

Citation: *R. v. Dougan*, 2014 YKTC 56

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Docket: 11-06037
12-05292
11-05775
11-05776
11-08545
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Judge Chisholm

REGINA

v.

ABRAHAM DOUGAN
AND
BRIAN DAVID TALLERICO

Appearances:
Lee L. Kirkpatrick
Kevin F. Church
Nicholas Weigelt

Counsel for the Territorial Crown
Counsel for Abraham Dougan
Counsel for Brian David Tallerico

REASONS FOR SENTENCING

[1] CHISHOLM T.C.J. (Oral): Since this is a joint submission, I will not go in any detail through the facts that have just been outlined by Ms. Kirkpatrick.

[2] Dr. Tallerico has entered guilty pleas to two counts that date back to August of 2011, the first count being that he wasted meat of certain animals contrary to s. 32(1) of the *Wildlife Act RSY 2002, c. 229*. The animals included a Stone sheep and a moose. The other offence to which he has pled guilty to is that on August 16, 2011 at or near Fox Mountain in the Yukon Territory, that he did embark upon a big game animal hunt

within six hours of disembarking from an aircraft, other than an aircraft operated by a commercial airline on a regularly scheduled flight. That is contrary to s. 24(4) of the *Wildlife Act RSY 2002, c. 229*.

[3] As I say, I will not go through the facts in any detail. Clearly, in looking at the way that Dr. Tallerico conducted himself after landing at the site where the hunt was to commence, he displayed a serious lack of judgment, in terms of both of the offences, commencing to hunt soon after being dropped off by the aircraft and wasting the meat of two of the animals taken.

[4] I take into account the fact that he has entered a guilty plea and the fact that he, through his counsel, has expressed extreme remorse for his actions. I also take into account the fact that he did not have a previous history of this type of behaviour.

[5] The penalties that will be imposed are as follows.

[6] Regarding the first offence, Dr. Tallerico shall pay into the Court a fine of \$7,500 to be paid forthwith to the Yukon Fish and Game Association Turn in Poachers fund.

[7] Dr. Tallerico shall pay, with respect to the second matter, into the Court a fine of \$4,000 to be paid forthwith to the Yukon Fish and Game Association Turn in Poachers fund.

[8] There will be no Victim Surcharge.

[9] The sheep, moose, caribou, and bear parts seized from Dr. Tallerico are ordered forfeited.

[10] Dr. Tallerico is prohibited from hunting in the Yukon Territory for a period of 10 years.

[11] Dr. Tallerico shall not be eligible to apply for a hunting licence in the Yukon Territory even after the expiration of a 10-year period until the fines have been paid in full. Based on the fact that a cheque has been provided to Ms. Kirkpatrick for these fines, I do not think that last matter will be an issue, and Ms. Kirkpatrick has indicated the same.

[12] With respect to Mr. Dougan, he has entered guilty pleas to, effectively, the same charges, that being wasting of animal meat and commencing a hunt when not permitted to do so.

[13] As indicated in Ms. Kirkpatrick's submissions, Mr. Dougan is the individual in this situation who had the greatest expertise -- and that is not to take away from the fact that Dr. Tallerico was an experienced hunter. By hiring a guide such as Mr. Dougan, Dr. Tallerico was putting a certain amount of faith in his abilities. Although Dr. Tallerico knew that what he was doing was wrong, it is clear that Mr. Abraham Dougan, being a guide for some length of time, having done this work for a period of time, he has a significant responsibility in terms of how this hunt was conducted. Again, he displayed very bad judgment in terms of this hunt.

[14] I take into consideration the guilty pleas that he has entered, the fact that he was cooperative with conservation officers when they commenced their investigation, and that he has expressed remorse through his counsel. I also note that this incident will undoubtedly have a negative impact on his livelihood. I suspect that individuals who

might otherwise wish to hire him as a guide may well question his competency as a guide as a result of this incident.

[15] There was significant wastage of animal meat, as indicated by the Crown, and, as a result, the penalties that will be imposed today are significant with respect to Mr. Dougan.

[16] For Mr. Dougan, he, with respect to Count 1 of Information 11-06037, shall pay into Court a fine of \$10,000 to be paid forthwith to the Yukon Fish and Game Association Turn in Poachers fund.

[17] With respect to Count 1 of the other Information, 12-05292, Mr. Dougan shall pay into Court a fine of \$5,000 to be paid on or before August 26, 2015, to the Yukon Fish and Game Association Turn in Poachers fund.

[18] There will be no Victim Surcharge.

[19] Mr. Dougan is prohibited from hunting or guiding in the Yukon Territory for a period of 20 years.

[20] Mr. Dougan shall not be eligible to apply for a hunting licence or guiding permit in the Yukon Territory even after the expiration of the 20-year period until the fines have been paid in full.

CHISHOLM T.C.J.