranto*, 2021 SCC 46, at para. 93). As described in *Parranto*, at para. 94, fentanyl is extremely dangerous, addictive, and “puts its users at risk of serious harm, including brain damage, organ damage, coma and death”. The risk of overdose and death from fentanyl is extremely high.

[22] Continuing to draw from *Parranto*, where the Court said at para. 96:

Beyond its mere potential to cause harm, however, fentanyl has had — and continues to have — a real and deadly impact on the lives of Canadians. Indeed, trafficking in fentanyl is so deadly that various courts have described it as a national crisis, reflective of an increased understanding of the gravity of the harm it causes...federal statistics on opioid-related deaths show that, between January 2016 and March 2021, approximately 23,000 Canadians lost their lives due to accidental apparent opioid-related deaths, with fentanyl involved in 71 percent of these deaths...The epidemic also shows no signs of abating, with over 6,000 accidental deaths occurring in 2020 alone, 82 percent of which involved fentanyl...These figures throw into stark relief the dark and inescapable reality that “[e]very day in our communities, fentanyl abuse claims the lives of Canadians”. [citations omitted]

[23] The Yukon is not immune to these devastating impacts, having been under a declared Substance Use Health Emergency since 2022 in response to the dramatic increase in overdose-related deaths and substance-use related harms in the territory.

[24] Trafficking in fentanyl is:

...a crime marked by greed and the pursuit of profit at the expense of violence, death, and the perpetuation of a public health crisis previously unseen in Canadian society. In many ways, “[t]rafficking in fentanyl is almost the equivalent of putting multiple bullets in the chambers of a revolver and playing Russian roulette. It is the most efficient killer of drug users on the market today” [citation omitted]. Put simply, it is a crime that can be expected to not only destroy lives, but to undermine the very foundations of our society. [*Parranto*, at para. 98]

[25] As noted by the Supreme Court of Canada:

...trafficking in fentanyl is a crime that preys disproportionately on the misery of others — the marginalized and those whose lives are marked by hopelessness and despair. It is a crime motivated by greed and by a callous disregard for the untold grief and suffering it leaves in its wake. Above all, it is a crime that kills — often and indiscriminately. ... [*Parranto*, at para. 101]

[26] Fentanyl trafficking is a source of unspeakable harm and misery. Paraphrasing other courts, drug traffickers are merchants of misery who view their customers addictions as a road to riches (*R. v. Kim*, 2022 BCSC 518, at para. 45).

Firearms Offences

[27] Mr. Duke possessed an extremely large arsenal of weapons, including loaded prohibited and restricted weapons. Counsel did not provide me with any caselaw, from Yukon or elsewhere, where this many weapons were involved. The stockpile of weapons Mr. Duke had amassed is very aggravating – it required forethought and planning. As with the drug trafficking charge, Mr. Duke’s moral culpability is very high.

[28] Firearms of the type found in Mr. Duke’s residence are manufactured for one specific purpose, which is to terminate the lives of human beings. They are instruments of death and are used to by criminals to “intimidate, wound and kill” (*R. v. Nur*, 2015 SCC 15, para. 136). The public threat posed by firearms cannot be overstated. The firearms in Mr. Duke’s possession were clearly tools of the drug trafficking trade, intended for dangerous and illicit purposes. These weapons pose a significant threat to public safety and the welfare of the community. The gravity of the firearms offences is extremely high, engaging concerns for public safety, and the need to emphasize denunciation and deterrence. The deadly cocktail of drugs and guns is particularly alarming and is a significant aggravating factor in this sentencing.

Sentencing Principles

[29] Sections 718 to 718.2 of the *Code* establish the fundamental principles and purposes to be considered by courts in sentencing. Section 10 of the *CDSA* provides additional principles of sentencing in relation to drug offences.

[30] Section 718 of the *Code* provides that the fundamental purpose of sentencing is “to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions” with reference to six objectives. These objectives include: denunciation of unlawful conduct; deterring the offender and other persons from committing offences; separating offenders from society where necessary; assisting to rehabilitate offenders; providing reparations for harm done to victims or to the community; and promoting a sense of responsibility in offenders and acknowledging the harm done to victims or to the community. Section 10 of the *CDSA* echoes these objectives in relation to drug offences.

