Citation: *R. v. Taylor,* 2026 YKTC 18

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Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before Her Honour Judge K.L. McLeod

REX

v.

TYLER GEORGE TAYLOR

Appearances:
Kathryn Laurie and
William McDiarmid — Counsel for the Crown
Vincent Larochelle — 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): This is a sentencing decision in the matter of Tyler George Taylor. He pleaded guilty to five criminal offences on one Information and on another Information prosecuted separately, an offence of assault causing bodily harm ("ABH"). I will refer to the first Information as the drug charges and the second as the Whitehorse Correctional Centre ("WCC") charge.

[2] On the drug charges, Mr. Taylor was originally facing 25 counts encompassing three distinct sets of offences. As a result of an agreement between counsel, the five counts on which Mr. Taylor was eventually arraigned were amended to include the most serious charges in each of the three occurrences.

[3] Guilty pleas were entered on the following:

> Count 1: Between the 20th of April 2023 and 24th of August 2023, at Dawson City, he breached a condition of a release, namely an order that he not communicate directly or indirectly with Taylor Duke contrary to Section 145(5)(a) of the *Criminal Code.*
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> Count 10: On or about the 2nd of June 2023, at Dawson City he did conspire to commit the indictable offence of assault to wit: shoot Zander Firth with a firearm contrary to Section 267(a) of the *Criminal Code* contrary to Section 465(1)(c) of the *Criminal Code.*
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> Count 17: On or about the 1st day of June, 2022 at Whitehorse, and the 6th day of March 2024, at Dawson City, he did possess a loaded prohibited firearm to wit a Beretta model 92FS with a suppressor, a Glock model 42, a 9mm calibre Glock model 48 semi automatic pistol and a 9mm calibre Beretta model 92FS semi automatic pistol without being the holder of a licence under which he may possess it, contrary to Section 95(1) of the *Criminal Code.*

Count 23: On or about the 1st day of June 2022, at Whitehorse, and the 6th day of March, 2024, did have in his possession proceeds knowingly obtained by the commission in Canada of an offence punishable by indictment in an amount exceeding five thousand dollars contrary to Section 355(a) of the *Criminal Code.*

Count 25: On or about the 1st day of June, 2022, at Whitehorse, and the 6th day of March, 2024, at Dawson City, did possess a substance included in Schedule 1 to wit: cocaine, for the purpose of trafficking, contrary to Section 5(2) of the *Controlled Drugs and Substances Act.*

[4] A lengthy Agreed Statement of Facts signed by Mr. Taylor and Crown Counsel, Ms. Laurie, was read into the record and made Exhibit 1. Given its length, I do not intend to replicate it in this judgment. I will merely summarize the facts allowing me to make the findings that are necessary; they are:

[5] The RCMP had, through various methods, confirmed that Mr. Taylor was the head of a drug trafficking organization in the territory known as “Money and Mayhem”. After surveillance of Mr. Taylor over many months, he was arrested on June 1, 2022. A search of the residence in which he was located revealed a duffle bag containing documents and cheques in his name. Within the bag also were the following:

- 317.55 grams of cocaine;
- 210.4 grams of crack cocaine;

- 168.3 grams of fentanyl;
- Drug trafficking paraphernalia;
- $131,660 in Canadian currency; and
- Two loaded firearms, a Beretta and a Glock, together with a silencer, and one bag and box of ammunition.

[6] Mr. Taylor was released on bail with conditions on December 12, 2022. He was ordered to live at a named address in Dawson under house arrest with an ankle monitor, with an allowance that he be allowed out for personal necessities and that three times a week, at an appointed time, he could go to a shed on his sister's property to work out. He was not to associate with Taylor Duke.

[7] During 2023, through intercepts, the RCMP were able to confirm a number of communications between Mr. Taylor and Mr. Duke, all of which were in breach of one of the conditions of his release.

[8] In one of those communications, Mr. Taylor instructed to Mr. Duke to shoot a Mr. Firth as punishment for getting one of their vehicles impounded and also for not following orders to shoot or stab a named rival drug dealer. Mr. Duke complied with the order and sent a video to Mr. Taylor of Mr. Firth bleeding from a gunshot wound.

[9] Additional conversations between the two involved plans for multi-kilo cocaine and multi-ounce fentanyl shipments, the purchase of firearms and how to deal with the monies being made.

