

Citation: *R. v. Reindeer*, 2026 YKTC 35

Date: 20260722
Docket: TC-26-0281
TC-26-0226
TC-26-0178
TC-26-0141
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Chief Judge Phelps

REX

v.

MAYSON JOHNNY REINDEER

Appearances:
James Barsby
Urerimam R. Shamaki

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] PHELPS C.J.T.C. (Oral): Mayson Reindeer has entered guilty pleas to four offences contrary to the *Criminal Code*, the first being an offence contrary to s. 348(1)(b) of the *Criminal Code* from February 12, 2026. The facts being that on that date, at approximately 5:19 a.m., Mr. Reindeer smashed a window near the front door of the Kopper King Services Ltd. (“Kopper King”), located at 91888B Alaska Highway, Whitehorse, Yukon, and entered the Kopper King, contrary to s. 348(1)(b) of the *Criminal Code*. Mr. Reindeer opened the Kopper King’s cash register with the nearby

key and stole most of the contents of the cash register. He then departed the Kopper King in a taxi operated by Friendly Taxi.

[2] The second offence pled to is an offence contrary to s. 354(1)(a) of the *Criminal Code*, the facts being that on March 21, 2026, at approximately 12:00 p.m., Daniel Carew called the Whitehorse RCMP to report that his Toyota 4Runner (the “4Runner”) had been stolen at approximately 2:00 a.m. from his driveway. Later that day, the Whitehorse RCMP located Mr. Carew’s vehicle in a parking lot in Whitehorse. The vehicle was retrieved by the RCMP and towed. The two keys to the vehicle were missing. Later that evening, at approximately 7:00 p.m., Mr. Reindeer was arrested in the parking lot of Copper Ridge Bigway (“Bigway Foods”), in Whitehorse. He was searched incident to his arrest, and there were various items found, including two keys to a Toyota 4Runner, being the model of the vehicle stolen from Mr. Carew. RCMP followed up and confirmed that the two keys successfully started the 4Runner.

[3] The third offence pled to is another offence contrary to s. 348(1)(b) of the *Criminal Code*, the facts being that on March 21, 2026, at approximately 5:40 a.m., Mr. Reindeer arrived at the Takhini Gas Ltd. (“Takhini Gas Station”) located at 38-608 Klondike Highway North, Whitehorse, Yukon. He did so in Mr. Carew’s 4Runner. Mr. Reindeer proceeded to smash a window near the front door of the Takhini Gas Station and enter, contrary to s. 348(1)(b) of the *Criminal Code*. Inside the premises, he stole cigarettes, scratch lottery tickets, cash tips, and alcohol. He then left the premises in the 4Runner. When Mr. Reindeer was arrested later that evening and searched, various items from this offence were located, including multiple scratch lottery tickets.

[4] The final count pled to is an offence contrary to s. 342(1)(c)(i) of the *Criminal Code*, the facts being that on March 19, 2026, Elizabeth and Benny Hayes called the RCMP to report that someone broke into their vehicle located on Goldeneye Street, Whitehorse, Yukon, and stole Mr. Hayes' wallet. The contents of the wallet included a \$5 Tim Hortons gift card, an Ontario driver's licence, an Ontario health card, a Scotiabank debit card, and a Scotiabank credit card. On March 19, 2026, the debit card was used by Mr. Reindeer for a total of \$148.50 with Yellow Cabs Group Ltd. ("Yellow Cab"). Also on that date at approximately 8:14 p.m., he spent a total of \$327.31 with the debit card at Bigway Foods. Shortly thereafter, he spent a total of \$113.00 with the credit card at The Ridge Pub & Grill located on Wilson Drive in Whitehorse.

[5] The Crown — and here, the Crown includes the RCMP — did not obtain particulars of the damages done, or the items not recovered during these offences. I can infer financial loss from broken windows as well as the impact on the premises to have broken windows in February and March in the Yukon. Emptying a cash register, taking lottery tickets, cigarettes, and alcohol also signals significant financial loss. I would not categorize the s. 348 offences as minor in the circumstances as they both required Mr. Reindeer to intentionally travel to the property, which required planning, and were not opportunistic. They represent real loss and hardship to the business owners.

