



National
Defence

Défense
nationale

Director^{of} Military Prosecutions

ANNUAL
REPORT
2013 - 2014



Canada 



National Defence

Défense nationale

Director of Military Prosecutions

Directeur des poursuites militaires

Constitution Building
305 Rideau Street
Ottawa, ON K1A 0K2

Édifice Constitution
305, rue Rideau
Ottawa (Ontario) K1A 0K2



September 2014

Major-General Blaise Cathcart, OMM, CD, Q.C.
Judge Advocate General
National Defence Headquarters
101 Colonel By Drive
Ottawa, Ontario K1A 0K2

Major-General Cathcart,

Pursuant to article 110.11 of the *Queen's Regulations and Orders for the Canadian Forces*, I am pleased to present you with the 2013-2014 Annual Report of the Director of Military Prosecutions. The report covers the period from 1 April 2013 through 31 March 2014.

Yours sincerely,



Colonel J.A.M. Léveillé, CD
Director of Military Prosecutions



Table of Contents

Message from the Director of Military Prosecutions	1
Mission and Vision	2
Duties and Functions of the DMP	3
Organizational Structure.....	4
CMPS Personnel.....	4
Training and Policy Development.....	5
Training	5
Policy Development.....	6
Outreach	6
Information Management and Technology.....	7
Resourcing and Performance Measurement.....	8
Financial Information	9
Advancing DMP's Relationships with Investigative Agencies	10
Military Justice Proceedings.....	11
Courts Martial	11
Appeals to the Court Martial Appeal Court	15
Appeals to the Supreme Court of Canada	19
Custody Reviews	19
Annexes	
Annex A: Director of Military Prosecutions Organizational Chart.....	20
Annex B: Legal Training Statistics.....	21
Annex C: Pre-Referral Delay	23
Annex D: Court Martial Statistics	25
Annex E: CMAC Statistics	30
Annex F: SCC Statistics	31
Annex G: Release Hearings	32



Message from the Director of Military Prosecutions

I am pleased to present the Director of Military Prosecutions' (DMP) Annual Report for 2013-2014.

The DMP prosecutes cases under the Code of Service Discipline (CSD) and provides legal advice to the Canadian Forces National Investigation Service. DMP fulfils his legal mandate in a fair, impartial and objective manner.

In the past year, we have had to respond to a significant number of novel, systemic and constitutional challenges to the military justice system raised by accused personnel at both the Court Martial and Court Martial Appeal Court (CMAC) levels. The need to respond in a comprehensive and timely fashion to those many challenges has required extraordinary work on the part of many and placed a significant burden on the organization generally.

The concern expressed in last year's report regarding the relatively frequent and lengthy delays between the moment charges are laid and their referral to DMP remains. Charges under the CSD must be dealt with as expeditiously as possible. Unwarranted delay at any stage can be detrimental to the accused's right to be tried within a reasonable time and has a negative impact on the prosecution of alleged offences. DMP continues to liaise with stakeholders in the military justice system in order to reduce unnecessary delay.

I wish to thank all military and civilian personnel for their hard work, dedication and perseverance in pursuit of our mission and vision.

Colonel J.A.M. Léveillé, CD
Director of Military Prosecutions



This report, covering the period of 1 April 2013 to 31 March 2014, is prepared in accordance with article 110.11 of the *Queen's Regulations and Orders for the Canadian Forces* (QR&O), which requires the DMP¹ to report annually to the Judge Advocate General (JAG) on the execution of his duties and functions.² This report is organized into sections that will discuss the following:

- Mission and Vision
- Duties and Functions of the DMP
- Organizational Structure
- Training, Policy Development and Outreach
- Military Justice Proceedings

Mission and Vision

Our Mission

To provide competent, fair, swift and deployable prosecution services to the Canadian Armed Forces in Canada and overseas.