[31] The fundamental sentencing principle is proportionality, which requires the court to craft a sentence that reflects both the gravity of the offence committed and the moral blameworthiness of the offender (s. 718.1 of the *Code*). As stated in *R. v. Lacasse*, 2015 SCC 64, at para. 53, “Proportionality is determined both on an individual basis, that is, in relation to the accused him or herself and to the offence committed by the accused, and by comparison with sentences imposed for similar offences committed in similar circumstances.”

[32] “Individualization is central to the proportionality assessment.”... [In each case,] “[t]he question is always whether the sentence reflects the gravity of the offence, the offender’s degree of responsibility and the unique circumstances of each case” [Parranto, at para. 12].

[33] The following subsections under s. 718.2 of the *Code* must also be considered:

A court that imposes a sentence shall also take into consideration the following principles:

- (a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender...
...
- (b) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;
- (c) where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;
...

[34] Mr. Duke’s moral blameworthiness is very high. In terms of gravity, objectively, the offences pled to by Mr. Duke are very grave. In relation to the charges on Information 23-00645A, the maximum sentence for the *CDSA* charge is life; for the ss. 95 and 96 *Code* charges, 14 years; for the charges contrary to s. 267(b) and s. 117.01(1) of the *Code*, the maximum sentence is ten years.

[35] In determining Mr. Duke’s sentence, there are both mitigating and aggravating factors that I must take into account.

[36] The guilty pleas entered by Mr. Duke are a significant mitigating factor. I accept that by pleading guilty, Mr. Duke is indicating remorse and willingness to take

responsibility for his actions. I note as well that his guilty pleas saved significant court time and resources.

[37] It is also mitigating that Mr. Duke is a somewhat youthful offender with a limited criminal record that only arose after most of the offences were committed. There are *Gladue* factors and Mr. Duke has struggled with his own addictions. Notably, Mr. Duke has also made efforts towards his rehabilitation by attending treatment, engaging in programming while incarcerated, developing a relationship with an Elder, and some one-on-one counselling.

[38] I also note that Mr. Duke was shackled by the Corrections Officers following his assault of Mr. Callahan-Smith and received some injuries, the seriousness of which were not made apparent to me. However, I accept that this treatment of Mr. Duke is a factor to take into consideration.

[39] There are numerous aggravating factors. Mr. Duke was on court ordered bail conditions at the time that most of the offences were committed. The drug trafficking operation Mr. Duke involved himself in was a well-organized, sophisticated, and highly profitable trafficking operation that involved planning and deliberation, large quantities of multiple controlled substances, and a significant arsenal of weapons. While Mr. Duke does not appear to have been the “directing mind” of this organization, neither was he at the bottom-end of the hierarchy. I find that he was at a high level in the organization and directly involved in enforcement, as demonstrated by the admissions in relation to Count 4 on Information 24-00152B. He engaged closely with the individual who appears to be the directing mind of the organization, was residing in a ‘stash house’

under a false name, this residence being equipped with an arsenal of weapons and a large amount of cash. The best characterization of his role is that Mr. Duke was a mid-level dealer.

[40] As noted, weapons were involved and violence used to further the drug trafficking operation – the toxic combination of drugs and guns has been held to be extremely aggravating in sentencing (*R. v. Mann*, 2018 BCCA 265; *Kim*, at para. 50). The presence of weapons indicates elevated danger, sophistication, and intent to protect the illegal enterprise.

[41] It is aggravating that these offences took place in the Yukon territory, a northern community with fewer resources than southern Canada.

[42] With respect to the arson offence, the planning and premeditation is aggravating, as is the fact that Mr. Lloyd's residence was known to Mr. Duke to be occupied, and the fire blocked the entry and exit. There was also significant damage to the residence.

Joint Recommendation

[43] The sentencing position jointly recommended by counsel is a global sentence of 11 years, before accounting for pre-trial custody. The breakdown of how the global sentence applies to each offence will be provided below.

[44] I accept that the sentencing position jointly recommended would not bring the administration of justice into disrepute or be otherwise contrary to the public interest (*R. v. Anthony-Cook*, 2016 SCC 43). In my view, longer sentences could be imposed for some of the offences – particularly the firearms offences, given the size of

Mr. Duke's arsenal - if they were separately before the Court. However, the principle of totality set out in s. 718.2(c) of the *Code* requires that a global sentence not be unduly long or harsh. Mr. Duke's youth, the *Gladue* factors, his minimal criminal record, and his steps towards rehabilitation militate against a longer sentence.