[10] In March 2024, two search warrants were executed at the home of Mr. Taylor and his mother, and secondly at the home of his sister. Found in the home of Mr. Taylor and in two storage sheds on his sister's property was the following:

1. $522,260 in cash;

2. In a gym bag and safe, in the home that Mr. Taylor shared with his mother, were two prohibited loaded handguns, a Beretta and a Glock, a suppressor and a restricted weapon;

3. Also found in the same residence, in the bag located on the floor of the living room were a total of 7.46 kilos of cocaine, some of which tested in the higher 74% to 88% purity range, plus 237 grams of crack cocaine and phenacetin described as a buffing agent; and

4. There were also numerous cell phones and laptops, a bill counter, and a radio scanner and other paraphernalia.

[11] For all of these charges, the Crown having amended the information to reflect all of the occurrences as one continuing transaction seeks the following sentence:

1. For the drug charges: 10 years;

2. For the guns: three years consecutive;

3. For the breach of release order: three months concurrent to the drugs;

4. For the conspiracy to assault: 18 months concurrent; and

5. For the possession of proceeds: one year concurrent.

[12] A total of 13 years plus a DNA order, s. 109 and a weapons prohibition for 10 years and for life.

[13] Crown also seeks forfeiture of all funds and guns, drugs, and paraphernalia.

[14] On the WCC information Mr. Taylor was originally charged with aggravated assault but pleaded guilty to ABH, on consent of the Crown.

[15] The facts on that matter took place while Mr. Taylor was an inmate at WCC on July 11, 2025, and a video of what occurred was entered as an exhibit and played in court. From that, I observed Mr. Taylor sitting at a table in what could best be described as the common area of this part of WCC. He was obviously socialising with others at the table.

[16] An inmate, Mr. Stuart Paton, is seen entering the unit carrying what appears to be clothing etc. and is walked to a cell by an officer who then leaves. The door is left open. Through what appears to be unspoken coordination, Mr. Taylor, after going to close the door of his cell, goes into Mr. Paton's cell with another, the door is closed by an inmate who then stands guard, another inmate goes to an officer in what appears to be a distracting move. Within a minute or so, a Correctional Officer ("CO") tries to get into Mr. Paton's cell, but Mr. Taylor's accomplice blocks entry from inside. The CO witnesses, through a window, Mr. Taylor punching Mr. Paton who is clearly injured but able to be walked out of the area and is taken to Whitehorse General Hospital and then

to Vancouver General Hospital. Mr. Paton is no longer in the territory and cannot be found. There is no evidence before me of long lasting or permanent injury.

[17] For this offence the Crown, Ms. Ehrmantraut, who has elected to proceed by indictment, seeks a sentence of two years less one day plus a s. 109 order. Obviously, although not specifically requested, the offence of ABH is a primary designated offence for DNA purposes.

[18] Thus, the Crown as a whole is seeking a 15-year sentence for all of Mr. Taylor's wrongdoing.

[19] On all of the offences, Mr. Taylor, though counsel Mr. Larochelle, submits the following would be an appropriate sentence:

- On the drug charges: seven years;
- On the guns: two years consecutive;
- On the conspiracy: 18 months concurrent;
- On the breach: three months concurrent;
- On the possession of proceeds: three months concurrent;
- And on the ABH: four to six months consecutive; and
- A total of nine years and six months.

[20] Through communication by email after sentencing submissions, I was informed that both counsel agree that at the date of this judgment, Mr. Taylor would have served (with statutory credit at 1.5:1) the equivalent of 1,232 days which Google tells me is three years, four months and 15 days.

[21] Before turning to the issues that have been raised in this sentencing, I will turn to the background of Mr. Taylor.

[22] Mr. Taylor's date of birth is August 22, 1991. He is now 34 years old. He is of First Nation's heritage belonging to the Tr'ondëk Hwëch'in Nation.

[23] He comes to this sentencing with a criminal record commencing as a youth in 2009. He has nine discrete entries on his record encompassing numerous offences from ABH, assault, to break and enter. The longest sentence, heretofore, he has received is four months total.

[24] I have received a *Gladue* Report compiled on Mr. Taylor's background. That report informs me that his mother and father, who separated when Mr. Taylor was 10, or 11, still live in Dawson City. There are three siblings, two brothers and one sister. The sister Amanda (on whose property some of the offending property was located) now resides in Vancouver and is the primary caregiver of Mr. Taylor's three-year-old daughter, Laysha. Laysha's mother is not in her life. Mr. Taylor is described by his sister as follows, "Tyler is a good father to Laysha. He is a good Dad. He is gentle quiet and easy going. He calls her – from WCC every day." Amanda also describes her brother as a now sober alcoholic, who has worked in the mines. She describes herself as his number one support.

[25] Like so many First Nations families, Mr. Taylor is not immune to the multi-generational effects of the residential school system and of other institutional wrongs. His background, like so many, is replete with multiple instances of loss, alcohol abuse, family suicide, and sadness. Thus, in recognition of the specific sentencing principle averting to the circumstances of "Aboriginal offenders" (s. 718.2(e) of the *Criminal Code*), I find Mr. Taylor, not from his own making, bears the scars of that background and is a prime example of the effects of the tragedy endured by our First People.

