

Citation: *R. v. Linklater*, 2012 YKTC 68

Date: 20120611
Docket: 11-10027
11-10028
11-10026B
Registry: Watson Lake
Heard: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Lilles

REGINA

v.

RICHARD WILLIAM LINKLATER

Appearances:
Terri Nguyen
Gordon Coffin

Counsel for the Crown
Counsel for the defence

REASONS FOR SENTENCING

[1] LILLES T.C.J. (Oral): Mr. Linklater has entered guilty pleas to the following charges:

1. May 11, 2011, Watson Lake - theft of an automobile belonging to Gilles Chartrand of a value exceeding \$5,000, contrary to s. 334(a) of the *Criminal Code*.
2. At the time of the s. 334(a) offence, Mr. Linklater was on probation. This constitutes an offence contrary to s. 733.1(1) of the *Criminal Code*.
3. On May 18, 2011, Mr. Linklater uttered threats to Mr. Chartrand, contrary to s. 264.1(1)(a) of the *Criminal Code*.
4. Mr. Chartrand was a witness in the theft charge. The threats amounted to an attempt to obstruct justice, contrary to s. 139(2) of the *Criminal Code*.

[2] An Agreed Statement of Facts was filed with the Court. Some of the facts should be highlighted:

1. Mr. Linklater had been to the Chartrand residence twice during the evening of May 11th acting in a strange manner and without particular reason to be there. The Chartrand vehicle was noticed missing early in the morning of May 12th. Also missing was a can of gas that was stored under the front steps of the Chartrand residence. These facts suggest that Mr. Linklater had been planning the theft in advance of taking the vehicle.
2. When the vehicle was located the windshield had been damaged and there was a large scratch on the side of the vehicle.
3. On May 18, 2011, Linklater approached Chartrand at his place of work wearing a machete or a large knife in a sheath on his belt. Linklater repeatedly threatened to cut Chartrand's head off and, while making the threats, repeatedly pulled the machete partially out of the sheath. Linklater told Chartrand that he was angry with him for telling the RCMP that he, Linklater, had stolen the vehicle.

Criminal History

[3] Mr. Linklater's criminal record dates back to 1995 when he was 13 years old. Now, at age 30, he has a total of 60 convictions as a youth and as an adult. His adult record includes convictions for theft, robbery, armed robbery, assault, process offences and drug offences. He has served two separate terms in the federal penitentiary system. Since age 13 he has spent more time in jail than out of jail. It appears that much of his offending behaviour was related to supporting his alcohol and drug addictions.

Family History

[4] Mr. Linklater grew up in Old Crow, Yukon. His mother, Louise Linklater, was known to abuse alcohol and her relationship with Howard Linklater was an abusive

one. They separated in 1990 when Richard Linklater was five. It was then that he found out that Howard was not his biological father. He was raised by his grandmother, Clara Frost.

[5] Richard has no contact with his mother, who lives in Fort MacPherson. He is close to his adoptive father, Howard Linklater, and speaks to him regularly. He has met his biological father, who now lives in Edmonton, but does not have contact with him.

Education

[6] Richard attended the Old Crow school to Grade 5 and quit school at the age of 13 because it was too frustrating. He was first referred for an assessment at nine years of age because of problematic behaviour at school and difficulty with reading. It appears that he is, or at least was, “functionally illiterate” but has expressed a desire to be able to read and write. I note that today he read his own prepared statement, slowly, but quite satisfactorily, in court.

[7] The most recent psychological assessment concludes:

...Given Mr. Linklater's traumatic and tumultuous formative years it is not surprising the formal education system was inadequate to meet his needs. When individuals' basic needs are not being met it is difficult for them to focus on anything but survival...

Employment

[8] Mr. Linklater reports a very short and limited employment history, which includes carpentry work for his First Nation in Old Crow and a summer student job in Dawson as

a wrangler helping with outfitting duties. I understand that he also has worked on other labouring jobs. His difficulties with literacy may be a limiting factor in his job opportunities but I am satisfied that there is a wide range of physical labour that he is capable of doing.