[45] In relation to the drug and firearms offences before me, while not losing sight of rehabilitation, the caselaw is clear that the principles of denunciation and deterrence are paramount (*R. v. Sanddar*, 2024 YKTC 43, at para. 77).

[46] I have been referred by counsel to various authorities to support the sentencing range proposed and I have reviewed all of them. I acknowledge that the cases are of some assistance; however, Mr. Duke has plead to such a wide array of offences and comes before me with a fairly unique background – given his age, minimal criminal record, and the significant array of serious offences now before me – that the cases can easily be distinguished, meaning it is difficult to compare offences and offenders. Suffice it to say, the cases establish that there is a wide range of outcomes that depend on the circumstances of the offence and the offender – in every case, sentencing requires a highly individualized process. While the range of appropriate sentence is generally established through a consideration of sentences imposed for similarly situated offenders who have committed similar offences in similar circumstances, I find it difficult to make such a comparison in Mr. Duke's case. However, I acknowledge that, in relation to trafficking in fentanyl, *R. v. Cavanagh*, 2023 BCSC 2309, at para. 16, relying on *R. v. Campbell*, 2021 BCSC 853, at para. 75, suggests the range for mid-level dealers is from three to 10 years. In *Parranto*, after a review of caselaw nationally, the Supreme Court of Canada found that a more accurate range for wholesale

traffickers was eight to 15 years. In my view, Mr. Duke is akin to a mid-level trafficker rather than a wholesale trafficker and, as such, the lower range better applies to him.

[47] Mr. Duke's firearms offences fall at the "true crime" end of the spectrum identified in *Nur*. There was no conceivable legitimate purpose for Mr. Duke to possess this arsenal of weapons. These offences typically attract consecutive sentences, the legal interests involved are distinct from the drug trafficking offence (*R. v. Crevier*, 2015 ONCA 619, at paras. 128 and 129). The range appears to be three to five years but, in my view, could run significantly higher on these facts.

[48] I remain mindful that Mr. Duke is being sentenced, not just for drug trafficking and firearms offences, but also other offences, including arson, assault with a weapon, and conspiring to commit indictable offences.

[49] Two decisions were provided by the Crown for arson offences, indicating that the range is between 12 months and 10 years (*R. v. Doran*, 2022 BCSC 1699, at para. 41; *R. v. Sollosy*, 2017 YKSC 12, at para. 24).

[50] There are also the circumstances underlying other charges Mr. Duke faced that have been admitted through the ASFs and which I have considered as aggravating for the purposes of sentencing.

[51] Taking all the above into account, I accept that joint recommendation for a global sentence of 11 years adequately meets the objectives of denunciation and deterrence, while not ignoring the objective of rehabilitation, and is appropriate in Mr. Duke's case. In my view, this sentence is towards the lower end of what is appropriate, given the

number and gravity of Mr. Duke's offences. However, as noted, the principle of totality must be kept in mind and the sentence imposed should not crush the prospect of Mr. Duke's rehabilitation and reintegration into society.

[52] Mr. Duke has been in custody since August 19, 2024, and will be credited at a ratio of 1.5 to 1 for that time. Credit is granted in recognition of the fact that, unlike serving prisoners, while awaiting disposition, Mr. Duke could not earn remission.

[53] Mr. Duke, please stand. Your sentence is as follows:

Information 24-00645A

Count 5 – s.117.01(1) of the *Code* (possession of a firearm while prohibited by release order): 120 days (four months);

Count 6 – CDSA s. 5(2) (possession of a Sched. 1 - substance (Fluorfantanyl) for the purpose of trafficking: four years concurrent to Count 5;

Count 13 – s. 95(1) of the *Code* (possess a loaded prohibited firearm, an Unknown Model AR-15 Carbine): three years consecutive to Count 6; and

Count 24 – s. 96(a) of the *Code* (possession of an Unknown Model 3d Printed Glock 17-Type Handgun knowing it was obtained by the commission of an offence): three years concurrent to Count 13.

This amounts to a seven-year sentence in relation to the offences on this Information.