Our Vision

"ORDO PER JUSTITIA" or *"DISCIPLINE THROUGH JUSTICE"*. The DMP is a key player in the Canadian military justice system helping to promote respect for the law, as well as discipline, good order, high morale, esprit de corps, group cohesion and operational efficiency and capability.

¹ Colonel J.A.M. Léveillé was appointed by the Minister of National Defence on 7 March 2012 to be the DMP for a four-year term. However, he assumed the responsibilities of DMP on 7 February 2012 following the resignation of Captain(Navy) J.C. Maguire.

² Previous DMP Annual Reports, along with DMP Policy Directives and other information can be found at the DMP website: <http://www.forces.gc.ca/en/caf-community-legal-services/mil-prosecutions.page>



Duties and Functions of the DMP

The DMP is appointed by the Minister of National Defence. Section 165.11 of the *National Defence Act* (NDA) provides that the DMP is responsible for the preferring of all charges to be tried by court martial and for the conduct of all prosecutions at courts martial in Canada and abroad. The DMP also acts as counsel for the Minister of National Defence in respect of appeals before the Court Martial Appeal Court and the Supreme Court of Canada. Over the past year, military prosecutors have also represented the Canadian Armed Forces (CAF) at custody review hearings and provided legal advice and training to the Canadian Forces National Investigation Service (CFNIS).

In accordance with section 165.15 of the NDA, the DMP is assisted by officers from the Regular Force and the Reserve Force who are barristers or advocates. DMP can also count on a small but highly effective group of civilian support staff. Appointed for a four-year term, the DMP fulfils his mandate in a manner that is fair, impartial and objective. Although the DMP acts under the general supervision of the JAG, he exercises his legal mandate independently. Those duties and functions, which are set out in the NDA, the QR&O, ministerial orders and other instruments, include:

- Reviewing all CSD charges referred to him through the CAF chain of command and determining whether:
 - The charges or other charges founded on the evidence should be tried by court martial; or
 - The charges should be dealt with by an officer who has jurisdiction to try the accused by summary trial.
- Conducting – within Canada or at deployed locations overseas – the prosecution of all charges tried by court martial.
- Acting as appellate counsel for the Minister of National Defence on all appeals from courts martial.
- Acting as the representative of the CAF at all custody review hearings conducted before a military judge.
- Acting as the representative of the Crown before other boards and tribunals whose jurisdiction touches upon matters relevant to the military justice system.
- Providing legal advice to military police personnel assigned to the CFNIS.



Organizational Structure

In accordance with section 165.15 of the NDA, DMP is assisted in his duties and functions by Regular Force and Reserve Force legal officers appointed to act as military prosecutors, along with a civilian paralegal and support staff. This organization is known as the Canadian Military Prosecution Service (CMPS). It is organized regionally, and currently consists of:

- DMP headquarters at National Defence Headquarters in Ottawa consisting of the DMP, the Assistant Director of Military Prosecutions (ADMP), one Deputy Director of Military Prosecutions (DDMP) responsible for the Atlantic and Central regions, an appellate counsel, a military prosecutor responsible for policy, training and communications, a legal advisor working directly with the CFNIS, a civilian paralegal, and one legal assistant;
- Regional Military Prosecutors' (RMP) offices, with the exception of the Pacific regional office, have an establishment of two regular force military prosecutors and one legal assistant, located at:
 - Halifax, Nova Scotia (Atlantic Region);
 - Valcartier, Quebec (Eastern Region);
 - Ottawa, Ontario (Central Region);
 - Edmonton, Alberta (Western Region);
 - Esquimalt, British Columbia (Pacific Region)³; and
 - Nine Reserve force military prosecutors located individually across Canada.

The DMP organization chart is provided at Annex A.

CMPS Personnel

During this reporting period, CMPS experienced a low number of military personnel and position changes at DMP headquarters and in regional offices. However, budgetary restraint measures across the Department of National Defence have reduced the civilian work force at DMP headquarters by 50%. One clerk position and one of two paralegal positions were eliminated in FY 12-13. The remaining paralegal is thus responsible for providing litigation support for the entire organization.