[9] Mr. Dempsey's report underscores the importance of Mr. Linklater obtaining employment to avoid boredom and useless time which might end up getting him into trouble.

Family Relationships

[10] Mr. Linklater has had several relationships. He has a two-year-old son that resides with his mother in Whitehorse. More recently, he has been in a relationship with Kristel Vance and they have a child together, a daughter named Kenzie. Kristel says that Kenzie is always excited to see Richard and she would bring Kenzie to visit Richard if he was in the Whitehorse facility.

[11] I received a letter today from Kristel. In my discussion with counsel about it earlier, I made the point that this was a very well-drafted letter and clearly indicates her understanding of Richard's needs, particularly in the area of community supports, programming and treatment.

Previous Federal Incarceration

[12] When Mr. Linklater was sentenced in 2001 he asked to be sent to a federal penitentiary because he felt he would get more treatment there, but he attended no programming while there. He spent the majority of his time in voluntary segregation

after taking up heroin use, incurring drug debts and fearing for his safety if he was in the general population. The current Pre-Sentence Report indicates that Richard has also had a period of segregation in the Whitehorse Correctional Centre, but counsel have clarified for me that this was limited to an event that occurred in the institution where he was the victim.

***Gladue* Report**

[13] Richard Linklater is a member of the Vuntut Gwitchin First Nation in Old Crow. This is a small, isolated community in northern Yukon with no road access. Many people still live, at least in part, off the land, relying on salmon and caribou as traditional food sources.

[14] Richard's mother and grandmother both attended residential school. Between 1945 and 1950, Old Crow children made up one-quarter of new registrants at the Carcross residential school. The intergenerational impact of residential schools on Yukon First Nations has been well documented and accepted by Yukon courts. It is unnecessary to repeat the details, many of which are summarized in a recent decision of this Court, *R. v. Franklin Charlie*, 2012 YKTC 5, paras. 6 to 10. It is apparent from the *Gladue* report that the residential school regime has also impacted Mr. Linklater, quoting from page 9:

All of Richard's great-grandparents and grandparents attended various residential schools as children. Richard was raised by his mother, who was mostly on her own, until he was about 8 years old. Richard remembers there was a lot of alcoholism in his family home and also in the community. He recalls witnessing a lot of arguing and violence. He says he was abused by his mother when she drank and that he struggled to understand why as he felt it

was often unprovoked. Richard remembers not feeling safe or loved as a child. When his parents partied, he said they often left him with baby sitters who were often drunk or high while they were taking care of him. He said his nickname growing up was, "Little Bastard". When he thinks back on his past and home life he does not feel like he had a good upbringing or a healthy family. Richard strongly suspects that his mother drank while she was pregnant with him however he has never been formally assessed for Fetal Alcohol Spectrum Disorder. When his Uncle Allan was asked if he knew whether Richard's mother drank while pregnant, he didn't dismiss the possibility...

His uncle Allan said that Richard was "kind of an orphan around Old Crow" and that "he would stay with us sometimes but never for very long." Peter, who says he is "kind of Richard's uncle" said Richard had it "pretty rough" growing up and that his mom "wasn't really a mom and [that] he had no father figure." His father William admits he wasn't around and was [even] reluctant to share any thoughts about Richard because he "didn't raise him". He did say however that he knew his mother was "very mean to him."

Possibility of FASD

[15] Although Mr. Linklater's personal history and performance characteristics strongly suggests the possibility of FASD, he has never been formally assessed despite numerous recommendations that such an assessment should be conducted. The record shows that in 2004, when Mr. Linklater was 22 years old, a referral was made to Dr. Boer, a psychologist, for a comprehensive risk and treatment assessment including an examination of the possibility of FASD and other problems with cognitive functioning. Dr. Boer refers to a 1991 Educational Psychological Report conducted when Mr. Linklater was nine years old, indicating that his intellectual functioning was at the mental deficient level. Dr. Boer translated that terminology to modern usage as

“borderline retardation to mild mental retardation.” The testing was not sensitive enough to determine IQ but did reveal him to be functionally illiterate.