Information 23-00152B

Count 4 – s. 465(1)(c) of the *Code* (conspire to commit indictable offence of assault with a weapon): 18 months (consecutive to the sentence on Information 23-00654A);

Count 5 – s. 465(1)(c) of the *Code* (conspire to commit the indictable offence of trafficking a controlled substance to wit: cocaine): seven years (concurrent to Information 23-00645A).

I accept the rationale for having this sentence run concurrent to the offences on 00645A is because the evidence was derived from the cell phones seized from Mr. Duke's residence, meaning that the conspiracy to commit indictable offences overlapped in time with the drug and firearm offences.

Count 6 – s. 145(5) of the *Code* (fail to comply with term of release order): three months concurrent to Count 4.

Information 24-00820

Count 3– s. 465(1)(c) of the *Code* (conspire to commit the indictable offence of arson): two years consecutive to the preceding sentences.

Information 24-00738

Count 1 – s. 267(b) of the *Code* (assault causing bodily harm): six months consecutive to the preceding sentences.

[54] This is a global sentence of 11 years, before crediting you for pre-trial custody. You have been in custody on these offences since August 19, 2024, a period of 12 months and 10 days. You will be credited for 18.5 months. That credit will apply to:

Information 23-00645A

Count 5 – Four-month sentence will be fully credited by time served. It will be noted as one day, with credit for four months.

Count 6 – Four-year sentence or 48 months, credited for 18.5 months pre-trial custody, leaving 29.5 months to serve.

Information 24-00152B:

Count 5 – 7-year sentence or 84 months, credited for 18.5 months pre-trial custody, leaving 65.5 months to serve.

[55] The 11-year sentence is 132 months. The total time remaining after crediting Mr. Duke for time in custody is 113.5 months.

[56] Given the duration of Mr. Duke's sentence, I waive the victim surcharge.

[57] I make the following ancillary orders:

DNA

[58] The indictable offence of assault causing bodily harm, contrary to s. 267(b) of the *Code*, is a primary designated offence. Pursuant to s. 487.051(1) of the *Code*, I authorize the taking of bodily substances from you. The samples will be taken from you while you are in custody, and you must submit to the taking of the samples.

Firearms/Weapons Prohibition

[59] A mandatory firearms/weapons prohibition flows from Mr. Duke's convictions under s. 5(2) of the *CDSA* and ss. 95(1), 96(a), and 117.01(1) of the *Code*. As these are subsequent offences, pursuant to s. 109(3) of the *Code*, you are prohibited from possessing any firearm, crossbow, restricted or prohibited weapon, prohibited device, ammunition or explosive substance for life.

[60] Finally, pursuant to s. 743.2 of the *Code*, I order that a copy of these Reasons for Sentence be forwarded to the Correctional Service of Canada, along with the exhibits and letters filed on behalf of Mr. Duke.

CAIRNS T.C.J.

Appendix A

T.C. File No.: 24-00152B; 24-00820; and
24-00738

IN THE TERRITORIAL COURT OF YUKON

BETWEEN:

REX

AND

TAYLOR DUKE

AGREED STATEMENT OF FACTS

The accused, Taylor Duke, makes the following admissions of fact, for the purpose of dispensing with proof thereof pursuant to section 655 of the Criminal Code, to provide an evidentiary foundation to guilty pleas to Counts #4, #5, and #6 for court file number 25-00152B; Count #3 for court file number 24-00820; and Count #1 for court file number 24-00738.

C.F. No. 24-00152B

1. On August 24, 2023, members of the Royal Canadian Mounted Police ("RCMP") executed a search warrant, pursuant to section 487 of the *Criminal Code*, at 30 Takhini Meadows Drive in Whitehorse, Yukon Territory.
2. At the time of the search, Taylor Duke ("Mr. Duke") was the resident of 30

Takhini Meadows Drive. Mr. Duke was home at the time, and he was arrested prior to the search commencing.

