

Citation: *R. v. Patterson*, 2026 YKTC 15

Date: 20260320
Docket: 25-00542
25-00542A
25-00853
25-00803
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before Her Honour Judge Cairns

REX

v.

JORDAN MICHAEL JOHN PATTERSON

Appearances:

David A. King

Emmanuelle Arcand (by videoconference)

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 J. (Oral): On March 12, 2026, Mr. Jordan Patterson entered guilty pleas to the following counts.

[2] On Information 25-00542, Count 1, that:

On or about the 27th day of July in the year 2025 at or near Haines Junction in the Yukon Territory, did wound Terrance Buyck thereby committing an aggravated assault contrary to Section 268 of the *Criminal Code*.

This is an indictable offence.

[3] On Information 25-00542A, a guilty plea was entered. Mr. Patterson entered a guilty plea to Count 1, that is an offence that:

On or about the 11th day of October in the year 2025 at or near the City of Whitehorse in the Yukon Territory, being at large on a release order entered into before a justice without lawful excuse did fail to comply with a condition of said release order, to wit: You must reside at Connective and abide by the rules of the residence contrary to Section 145(5)(a) of the Criminal Code.

The Crown proceeded summarily.

[4] A guilty plea was entered to Count 2 of Information 25-00853 that:

On or about the 4th day of August in the year 2025 in the city of Whitehorse in the Yukon, did willfully obstruct the course of justice in a judicial proceeding by counselling Amy MacDonald to provide a false statement to the RCMP contrary to section 139(2) of the *Criminal Code*.

The Crown proceeded by indictment on that charge.

[5] The facts were provided to the Court by way of an Agreed Statement of Facts which I will read out. I recognize this has already been read into the record, but because my reasons will be sent to the federal penitentiary, I will read it out.

1. On July 27, 2025, the complainant [Terrance Buyck] was with Suzanne Hume in Haines Junction, looking for his car from where he left it the night before, when he went out drinking with friends.
2. The complainant and Ms. Hume went to Amy MacDonald's house to look for the car as the complainant had spent time with her the night before. Ms. MacDonald refused to talk to the complainant and closed the door.
3. The accused [Mr. Patterson], who lived next door to Ms. MacDonald, saw the complainant at Ms. MacDonald's residence. At the time, he believed that the complainant had sexually assaulted Ms. MacDonald and was angry about these allegations.

4. The accused then left his residence with a machete, to confront the complainant and Ms. Hume, who were walking away from Ms. MacDonald's residence.
5. As the accused was approaching Ms. Hume and the complainant with the machete, the latter stepped toward the accused to put himself between him and Ms. Hume.
6. The accused then swung the machete in the direction of the complainant's head, who put up his hand to defend himself against the blow. The complainant's hand was cut by the machete.
7. Mr. Buyck [the complainant] was taken to hospital in Whitehorse. The machete cut his left hand in the area around the base of his thumb. It took 25 sutures to close the wound. Mr. Buyck returned to hospital a few days later because he saw some black skin in his wound, but that was natural and the wound healed up as well as could be expected. There was no nerve damage and no damage to his fingers. However, a major tendon leading to his thumb was damaged. It now has a scar and that has decreased the range of motion in his thumb. The specialist surgeon (from British Columbia, who comes periodically to Whitehorse and happened to be in Whitehorse on July 27th, 2025) has recommended that Mr. Buyck undergo further surgery this summer in relation to the scar. The doctor believes the surgery "will help some of his thumb extension".
8. Amy MacDonald was living at 30 Williams Street in Haines Junction on July 27th, 2025. She moved out shortly after, and on August 13th, 2025, plumbers working for the property manager found a machete under the deck of 30 Williams Street. The property manager allowed police to search the house, and a sheath for the machete was found inside the house.
9. In August 2025, while he was at WCC [Whitehorse Correctional Centre], the accused made several phone calls to Ms. MacDonald. These calls were recorded by WCC and the RCMP obtained the recordings with a production order. In some of the calls, they discussed what Ms. MacDonald could tell the police that would assist with the accused's aggravated assault charge. In an August 4th, 2025 call the accused suggested to Ms. MacDonald that she tell the police that the complainant had attacked her and that she was the one who hit him with the machete in self-defence. During an

August 5th, 2025 phone call Ms. MacDonald said that she would not tell the police that version but would give a different false version. The accused encouraged her to do so.