[6] Crown advised that reasonable efforts were made to afford all victims with the opportunity to present victim impact statements. Mr. Carew did file one. He and his spouse are senior citizens and the offence had a significant impact on them. From his victim impact statement, I note the following:

We were without our vehicle for three days as it was towed from where it was found to the RCMP impound to conduct a complete forensic investigation ... This crime has not only impacted our emotional and mental health in a traumatic manner but also it inconvenienced us greatly by not having our normal mode of transportation available to us to take us to our usual places of daily activities.

The victim impact statement continues as follows:

There is no way to appropriately place a cost on the impact of this crime on our emotional and mental health. Hopefully, as seniors, we will heal in the time we have left to live and enjoy our time together without living in fear of being violated again by criminals in the future.

Needless to say, this crime had a significant impact on Mr. Carew and his spouse.

[7] Despite the absence of victim impact statements on the other offences before the Court, I find that there is hardship on business owners to discover their premises damaged, items stolen, and to have to deal with the repairs and financial loss. I also find that the loss of a wallet and identification documents ("ID"), and dealing with replacement of that ID, represents a hardship in addition to dealing with banks and bank card and credit card charges.

[8] At the sentencing, the Court highlighted considerable concern with sentencing Mr. Reindeer for these serious offences without a *Gladue* report or a pre-sentence report. Counsel provided some limited information, but accepted the opportunity to take a break and speak to his client about participating in a report. Mr. Reindeer declined to participate in the preparation of either report. The sentencing was adjourned to today's date for him to reconsider. On July 20, 2026, an affidavit of Mr. Reindeer was filed, providing some additional information and clarification to assist with the sentencing.

[9] Mr. Reindeer is 24 years old and has First Nations heritage, coming from the Tetlit Gwich'in First Nation. There was alcohol abuse in the home when he was a child, and he spent considerable time in foster care and in group homes. He reports suffering from abuse in foster care and group home settings. He reports that he has three children, the youngest is about to turn two, but he does not have a relationship with them. At least one, the youngest, is in foster care, but there is no information about the other two. He advises that his current partner — not the mother of the three children — is pregnant at this time. He reports that his father-in-law, as he refers to him, passed away while he has been in custody, which was a hardship for him. During this time he also lost “several other relatives.”

[10] Mr. Reindeer has a grade 11 education and claims to have skills in mechanics, heavy equipment operation, carpentry, and electrical work. He notes only one previous job doing camp maintenance. He did not provide information about the duration of this employment, or the years that the employment took place. He reports being diagnosed with fetal alcohol syndrome disorder (“FASD”), attention deficit hyperactivity disorder (“ADHD”), and post-traumatic stress disorder (“PTSD”). Particulars of these disorders are not before the Court regarding the overall impacts, treatment, or help being received. He also reports a history of substance abuse involving “cocaine, cannabis, pills, and alcohol.” He is willing to attend treatment for his substance abuse issues.

[11] There are no reports or certificates from the Whitehorse Correctional Centre (“WCC”) to indicate that Mr. Reindeer has taken action to address his issues. The Court is aware that there are a lot of opportunities available to inmates in terms of programs, education, counselling, and cultural activities.

[12] There are supports available to Mr. Reindeer through the Council of Yukon First Nations, and two letters of support were filed. The first letter is from the Director of Family Wellness, advising of support available to him. That letter, dated July 16, 2026, includes the following:

This letter confirms that Mayson Reindeer has been authorized to receive Post-Majority Support Services through the Council of Yukon First Nations (CYFN). The CYFN PMSS program provides culturally grounded, wrap-around supports to Indigenous youth and young adults aged 19 to 26 who were previously in care. Services are individualized and based on each participant's unique strengths, needs, and goals. As part of this program, CYFN intends to provide comprehensive case management and transition planning to support Mayson in achieving stability and long-term success. This includes assistance with securing and maintaining safe housing, coordinating treatment and wellness services, supporting the transition back into the community following treatment, resource navigation, advocacy, and life skills development.

[13] The second letter is from a Family Preservation Case Worker who has supported Mr. Reindeer over the past several years. The author notes as follows:

Throughout my time working with Mayson, I have observed him demonstrate commitment to improving his circumstances and maintain a positive connection to services. His determination has been evident through his ongoing willingness to engage, ask questions, and work towards his goals despite the challenges he faced.