[16] While Dr. Boer was not qualified to diagnose FASD - it is a medical diagnosis - he did test Mr. Linklater for symptoms and signs of FASD. Dr. Boer concluded:

... Mr. Linklater showed ample evidence of an intellectual functioning disorder, including his [Linklater's] endorsement of an item that asks about maternal drinking during pregnancy. As far as Mr. Linklater knows, his mother drank while she was pregnant with him. In addition, Mr. Linklater's use of vocabulary, inability to recall events with clarity, inability to keep pace with conversation and questions suggested profound intellectual deficits such as learning disabilities and the cognitive issues sometimes associated with FASD.

Dr. Boer went on to say:

Clarification of the FASD issue would be helpful in terms of helping to explain his impulsiveness, fascination with risk-taking, lack of concern for others, and low level of maturity. While these features are not uniquely associated with FASD, it would be helpful to know when specifying programs or support structures for Mr. Linklater. His immaturity is reminiscent of other FASD men I have dealt with and this would help to explain his impulsiveness and antisociality.

Dr. Boer later states that such an assessment would “mitigate against future relapses to drug use or criminal activity.”

[17] As I mentioned earlier, Dr. Boer wrote this in 2004. It has been in Mr. Linklater's correctional file for over eight years, but at an earlier date, November 29, 2001, Mr. Linklater received a Psychological Intake Assessment at the Federal Regional Assessment Centre. This again was not a proper FASD assessment and it was

inadequate to define strengths and weaknesses or even his IQ. It did indicate that Mr. Linklater is in the “significantly sub-average range of functioning” and as “definitely below average in intellectual capacity.” That report recommends [as read in]:

...the clinical question of fetal alcohol effects should be further investigated, if deemed necessary. This clinical aspect may prove to be very important when considering the benefits of programs and learning with regards to Mr. Linklater.

[18] In subsequent years, two judges of this Court made specific requests for FASD assessments. These were not conducted due to lack of resources. In other words, a number of professionals determined that a full FASD assessment, including the identification of Linklater’s weaknesses and strengths on which to build programming and learning, is essential if the correctional system is to have any hope of correcting Mr. Linklater’s behaviour. To date, the system has ignored these requests. I am heartened by the fact that in my discussion with counsel earlier during the sentencing, both counsel conceded the high likelihood that Mr. Linklater’s issues, at least some of his issues, were related to Fetal Alcohol Spectrum Disorder.

Psychological and Risk Report

[19] At the court appearance on May 8, 2012, this Court ordered a further psychological assessment in an attempt to obtain more detailed information about Mr. Linklater’s limitations. That report was prepared by Mr. Craig Dempsey, forensic therapist, with Mr. Linklater’s full cooperation. Mr. Dempsey also made himself available for today’s hearing, and I am grateful for his input. The report is very thorough and helpful. It provides an excellent template to guide Corrections and

Probation in assisting and supporting Mr. Linklater. It is mandatory reading for all individuals working with Mr. Linklater.

[20] I will highlight some, but not all, of Mr. Dempsey's observations and recommendations:

1. Mr. Linklater has some insight into his behavioural difficulties and is determined to ascertain the cause of his emotional dysregulation.
2. He has a significant impairment in functioning related to a generalized pattern of self-destructive behaviour.
3. His full scale IQ is 74 suggesting cognitive impairment; this will require special management considerations.
4. Mr. Linklater has a deficit in information processing. Such a deficit would make it difficult to take in, manipulate, and assimilate new information and is consistent with Mr. Linklater's long-standing learning difficulties and his general impulsive behaviour.
5. Any treatment programs for substance abuse or other lifestyle issues must involve a concrete approach, with plenty of visual material and repetition in order to fit his learning style. His deficits are sensitive to and are exacerbated by chronic drug and alcohol abuse.
6. He has substantial difficulty resisting impulses and considering consequences before acting.
7. Mr. Linklater can be unaware of the impact of his behaviour on others. This response is consistent with individuals who have suffered from trauma, neglect, and abuse from an early age and have basically had to "survive" in order to get their needs met.
8. Mr. Linklater is at high risk for future violent offending without structure and programming.