During the period, the recently established RMP's office for the Pacific region was finally staffed with one prosecutor but without dedicated administrative support. We have taken steps to establish an administrative assistant position and are optimistic that it will be filled in the upcoming year.

³The DDMP (Western and Pacific) is currently collocated with the RMP Pacific.



Training and Policy Development

Training

Regular Force military prosecutors, not unlike other legal officers, are posted to their positions for a limited period of time, usually three to five years. As such, the training that they receive must support both their current employment as military prosecutors as well as their professional development as officers and military lawyers. The relative brevity of an officer's posting with the CMPS requires a significant and ongoing organizational commitment to provide him or her with the formal training and practical experience necessary to develop the skills, knowledge and judgment essential in an effective military prosecutor.

Given the small size of the CMPS, much of the required training is provided by organizations external to the CAF. During the reporting period,

military prosecutors participated in conferences and continuing legal education programs organized by the Federal/Provincial/Territorial Heads of Prosecutions Committee, the Canadian Bar Association and its provincial affiliates, the Federation of Law Societies of Canada, the Ontario Crown Attorneys' Association and various provincial law societies. These programs benefited the CAF not only through the knowledge imparted and skills developed but also through the professional bonds forged by individual military prosecutors with their colleagues from the provincial and federal prosecution services.

CMPS held an annual workshop in October for its Regular Force and Reserve Force military prosecutors. This one-day workshop takes place annually in the fall in conjunction with the annual JAG Continuing Legal Education workshop.



CMPS - CLE Workshop 2013



Military prosecutors also took part in a variety of professional development activities, including the legal officer intermediate training program. Finally, in order to maintain their readiness to deploy into a theatre of operations in support of DMP's mandate, military prosecutors conducted individual military skills training such as weapons familiarization and first aid training.

CMPS also provides support to the training activities of other CAF entities. During the reporting period, this support included the mentoring and supervision by military prosecutors of a number of junior military lawyers from the Office of the JAG, who completed a portion of their "on the job training" program by assisting in prosecutions at courts martial. Military prosecutors also provided military justice briefings to JAG legal officers, criminal law/military justice training to members of the CFNIS, and served as supervisors for law graduates articling with the Office of the JAG. Finally they contributed to the Canadian Bar Association's Military Law section annual conference.

Annex B provides additional information regarding the legal training received by the members of the CMPS.

Policy Development

DMP publishes all policy directives governing prosecutions, or other proceedings (such as custody review hearings) conducted by the CMPS. The Policy position within CMPS, which had been vacant for a number of years, was filled during the reporting period. This will fuel renewed efforts to review existing policies and should assist in ensuring that DMP's guidance in prosecution-related matters is translated into new policies or other written instruments.

Military prosecutors also play a role in the development of Canadian military justice and criminal justice policy. The DMP contributes to such efforts in part through his participation on the Federal/Provincial/Territorial Heads of Prosecutions Committee.

Outreach

F/P/T Heads of Prosecutions Committee

The DMP is a member of the Federal/Provincial/Territorial Heads of Prosecutions Committee, which brings together the leaders of Canada's prosecution services to promote assistance and cooperation on operational issues. The Committee held two meetings in 2013. The first, in May 2013, was organized jointly with the Alberta Prosecution Service and the Public Prosecution Service of Canada (as permanent co-chair). The second, in October 2013, was organized jointly with the New Brunswick prosecution service and featured the National Prosecution Awards Ceremony. DMP is scheduled to co-host the next F/P/T Heads of Prosecutions Committee meeting in May 2014.

