

Citation: *R. v. Snowshoe*, 2007 YKTC 11

Date: 20060927
Docket: T.C. 06-11340
Registry: Dawson City

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Lilles

REGINA

v.

CLARENCE SNOWSHOE

Appearances:
Lee Kirkpatrick
Mr. Eschleman

Counsel for Crown
Appearing for Clarence Snowshoe

REASONS FOR SENTENCING

[1] LILLES T.C.J. (Oral): I think, in the circumstances, the appropriate disposition will be as suggested by Ms. Kirkpatrick. With respect to the s. 10 *Wildlife Act*, R.S.Y. 2002, c. 229, charge, use of a firearm without due care and attention, there will be a \$1,000 fine. With respect to the s. 43 *Wildlife Regulation* charge, hunt caribou within 500 metres of the Dempster Highway, there will a fine of \$250. Was there any discussion with respect to victim fine surcharge?

[2] MS. KIRKPATRICK: No.

[3] THE COURT: Okay. There was a firearm seized, I was advised of that. It will be forfeited to the Territorial Crown.

[4] MS. KIRKPATRICK: It requires an order from you.

[5] THE COURT: Yes, I thought I was just making that order. It will be forfeited to the Territorial Crown, as will the scabbard that was seized with the rifle. There will also be a one year prohibition that will prevent Mr. Snowshoe from applying for or receiving any Yukon Wildlife hunting licences, and also to engage in any of the activities covered by such licences. It will be restricted to the Yukon, the wording I believe Madam Clerk has from yesterday, but Ms. Kirkpatrick will assist with the wording if necessary.

[6] MS. KIRKPATRICK: Will there be an order for forfeiture of the seized caribou as well?

[7] THE COURT: I have not done that, but they have retained those caribou?

[8] MS. KIRKPATRICK: Yes.

[9] THE COURT: Forfeiture of the seized caribou as well.

[10] MS. KIRKPATRICK: Thank you.

[11] THE COURT: It does occur to me from time to time, when I do these cases, that I cannot imagine a situation where the carcass is necessary as an exhibit. Photographs, as you have demonstrated with the photograph that you filed, can be very

persuasive. When vehicles are stolen, we do not bring in the vehicle into court; a photograph works. It seems to me that by the time these matters get to court, and the carcasses are stored, the meat is really wasted, whereas if they are dealt with at the time, the meat could actually be preserved.

[12] MS. KIRKPATRICK: This meat actually was preserved, and I can indicate to the Court that we have one case ongoing where the defence counsel has asked to have the meat thawed out and brought into court for the purposes of the proceedings. We may have cases from time to time where we have to do a DNA analysis of the meat and link it to the gut pile found at the scene. So in some cases, until we know whether the evidence is not required, we really need to hold onto it. I would like to think that that is not necessary, that we can dispose of it at an earlier time, but that is not always possible.

[13] THE COURT: Well, apparently. Thank you.

[14] MS. KIRKPATRICK: Thank you.

[15] THE COURT: Is there anything else I can do on this file? We have covered all the bases then?

[16] MS. KIRKPATRICK: I think not, thank you.

[17] THE COURT: Okay, and you will report back to Mr. Snowshoe. One thing we have not addressed and that is time to pay.

[18] MR. ESCHLEMAN: Yes, sir.

[19] THE COURT: Has he spoken to you about that?

[20] MR. ESCHLEMAN: No, he has not, but I will contact him tomorrow.

[21] THE COURT: What are you suggesting? Is he working in the oil industry, is that where he is?

[22] MR. ESCHLEMAN: Offshore. He did not tell me exactly, there was a lot of static on the phone, but there was --

[23] THE COURT: Sounds to me like he is probably working in the oil industry. I am going to suggest three months to pay, and if he needs more time, through you, he can make an application to extend the time.

[24] MR. ESCHLEMAN: Yes, sir.

[25] THE CLERK: Your Honour, just for clarification, in terms of the prohibition, will Mr. Eschleman make arrangements for Mr. Snowshoe to be on the telephone for us to read him the order; how will he get a copy of it?

[26] THE COURT: Well, that may be a bit of a problem. I take it you are proposing the order be read to him over the telephone, and that we make arrangements to fax a copy to him that he can sign and fax back?

[27] THE CLERK: Yes, Your Honour.

[28] THE COURT: So I think, why don't we try to do that with Mr. Eschleman's assistance, we will pursue that path. Should that not work, we will have to address the situation some other way.

[29] MS. KIRKPATRICK: Crown enters a stay of proceedings with respect to the charge under s. 14 of the *Wildlife Act*.

[30] THE COURT: The stay will be recorded. Mr. Eschleman, thank you very much for your assistance in this matter.

[31] MR. ESCHELMAN: Thank you, Your Honour.

[32] MS. KIRKPATRICK: Thank you, Your Honour, that concludes my matters.

[33] THE COURT: Thank you.

LILLES T.C.J.