[21] I am also going to incorporate some quotations from Mr. Dempsey's Summary and Recommendations. I do this because I want to highlight in my decision some of the things that need to be done to assist Mr. Linklater, things that, unfortunately, have been ignored for some 20 years:

Mr. Linklater is a high risk and high needs individual who has marked difficulties in behavioral and emotional instability and limited cognitive ability. To Mr. Linklater's credit he appears motivated to address his criminogenic risk and needs and once he embraces treatment and maintains a prosocial lifestyle his risk level will decrease...

Firstly, Mr. Linklater will require a structured living arrangement. He will be more likely to succeed in an environment where his basic needs can be met...

...He will also require an explicit and extensive set of rules and expectations and these will need to be reviewed with him regularly. Less organized settings will not be helpful to Mr. Linklater as there will be too many distractions and opportunities for impulsive behavior...He would benefit working with someone that can assist him in the management of his impulses. A risk management team may be able to be developed through the Yukon's Probation Service with a variety of informal and formal supports to assist Mr. Linklater with this.

From a treatment perspective Mr. Linklater requires alcohol and drug treatment. This can occur via the 28 day program delivered by Alcohol and Drug Services of the Yukon Government. It is important to recognize that he will require additional assistance in order to comprehend and internalize the treatment concepts and an individual therapist in addition to this program will be required in order to facilitate the best possible outcome...

Additionally Mr. Linklater would benefit from a cognitive behavioral program designed to address his criminogenic risk and need. He requires treatment for his violent behavior as well as treatment designed to assist him in resisting any form of criminal activity.

Finally:

Mr. Linklater will need to be gainfully employed in a suitable field or attending school on a full time basis. ...

Mr. Linklater should also pursue any cultural activities that would assist him in his healing and overall well-being.

[22] Mr. Dempsey's report indicates that there is a lot of work to be done. It is a lot of work for Mr. Linklater, and it imposes a significant obligation upon the justice community. I am satisfied that the workload is as great as it is because of previous failures of the justice system to respond more appropriately to Mr. Linklater's underlying needs. So now we are at a stage where we have to do a lot more much later on, in catch-up mode.

[23] Two decisions were brought to my attention with respect to the more serious offence facing Mr. Linklater, that of obstruction of justice, contrary to s. 139(2) of the *Criminal Code*. I think it is fair to say that we do not have a plethora of those kinds of cases, fortunately, in the Territory, but a recent one brought to my attention by counsel is *R. v. Lamarche*, 2010 YKTC 23. This was a decision of Chief Judge Ruddy as she then was. As I mentioned earlier, in comparing the *Lamarche* case to the circumstances of the Linklater case there are significant similarities. *Lamarche*, in some respects, was a more serious case, the factors were more aggravating, and in a couple of other instances, Mr. Linklater's situation is more aggravating.

[24] In *Lamarche* the accused had a criminal record of 83 previous convictions and he had also spent an extended period of his life in custody. Mr. Lamarche was older than Mr. Linklater; he was 40 at the time. Mr. Lamarche's antecedents were also extremely unfortunate, just as in the case of Mr. Linklater. Mr. Lamarche, while he was at the Whitehorse Correctional Centre, had accessed some programs. He, like Mr. Linklater, had a supportive girlfriend. In that case, Chief Judge Ruddy looked at the case law and found that there was a range of approximately nine to 24 months for these kinds of cases. Quoting from para. 20:

