

Citation: *R. v. Sidney*, 2026 YKTC 13

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Docket: 25-00581  
25-00607  
25-00711CR  
25-00711B  
TC-26-0138  
Registry: Whitehorse

## IN THE TERRITORIAL COURT OF YUKON

Before Her Honour Judge Cairns

REX

v.

TYRELL MARK SIDNEY

Appearances:

Sabrina E. Cruz-Mendez  
Mark Chandler

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): Mr. Sidney is before the Court having entered guilty pleas to a number of offences on three different Informations. The offences occurred between August 7, 2025, and September 21, 2025, and Mr. Sidney has been in custody since September 21, 2025.

[2] In relation to Information 25-00581, an offence dated August 7, 2025, in relation to which the Crown proceeded summarily, Mr. Sidney has entered a guilty plea to

Count 2, which is an offence contrary to s. 320.18(1)(a) of the *Criminal Code* (the “Code”), namely, operating a conveyance while prohibited. There was an Agreed Statement of Facts filed, and subsequently confirmation that Mr. Sidney was prohibited from driving at the time.

[3] Mr. Sidney has also pleaded guilty to Count 3 on the same Information, an offence contrary to s. 320.17 of the *Code* that, while operating a motor vehicle and being pursued by a police officer, Mr. Sidney failed to stop as soon as reasonable in the circumstances.

[4] In relation to Information 25-00607, an offence dated August 19, 2025, in which the Crown proceeded summarily, Mr. Sidney has entered a plea of guilty to an offence contrary to s. 129(a) of the *Code*, namely, that he resisted a peace officer in execution of their duty by running away.

[5] In relation to Information 25-00711C, offences dated September 21, 2025, which were proceeded by way of indictment, Mr. Sidney has entered guilty pleas to the following counts:

- Count 2, an offence contrary to s. 320.17 of the *Code*, failing to stop a motor vehicle while being pursued by police;
- Count 3, contrary to s. 342(1) of the *Code*, theft of credit cards;
- Count 9, contrary to s. 344(1)(b) of the *Code*, theft while armed with an offensive weapon, namely, a machete;

- Count 10, contrary to s. 145(5) of the *Code*, failure to comply with a term of a release order that he not drive a motor vehicle; and
- Count 12, contrary to s. 320.15(1) of the *Code*, refusal to comply with a breath demand.

[6] I am encouraged by both counsel to view Mr. Sidney's guilty pleas as early guilty pleas. Crown and defence agree that Mr. Sidney has been focused on resolving these charges for some time, but a period of time has been required for counsel to negotiate this resolution. I am content to accept that this is an early guilty plea and that Mr. Sidney has been ready to resolve these for some time. I acknowledge that by entering a guilty plea, he has not only saved court time and resources, more importantly, he has spared the witnesses from having to testify.

[7] The facts in relation to these offences were put before me by way of an Agreed Statement of Facts, and I adopt those facts in addition to the driving prohibition that was filed. I will not read those out right now as that has already been done by the Crown, and there is a copy of the Agreed Statement of Facts on the file.

[8] In terms of the circumstances of the offence, while I do not minimize the seriousness of any of the offences, by far the most serious is the offence contrary to s. 344(1)(b) of the *Code*, where Mr. Sidney brandished a machete at an individual while stealing from that person. This is a very serious offence, and I find that the impact on the community of random and unprovoked violence is very significant, and I am mindful of that.

[9] There is no victim impact statement, despite efforts by the Crown to connect with the two victims of the offences, a Ms. Molloy and a Mr. Perry, but I do not hesitate in acknowledging that, in particular with Mr. Perry, the impact of the offence with the machete would have been significant, and have a significant emotional impact. Put plainly, it would have been terrifying.

[10] In terms of Mr. Sidney's background, I have the benefit of a *Gladue* report as well as the submissions of counsel. The *Gladue* report is of great significance, despite the fact that it is dated from 2020. I have had some updates on Mr. Sidney since that time, but the *Gladue* report provides very useful background.

[11] The *Gladue* report provides important information about the impact of colonization here in the Yukon, including the significant displacement and disconnection from their traditional homelands of Mr. Sidney's community over many years. In particular, there has been a disconnection from the Yukon River by being moved away from the site where they traditionally lived and supported themselves. I quote from the *Gladue* report, which itself quoted from the report of the Royal Commission on Aboriginal Peoples. This is a paragraph on page 7 of the *Gladue* report, which talks about the impact on Indigenous peoples:

Indigenous peoples were dispossessed of the lands that once supported them, ravaged by diseases made worse by crowding and lack of access to essentials, cut out of an economy that required them to accept all of these conditions in exchange for a pittance of the wealth extracted from their territories, disguised as "relief payments".