[26] Of his own passage, Mr. Taylor describes how he started to steal from stores when he was 7 years old and describes first being arrested when he was 13 years old.

[27] He told the writer of his report:

> ...I'm going into my 40's, I don't want to keep being in jail. I don't want to do this with my daughter. I want to find peace within myself and change my thought process so I can stay on the right track. I don't want my daughter, future kids or grandkids to be future criminals. I would prefer them to see me as a kind person – that their dad is a kind, healthy dad – into sports, business and not work far away from my daughter. I want to be close to her, to teach her.

[28] Mr. Taylor also said he realizes he needs to make changes. He has begun working on himself while being at WCC. He is quoted as saying: "I need to heal. For healing, (I) will need getting back on the land. I definitely want to do First Nations programs. I would like to get into counselling and be in programs that has Elders."

[29] Mr. Taylor is following through with his stated goals of learning and listening while at WCC. He also knows he needs and wants to complete his Grade 11 and 12 English

and pursue a degree in Indigenous Governance. I encourage you, Mr. Taylor, to review the *Gladue* Report and follow the recommendations of the writer as to the programmes in which you could, and frankly should, engage. I also would note, that as of today, Mr. Taylor took the opportunity to speak as is his right. Everything that was in the *Gladue* Report, as to what he said to the *Gladue* writer, was repeated here today but has much more impact because of hearing it in the first person. He clearly is becoming a thoughtful and reflective person, and I hope he maintains that.

[30] However, frankly, the repetitive and seriousness of his wrongdoing as recently as July of last year leads to a conclusion that he has a long way to journey. It will take a lot of work and a huge alteration of mindset, but one of which I do think you are capable.

[31] I will now turn to the principles and objectives of sentence which govern me.

[32] Sentencing obviously is within the discretion of the trial judge with the overall objective to impose a just and appropriate sentence that balances and reflects the gravity of the offence and the degree of responsibility of the offender. This is known as the principle of proportionality to which I will turn shortly.

[33] The purpose of sentencing must also fulfill a number of objectives: to serve as both general (to the public) deterrence for the commission of such an offence, specific deterrence to deter this offender, to denounce his actions, to rehabilitate, to provide reparations for the harm done to the victims and the community, to promote a sense of responsibility in the offender, and an acknowledgment of the harm done to the victims or the community.

[34] Clearly, general deterrence and denunciation become the priority objectives in cases which involve the crimes of which Mr. Taylor has been convicted. The key to sentencing must be proportionality. It stands alone in its designation as the "Fundamental Principle of Sentencing" (s. 718.2 *Criminal Code*). Any sentence imposed must be proportionate to the gravity of the offence and the degree of responsibility of the offender. Thus, in determining the appropriate sentence, I must balance the aggravating and mitigating circumstances of this offence and of this offender. In doing so I must consider that in this case, this defendant should not be deprived of liberty if less restrictive sanctions may be appropriate in the circumstances, and that all available sanctions that are reasonable in the circumstances, and consistent with the harm done, have been considered for Mr. Taylor, particularly because of his Indigenous roots.

[35] Furthermore, there are two other relevant considerations:

1. What is described as parity: that is the general principle that like sentences should be imposed for like offences; and

2. Where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh.

[36] All counsel have focused their submissions on a consideration of the aggravating and mitigating circumstances that should govern my decision, about which there is some dispute which I must resolve. I will deal with these issues in my discussion of the two factors that lead to my obligation to impose a proportionate sentence.

I. Aggravating Factors

i. The Nature of the Offences

[37] Drug offences have caused untold damage to individuals, and to communities. I refer to the Supreme Court of Canada in *R. v. Parranto,* 2021 SCC 46, at paras. 87 to 90:

> 87 The dangers posed by trafficking in hard drugs, such as heroin and cocaine, have long been recognized in Canada. Over the past few decades, however, society's awareness of the true gravity of trafficking in such drugs has grown to the point that we are reminded, on a daily basis, of the death, destruction, and havoc it causes in communities across Canada.
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> 88 Trafficking in such substances causes both direct and indirect harms to society. Directly, the distribution and abuse of hard drugs leads to addiction, debilitating adverse health effects, and, all too frequently, death by overdose. As Lamer J. (as he then was) astutely observed, where addiction and death occur — as they so often do — those who oversee the distribution of these drugs are personally "responsible for the gradual but inexorable degeneration of many of their fellow human beings" (*R. v. Smith*, [1987] 1 S.C.R. 1045, at p. 1053).
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> 89 Trafficking also leads indirectly to a host of other ills, including an increase in all manner of crime, committed by those seeking to finance their addiction, as well as by organized crime syndicates (*Pushpanathan v. Canada (Minister of Citizenship and Immigration)*, [1998] 1 S.C.R. 982, at paras. 85-87, per Cory J., dissenting, but not on this point; *R. v. Kang-Brown*, 2008 SCC 18, [2008] 1 S.C.R. 456, at para. 184, per Deschamps J., dissenting, but not on this point). Given that much of this criminal activity is violent, trafficking has come to be understood as an offence of violence, even beyond the ruinous consequences it has for those who abuse drugs and in the process, destroy themselves and others. Indeed, as Doherty J.A. has explained, violence is such a predictable consequence of the illicit drug trade that it cannot be dissociated from it:
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> > Cocaine sale and use is closely and strongly associated with violent crime. Cocaine importation begets a multiplicity of violent acts. Viewed in isolation from the conduct which inevitably follows the importation of cocaine, the act itself is