... As indicated, the range is one of nine to 24 months. The reason for that range is that obstruction, particularly obstruction of this nature, in threatening a witness to dissuade him from testifying, is viewed extremely seriously by the Court. The cases continually refer to it as being an attack on the administration of justice, something that strikes at the very heart of the administration of justice, and something which must be treated extremely seriously. I would note, along those lines, the quote out of the case of *R. v. Thuraisingam*, [1997] O.J. No. 5424, at para. 8, in which the Justice noted that:

In order to deter others who would be inclined to vindicate themselves by wiping out the witnesses or intimidating them, it is necessary that the Court indicate in a clear and unmistakable fashion that this crime strikes at the roots of justice. Without witnesses to testify, willing to come forward, the system of justice would not be able to perform its function as it is expected to do. We depend on witnesses to come to court, and witnesses depend on the court system and the system of justice to ensure that in doing so, they are not subjected to further risk.

It is for this reason that the dominant sentencing principles are very clearly denunciation and deterrence, with respect to the obstruction charge.

[25] I can say that Crown counsel in this case made exactly that point in her submissions to the Court. I agree with her. Chief Judge Ruddy has conveniently quantified, by way of a guideline, the actual appropriate sentence range for these kinds of offences in the Yukon Territory.

[26] In the case of *R. v. Abel*, 2010 YKTC 85, Mr. Abel received a sentence of 21 months concurrent, but in that case there were two separate s. 139(2) charges.

[27] Mr. Linklater has served just over 12 months of pre-sentence custody. Counsel are not disagreeing that appropriate credit would be 1.5, for a total of 18 months credit. That is rounding down the number; I recognize that, but in the circumstance, I do not think that is inappropriate.

[28] With respect to the charge under s. 139(2) of the *Criminal Code*, an appropriate sentence would be 18 months custody. I take into account the fact that he is getting credit for 18 months custody for the time he has already served. Therefore, my sentence today is one day in custody deemed served, with the credit I have just explained noted on the Information. That obstruction of justice resulted from him uttering threats to Mr. Chartrand, contrary to s. 264.1(1)(a) of the *Criminal Code*. The threats are a separate count. An appropriate sentence on that would be three months custody concurrent to the s. 139 charge. The appropriate disposition is one day in custody deemed served, with an indication of three months credit.

[29] There are two other charges. The predicate charge is a charge contrary to s. 334, where Mr. Linklater stole the automobile belonging to Gilles Chartrand. That automobile was located shortly thereafter in a damaged condition. There was a scrape along the side and the windshield was broken. The appropriate disposition for that is three months jail consecutive to the s. 139 charge.

[30] At the time of stealing that automobile Mr. Linklater was on probation. That was an offence contrary to s. 733.1 of the *Criminal Code*. An appropriate disposition for that is one month in custody, consecutive to all the previous orders. That would result in a

total sentence of four months consecutive to the time served on the s. 139(2) and s. 264.1(1) charges.

[31] Based on the reports placed before me, I accept the recommendations by Mr. Dempsey in his Psychological Assessment which suggests a transition period of structure before Mr. Linklater is released into the community. I am prepared to allow him to serve his four month custodial sentence conditionally in the community. I am satisfied that with appropriate supervision and programming he can do that successfully. I note that he has been in custody now for 18 months. If, as our justice system claims, custody is a deterrent, that custody can change people's behaviour, well, 18 months should do it. Another four months would not add anything further to his rehabilitation or to deterrence.

[32] I note, as well, that while in Whitehorse Correctional Centre there has been no suitable programming made available to him. So we are talking about merely locking him up for the sake of locking him up. In my view, that would be inappropriate after serving 18 months in those circumstances already. So while a conditional sentence might be viewed as exceptional or unusual following an 18-month period of incarceration, the reports indicate that such an order would be extremely helpful and therapeutic for Mr. Linklater. It would help, in fact, ensure the safety of the community in the long run if he can go through a period of structured supervision in the community followed by a period of probation, and then a period with no conditions attached where he would then have to work on his own.