I find that the *Gladue* report connected the impact on the Kwanlin Dün First Nation to the type of experience noted in the Royal Commission.

[12] The *Gladue* report also provides me with significant personal background about Mr. Sidney, in addition to the community impacts that I read about. To put it simply, Mr. Sidney has had a very difficult and challenging upbringing. Members of his family, including his mother, and likely both his father and stepfather, were survivors of residential schools. There was alcohol and violence in his home life from a very young age. He experienced significant poverty as a child, including hunger. He was subjected to racism from other students at school. Mr. Sidney developed a hearing impairment as a young person that affected his ability to learn, and he was not adequately supported through the school system. He continues to struggle to read and write. He dropped out of school in grade 4, returning later briefly in high school. As a young person, Family and Children Services was involved and he was apprehended numerous times. These are all difficult challenges that Mr. Sidney was forced to deal with as a very young person, and certainly they affected him greatly.

[13] I note that there were also positives that stand out in the *Gladue* report. One thing that stood out for me was the relationship that he has with his older sister. He described her in the *Gladue* report as having supported him when he was young, and he, in turn, is noted to have supported her during difficult times, and this is very positive and suggests that he is a compassionate and generous person in relation to his sister. He also had a positive relationship with his stepfather. Clearly, there were difficulties, but he also provided information about how positive his stepfather was as role model and who taught him important skills.

[14] I note that Mr. Sidney has a number of skills in a variety of areas. He has mechanical skills; he can run heavy equipment; and he is a good woodcutter.

[15] The *Gladue* report also impressed me that Mr. Sidney has insight into what he needs to do to build a better life for himself. In 2020, he completed treatment.

[16] I also note, just stepping back, in the *Gladue* report it was clear Mr. Sidney was aware that he needed to be as open and honest as he could be during the *Gladue* report process, and the writer of the report acknowledged that he worked very hard to remain open and honest during the report and to address what he needed to do to make changes in his life.

[17] In 2020, Mr. Sidney completed a treatment program, which is very positive. In 2024, he again completed a treatment program, also positive. Mr. Sidney is not the first person who has to go through treatment more than once, and I think each time he does that, it will benefit him. He has also indicated through his counsel that he is interested in more programming to help himself. He has had the opportunity to do some programming while he was at Whitehorse Correctional Centre while also working in the kitchen, but he has made it clear to his counsel that, in his view, he needs to go to the penitentiary in order to benefit from the programming that is available to him there but not likely available to him here in the Yukon. What I take from this information is that Mr. Sidney is somebody who keeps trying, and he has a renewed determination to try again. As noted, he is interested in the programming that should be available to him at the penitentiary.

[18] In terms of the proposed disposition for Mr. Sidney, Crown and defence have advanced a joint submission for a period of incarceration which is to be reduced by credit for time Mr. Sidney has spent in custody. I am mindful that in relation to joint submissions, the decision of the Supreme Court of Canada in *R. v. Anthony-Cook*, 2016 SCC, at para. 32:

...a trial judge should not depart from a joint submission on sentence unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest. ...

[19] The Crown has filed a single case, *R. v. Cardinal*, 2020 YKTC 38. This case was primarily filed to demonstrate that the range of sentence proposed by counsel for the robbery charge is within the sentencing range.

[20] There are a number of mitigating and aggravating factors. It is mitigating that Mr. Sidney has put forward an early guilty plea and he has taken responsibility. When I asked if he had anything to say, it was clear that he is remorseful and is troubled by his behaviour. He has, as I have indicated, shown insight and an intention to rehabilitate himself, and there has been acknowledgement that alcohol was a factor.

[21] In terms of aggravating factors, the level of violence in the robbery charge is certainly aggravating. On two occasions, he pointed a machete at an individual when stealing from them. This level of violence causes a risk to the public and also to the police. Crown also noted that, over this spate of offences between August and September, there were a number of occasions where Mr. Sidney failed to comply with

police demands, and this also increased the level of risk of harm to either Mr. Sidney or the police involved.