International Association of Prosecutors

The International Association of Prosecutors (IAP) is a non-governmental and non-political organization. It promotes the effective, fair, impartial, and efficient prosecution of criminal offences through high standards and principles, including procedures to prevent or address miscarriages of justice. It assists prosecutors internationally in the fight against organized or other serious crime, and fosters measures for the elimination of corruption in public administration. The DMP participated in the Eighteenth Annual Conference and General Meeting of the IAP in Moscow in September 2013.



Information Management and Technology

JAGNet continues to be used as the main filing tool for electronic records in CMPS offices. It is a tool that allows users to manage sensitive legal information securely. The goal of the *JAGNet* project is to introduce a suite of information management and information technology capabilities to enable the organization to properly manage legal cases and recorded information and to efficiently search, find, share and use legal information and knowledge, subject to such access restrictions as are necessary.

Efforts will be made in the coming year to better harness *JAGNet*'s full capability as a knowledge management tool. Also, the DMP is working with other stakeholders in the military justice system to develop a database that will track disciplinary files from the initial request for legal advice to final disposition before a service tribunal. It is anticipated that such tracking will enhance information sharing about the progression of discipline files among unit legal advisors, the Office of the JAG's Military Justice Division, and the CMPS. This could, in turn, contribute to addressing concerns about delay and facilitate the production of military justice statistics.



Resourcing and Performance Measurement

As part of the Government of Canada, DMP is accountable for maximizing efficiencies within available resources and reporting on CMPS's performance. The availability of reliable performance information is essential for planning and decision-making. DMP relies upon data drawn from the Performance Measurement Decision Support System (PMDSS) for planning and reporting purposes. A selection of PMDSS data for CMPS personnel during the reporting period is provided in Table 1.

Table 1: Selected PMDSS Data

Time on Temporary Duty (i.e. away from home location)	558 days
Time in Court	305 days



Financial Information

Operating Budget

DMP's budget is allocated primarily to operations: that is, to providing prosecution services.

In the current reporting period, DMP's budget was \$837,914. At year-end, DMP returned approximately \$163,000 in light of prosecution-related expenditures that were lower than budgeted.

Table 2: Planned Spending

	2013-2014			2012-2013
	Budget at Beginning of the Year	Additions (Reductions)	Budget at Year-End	Budget at Year-End
Crown Liabilities (Witness Expenses)	\$130,000	(\$30,000)	\$100,000	\$130,000
Regular Force Operations and Maintenance	\$244,900	(\$50,000)	\$194,900	\$229,100
Civilian Wages	\$353,014	(\$29,609)	\$323,405	\$410,000
Reserve Force Pay	\$90,000	(\$40,000)	\$50,000	\$68,000
Reserve Force Operations and Maintenance	\$20,000	(\$13,000)	\$7,000	\$7,000
Totals	\$837,914	(\$162,609)	\$675,305	\$844,100



Advancing DMP's Relationships with Investigative Agencies

DMP recognizes the importance of maintaining collaborative relationships with investigative agencies, while respecting the independence of each organization. Good relationships with investigative agencies ensure that both the DMP and the agencies exercise their respective roles independently, but co-operatively, and help to maximize CMPS' effectiveness and efficiency as a prosecution service.

RMPs provide investigation-related legal advice to CFNIS detachments across Canada. In addition, RMPs provide training to CFNIS investigators on military justice and developments in criminal law. At the headquarters level, DMP has assigned a military prosecutor as legal advisor to the CFNIS command team in Ottawa. On 30 September 2013, DMP and the CAF Provost Marshal signed an amended letter of agreement defining the provision of legal services by the military prosecutor assigned as CFNIS Legal Advisor.



Military Justice Proceedings

The nature of the operational missions entrusted to the CAF requires the maintenance of a high degree of discipline among CAF members. Parliament and the Supreme Court of Canada have long recognized the importance of a separate military CSD to govern the conduct of individual soldiers, sailors and air force personnel, and to prescribe punishment for disciplinary breaches.