[33] The overall sentence will effectively be one day in jail deemed served to be followed by a four-month conditional sentence order and, with counsel's assistance, we can perhaps draft those terms together. The statutory terms apply:

1. Keep the peace and be of good behaviour, appear before the Court when required to do so by the Court;
2. Report to a Supervisor within three working days immediately upon your release from custody and thereafter when required by the Supervisor and in the manner directed by the Supervisor;
3. Remain within the Yukon Territory unless you have the written permission of your Supervisor;
4. Notify the Supervisor in advance of any change of name or address, and promptly notify the Supervisor of any change of employment or occupation;
5. Reside at a residence as approved by your Supervisor in advance of your release from Whitehorse Correctional Centre; and if that residence is within the First Nation community of Kwanlin Dun, also with the approval of the Kwanlin Dun Justice Department. In that residence you are to abide by the rules of the residence and not change that residence without the prior written permission of your Supervisor;
6. At all times remain in your place of residence, except with the prior written permission of your Supervisor, except for the purpose of employment, including travel directly to and directly from your employment, and except for the purposes of attending counselling, programming and meetings with

your Supervisor. You must present yourself at the door or answer the telephone during reasonable hours for curfew checks. Failure to do so will be a presumptive breach of this condition;

7. You are to abstain absolutely from the possession or consumption of alcohol and controlled drugs or substances, except in accordance with a prescription given to you by a qualified medical practitioner;
8. You are to provide a sample of your breath for the purposes of analysis upon demand by a Peace Officer who has reason to believe that you may have failed to comply with this condition;
9. You are not to attend any bar, tavern, off-sales or other commercial premises whose primary purpose is the sale of alcohol;
10. You are to take such alcohol and drug assessment, counselling and programming and attend and complete a residential treatment program as directed by your Supervisor;

[34] Mr. Dempsey, did you suggest in our discussion earlier that it would be useful to have a term of reporting to the Family Violence Prevention Unit for programming if they had programming there that might assist him?

[35] CRAIG DEMPSEY: Yes, Your Honour. Occasionally they have treatment geared towards violence and anti-social personality traits, as well as trauma, and he can get that on an individual and, at times, a group basis.

[36] THE COURT: So including a term, "Report to the Family Violence Prevention Unit" --

[37] CRAIG DEMPSEY: Excuse me, Your Honour.

[38] THE COURT: Sorry?

[39] CRAIG DEMPSEY: There's been a name change. It's now called Offender Supervision and Services.

[40] THE COURT: Okay.

11. Report to Offender Supervision and Services Unit to be assessed and, if accepted, participate in programming to address violence, trauma and anti-social personality disorder;
12. Take such psychological assessment, counselling and programming as directed by your Supervisor;
13. Take such other assessment, counselling and programming as directed by your Supervisor;
14. You are to have no contact directly or indirectly or communicate in any way with Gilles Chartrand;
15. Make reasonable efforts to find and maintain suitable employment and provide your Supervisor with all necessary details concerning your efforts;
16. Provide your Supervisor with consents to release information with regard to your participation in any programming, counselling, employment or educational activities that you have been required to do pursuant to this order;

Sometimes we ask an offender to set up a support group of sober, responsible individuals to meet with on a regular basis. I do not know whether you know people you could do that with, Richard.

[41] THE ACCUSED: I have sponsors, yes.

[42] THE COURT: Yes, I bet you could talk Agnes into being a support person for you, too.

17. In discussion with your Supervisor, constitute a support group of responsible and sober individuals to meet with them regularly as a group and/or individually.

[43] It is my expectation under the general programming terms that you would continue to meet with Mark and other people and that you would discuss this with your Supervisor.

[44] Now, with respect to that order it seems to me as comprehensive as any could be. Mr. Coffin?

[45] MR. COFFIN: No, I have no -- nothing to add.

[46] THE COURT: Now, you note that this is a house arrest situation.

[47] MR. COFFIN: Yes.