[14] These supports will be extremely valuable to Mr. Reindeer's rehabilitation should he choose to fully commit himself. The Council of Yukon First Nations commitment to Mr. Reindeer provides some hope that he can break the cycle of offending and incarceration. Successful substance abuse counselling, a stable residence, and

ongoing therapeutic support would certainly get him on track. This is a tremendous opportunity ahead if he is prepared to take it.

[15] Mr. Reindeer comes before the Court with an extremely long and serious record for a man of his age. It starts in 2016 as a youth for offences including fraud and break and enter. There is a gap until the latter part of 2019, and then, unfortunately, it is continuous up to the time of the offences before the Court today. He has 11 youth entries on the record and 36 adult entries. The vast majority are property offences including theft, fraud, stolen credit cards, break and enter, and process offences, all of this culminating in an armed robbery in 2025 while masked. He was sentenced for that offence, along with multiple *Criminal Code* offenses including: 348(1)(a), 342(1)(c)(i), 351(2), 354(1)(a), 342(1)(c), offences contrary to s. 334(b), and one offence contrary s. 145. It is a continuous record of nonstop offending for the last six years.

[16] While there is not a joint submission before the Court, Crown and defence put a significant amount of effort into resolving pleas and facts. They are both recommending a custodial sentence of 245 days total, being 90 days on each of the s. 348(1)(b) offences consecutive, 60 days concurrent on the 354(1)(a) offence, and 65 days consecutive on the 342(1)(c)(i) offence. Mr. Reindeer has credit for 123 days as of today in custody, grossed up to 185 days. Crown also seeks an 18-month probation order and defence made an argument for the remaining custodial sentence to be served intermittently.

[17] Concern was raised about the proposed custodial sentences, and Crown relied on *R. v. Edwards*, 2011 YKTC 44, with respect to the s. 348 offences. Mr. Edwards was

23 years old. There were two break and enters before the Court into the Pelly Crossing community store, the theft of a snowmobile, and numerous breaches. There is information before the Court regarding partial completion of Community Wellness Court. There was some evidence of the successful completion of programming, but overall, the inability to remain committed to the wellness court. He had 111 days in pre-trial custody. The judge ordered 90 days on the first s. 348(1)(b) offence and 21 days on a rolled-up 145 offence, amounting to the entirety of the 111 days of pre-trial custody. There was a further custodial disposition of five months, plus 24 months' probation for the second 348(1)(b) offence, and two months consecutive on the 334(a) offence.

[18] With respect, Mr. Edwards did not have an extensive record, as Mr. Reindeer has before the Court today, and he made significant efforts and managed to complete some programming before sentencing. I also note that the *Edwards* matter was a joint submission by counsel, and despite that, there were much higher sentences than the one being proposed by Crown and defence for Mr. Reindeer.

[19] Crown also filed the youth case of *R. v. R.P.L.*, 2013 YKYC 2, however, it is not particularly helpful, given the fact that it was a youth court disposition.

[20] With respect to Mr. Reindeer, there are some mitigating factors. There are guilty pleas that have been entered, foregoing the right to trial. There are *Gladue* factors, which reduces moral culpability. Despite the lack of a *Gladue* report before the Court, I accept that he has adequately self-reported those hardships. There is the possibility of the impact of FASD and ADHD as well, which also reduce his moral culpability, and there is his connection with the Council of Yukon First Nations programming.

[21] The aggravating factors are the serious nature of the charges that are before the Court taking place over the prolonged period of over one month, the very extensive related criminal record, and the planning involved to break into a business on the highway within the City of Whitehorse, and arrange for a taxi, as well as to break into the business on the highway outside city limits and driving there in a stolen vehicle.

[22] I also note there is no expression of remorse from Mr. Reindeer. He has not taken advantage of any programming available to him at WCC. He does not have a plan for housing or rehabilitation currently, although has support if he decides to embrace it. He does not have any employment prospects.