The CSD is designed to assist commanders in promoting the operational effectiveness of the CAF by contributing to the maintenance of discipline, efficiency and morale and by contributing to respect for the law and the maintenance of a just, peaceful and safe society. Service tribunals serve the purpose of the ordinary criminal courts, that is, punishing wrongful conduct, in circumstances where the offence is committed by a member of the military or other person subject to the CSD.⁴ To these ends, the NDA creates a structure of military tribunals as the ultimate means of enforcing discipline. Among these tribunals are courts martial. Court martial decisions may be appealed to the CMAC, which is a civilian court.

During the present reporting period, military prosecutors represented the Crown in several different types of judicial proceedings related to the military justice system. These proceedings included reviews of pre-trial custody, courts martial, and appeals from courts martial.⁵

Courts Martial

During the reporting period, the DMP received 119 applications for disposal of a charge or charges from referral authorities, and the CMAC ordered a new trial in one case. When an application for disposal is received, a military prosecutor is designated to perform a review of the case.

Following this review, charges are preferred to court martial, if warranted. During the period, a decision not to prefer any charges to court martial was made in respect of 31 applications.⁶

Thirty-nine applications for disposal of a charge had more than 90 days delay between the date the charge was laid and the application being received by the DMP. As mentioned above, the fact that a significant number of cases have required more than three months, from charge-laying to referral to DMP, is cause for concern. Annex C provides additional information regarding the cases involving significant delay.

During the reporting period, 67 individuals faced a total of 216 charges before courts martial held, in Canada.

Of the 67 courts martial held, 60 trials were before a Standing Court Martial (SCM), composed of a military judge sitting alone. Seven trials were held before a General Court Martial (GCM), composed of five CAF members as triers of fact and a military judge as the trier of law. In 54 of the trials, the trier of fact made a finding of guilty in respect of at least one charge. The remaining 13 trials had not guilty findings on all charges. There were no instances where there was either a stay or a withdrawal of all charges. Annex D provides additional information regarding the charges tried and the results of each court martial.

While only one sentence may be passed on an offender at a court martial, a sentence may involve more than one punishment. The 54 sentences pronounced by courts martial during the reporting period involved 88 punishments. A fine was the most common punishment, with 37 fines being imposed. Eleven punishments of imprisonment and four punishments of detention were also imposed by the courts. Of those 15,

⁴ *R. v. Généreux*, [1992] 1 S.C.R. 259.

⁵ The interests of the accused are usually represented at reviews of pre-trial custody, courts martial and appeals from courts martial to the CMAC and SCC by the Director of Defence Counsel Services (DDCS). Representation by DDCS is provided at public expense. The accused may also retain counsel at his or her own expense.

⁶ Receipt of applications for disposal of a charge and the resulting prefferal or non-prefferal and court martial (if charges are preferred) do not necessarily occur in the same reporting period.



three were suspended sentences. This means, in the context of the CSD, that the offender does not have to serve out the sentence of imprisonment or detention as long as he or she remains of good behaviour during the period of the sentence.

CMPS counsel prosecute offences contrary to the NDA, including offences under section 130 of the NDA, which are based on federal statutes such as the *Criminal Code* and the *Controlled Drugs and Substances Act*.⁷

We would like to highlight a selection of courts martial in the following four broad areas:

- Drug Offences;
- Sexual Assault and Other Offences Against the Person;
- Fraud and Other Offences Against Property; and
- Offences Relating to Conduct.