3. During the search, police located an array of contraband associated with the trafficking of drugs and firearms, along with numerous cell phones.
4. One of the cell phones located, an Apple iPhone labelled police exhibit PE156 ("PE156"), belonged to Mr. Duke.
5. On November 8, 2023, a member of the RCMP executed a search warrant, pursuant to section 487 of the *Criminal Code*, to search Mr. Duke's phone. On December 11, 2023, the RCMP received the data extraction from PE156 for the authorized date range of July 22, 2022, until August 23, 2023.
6. The RCMP located a text message conversation between Mr. Duke and an individual called "Snowfall", who police identified as Tyler Taylor ("Mr. Taylor"), on PE156. The text message conversation occurred on a platform called Signal (the "Signal Chat"). The Signal Chat between Mr. Duke and Mr. Taylor began on April 29, 2023, and it ended on August 24, 2023.
7. On July 22, 2022, Mr. Duke was released on a Release Order that remained in effect at the time of Mr. Duke's arrest. A condition of that Release Order required Mr. Duke not to communicate, directly or indirectly, with Mr. Taylor, as well as other named parties.
8. Mr. Duke communicated with Mr. Taylor via the Signal Chat between April 29, 2023, and August 24, 2023, contrary to his release conditions **[Count #6]**.
9. Throughout the Signal Chat, Mr. Duke and Mr. Taylor discussed the timing of multi-kilogram cocaine and multi-ounce fentanyl shipments, purchased by Mr. Taylor and received from outside the Yukon Territory; the relative quality of the cocaine and fentanyl shipments received; techniques for adulterating the cocaine and fentanyl with additives to stretch the product further and increase profits; the relative sales of individual drug traffickers working for the group;

debts owed and payments received from individual drug traffickers and users associated with the group; the processing, storage, and shipment to Mr. Taylor of cash proceeds derived from drug trafficking; and the purchase and exchange of firearms for the use of members of the group.

10. On March 1, 2024, the RCMP sought and obtained two search warrants. The first warrant authorized the search of 1233 3rd Avenue, Dawson City, Yukon Territory, the residence of Mr. Taylor and his mother, Georgina Taylor. The second warrant authorized the search of 1225 4th Avenue, Dawson City, Yukon Territory, the residence of Amanda Taylor, Mr. Taylor's sister (the "Residences"). The RCMP executed both search warrants on March 6, 2024.
11. Upon entry into the Residences, the RCMP seized 8.7 kilograms of powder and crack cocaine, drugs listed under Schedule I of the *Controlled Drugs and Substances Act (CDSA)*, consistent with the cocaine discussed by Mr. Duke and Mr. Taylor in the Signal Chat.
12. Mr. Duke conspired with Mr. Taylor between April 29, 2023, and March 6, 2024, to traffic cocaine, contrary to section 465(1)(c) of the *Criminal Code* **[Count #5]**.
13. In the Signal Chat, Mr. Duke and Mr. Taylor also discussed using violence to neutralize or eliminate rival drug traffickers in competition with their organization, "Money and Mayhem".
14. On May 29, 2023, Mr. Taylor told Mr. Duke that he arranged for Zander Firth ("Mr. Firth") to stab or shoot Cole Maring ("Mr. Maring"), a drug trafficker working for a competing drug trafficking group. Mr. Taylor indicated he would pay Mr. Firth up to \$10,000 for the job, depending on the wounds caused, and hoped that it would remove Mr. Maring from the drug trafficking business.
15. On June 2, 2023, Mr. Taylor instructed Mr. Duke to shoot Zander Firth

("Mr. Firth") "tonight" as punishment for failing to shoot or stab Cole Maring as instructed and for getting one of their vehicles impounded. Later that same day, Mr. Duke sent Mr. Taylor a video of Mr. Firth with a fresh, bleeding gunshot wound to Mr. Firth's bicep and confirmed that he had shot Mr. Firth as instructed. Mr. Duke and Mr. Taylor conspired to shoot Mr. Firth with a firearm, thereby committing an assault with a weapon, contrary to section 465(l)(c) of the *Criminal Code* [Count #4].

