

Citation: *R. v. Hartling*, 2026 YKTC 24

Date: 20260507
Docket: 25-00255
25-00658
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before Her Honour Judge Ruddy

REX

v.

RAYMOND JOHN HARTLING

Appearances:
Neil Thomson
Jennifer A. Cunningham

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] RUDDY T.C.J. (Oral): This is the matter of Raymond Hartling. He is before me, having entered pleas of guilty in relation to two Informations. On one of those, he was charged with an offence contrary to s. 268 of the *Criminal Code* (the “Code”). He has, with the consent of the Crown, entered a guilty plea to an offence contrary to s. 266 of the *Code*, that being common assault. On the second Information, Mr. Hartling was charged with a number of offences. He has entered guilty pleas to two of those counts: firstly, for an offence contrary to s. 95(1)(a) of the *Code* for being in possession of a

loaded and prohibited firearm; and the second, for an offence contrary to s. 117.01 for being in possession of that firearm, while he was subject to a firearms prohibition.

[2] The facts that have been provided to the Court are fairly straightforward.

[3] With respect to the common assault, Mr. Hartling admits that he pushed Derek Patterson, with both of his hands pushing against Mr. Patterson's chest one time.

There was no injury suffered by Mr. Patterson as a result of that push, although I understand he suffered serious injuries in relation to the actions of others that were involved in what happened that day.

[4] With respect to the other two counts, Mr. Hartling came to the attention of the police as a result of a complaint alleging the discharge of a firearm. That led them to the Whitehorse Emergency Shelter, where they located Mr. Hartling and Mr. Shane Schinkel. When both were searched, Mr. Schinkel was found to be in possession of a revolver. Mr. Hartling was found to be in possession of bullets and also admitted that he, at some point on this particular date, was also in possession of the revolver. At the time, he was subject to a firearm's prohibition. Testing indicated that the firearm in question was a prohibited weapon.

[5] Those are the circumstances.

[6] I understand victims, in relation to both cases, were given the opportunity to provide victim impact statements but either did not respond, or have declined to do so.

[7] I do have information with respect to Mr. Hartling, whom I am quite familiar with, that has bearing on the joint submission counsel have put before the Court.

[8] Mr. Hartling is now 55 years of age. He is in what seems to be a solid relationship with Ms. Toke at this point in time. He has had a lot of involvement with First Nations here in the Yukon, as both of his serious partners were of Indigenous origin, as are his children and grandchildren. He himself hails from Nova Scotia. I think it is fair to say that his childhood was an incredibly unstable and abusive one with his having been removed from his family and taken into care at an early age. Mr. Hartling was placed in numerous different homes in which he was subject to numerous forms of abuse. As an adult, he has now been diagnosed as suffering from Attention Deficit Hyperactivity Disorder (“ADHD”).

[9] To his credit, Mr. Hartling has taken considerable steps since he went into custody in addressing his issues. He is in the care of a psychiatrist in relation to the ADHD and is currently prescribed medication to help him manage his symptoms. He has also been paying particular attention to his long-standing addiction issues. Mr. Hartling has been clean and sober since going into custody and he is connected to the Wellness Counselor with the Forensic Complex Care Team, whom he has seen 19 times. Mr. Hartling is described as being very engaged in programming, and he is exploring the option of attending the 30-day in-patient Spruce Program upon his release. He has also taken all courses that have been offered, or made available to him, while in Whitehorse Correctional Centre and has been spending time reviewing self-help books, on his own initiative, to pursue his own wellness journey.

[10] There is a joint submission before me. The question for me, Mr. Hartling, is not whether it is the sentence I would otherwise impose, but whether or not the joint submission is one that is fair, appropriate, and would not bring the administration of

justice into disrepute. You may have noticed from counsels' submissions — and no doubt from your discussions with your counsel — there were a lot of issues on both sides, both for you and for the Crown, that were considered in arriving at the joint submission. There was a very real risk to you, that if you went to trial and were convicted you would be looking at a multi-year sentence probably in the neighbourhood of five to six years. Crown also ran the risk, in all the circumstances, of potentially having issues with respect to the admissibility of some of their evidence and, potentially, with witness availability.

[11] I can say, from having been involved in the pre-trial that led to the joint submission, there were some very considered and appropriate discussions between counsel that led to this resolution. I indicated at the pre-trial — and I will do so again today — that, in my view, it is an entirely reasonable and appropriate resolution in all of the circumstances, in terms of your interest and the interests of the justice system as a whole.

[12] That being said, it should be obvious that I have no issue whatsoever with what is being proposed by way of the joint submission. I do think that it is appropriate and should see you, within a few months, back out in the community continuing your efforts towards your own recovery and to building that legacy that you want to build for your children and grandchildren.

[13] I am entirely satisfied it is appropriate, and I am prepared to adopt the joint submission.

[14] I need to impose the sentence, but I also need to refer to what the credit you are receiving on each offence for the time you have already spent in custody. I understand time served to be 13 months' actual time served. You would be entitled to credit at one and one-half to one for a total of 19 and one-half months for the time that you have already served.

[15] With respect to the offence contrary to s. 95(1)(a) of the *Code*, the actual sentence still to be served will be 10 and one-half months. I want to state that in terms of actual days so that we do not get into difficulty with how to define a half month. I am going to take 30 days as the average times 10 for 300 days, plus 14 days, for a total of 314 days. The actual sentence still to be served on the s. 95 will be therefore 314 days. I am going to ask that your record reflect that I am crediting you 19 and one-half months spent in pre-trial custody.

[16] The sentence on the s. 117.01 will also be 314 days but your record is going to reflect that I am crediting you there for an additional one and one-half months spent in pre-trial custody in relation to that offence.

[17] The sentence with respect to the s. 266 is simply going to be 30 days, to be served concurrently with your other sentences.

[18] I should state all sentences will be concurrent, so the total amount of time that you will still have to serve is 314 days less remission, which often depends on your behaviour while in custody. It sounds like it has been very positive over the last several months, so if you continue that, then you should be looking at your release back into the community well before those 314 days is up.

[DISCUSSIONS]

[19] In terms of ancillary orders, the Crown noted there is a secondary designated offence but as Mr. Hartling would already have provided his DNA, there is no need to make an order under that section in this case.

[20] However, an order under s. 109 of the *Code* is mandatory in light of the fact that he breached while subject to a previous firearms prohibition, so I would be required by law now to prohibit him from possession of all firearms, ammunition, explosives, and substances, for life, subject to, Mr. Hartling, applications that you may be able to make. But, as your counsel pointed out, it does not preclude you from going hunting with others, you just cannot have possession of the firearms yourself. You can explore further what options you may have for an exception to this order at a later date.

[21] I think that would just leave us with the remaining counts, if I am correct.

[DISCUSSIONS]

[22] They will be noted as withdrawn. The victim surcharge will be waived

RUDDY T.C.J.