> not a violent one in the strict sense. It cannot, however, be disassociated from its inevitable consequences. [Emphasis added.]
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> (*R. v. Hamilton* (2004), 72 O.R. (3d) 1 (C.A), at para. 104)

See also, *R. v. Pearson*, [1992] 3 S.C.R. 665, at pp. 694-95, where the Court relied on the Groupe de travail sur la lutte contre la drogue (1990), *Rapport du groupe de travail sur la lutte contre la drogue*, at pp.18-19, which noted that it is a mistake to view drug trafficking under the control of organized crime as less serious than more openly violent crimes.

90 A further and perhaps even more devastating consequence of the hard drug trade is its impact on families and the intergenerational trauma it causes:

> Trafficking in drugs, and in particular hard drugs such as cocaine, is a crime whose victims can be found far beyond the individuals who become addicted to the drugs. Families can be torn apart by either the loss of the individual to the addiction itself or to the violence that all too often accompanies the drug trade... .
>
> Children suffer immense harm from the effects of addiction in their home, whether this addiction be from pre-natal impact or from physical and/or emotional violence in the homes that they should be safe in. The future of these children and their families is damaged and all of society pays the price.
>
> The (*R. v. Profeit*, 2009 YKTC 39, at paras. 25-26 (CanLII))

[38] Clearly, fentanyl, of which you were found guilty of possessing, is at the top end of the scale of harmful drugs, more so than heroin or cocaine. Both fentanyl and cocaine are known as highly addictive drugs and destructive drugs.

[39] There was much debate during this hearing as to the evidence of purity or lack thereof of any of the drugs. It appears that more recent decisions have confirmed that

the purity of fentanyl is not a significant factor. The Court stated in *R. v. Felix*, 2019 ABCA 458 at para. 47:

> Similarly, sentences will not depend finely on the purity or potency of a particular drug. This is particularly so with drugs like fentanyl which are highly toxic even in very small doses. ...

[40] Similarly, with cocaine, as stated in *R. v. Potts,* 2018 ONCA 294, at para. 79:

> ...The level of purity does not diminish the gravity of the offence, the moral blameworthiness of those who committed it, or the destruction it could have created on distribution.

[41] Simply put, the more dangerous the drugs, the more serious the crime (*Felix* at para. 47).

[42] The combination of drugs and guns appear to be essential tools of the trade. Indeed, after the seizure of a Beretta and Glock with silencer in June 2022, at some point after his release at the end of 2022 and his eventual arrest on March 4, 2024, Mr. Taylor had replenished his proximity to guns with another Beretta, Glock and a .221 restricted weapon. The combination of drugs and guns are a lethal combination and are considered to be an indication of "truly criminal conduct" (see *R. v Nur,* 2015 SCC 15, at para. 82).

[43] Mr. Taylor was on strict house arrest terms from December 2022 to March of 2024. The charges on which he was on bail were serious, and his terms of release clearly anticipated that he was involved with Mr. Duke, and this was a criminal combination. I am not sure there is much more serious a breach than the one

Mr. Taylor was breaching by his communications with Mr. Duke, ordering that a man be shot, and further discussing the high-level intricacies of the drug trade.

[44] The nature and far-ranging effects of Mr. Taylor's crimes are exactly those about which the Supreme Court spoke. Indeed, the very name of Mr. Taylor's organization: "Money and Mayhem" describes the goal and effects of this fundamental criminality.

ii. The level of Mr. Taylor's Involvement

[45] I am asked to determine how far up the hierarchy of this drug business Mr. Taylor must be placed. This question has been framed as a decision on whether he was operating at the upper echelon of the wholesale level or the lower level of the commercial level. Obviously the higher up the chain of distribution, the more serious the crime and the greater his level of responsibility. The Crown argues he was at the wholesale level. Mr. Larochelle argues it is at the at the top end of the mid level or low end of the high level. For assistance, I will refer again to *Felix*. This was a sentencing of a fentanyl trafficker. In that decision, the Alberta Court of Appeal considered it appropriate to establish a starting point of a sentencing range for both trafficking and possession for the purposes of the trafficking of fentanyl and increased the sentence from that imposed at trial; seven years to 10 years. In that decision, the Court described the toxic nature of the drug including, as a result of expert evidence, at para. 15, "For an inexperienced user taking fentanyl in pill form, a lethal dose is likely to be under one milligram."

