

Citation: *R. v. Curry*, 2008 YKTC 20

Date: 20060110
Docket: T.C. 05-05661
Registry: Whitehorse
Heard: Pelly Crossing

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Lilles

REGINA

v.

ROBERT WAYNE CURRY

Appearances:
Kathleen Avery
Robert Curry

Counsel for Territorial Crown
Self Represented

REASONS FOR SENTENCING

[1] LILLES T.C.J. (Oral): Let me then just formally indicate what we are going to do with this. With respect to the matter before the Court, Mr. Curry has accepted responsibility for wasting meat, contrary to s. 32(1) of the *Wildlife Act*, R.S.Y. 2002, c. 229.

[2] This incident goes back to September 16, 2005. While there may not be full agreement as to the amount wasted, I accept the fact that Mr. Curry made judgments in the field, and no doubt made those judgments rather quickly. I am satisfied, based on the evidence of the wildlife officer, that there was a significant amount of meat wasted. As I suggested, there may be some difference as to the exact amount; it may be less

than that suggested by the wildlife officer, but I am satisfied that there was wasting of meat. Mr. Curry has also accepted that fact.

[3] The range of sentences imposed tends to be between \$1,000 and \$2,000. In the circumstances, the Crown has suggested, and I agree, that a fine or a financial consequence in the lower end of the range would be appropriate in this particular case.

[4] I am going to impose the following disposition. There will be a \$200 fine; in addition, \$1,000 will be paid, in trust, to the Territorial Court for the benefit of the Conservation Fund. Is that the formal name of the Fund? Conservation Fund?

[5] UNIDENTIFIED SPEAKER: Yes, it is.

[6] THE COURT: Okay. The Conservation Fund is provided for, as I understand it, in the legislation. Now, time to pay, sir. How much time do you need to pay?

[7] THE ACCUSED: Three months.

[8] THE COURT: Three months?

[9] THE ACCUSED: If possible.

[10] MS. AVERY: That is fine.

[11] THE COURT: Ninety days to pay. Okay, thank you, sir.

[12] THE ACCUSED: Yeah.

[13] MS. AVERY: Thank you, Your Honour.

LILLES T.C.J.