10. On August 11th, 2025, Ms. MacDonald attended the Whitehorse RCMP detachment and was interviewed by the officer on duty. She told that officer that the complainant, armed with a machete, broke into her house and tried to sexually assault her. She screamed and the accused, who was next door, heard those screams and came running to help her. The accused fought with the complainant, got the machete from him, and then the accused hit him with it while defending himself and Ms. MacDonald.
11. On August 14th, 2025, Ms. MacDonald told the same version of events to a sexual assault investigator with the Whitehorse RCMP. Police investigated her account and spoke to the accused on November 2nd, 2025. He told them essentially the same false story - that Ms. MacDonald was being attacked, he heard her screams, he fought with the complainant, somehow disarmed him and then struck him with the machete in order to defend himself and Ms. McDonald.
12. The RCMP completed its investigation into the sexual assault allegations, and no charges were laid against the complainant.
13. The accused was arrested on July 27, 2025, and was released on August 26, 2025, with a condition to reside at Connective.
14. On October 11, 2025, the accused did not go back to Connective. On October 14, 2025, he was discharged from the program as he had not contacted Connective nor his bail supervisor. On November 2nd, 2025, police received a call about a disturbance at Amy MacDonald's home in Whitehorse. They attended and found Mr. Patterson in the area. He was arrested and has remained in custody since that date.

Those are the facts in relation to the charges he has pled guilty to.

[6] There is also an exhibit filed, which is a photograph of the machete that was used in the aggravated assault, and the entire length of it is about 16 inches.

[7] A Victim Impact Statement was filed, and I would describe it as both compelling and compassionate. The victim's injury was significant and the damage is permanent. His hand was injured while he was trying to protect his head from the machete attack. Since the date of the injury, he still does not have full strength or mobility. He has suffered from a lengthy, painful healing process both physically and emotionally, and he said that his hand hurts all day, every day. He is a chef, and the damage to his hand has affected his ability to do his job in many ways. He said that cutting, chopping, lifting, and carrying is affected as his grip is weaker and restricted. His hand gets tired; he has less endurance; and he is not as fast as he used to be. The pain and restricted movement has affected his ability to do many things.

[8] The victim described the level of violence as shocking and deeply traumatizing. He feared safety for himself and his son. Subsequently, he struggled with feeling unsafe. He became hypervigilant, struggled with depression, and wondered if he had Post-Traumatic Stress Disorder ("PTSD"). He could not work as a chef for about six months, so he missed out on many opportunities. More surgery to remove the scar tissue is anticipated in the hope of increasing his mobility but that will mean more loss of work and opportunities as he recovers from surgery. He does not ever want to see Mr. Patterson again and will never recover from this incident; however, he does hope that Mr. Patterson gets the help that he needs.

[9] In terms of Mr. Patterson's background, information about his background circumstances were provided to the Court through the submissions of counsel, a 2024 *Gladue* report, and an addendum to that report contributed by Mr. Patterson's grandmother Cheryl Patterson. Jordan Patterson is a 28-year-old Champagne-Aishihik First Nation member. Certain of the impacts of Canada's colonial history on Champagne-Aishihik are described in the *Gladue* report. There is reference to the Department of Indian Affairs' amalgamation of two southern Tutchone nations to form Champagne and Aishihik First Nations ("CAFN"), the establishment of trading posts, the creation of the British Columbia-Yukon boundary impacting hunting, the gold rush in 1900, the construction of the Alaska Highway, and the residential schools placing children from the community outside of the community. This impacted the CAFN children.

[10] Mr. Patterson's mother is a member of the CAFN. She lives in Vancouver, and the relationship between the two is described as not good. Mr. Patterson's father is Inuit from Northwest Territories. He now lives in Kelowna, and the relationship between the two of them is described as non-existent. Mr. Patterson's grandmother, Cheryl Patterson, has been involved in his upbringing, and she remains a support to him. There are four younger siblings, and they are spread between Vancouver, Medicine Hat, Whitehorse, and Teslin. Mr. Patterson says he gets along well with his siblings, and they keep in contact. There was also one sibling who died shortly after being born. Mr. Patterson's great-grandmother attended residential school in the Yukon, the Whitehorse Baptist Mission School. From that experience, the shame at being First Nation was instilled in her at that residential school, and it is said to have continued to

affect the generations that follow her and that there is intergenerational trauma in the family. All family members struggle with addictions, and both parents have severe addictions issues.

[11] Mr. Patterson himself is described as beginning using drugs at age nine, first marijuana, then later coke, crack, pills, and fentanyl. Alcohol came into his life around age 11 or 12. Tragically, Mr. Patterson lost a loving stepfather in a car accident when he was five years old. Subsequent to that, his mother's struggles with addictions increased, and the children were placed in foster care. Mr. Patterson is described as having been exposed to violence in the home and addictions.