C.F. No. 24-00820 [Facts included for all counts, pursuant to section 725(l)(c) of the *Criminal Code*]

16. Text communications between Mr. Duke and several individuals were located on PE156 in relation to three arsons which occurred in Yukon Territory between April 23, 2023, and May 23, 2023. In the text communications, Mr. Duke discussed the preparation, fulfillment, and after-effects of the arsons with the other individuals in the days leading up to and directly following the respective arsons.
17. On April 23, 2023, the RCMP received a report of a suspicious vehicle fire at 10 Ketza Road, Whitehorse, Yukon Territory (the "Ketza Vehicle"). On attending the scene, police discovered that a 2017 Chevrolet Traverse belonging to Chantal Tizya ("Ms. Tizya") had been set on fire. The fire caused the front left side of the hood and left tire to melt. The RCMP located a yellow gas can nozzle and a red gas can near the vehicle on Ketza Road.
18. In the Signal Chat, Mr. Duke discussed a car fire in Riverdale with Mr. Taylor. The RCMP believed this discussion referenced the Ketza Vehicle arson. On April 19, 2023, in a text conversation between Mr. Duke and his brother, Dakota Duke ("Dakota"), Dakota stated that he drove by Ketza but the vehicle was gone. Between April 22 and 23, 2023, Mr. Duke and Dakota discussed picking up jerry cans and gasoline.
19. On May 23, 2023, the RCMP received two arson reports. The first of which

occurred at 26 Geddes Drive, Teslin, Yukon Territory (the "Teslin Residence"), when the resident, Joseph Smarch ("Mr. Smarch"), noticed smoke emitting from his residence.

20. At the time of the arson, Mr. Smarch was asleep in the Teslin Residence. At approximately 4:00 A.M., he was awoken by the lights of a vehicle driving past his residence. Mr. Smarch saw the vehicle do a U-turn and drive past his residence again, at which point Mr. Smarch noticed that the vehicle was a smaller white sedan.

21. At 4:10 AM., Mr. Smarch saw smoke outside his window, but he did not see any flames. When RCMP arrived, the responding officer smelled smoke and noticed that the siding of the Teslin Residence was blackened. The fire was extinguished before the RCMP and fire department arrived. The RCMP located a broken glass bottle and a rag next to Mr. Smarch's residence.

22. On several occasions, Mr. Duke sent text communications to multiple individuals indicating that the Teslin Residence never caught on fire. On May 23, 2023, after the arson was reported, Mr. Duke told Mr. Taylor via the Signal Chat that, when they arrived at the Teslin house, someone turned off the lights, indicating to Mr. Duke that someone was inside the residence at the time of the arson. Mr. Duke also told Mr. Taylor that they planned to return to the Teslin house that night.

23. The second arson reported on May 23, 2023, occurred shortly before 5:00 AM. in the Northland Trailer Park at Unit 44-986 Range Road, Whitehorse, Yukon Territory (the "Range Road Residence").

24. At the time of the arson, Kyle Lloyd ("Mr. Lloyd") and Olivia Jensen ("Ms. Jensen"), along with their dog and cat, were asleep inside the Range Road Residence. At approximately 4:50 AM., Mr. Lloyd awoke to the sound of an incoming notification on his phone. While checking his phone, Mr. Lloyd noticed the front deck was on fire. Mr. Lloyd woke up Ms. Jensen and advised

her to get out of the residence. Mr. Lloyd, Ms. Jensen, and their pets escaped the residence unharmed.

25. The fire caused significant damage to the Range Road Residence. The front steps and skirting around the trailer had burn, scorch, and heat marks consistent with the area being exposed to high heat from a flame. The fire burned the side-panelling adjacent to the front steps and through the exterior wall into the main entrance of the residence. The fire began to spread through the insulation underneath the residence before being extinguished. Mr. Wayne Smyth, a fire investigator with the Whitehorse Fire Department, found the burn pattern consistent with a fire initiated by a flammable liquid on the ground.
26. Mr. Lloyd provided RCMP with two surveillance videos taken from the surveillance camera located on their front porch. The first video depicted a man pouring gas from a red jerry can on a white car parked outside the residence, the front steps of the residence, and the adjacent front porch. The video depicted the man pulling out a lighter before the clip ended. The second video showed the steps engulfed in flames and a white SUV driving past the residence at a high rate of speed.
27. Mr. Lloyd and Ms. Jensen believed that Mr. Duke was connected to the arson. Ms. Jensen's brother, Mason Driscoll ("Mr. Driscoll"), resided at the Range Road Residence on occasion. They told RCMP that Mr. Duke had threatened and stalked Mr. Driscoll over a debt he owed.
28. On May 24, 2023, Emon Williams ("Mr. Williams") was arrested for the arson at the Range Road Residence. Mr. Williams was located by RCMP in a BMW X5; two jerry cans were in the trunk of the vehicle. The RCMP also seized two cellphones incident to arrest.
29. In a written statement, Mr. Williams told RCMP that he was instructed to carry out the arson.
30. In text communications with Mr. Williams and several other individuals,

Mr. Duke shared and discussed a video taken of the Range Road Residence on fire. In these discussions, Mr. Duke specifically noted that he could see an individual in the window while the Range Road Residence was on fire.