[46] The Alberta Court of Appeal recognized the distinction between a wholesale trafficker of drugs and a commercial trafficker and suggested the following factors would

assist in the decision as to the appropriate designation; an examination of the nature of the drugs, the scale of the operation and the way the objectives of the operation are conducted (*Felix* at paras. 51 to 56). Cocaine operations at or above the multi-ounce level are likely to be considered wholesale.

[47] Mr. Taylor was found in possession of a total of 7.36 kilos of cocaine, 447 grams of crack, 168.3 grams of fentanyl, four guns and more than $650,000 in cash. While the facts before me are silent as to the number of doses each of these drugs would divide into for consumption, I would note that in, what is styled as *R. v. Parranto*, 2021 SCC 46, but, in fact, was two appeals, one from Mr. Parranto and one from the aforementioned Mr. Felix's case, became the first time the Supreme Court of Canada had opined on fentanyl sentencing ranges.

[48] The facts before the Supreme Court of Canada were that Mr. Parranto's possession of 485 grams of fentanyl powder was approximately 500,000 individual doses from which a calculation would mean that 0.00097 of a gram is one dose. Even with Mr. Taylor having a much lesser amount, it is a large amount of fentanyl. Needless to say, the cocaine and crack possession, and the cash found, lead to the inescapable conclusion that this was a large operation and coupled with Mr. Taylor's efforts to cement his primacy over others in the drug trade, as evidenced by the charge of conspiracy to assault and punishing those who he perceived had failed him, I find that the Crown has proven beyond a reasonable doubt that this was a wholesale drug operation.

iii. The Community in which the Crimes were Committed

[49] Another aspect of considering the seriousness of the offence, is community in which the offence was committed.

[50] The Supreme Court of Canada, in *Parranto*, at para. 59, agreed that in *Felix*, the Alberta Court of Appeal was entitled to take into account "... the needs and current conditions of and in the community".

[51] Ms. Laurie argued that the Yukon, with a small population, with many small, isolated communities, and with a vulnerable population and stretched medical facilities, this should be considered as an aggravating factor. In *Parranto*, at paras. 70 and 71, the Supreme Court of Canada stated:

> 70 While not raised by the parties or the court below, this appeal provides an opportunity to emphasize that, when assessing the gravity of the offence, it is open to both the sentencing judge and the Court of Appeal to take into account the offender's willingness to exploit at-risk populations and communities. In this regard, choices which demonstrate a reckless disregard for human life increase not only the gravity of the offence but the moral culpability of the offender and may amount to an aggravating factor in sentencing.
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> 71 While all people and places merit protection, sentencing judges may, as they consider appropriate, give special consideration to the disproportionate harm caused to particularly vulnerable groups and/or vulnerable and remote locations, where escaping traffickers is more difficult and resources for combating addiction are more sparse. Here, for example, Mr. Felix was trafficking fentanyl destined for resale in the remote communities comprising the territory of Nunavut. ...

[52] Mr. Taylor was first arrested in Whitehorse and found with the fentanyl and other drugs, and the second arrest took place in Dawson City, both of these are, in global

terms, small communities, one larger than the other, but both share a very vulnerable population and obviously limited and stretched resources as a result.

[53] I will now turn to the ABH at WCC. Clearly, Mr. Taylor had a great deal of enmity against Mr. Paton. Undeterred by the close proximity of correctional officers, and within minutes of this victim arriving in the range, Mr. Taylor had engineered his cohorts to distract and stand on guard so that he could have the opportunity to assault Mr. Paton. I do not know if Mr. Taylor was aware of the fact that surveillance cameras are installed at WCC, I would be surprised if he was ignorant of that fact. I also do not know if Mr. Taylor knew that a week before he attacked Mr. Paton, this victim had been victimized by a bad assault. Having said that, clearly Mr. Taylor wanted to exhibit primacy and possibly revenge over Mr. Paton, and he did so by beating him, almost in plain sight. Mr. Paton did not provide a victim impact statement; however, I can infer that since he has left the territory, one of the reasons may be not wanting a repeat of his interaction with Mr. Taylor.

[54] Having reviewed all of these considerations, the only conclusion that can be drawn is that the seriousness of the drug and gun offences falls at the very high end of any scale. The potential for the unleashing of this very large amount of drugs into the community would have brought untold harm to the structure of communities, to illness, addiction, and damage.

[55] With respect to the ABH, this was an incident of bullying with injuries amounting to bodily harm, while paling in comparison to the seriousness of the drug charges, it no

doubt was a frightening episode for Mr. Paton. Assaults within an institution are treated seriously and this episode is no different.

iv. Moral Responsibility of the Offender

[56] I will now turn to the issue of the second prong of proportionality that of the moral responsibility of the offender.