[12] Mr. Patterson began getting in trouble with the law when he moved to Medicine Hat as a young teen. There, he was expected to break into cars and steal money for his parents to buy weed, and at some point he began working for drug dealers to bring drugs to his mother.

[13] Mr. Patterson has been in and out of school and does not know the last grade he completed. Impressively, however, he achieved his Dogwood Diploma while in jail in approximately 2023. Mr. Patterson has some employment history. He has done diamond drilling, but addictions appear to get in the way of maintaining his employment. Also, positively, he attended and successfully completed a five-day program in Prince George called Transformations, a program that addresses unique needs of First Nations communities. I understand that this was something that he was encouraged to attend by his grandmother.

[14] He had a child when he was young himself, 16 years old, and while he maintains some contact with the mother and receives updates, he is not involved in parenting that child.

[15] As a young person, Mr. Patterson learned some Southern Tutchone in elementary school, learned a bit about his culture, and attended potlatches as a young child. The *Gladue* report says he goes hunting once in a while.

[16] There are also a number of letters that were filed in support of Mr. Patterson. There is a letter from his First Nation, CAFN, dated March 11, 2026. In the letter, the writer of the letter, Amy O'Rourke, the Community Wellness Initiative support person, described Mr. Patterson as a person struggling with intergenerational trauma and having been experiencing the impacts of residential schools, those impacts include disruption of family and cultural connections. He has been in care, struggled with poverty, substance abuse, and mental health challenges. Positively, Mr. Patterson is noted in the letter as having identified a number of goals. He wants to access psychological evaluation and trauma-specific clinical practitioners, seeking cultural supports and access. Mr. Patterson wants a medical plan of care coordination, seeking in-patient substance use treatment planning and funding, and wants occupational supports planning and funding. These are all positive and appropriate goals that Mr. Patterson has identified.

[17] There is also a very short letter from Chad Nichol, who is, I understand, someone who Mr. Patterson has attended with for clinical counselling. It is indicated in the letter dated March 10, 2026, that Mr. Patterson has attended five individual sessions and two

group sessions between February 2025 and March 2026. Unfortunately, there is no details about the focus of that, but it is positive that Mr. Patterson has connected with that counsellor.

[18] Finally, there is a letter dated January 22, 2026, from Krisztián Kalász, who is a forensic clinical counsellor. In that letter, there is confirmation that between March 14, 2021, and September 27, 2022, Mr. Patterson attended 23 counselling sessions. Between June 14, 2024, and November 18, 2024, there were a further three sessions, and between August 25, 2025, and today's date, there have been five sessions. The focus of the clinical work has been targeting criminogenic factors including substance use, relational discord, impulsivity, and aggression. These are all positive steps that I acknowledge that Mr. Patterson has taken.

[19] Mr. Patterson has been in Whitehorse Correctional Centre for a period of time in relation to these charges, and I am advised that during this recent period of pre-trial custody, Mr. Patterson has been well engaged with the programming available to him. He has provided the following certificates of completion: Courage to Change: Orientation; Courage to Change: Getting Started; Courage to Change: Skills for Successful Living; Co-occurring Conditions; My Individual Change Plan; and The Challenge Series; Criminal Lifestyles. He also advised me during the period where sentencing submissions were being made that he recently completed another program. Mr. Patterson neglected to file the certificate, but I am advised that one was identified as "Family Ties".

[20] His counsel advised that Mr. Patterson has acted as a peer support for an individual detained at Whitehorse Correctional Centre who is suffering from mental health issues.

[21] Mr. Patterson has also completed a psychological evaluation that was not provided to the Court, but I am advised that Mr. Patterson received a diagnosis of Attention Deficit Hyperactivity Disorder (“ADHD”), general anxiety, and depression. I am also advised that this is the first time he has received a diagnosis, and he is in a position to start on medication to treat some of these issues.

[22] Mr. Patterson also expressed to the Court that he is still trying to get a more in-depth psychological assessment to understand the underlying issues and to heal from the trauma he has experienced. He has expressed an interest in attending treatment once paroled. Today, when I asked him if he had anything to say, he expressed remorse, and acknowledged that at the time of these incidents, he was in a very bad place struggling with his substance addictions.

[23] Turning to Mr. Patterson’s criminal record, it is unenviable. By my count, starting when he was 14 years old and continuing fairly steadily to date, there are 55 entries. These include offences of violence, sexual violence, weapons, obstruction, resist arrest, alcohol and driving offences, property offences, and multiple convictions for breaches of court orders. Recently, in 2025, two conditional sentence orders were terminated. The offences on his criminal record have arisen wherever he was residing at the time, in Medicine Hat, Edmonton, and Whitehorse.