[23] I am mindful of the requirements in the *Criminal Code* with respect to sentencing, particularly s. 718, which states:

718 The fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:

- (a) to denounce unlawful conduct and the harm done to victims or to the community that is caused by unlawful conduct;
- (b) to deter the offender and other persons from committing offences;
- (c) to separate offenders from society, where necessary;
- (d) to assist in rehabilitating offenders;
- (e) to provide reparations for harm done to victims or to the community; and
- (f) to promote a sense of responsibility in offenders, and acknowledgement of the harm done to victims or to the community.

[24] Rehabilitation is an important factor and is important if Mr. Reindeer is to succeed, but his lack of action and motivation makes that difficult. Denunciation and deterrence is necessary in light of his repeat offending, particularly specific deterrence so he understands what will happen if he reoffends.

[25] I am also mindful of s. 718.2(e), which states:

718.2 A court that imposes a sentence shall also take into consideration the following principles:

...

(e) all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.

[26] I am also mindful of the principles of parity and totality and apply them accordingly.

[27] Mr. Reindeer, the sentences that I am going to impose today are as follows:

- On Information T.C.-26-0141, considering the 348(1)(a) entry on your record from April of last year — this is Count 1 on the Information for the offense contrary to s. 348 (1)(b)— I sentence you to a period of custody of 120 days, time served.
- On Information T.C.-26-0178, considering the aggravating fact that the vehicle was used in the commission of the 348(1)(b) offence on Information T.C.-26-0226, for the single offence on the Information

contrary to s. 354(1)(a), a period of custody of 90 days concurrent, time served.

- On Information T.C.-26-0281, considering the multiple entries on your record for this offence, and having received 60 days as recently as April of 2025, on Count 1, the offence contrary to s. 342(1)(c)(i), a period of custody of 75 days consecutive. You will receive credit of 65 days time served, with 10 days remaining.
- Finally, on Information T.C.-26-0226, the single count offence contrary to s. 348(1)(b) of the *Criminal Code*, I sentence you to 180 days consecutive, plus 18 months probation.

[28] Before I get to the terms of the probation, the victim surcharges on each count will be waived.

[29] For that 18 months, Mr. Reindeer, the following terms will apply to you:

- You are to keep the peace and be of good behaviour;
- Appear before the Court when required to do so by the Court;
- Notify your probation officer in advance, of any change of name or address and promptly, of any change in employment or occupation;
- You are to have no contact directly or indirectly, or communication in any way with Daniel Carew, Elizabeth Hayes, or Benny Hayes;

- You are not to go to any known place of residence, employment, or education of Daniel Carew, Elizabeth Hayes, or Benny Hayes;
- You are to remain 50 metres away from the Kopper King, situated at 91888B Alaska Highway, and the Takhini Gas Station, situated on the Klondike Highway;
- You are to remain within the Yukon unless you obtain written permission from your probation officer;
- You are to report to a probation officer immediately upon your release from custody and thereafter when and in the manner directed by your probation officer;
- You are to reside as approved by your probation officer and not change that residence without the prior written permission of your probation officer;
- You shall not possess or consume alcohol or illegal drugs that have not been prescribed for you by a medical doctor;
- You shall not attend any premises whose primary purpose is the sale of alcohol, including any liquor store, off sales, bar, pub, tavern, lounge, or nightclub;
- You are to attend and actively participate in all assessment and counselling programs as directed by your probation officer, and

- complete them to the satisfaction of your probation officer, for the following issues: substance abuse, alcohol abuse, psychological issues, any other issues identified by your probation officer, and provide consents to release information to your probation officer regarding your participation in any program you have been directed to do pursuant to this condition;
- You are to perform 60 hours of community service as directed by your probation officer or such other person as your probation officer may designate; this community service is to be completed no later than 45 days before the end of this order; any hours spent in programming may be applied to your community service at the discretion of your probation officer up to a maximum of 40 hours;
 - You are to make reasonable efforts to find and maintain suitable employment and provide your probation officer with all necessary details concerning your efforts;
 - You are to not drive a motor vehicle except for the purposes of employment; and
 - You are to attend all meetings and programs as required by your participation in the Council of Yukon First Nations Post-Majority Support Services program and advise your probation officer of your participation.

[30] The remaining counts before the Court?

[31] MR. BARSBY: The Crown requests that those are withdrawn.

[32] THE COURT: Those will be withdrawn.

PHELPS C.J.T.C.