

Citation: *R. v. Hamm*, 2025 YKTC 60

Date: 20250501

Docket: 23-05498

23-00573A

Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before Her Honour Judge McLeod

REX

v.

TRISTAN JAMES HAMM

Appearances:

Kelly McGill

Kevin Drolet

Counsel for the Territorial 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] McLEOD T.C.J. (Oral): Mr. Hamm, as you know, you have pleaded guilty to, in Count 1, not only once, but twice, applying for a hunting licence, which you ought to have known — and it was your obligation to know — that you were not eligible for.

[2] The second and third counts, with respect to the actual hunting operation itself and the bears that you killed, the Crown has rightfully talked about the goal of this sentencing, and this whole proceeding, and the charges themselves, and the process through which you have undergone, is not only to bring a message home to you to say you cannot do this — you cannot cheat — which is what you were doing. There is a

lawful way that you could have acquired this hunting licence, but I appreciate you have your income derived outside the territory; however, you have to give up one or the other — you cannot do both — and, secondly, to send a message to other like-minded people who want to cheat and come up and hunt in the Yukon and lie about their abode to get a licence.

[3] The third element is to let the court proceeding, and what everybody said be a message of deterrence. I know there has been publicity that has affected you. Mr. Drolet was very clear when we did the pre-trial conference about all of this, and how it has affected you and your reputation and your ability to earn a living, but that is the penalty and the denunciation for what you have done. Hopefully all of these serve as a deterrent to you.

[4] I am satisfied that you will not be back, given your spotless record up to now, and that the public will know that, despite the enormity of the geographical area of the Yukon, people do get caught cheating. Hopefully that will deter many other people, and, with any luck, with your obvious advocacy skills that Mr. Drolet told me of, you will be able to send a message to all of those like-minded people who want to know, "Well, how do I get a licence, and what do I have to do, and I want to cheat?" So hopefully you will be able to use your good offices to send the message that Yukon licences are for Yukoners.

[5] Hunting is such a precious commodity for the Yukon, and for all those who live in it, that cheaters are not welcome, and hopefully that message has been sent home to you loud and clear.

[6] I appreciate that you have wanted to plead guilty, and that speaks well of your recognition of what you have done wrong, and that you are absolutely remorseful as a former Yukoner and a member of this wonderful community in which you obviously grew up.

[7] The fine is a significant amount. The good news is that half of it goes to a very good cause, and one which you may well want to donate to in the future as well. The penalty is enormous because, I appreciate, being in a family of Yukoners, hunting is a way of life, and for the next two years you cannot join your family or get involved with your family in that way of life; and that separates you, to a certain extent, from them and the camaraderie and the feeling of being one with the Yukon that you obviously have grown up with and wish to enjoy.

[8] I understand that this penalty is a very significant one — both financially, emotionally, and physically — for you, and so it seems to me that all the aims of the process and the penalty phase have been met, and that I can only wish you well and hope that you will get through this period and may be able to contribute more to the Yukon.

[9] Accordingly, there will be, on Count 1, a fine of \$1,750 and a donation to the Conservation Authority of \$1,750.

[10] On Count 3, there will be a donation of \$2,750 to the Conservation Society, and \$2,750 will constitute a fine.

[11] With respect to Count 4, given the quantity of bears hunted, there will be a fine of \$10,500 and a donation to the Conservation Society of \$10,500.

[12] There will be, I am told, zero time to pay, because I understand that you have left your lawyer in funds.

[13] There will be a prohibition from hunting, or accompanying any other hunters, in the Yukon for a period of two years.

[14] You will be ineligible to be specially guided or outfitted in the Yukon, and from accompanying other hunters on hunts in the Yukon, for a further period of three years.

[15] If you want to apply, after the expiry of these bans, as a Yukon resident, for a hunting licence, you must attend in person at the Conservation Officer Services Branch in Whitehorse to do that.

[16] You must complete the Hunter Education and Ethics Development course before obtaining any other Yukon hunting licence. I suggest you get a copy of the attendance at that so you can take it if you go to the Conservation Officer Services Branch.

[17] I understand that you are agreeing to forfeit all the seized items, except for the wild meat that was seized from your brother, and that will be returned to Tyler Hamm; and I presume whoever has this has an address for Mr. Tyler Hamm.

[18] I am fully aware of your financial position from the pre-trial conference, and I will waive the victim surcharge because of the enormity of these fines.

[19] With respect to other charges on both Informations ...

[20] MS. MCGILL: Yes, a stay of proceedings, please, Your Honour, just to be clear, on the remaining counts on Information 05498, and a stay on Information 23-00573A.

[DISCUSSIONS]

[21] I'm sorry, Your Honour, there's one final thing that my friend pointed out to me — I think our agreement was that we would invite the Court to dismiss the remaining counts rather than having the Crown stay them.

[22] THE COURT: All other counts are dismissed.

McLEOD T.C.J.