[57] Mr. Taylor's culpability of these offences is significantly aggravating. His brazenness is a true testament to the fact that he was of the belief that he, at the time, essentially was untouchable. His home is Dawson City; he was on an ankle monitor. It is a small community and there is no doubt in such a small community the fact of his house arrest with conditions was likely well known. Notwithstanding that, he had managed to accumulate enormous quantities of drugs, guns, and money. Furthermore, he had received an exception to his house arrest; that he be allowed to go to one of the sheds on his sister's property three times a week "to work out". That means to exercise. It was indeed noticeable that it was in two of the sheds on the property, a large amount of the money was located.

[58] Mr. Taylor was clearly the boss in the "Money and Mayhem" organization. He continued to not only have possession of drugs, but he was seen on surveillance while in Whitehorse, before his first arrest, conducting drug transactions. He ordered Mr. Duke to take retributive steps against Mr. Firth.

[59] Having lost two guns as a result of his Whitehorse arrest, Mr. Taylor managed to either replace the guns or reacquire his possession of the same type of guns.

Furthermore, in Whitehorse, he is reported to have had a silencer with his weapons, in Dawson City; a suppressor. I am not aware that there is any difference in their effect; namely to cover up or reduce the sound of a discharge.

[60] As a result of the seriousness of the ABH, for which Mr. Taylor was not only the architect but the main aggressor, Mr. Paton was not only taken to Whitehorse hospital but then taken down to Vancouver for treatment.

II. Mitigating Factors

[61] Mr. Taylor has pleaded guilty to these offences. Any trial of these drug charges would have been very complex. There were a series of intercepts, production orders, search warrants, and surveillance operations that, if trials had taken place, would have taken weeks, if not months. Indeed, Mr. Taylor's election was the Territorial Court, but given the charges he could have taken the opportunity of having a preliminary hearing and then, if so ordered, a trial. Of additional complication is that Mr. Taylor's second set of offences took place in Dawson City. There is not a resident court in that city, but it is his right to have the court party travel to that city to have a trial. The time and collateral expense would have been borne by public money. The saving of that money hopefully allows those savings to be passed on in other ways for the public. It is a significant mitigating factor.

[62] I am also mindful of the fact that Mr. Taylor is fully aware that he is not going home anytime soon. Both counsel rightly submit that years in the penitentiary must be imposed. He will be away from any semblance of his community for a long time. This is a major step and is a major separation.

[63] Mr. Taylor is Indigenous. He cooperated with the preparation of a *Gladue* Report which no doubt brought back some difficult memories. As I told Mr. Taylor, I am obligated to consider the systemic and factors relating to his Indigenous background that clearly shed light on his level of moral blameworthiness. While his background is not the only reason that he committed these serious crimes, but clearly his background as detailed in the *Gladue* Report is partially responsible. As the Supreme Court stated in *R. v. Ipeelee*, 2012 SCC 13, at paras. 77 and 83:

> 77 ...The overwhelming message emanating from the various reports and commissions on Aboriginal peoples' involvement in the criminal justice system is that current levels of criminality are intimately tied to the legacy of colonialism (see, e.g., RCAP, at p. 309). As Professor Carter puts it, "poverty and other incidents of social marginalization may not be unique, but how people get there is. No one's history in this country compares to Aboriginal people's" (M. Carter, "Of Fairness and Faulkner" (2002), 65 *Sask. L. Rev.* 63, at p. 71). ...
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> ...
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> 83 As the Ontario Court of Appeal goes on to note in *Collins*, it would be extremely difficult for an Aboriginal offender to ever establish a direct causal link between his circumstances and his offending. The Aboriginal Justice Inquiry of Manitoba describes the issue, at p. 86:
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> > Cultural oppression, social inequality, the loss of self-government and systemic discrimination, which are the legacy of the Canadian government's treatment of Aboriginal people, are intertwined and interdependent factors, and in very few cases is it possible to draw a simple and direct correlation between any one of them and the events which lead an individual Aboriginal person to commit a crime or to become incarcerated.

[64] Let me be clear, being of Indigenous heritage is not a "get out of free" card for Mr. Taylor, nor is it anything less than real mitigation. The intergenerational trauma continues through Mr. Taylor's generation and as I have previously stated, my view is that he is far from immune from its effects. I, therefore, consider these factors as

important considerations in an assessment of his moral responsibility and, therefore, as a mitigating factor.

[65] Mr. Taylor has support from his sister who is looking after his daughter and I am convinced, especially after today, and hearing from Mr. Taylor, that he deeply desires to be a major beneficial part of his daughter's life. This can act as a great driver of the will to undertake those difficult rehabilitative steps.