Drug Offences

Like all Canadians, persons subject to the CSD are liable to prosecution for drug-related offences as provided in the *Controlled Drugs and Substances Act*. Unlike the civilian population, however, persons subject to the CSD are also liable to prosecution for drug use.⁸

*R. v. Private M.B.A. Hannah*⁹

While undergoing training, the accused sold for \$400 an amount of methyltestosterone (an anabolic steroid) and an amount of clenbuterol (a substance regulated under the *Food and Drugs Act*) to another CAF member. The transaction took place in military barracks. The DMP preferred two charges against Private Hannah under section 130 of the NDA, for trafficking a substance contrary to the *Controlled Drugs and Substances Act*; and under section 130 of the NDA, for selling a substance contrary to the regulations made under the *Food*

and Drugs Act. At court martial, the military judge dismissed the accused's application that NDA section 130 was "overbroad", and found him guilty of both charges. He was sentenced to a reprimand and a fine in the amount of \$2,000. The offender appealed his conviction to the CMAC on the basis that the military judge erred in dismissing the overbreadth application. This appeal is discussed in greater detail later in this report.

*R. v. Private A.L. Vezina*¹⁰

Private Vezina was posted to Canadian Forces Base Borden, awaiting a trade course. Between November 2011 and April 2012, the military police were informed about an allegation that members of Private Vezina's platoon, including Private Vezina, were using cocaine. In April 2012, an undercover operation was commenced by the CFNIS. On two occasions, Private Vezina sold cocaine to the undercover operator. The DMP preferred two charges against Private Vezina under section 130 of the NDA, for trafficking in cocaine contrary to subsection 5(1) of the *Controlled Drugs and Substances Act*; and two alternative charges, under section 130 of the NDA, for trafficking in a substance held out to be cocaine on two occasions, also contrary to subsection 5(1) of the *Controlled Drugs and Substances Act*. Private Vezina was found guilty by an SCM of both trafficking charges. The alternate charges were stayed. The SCM sentenced Private Vezina to imprisonment for a term of six months. The SCM also issued a weapons prohibition order pursuant to section 147.1 of the NDA for a period of 10 years.

Private Vezina appealed this decision to the CMAC on the basis that the military judge had erred by not characterizing the undercover operator's actions as entrapment. Private Vezina also challenged the constitutionality of paragraph 130(1)(a) of the NDA. That appeal is discussed later in the report.

⁷ See NDA sections 70 and 130. A service tribunal shall not try any person charged with any of the following offences committed in Canada: murder; manslaughter or an offence under any of sections 280 to 283 of the *Criminal Code*.

⁸ QR&O, article 20.04.

⁹ *R. v. Hannah*, 2013 CM 2012.

¹⁰ *R. v. Vezina*, 2013 CM 3013.



Sexual Assault and Other Offences against the Person

*R. v Petty Officer 2nd Class J.K. Wilks*¹¹

The accused was a medical technician who served in Thunder Bay and London, Ontario from December 2003 to October 2009. In the course of enrolment medical and periodic health assessments, the accused performed visual breast inspections and manual breast examinations that were not required and that he was not qualified to perform.

An SCM found Petty Officer 2nd Class Wilks guilty of 25 charges, comprised of 10 charges of sexual assault contrary to section 130 of the NDA, pursuant to section 271 of the *Criminal Code*; and 15 charges of breach of trust by a public officer contrary to section 130 of the NDA, pursuant to section 122 of the *Criminal Code*.

The accused is scheduled to be sentenced for the above convictions in the next reporting period (as such, this case is not included in the court martial statistics found at annex D).

*R. v. Private J.C. Déry*¹²

Private Déry and the complainant were participants in a military exercise that took place in the fall of 2011 at Canadian Forces Base Wainwright. During the exercise, Private Déry and the complainant stayed in a camp that was located in the training area. It consisted of modular tents where the unit's members slept. One night, the complainant was awoken by Private Déry's hand in her underwear.

An SCM found Private Déry guilty of one charge under section 130 of the NDA, that is to say sexual assault contrary to section 271 of the *Criminal Code*, and sentenced him to imprisonment for a period of 30 days. The SCM also ordered the taking of samples of bodily substances for forensic DNA analysis in accordance with section 196.14 of the NDA and ordered Private Déry to comply with

the *Sex Offender Information Registration Act* for a period of 20 years, in accordance with paragraph 227.02(2)(b) of the NDA. The offender appealed his conviction to the CMAC on the basis that section 130 of the NDA is unconstitutional.