[48] THE COURT: With the important exception that exceptions can be made by the Supervisor. So the Supervisor can make exceptions for social, cultural

activities, time limited, but you have to bring those to him. The other exceptions apply automatically with respect to treatment, programming and counselling, et cetera.

[49] With respect to the s. 139 charge, there will also be a 12-month probation order. I am not going to read the probation terms, but Madam Clerk, if you will translate these, I will just refer to the terms that we had in the conditional sentence order that will continue. So for the probation order, the statutory probation terms apply, and there will be a term that:

1. You will report to your Probation Officer within three working days upon the termination of your conditional sentence order and thereafter when and in the manner directed by your Probation Officer;
2. Reside as approved by your Probation Officer and not change that residence without the prior written permission of your Probation Officer;
3. For the first three months of this probation order, you are to abide by a curfew by remaining within your place of residence between the hours of 9:00 p.m. and 7:00 a.m. daily, except with the prior permission of your Probation Officer, except in the actual presence of another responsible adult approved in advance by your Probation Officer. You must present yourself at the door or answer the telephone during reasonable hours for curfew checks. Failure to do so will be a presumptive breach of this condition.
4. You are to abstain absolutely from the possession or consumption of alcohol and controlled drugs or substances, except in accordance with a prescription given to you by a qualified medical practitioner;

5. You are not to attend any bar, tavern, off-sales or other commercial premises whose primary purpose is the sale of alcohol;
6. You are to take such alcohol and drug assessment, counselling and programming and attend and complete a residential treatment program as directed by your Supervisor;
7. Report to the Offender Supervision and Services Unit to be assessed and, if accepted, participate in programming to address violence, trauma and anti-social personality disorder.
8. Take such psychological assessment, counselling and programming as directed by your Supervisor;
9. Take such other assessment, counselling and programming as directed by your Supervisor;

[50] The point being, Richard, is that the four-month conditional sentence is very short. So if you are going to complete this programming you are going to have to complete it during the probation period.

10. You are to have no contact directly or indirectly or communicate in any way with Gilles Chartrand;
11. Make reasonable efforts to find and maintain suitable employment and provide your Supervisor with all necessary details concerning your efforts;
12. Provide your Supervisor with consents to release information with regard to your participation in any programming, counselling, employment or educational activities that you have been required to do pursuant to this order.

[51] The DNA order will go as requested.

[52] THE CLERK: The DNA, is from that 139?

[53] THE COURT: The 139.

[54] Mr. Coffin, I did not hear you on the application by Crown counsel for the lengthier firearms prohibition that is lengthier than we normally do. I take it, it is not mandatory, that it is discretionary.

[55] MS. NGUYEN: The period of time is not mandatory, no, sir.

[56] THE COURT: There will be an order, yes. I had not heard from you on that.

[57] MR. COFFIN: No.

[58] THE COURT: I do not know whether he hunts at all.

[DISCUSSION BETWEEN MR. COFFIN AND ACCUSED]

[59] MR. COFFIN: Well, he does indicate that he hunts, hunted before and provided food. So I guess that's a factor to take into account.

[60] THE COURT: I am going to make a ten-year firearms prohibition order. That will give you an opportunity to turn your life around, and if you do not, there will be a lot of opportunities to make a further firearm prohibition order. You are under one now, I take it?

[61] THE ACCUSED: I just finished one.

[62] THE COURT: Just finished one. Madam Crown, there was another order you wanted to make or was that those two?

[63] MS. NGUYEN: Not to attend Watson Lake unsupervised. He doesn't need to be there.

[64] THE COURT:

13. You are not to attend the community of Watson Lake without the prior written permission of your Probation Officer, and, as an alternative, you may attend if you are in the presence of a responsible adult approved in advanced by your Probation Officer.

So that will be a term that will be in the probation order.

[65] MS. NGUYEN: Thank you. And the victim surcharges, sir?

[66] THE COURT: They will be waived in the circumstances.

[67] MR. COFFIN: The length of the probation order?

[68] THE COURT: One year.

LILLES T.C.J.