[66] I know this because Mr. Taylor, not only to the *Gladue* reporter but repeated here today, speaks of a future and if he truly is provided with the tools and utilizes them for his betterment, he has a chance of following through with his dream of becoming a real father to whom his daughter can look up to. He has taken tentative steps while in custody of doing a number of the courses available to him. I note that he has attended 31 individual support sessions with First Nation Liaison officers and attended six out of the 10 one-on-one counselling sessions with the Forensic Complex Care Team. Counselling can be a traumatic occasion in that it revisits old wounds; however, it is necessary to recovery. I would encourage Mr. Taylor to keep going.

III. Parity

[67] I will now turn to the issue of parity, to state the obvious: each case is dependent on its own facts. However, the facts of *Parranto* are relevant. At the trial level, Mr. Parranto received a sentence of 11 years, the Alberta Court of Appeal imposed, and the Supreme Court of Canada upheld a 14-year sentence, as stated in *Parranto*, at paras. 74 to 76:

> 74 Mr. Parranto entered guilty pleas on two counts of possession of fentanyl for the purposes of trafficking in a wholesale commercial operation (*CDSA*, s. 5(2)); two counts of illegal possession of a loaded handgun for use in the trafficking operation (*Criminal Code*, s. 95); one count of possession of a handgun, knowing he was prohibited by court order (*Criminal Code*, s. 117.01(1)); and breach of a recognizance (*Criminal Code*, s. 145(3)). These charges arose from events that occurred on two separate dates: March 24, 2016, and October 22, 2016. What follows is a summary of the relevant facts derived from an Agreed Statement of Facts.
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> 75 At the time of his March arrest, Mr. Parranto was under a lifetime firearm prohibition and was bound by a recognizance order prohibiting him from possessing controlled substances and firearms. In March police recovered 27.8 g of fentanyl powder with an approximate street value of $5,560 and $55,575 in cash. In October police recovered 485.12 g of fentanyl powder (capable of producing 500,000 individual doses) with an approximate street value of $97,064, along with $20,690 in cash.
>
> 76 The sentencing judge reviewed all the information before him and calculated a notional global sentence of 20 years, with sentences of seven and eight years allocated to the two fentanyl trafficking counts respectively. The judge reduced the sentence by one-third for Mr. Parranto's guilty plea and by a further 1.2 years for "other mitigating circumstances" (sentencing reasons (*Parranto*), at para. 93 (CanLII)). He then reduced it by one year based on the totality principle. The resulting period of incarceration was 11 years less time served. The Crown appealed. The Court of Appeal concluded that the sentencing judge made several errors in principle and that the sentence was demonstrably unfit. As a result, it substituted a global sentence of 14 years' incarceration, less time served.

[68] Mr. Parranto had a lengthy and related criminal record and following his release from detention in July 2016 for the March offences, he was able to, and did, re-establish his presence as a wholesale trafficker in approximately 12 weeks. Mr. Parranto was also Métis and the Supreme Court of Canada concluded that his background was likely to have played a part in his criminality, because of his roots.

[69] However, the Court stated at para. 80:

> ...Against this must be weighed the reality that Mr. Parranto committed the second set of offences less than three months after being released on bail for the first set of offences. This suggests that restorative justice principles such as rehabilitation are less salient in this case compared to other objectives including protection of the public.

[70] I now turn closer to home. *R. v. Duke* 2025 YKTC 48, is a case in which Mr. Taylor's co-conspirator, Mr. Duke, pleaded guilty to a number of charges. The Agreed Statement of Facts 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 in cash; and
- A 2018 Honda ATV stolen from Air North in 2019.

[71] 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 Mr. 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.

[72] In addition to those charges, Mr. Duke admitted to conspiracy to commit arson on a house in which there were two victims and pets. The fire caused significant damage. In addition, Mr. Duke admits while he was an inmate at WCC, he microwaved a cup of jam and butter and approached another inmate, Mr. Callahan-Smith, and threw the molten liquid in his face. The victim suffered from first and second degree burns to 50% of his face.

[73] Mr. Duke was 23 at the time of his sentencing, he is Indigenous, there was not a *Gladue* Report, but Judge Cairns concluded that he had suffered trauma and had turned to drugs and alcohol. He had tried rehabilitation but like many addicts had relapsed.

[74] Judge Cairns accepted a global joint submission of 11 years, given his youth, *Gladue* factors, his minimal criminal record and his steps towards rehabilitation.

[75] I would note the following; that Mr. Duke took advantage of bringing pretrial *Charter* Applications challenging the warrants in which, while successful in part, the

evidence was not excluded, and Mr. Duke subsequently entered his pleas. Mr. Taylor did not challenge any of the facts and that alone is worthy of a significant attribution of remorse.

[76] Mr. Taylor is not a youthful first offender which Mr. Duke apparently was at the time of the commission of the offences for which Judge Cairns imposed sentence.