31. Mr. Duke conspired to commit arson by setting fire to the residence of Mr. Lloyd, contrary to section 465(1)(c) of the *Criminal Code* **[Count #3]**.

C.F. No. 24-00738

32. On October 8, 2024, at approximately 10:00 P.M., Mr. Duke microwaved a cup containing jam and butter, approached Billy Callahan-Smith ("Mr. Callahan-Smith"), and threw the cup of molten liquid in Mr. Callahan-Smith's face.

33. At the time of the assault, both Mr. Duke and Mr. Callahan-Smith were inmates at the Whitehorse Correctional Centre ("WCC") located at 25 University Drive, Whitehorse, Yukon Territory.

34. The assault was captured on surveillance video at WCC.

35. Mr. Callahan-Smith suffered burns to the left side of his face, lip, and ear, with blistering on his left earlobe and cheek. Superficial and partial superficial burns, or first and second-degree burns respectively, covered 50 percent of Mr. Callahan-Smith's face.

36. Mr. Duke assaulted and, as a result, caused bodily harm to Mr. Callahan-Smith, contrary to section 267(b) of the *Criminal Code* **[Count #1]**.

37. After corrections officers intervened, Mr. Duke was taken to "H Unit". The corrections officers placed leg shackles on Mr. Duke. Mr. Duke advised that the shackles were too tight. A corrections officer attempted to loosen the shackles. When Mr. Duke showered, he was required to wear the shackles. When he finished showering, Mr. Duke noticed that his ankles were cut and bleeding as a result of the shackles being too tight. He

received medical assistance from the nurse on staff. Mr. Duke asked WCC staff to take photographs of his injuries, but none were taken.

ALL OF WHICH IS AGREED UPON AS FACT.

Appendix B

File Number: 23-00645A

IN THE TERRITORIAL COURT OF YUKON

BETWEEN:

REX

AND

TAYLOR DUKE

**AGREED STATEMENT OF FACTS
PURSUANT TO SECTION 655 OF THE CRIMINAL CODE OF
CANADA**

The accused, Taylor Duke, makes the following admissions of fact for the purpose of dispensing with proof thereof pursuant to section 655 of the *Criminal Code*, and to provide an evidentiary foundation for the accused's guilty pleas to Counts #5, #6, #13 and #24 on Information 23-00645A:

1. In July 2023, Whitehorse RCMP were investigating a shooting that had occurred on Long Lake Road in Whitehorse, Yukon. Taylor Duke had been named as one of the suspects. Using cellphone tracking data, surveillance and further investigative steps, the RCMP were able to determine that Mr. Duke was living under a false name at 30 Takhini Meadows Drive, Whitehorse, Yukon.

2. RCMP sought and obtained a warrant to search the residence. On August 24, 2023, RCMP executed the search warrant and arrested Mr. Duke at the residence. At this time, Mr. Duke was the subject of multiple outstanding warrants for arrest. He was also on a release order dated July 22, 2022 which had, as condition #11, a court-ordered prohibition from possessing any firearm or ammunition. **[Count #5]**
3. Upon entering the residence, the RCMP discovered a large number of firearms, a large quantity of suspected controlled substances and a significant sum of Canadian currency.
4. RCMP seized 6 prohibited firearms, 7 prohibited devices, 2 restricted firearms and 3 non-restricted firearms as follows:
 - i. **PE018:** A loaded AR-15 model firearm that is a prohibited firearm pursuant to section 84(1) of the *Criminal Code*; **[Count #13]**
 - ii. **PE019:** A detachable cartridge magazine that is a prohibited device pursuant to section 84(1) of the *Criminal Code*;
 - iii. **PE020:** A loaded Llama model MAX-I handgun that is a restricted firearm pursuant to section 84(1) of the *Criminal Code*;
 - iv. **PE023:** A Derya model MK-12 semi-automatic shotgun that is a prohibited firearm pursuant to section 84(1) of the *Criminal Code*;
 - v. **PE025:** A Hatsan model Escort pump-action shotgun, that is a non- restricted firearm section 84(1) of the *Criminal Code*;
 - vi. **PE026:** A loaded Palmetto Armory model PA-15 semi-automatic rifle that is a prohibited firearm pursuant to section 84(1) of the *Criminal Code*;