[24] Mr. Patterson has received sentences that involved supervision in the community while as a youth. He has received custodial sentences, suspended sentence, he has been placed on probation orders and conditional sentence orders. As a youth, he served a sentence in an adult facility. He has been fined, and required to pay restitution. He has received driving prohibitions and weapons prohibitions.

Unfortunately, none of these sanctions appear to have deterred Mr. Patterson from continuing on this life path. His criminal record indicates that he was, in fact, on probation at the time he committed this serious offence.

[25] Turning to the positions of the Crown and defence, I will summarize those below, but I note the maximum penalty for aggravated assault is 14 years. Counsel agree that, generally speaking, the range is 16 months to six years.

[26] The Crown's position is that specific and general deterrence and denunciation are to be stressed while rehabilitation still must be considered. Citing the principle of totality, the Crown seeks a global sentence of four years reduced by pre-trial custody. In order to achieve a four-year sentence, the Crown submits that a proposed sentence of six months on the obstruct charge and three months on the breach charge run concurrent to the sentence on the aggravated assault.

[27] The Crown acknowledges that Mr. Patterson has indicated his interest in changing his lifestyle, and that he needs help and does not want to live the way he has been living anymore. The Crown says that the penitentiary has the resources Mr. Patterson would need if he is to have an opportunity for rehabilitation. Ancillary orders are sought, and I will address those below.

[28] On behalf of Mr. Patterson, defence counsel submits that three years on the aggravated assault, reduced by pre-trial custody, with sentences of six months on the obstruct charge and three months on the breach charge, should run concurrently. Counsel for Mr. Patterson notes that this would be his first time at the penitentiary and argues that four years as a sentence is too significant a jump.

[29] On this point, counsel submitted that the longest sentence Mr. Patterson has received in the past was 90 days. My review of his sentence indicates that he has had longer sentences. On his youth record, there was a sentence of four months in 2013; there was 120 days in 2014; there was seven months and 15 days in 2016; and eight months in 2016. As an adult, he has a number of entries where, looking at pre-trial credit, his sentences exceed 90 days on several occasions. Also, there was a six-month conditional sentence order in 2025 that, as indicated earlier, was terminated.

[30] A number of cases were filed by both counsel, and I have reviewed them and noted where there are relevant similarities and there are some distinctions.

[31] The case law suggests that the starting point, absent exceptional circumstances, for aggravated assault is 16 months. That is indicated in *R. v. Charlie*, 2020 YKCA 6, at para. 34, and *R. v. Quash*, 2019 YKCA 8, para. 46. I recognize that starting points and ranges are guidelines, not hard and fast rules, and that sentencing is an individualized process. As set out in *R. v. Porter*, 2017 YKTC 13 at para. 13, offences captured by the lower range typically lack aggravating factors and might, for example, involve a consensual fight that escalates and results in injuries to the victim. Those at the higher end might involve use of a weapon, life-threatening injuries, permanent injury, position

of trust, or the presence of children. As stated in *Charlie*, while each case is different, an unprovoked attack with a weapon tends to result in the imposition of a sentence at the higher end, while a consensual fight that has escalated with resulting injury tends to result in a sentence at the lower end of the range. In my view, when dealing with serious offences of violence, the Court must be concerned about the protection of the public.

[32] There are both mitigating and aggravating factors in Mr. Patterson's case. It is aggravating that he used a weapon. I find that there was some pre-meditation in arming himself with that weapon. It is otherwise a random attack. There is a significant amount of violence. There are permanent injuries to the victim, and Mr. Patterson has an aggravating criminal record.

[33] It is also statutorily aggravating, as s. 718.2(iii.1) of the *Criminal Code*, where there is evidence that the offence had a significant impact on the victim, including their health and financial situation. In reviewing the Victim Impact Statement, as I am required to do when determining the sentence to be imposed, I find that the offence had a significant impact on Mr. Buyck's health and his financial situation.

[34] It is mitigating that Mr. Patterson entered a guilty plea. This saved the witnesses from testifying and saved court time. There are significant *Gladue* factors, as described above. Mr. Patterson has taken steps towards rehabilitation, as also described above, and he retains the support of his First Nation and his grandmother.

[35] Turning to the principles of sentencing, in my view, the most important ones are denunciation, specific and general deterrence, and separation from society. Given the

violence, it is essential to consider the protection of society. However, the sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender. On a lesser range of importance in this case is Mr. Patterson's rehabilitation and the need to have him take responsibility. I must consider parity, where similar-situated offenders are treated similarly. I must consider the principle of restraint, in particular 718.2(e) of the *Criminal Code*, given his Indigenous background.