[77] Mr. Taylor's drug possession was far larger than that of Mr. Duke, his role was clearly the manager of Mr. Duke, and clearly Mr. Taylor was the beneficiary of a huge amount of monies.

[78] Mr. Duke received a sentence of six months consecutive on the charge of ABH to a fellow inmate in which he no doubt caused significant damage, much in excess to that perpetrated by Mr. Taylor on Mr. Paton.

[79] Finally, I will turn to the issue of totality. Clearly, my role is to impose a sentence that is not unduly long or harsh. Clearly, consecutive sentences for all of the offences that he pleaded guilty to would be such a sentence.

[80] Before I do that, I want to deal with two final areas with respect to the issue of the calculation of time served. 1. Mr. Taylor brings an application for what is known as *Downes* credit. That is credit for his house arrest term, likening it to jail to the extent he was deprived of his freedom, in what he describes in an affidavit as conditions which had a significant effect on his "physical, emotional, and psychological well being, as well as that of his family. He described certain hardships such as his house being cold in winter, not being able to accompany his then partner to medical appointments for a

pregnancy which ultimately she lost, not being able to engage in recreation, for example hockey, not being able to work and, as a result became depressed and started eating excessively, thereby gaining close to 100 pounds. Mr. Taylor, under cross-examination, also agreed that he was allowed to go to a cultural event, to a couple of funerals, and to medical appointments. Mr. Taylor said he was offered work but he chose not to, as he had a daughter to take care of. He also testified that he did not know he could ask for time out of house arrest to work, but it begs the question how he got permission to go to funerals and a cultural event. Mr. Taylor is arguing that he was on such a strict bail that he should be given additional time served credit. However, the facts show that he was not on such a strict bail since he managed to run his drug enterprise during that period of time. He complains about not being able to take his daughter for walks, but he was allowed to be at his sister's shed for one and one-half hours, three times a week, to work out and on Thursdays for two hours for necessities of life. He obviously chose to involve himself in other activities about which this judgment is replete in details rather than spending time with his daughter. I have heard a lot of applications for hardship credit, none have been as devoid of any merit as this. Any such credit would entail me accepting that the house arrest, during which you were involving yourself in the drug trade was a hardship. This is a Hail Mary attempt which frankly is ridiculous and will be dismissed. 2. Mr. Taylor also sought relief from what he described as harsh conditions of incarceration. There were one to two searches a week, and lockdowns which entail being confined to cells with no activities while in the Arrest Processing Unit.

[81] Mr. Taylor also described being placed in segregation for what he called an "altercation" with another inmate. This incident took place one week after the ABH on

which he is being sentenced today. He and two inmates were kept in the drunk tank for 72 hours, with no privacy. The cell was hot and difficult to breath in. He described feeling like he was being punished for his involvement in the altercation.

[82] With respect to the segregation and drunk tank episode, I have concluded that without more details of what happened, it is difficult to see how it was not necessary to remove Mr. Taylor on his second assault related occurrence in a week and deal with it accordingly. The Affidavit simply does not provide sufficient details, such as what the accommodation was within a cell of three people, including the measurement. What was too hot, what efforts were made to speak to the COs about the heat and inability to breathe. Furthermore, there is no explanation as to what steps he took to find out about his segregation until he had his hearing. Presumably, since the hearing was five days in, he became aware of the rationale for him being in segregation and for the reasons for the decision to continue that segregation. The affidavit is devoid of those reasons. I am not persuaded I have the evidence before me to impose further credit as a mitigating factor for this occurrence.

Conclusion

[83] Having reviewed all of the aggravating and mitigating factors and balancing the principle and objectives of sentencing, I have concluded as follows:

- On the cocaine and fentanyl charges: a period of incarceration of 10 years;

- On the s. 95 charges: two years and six months consecutive;

- On the conspiracy: two years concurrent;

- On the breach: three months concurrent;

- On the possession of proceeds: 18 months concurrent; and

- On the ABH: four months consecutive.

[84] The total sentence will be 12 years and 10 months, I will apportion all of the credit to the cocaine and fentanyl charges which will leave a remanent to serve nine years five months and 15 days.

[85] There will be s. 109 prohibitions on the gun and drug charges for 10 years and for life, a DNA order will be imposed on the ABH, and the victim surcharge is waived.

[86] Finally, I would say this: Mr. Taylor, you want to have a relationship with your daughter. Your daughter has a right to have a father who is present. For you, it is a privilege to be a parent. I believe that you want to enjoy that privilege and at the conclusion of any sentence hearing I always try and focus on something important about the person that I am sentencing. I accept that your daughter is the most important person in your life right now. Be a presence to her. If you continue this line of behaviour, you will never be a presence in her life and then she will suffer the generational trauma that you have been through all over again. Please stay well, sir.

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MCLEOD T.C.J.