[22] Mr. Sidney comes before me with a significant criminal record. I would describe it as lengthy and steady for many years. There are numerous property crimes and many failures to comply with court orders. However, it stands out, really, that there is very limited violence. There is one assault charge from 2013 and an uttering threats charge from prior to that. It appears to me that the violent offence that is before me today, and which is the most serious offence that Mr. Sidney is here for, is something that you could describe as out of character.

[23] Turning to the principles of sentencing, given the offences before me, one of the things that I must consider is the protection of society in relation to that offence. I must also consider the gravity of the offence and the degree of responsibility of Mr. Sidney. I find the gravity of the robbery fairly high and Mr. Sidney's responsibility also very high.

[24] I must be mindful of parity, that is, that similarly situated offenders be treated similarly, and I turn to the *Cardinal* decision for the range of sentence imposed for this kind of offence. I am confident that in this particular case, restraint or an alternative to incarceration is not appropriate. I agree with counsel that my disposition must include incarceration. Given the number of offences, I am also mindful of the principle of totality, that when imposing a sentence for each offence, I must consider the overall impact on Mr. Sidney of the length of the sentence.

[25] I denounce the violence, and I do find it necessary to deter Mr. Sidney specifically and that he must be separated from the public; however, it is important to

me to acknowledge that Mr. Sidney remains focused on rehabilitation. As set out in the *Gladue* report — he has dedicated himself to treatment on a number of occasions, and he has indicated that he wants to do more. It goes without saying that it is better for society, and of course for Mr. Sidney himself, if he obtains the support and treatment he needs and returns to society after his incarceration as a healthy and contributing person.

[26] I accept the joint submission and find it appropriate in all the circumstances for Mr. Sidney. I will be careful as I read this out. The total sentence I would have imposed today is 33 months. It would be linked to the offences as follows:

1. Information 25-00581, on Count 2 and Count 3, offences contrary to ss. 320.18 and 320.17 of the *Code*, there will be six months' custody concurrent.
2. Information 25-00607, on Count 1, the offence contrary to s. 129(a) of the *Code*, three months consecutive to the prior Information.
3. Turning to Information 25-00711C:
  - a) I will start with Count 9. That is the s. 344(1)(b) offence. There will be a two-year sentence, and that is consecutive to the prior two Informations;
  - b) As well, on Count 2, the offence contrary to s. 320.17 of the *Code*, six months concurrent to Count 9;

- c) On Count 3, the offence contrary to s. 342.1 of the *Code*, three months concurrent to Count 9;
- d) On Count 10, the offence contrary to s. 145(5) of the *Code*, one month concurrent to Count 9.
- e) On Count 12, the offence contrary to s. 320.15 of the *Code*, two months concurrent to Count 9.

That amounts to a total of 33 months.

[27] Mr. Sidney, as I have indicated, has spent time in custody. Between August 19, 2025 and August 27, 2025, he spent nine days in custody. Since September 21, 2025, to March 9, 2026, he has spent 170 days in custody. Mr. Sidney's total time in custody has been 179 days. He will be granted credit of one and one-half days for each day spent in custody prior to this sentencing. That amounts to a total credit of 269 days or, as defence counsel indicated, 8.95 months.

[DISCUSSION]

[28] Taking the credit for the time in custody from the sentence imposed, the time remaining is 24.05 months, but I will calculate that as 24 months plus one day.

[29] There will also be ancillary orders.

[30] There will be a DNA order pursuant to s. 487.051 of the *Code*. Count 9 on Information 25-00711C is a primary designated offence. I authorize the taking of bodily samples from you. As you will be in custody for longer than 14 days, the samples will

be taken from you while you are in custody, and you must submit to the taking of those samples.

[31] There is also a mandatory weapons prohibition pursuant to s. 109 of the *Code*. This is also linked to Count 9 on the same Information, 25-00711C. A mandatory order is triggered. Pursuant to s. 109, you are prohibited from possessing any firearm other than a prohibited firearm or a restricted firearm and any crossbow or restricted weapon, ammunition, and explosive substance for a period of 10 years which begins today and remains in effect for 10 years following your release from custody.

[32] I will waive the victim surcharge as Mr. Sidney is heading into custody.

[33] Pursuant to s. 743.2 of the *Code*, I order that these reasons for sentence and conviction and any exhibits filed on sentencing be transmitted to the Correctional Services of Canada.

[34] The remaining counts?

[35] MS. CRUZ-MENDEZ: Withdrawn, Your Honour

[36] THE COURT: Withdrawn.

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CAIRNS T.C.J.