[36] Having heard about Mr. Patterson's background through the *Gladue* report and counsel submissions, I do accept that this background played a role in bringing him before the courts. However, I note that as stated in *R. v. Kehoe*, 2023 BCCA 2, at para. 43:

... applying *Gladue* principles will not necessarily lead to a reduced sentence. There is no automatic heritage-based discount: *Gladue* at para. 88; *Ipeelee* at paras. 71, 75; *Mero* at para. 73. Generally, the more serious or violent the crime, the more likely it will be, as a practical matter, that the terms of imprisonment will be the same for an Indigenous and a non-Indigenous offender: *Gladue* at para. 33; *Wells*, 2000 SCC 10 paras. 42–44; *Ipeelee* at paras. 84–85; *Mero* at para. 73.

[37] I must also keep in mind totality. When considering whether a sentence should be consecutive or concurrent, I must be careful not to impose a sentence that is unduly harsh. I note that in this case, consecutive sentences would typically be appropriate as the offences constitute invasions of different legally protected interests; however, as noted, when considering consecutive sentences, I must also consider the principle of totality and ensure that the resulting sentence is not unduly harsh (s. 718.2(c) of the *Criminal Code*).

[38] As noted, it would be my view that consecutive sentences would be appropriate for the offences given, as noted, the different legally protected interests, Mr. Patterson's record, and the nature of the offences. Before considering totality, I would have imposed four years for the aggravated assault, six months for the obstruct justice consecutive, three months for the breach of the release order as consecutive sentences. However, considering the principle of totality and ensuring that the aggregate sentence is just and appropriate and not crushing, I will impose concurrent sentences.

[39] Mr. Patterson, I will sentence you to four years for the aggravated assault, six months for the obstruct justice will be concurrent, and three months for the breach of release order will also be concurrent. Pursuant to s. 719(3.3) of the *Criminal Code*, I will also allow Mr. Patterson credit for pre-trial custody. The term of imprisonment that I would have imposed before granting any credit is four years, or 1,460 days. By my calculation — and counsel, please correct me if I have missed anything — the time spent in custody up to and including March 20, 2026, is 170 days. Mr. Patterson will be granted credit at an enhanced rate of 1.5 days for each day spent in custody prior to the sentencing. On the basis of the loss of eligibility for early release, the total credit I am granting is 255 days. The sentence remaining is 1,205 days.

[DISCUSSIONS]

[40] Turning now to the ancillary orders.

[41] There will be a DNA order. Count 1 on Information 25-00542, aggravated assault is a primary designated offence; therefore, I authorize the taking of samples of bodily substances from you, Mr. Patterson.

[42] There is a mandatory s. 109 firearm prohibition, which will start today and continue until 10 years after your release from incarceration. That applies to any firearm other than a prohibited firearm or restricted firearm and any crossbow, restricted weapon, firearm part, ammunition, and explosive substance, and any prohibited firearm, restricted firearm, prohibited weapon, prohibited device, and prohibited ammunition for life. As indicated earlier, this is something that Mr. Patterson could apply for an exemption at a later date.

[43] Pursuant to 743.21, there will be an order prohibiting contact between the victim Terrance Buyck and Amy MacDonald and Mr. Patterson. The no-contact order will not apply to Suzanne Hume, who was a witness but is also Mr. Patterson's aunt. It appears to me that Mr. Patterson needs all the family support that is available to him.

[44] Pursuant to s. 726.3 of the *Criminal Code*, has the prosecutor canvassed whether the victim wishes to be advised of the sentence? If so, I am to include the victim's wishes in the record of proceedings.

[45] MR. KING: Your Honour, I am. In the lead-up to the Victim Impact Statement, I believe he did want to be advised, so, but.

[46] THE COURT: Okay. I will make note that the victim, Terrance Buyck, would like to receive information regarding the sentence and its administration.

[47] The victim surcharge, given the sentence that has been imposed on Mr. Patterson, will be waived.

[48] Pursuant to s. 743.2, I order that these reasons for sentence and the exhibits filed on sentencing be transmitted to the Correctional Services of Canada, including the Victim Impact Statement.

[49] The remaining charges?

[50] MR. KING: Withdrawn, please. And just for Madam Clerk, if I could have a moment, 542 Information, Count 2 to be withdrawn; 542A it is Count 2 again; and all of 803, both counts on 803; and then nothing else needs to be done on 853. He was just charged with one count, and — great, thank you.

[51] THE COURT: All of those charges are withdrawn.

CAIRNS T.C.J.