- vii. **PE027:** A detachable cartridge magazine (AR-15 pattern), suitable for use in PE026, that is a prohibited device pursuant to section 84(1) of the *Criminal Code*;
- viii. **PE028:** An Anderson Manufacturing model AM-15 semi-automatic firearm, with readily accessible ammunition, that is a prohibited firearm pursuant to section 84(1) of the *Criminal Code*;
- ix. **PE095:** A detachable cartridge magazine (AR-15 pattern), suitable for use in PE028, that is a prohibited device pursuant to section 84(1) of the *Criminal Code*;
- x. **PE097:** A detachable cartridge magazine (AR-15 pattern), suitable for use in PE028, that is a prohibited device pursuant to section 84(1) of the *Criminal Code*;
- xi. **PE029:** A loaded Israel Military Industries model UZI Mini Carbine semi- automatic submachine gun that is a prohibited firearm pursuant to section 84(1) of the *Criminal Code*;
- xii. **PE029:** The suppressor with exhibit PE029 is a prohibited device within the meaning of section 84 of the *Criminal Code*;
- xiii. **PE030:** A detachable cartridge magazine, that is a prohibited device pursuant to section 84(1) of the *Criminal Code*;
- xiv. **PE031:** A Stag Arms model Stag-10 semi-automatic rifle, with readily accessible ammunition, that is a prohibited firearm pursuant to section 84(1) of the *Criminal Code*;
- xv. **PE094:** A detachable cartridge magazine, that is a prohibited device pursuant to section 84(1) of the *Criminal Code*;
- xvi. **PE032:** A Just Right Carbine model JR Carbine semi-automatic rifle that is a non-restricted firearm section 84(1) of the *Criminal Code*;

- xvii. **PE034:** A Weatherby model Mark V bolt-action rifle that is a non-restricted firearm section 84(1) of the *Criminal Code*; and
 - xviii. **PE035:** A loaded privately made firearm (constructed using 3D printing and commercially available parts) that is a restricted firearm pursuant to section 84(1) of the *Criminal Code*. **[Count #24]**
5. Knowledge and control over the firearms and devices referenced above in Paragraph 4 is admitted.
6. Mr. Duke did not possess a firearms registration certificate nor a Possession and Acquisition License pursuant to the *Firearms Act* on August 24, 2023.
7. RCMP seized the following Scheduled substances under the *Controlled Drugs and Substances Act* (CDSA) from the residence:
- i. **PE057:** 1,435.00 grams of cocaine (a Schedule I substance), later determined to be between 91-92% purity, was seized from a safe located in the second bedroom;
 - ii. **PE044:** 123.81 grams of cocaine (a Schedule I substance), was seized from a safe located in the second bedroom;
 - iii. **PE053:** 126.57 grams of fentanyl (a Schedule I substance) and etizolam (a benzodiazepine and Schedule IV substance) from a safe located in the second bedroom;
 - iv. **PE038:** 636.13 grams of p-fluorofentanyl (a Schedule I substance), fentanyl (a Schedule I substance), and etizolam (a benzodiazepine and Schedule IV substance) from the Sentry safe located in the second bedroom; **[Count #6]**

- v. **PE047:** 452 tablets labelled "XANAX" that contained flualprazolam (a benzodiazepine and Schedule IV substance) from the Sentry safe located in the second bedroom.
- 8. Knowledge and control of the substances referenced above in paragraph 7 is admitted.
- 9. Possession of these substances for the purpose of trafficking contrary to section 5(2) of the *CDSA* is admitted.
- 10. Located outside the residence was a 2018 Honda ATV that RCMP confirmed had been stolen from Air North in 2019.
- 11. RMCP also seized multiple cellphones, drug trafficking paraphernalia, and \$160,557.61 in Canadian currency.

ALL OF WHICH IS AGREED UPON AS FACT