*R. v. Master Corporal D.D. Royes*¹³

The accused and the complainant were employed at the same unit. After a night during which she consumed a significant quantity of alcohol, the vehicle carrying the complainant was stopped by the military police at Canadian Forces Base Wainwright where it was observed that the complainant appeared to be extremely intoxicated. Upon arrival at the barracks where the accused and one other passenger lived, the three men in the car were unable to receive any intelligible response from the complainant as to the specific location of her quarters. The accused assisted the complainant to his room, and stated to the others that he would look after her. The complainant awoke naked in the accused's bed with him engaged in sexual intercourse with her. She lost consciousness again and awoke to feel the accused fondling her and attempting intercourse. She told him to stop and returned to her own quarters. Later that day, she sought medical attention and reported the assault to the military police.

An SCM found Master Corporal Royes guilty of one charge under section 130 of the NDA, that is to say sexual assault contrary to section 271 of the *Criminal Code*, and sentenced him to imprisonment for a period of 36 months. Master Corporal Royes filed a notice of appeal to the CMAC and the military judge released him from custody pending the outcome of that appeal.

*R. v. Master Corporal C.J. Stillman*¹⁴

One evening at Canadian Forces Base Shilo, Manitoba, the accused went to the Junior Ranks Club where he socialized with several soldiers, including the victim and his housemate. When the Junior Ranks Club closed for the night, the

¹¹ Decision unavailable. Date of commencement of trial: 25 September 2013.

¹² *R. v. Déry*, 2013 CM 3024.

¹³ Decision unavailable. Date of commencement of trial: 2 December 2013.

¹⁴ Decision unavailable. Date of commencement of trial: 22 October 2013.



victim and his housemate invited several people, including the accused, to go to their house to continue drinking. Later that night, the victim became upset with the accused. The victim told the accused several times to leave the house, but the accused did not. The victim and the accused then had a fight, after which the accused left the house. The accused later returned to the house where he fired one round from a pistol at the victim, at close range. That round hit the victim in his left thigh and calf, causing an entry and an exit wound and significant bleeding. After he shot the victim, the accused left the house. A few moments later, the accused turned toward the victim's housemate and fired another round from his pistol. That bullet narrowly missed the housemate.

The accused's pistol was a handgun, and a restricted firearm, as defined in section 84(1) of the *Criminal Code*. The accused was the registered owner of the pistol, and possessed a Firearm Registration Certificate and a Possession and Acquisition Licence (PAL) for it. The accused also had an Authorization to Transport (ATT), which permitted him to legally transport his pistol to approved ranges, licensed gunsmiths and border crossings in Alberta. He had no lawful authorization to transport his pistol outside Alberta. The accused did not possess an Authorization to Carry (ATC) pursuant to the Firearms Act. The accused had no lawful authorization or licence to carry the pistol concealed, or to carry it loaded with ammunition, as he did on the date of the offence.

An SCM found Master Corporal Stillman guilty five charges under section 130 of the NDA, that is to say discharging a firearm with intent contrary to section 244 of the *Criminal Code*; discharging a firearm recklessly contrary to s. 244.2 of the *Criminal Code*; aggravated assault contrary to section 268 of the *Criminal Code*; using a firearm in the commission of an offence contrary to section 85(1) of the *Criminal Code*; possession of a loaded restricted firearm contrary to section 95 of the *Criminal Code*. The court martial sentenced

him to imprisonment for a period of six years and dismissal from Her Majesty's service. Master Corporal Stillman filed a notice of appeal to the CMAC and the military judge released him from custody pending the outcome of that appeal.

Fraud and Other Offences against Property

*R. v. Warrant Officer P.D. Arsenault*¹⁵

Warrant Officer Arsenault was found guilty by an SCM of one charge under section 130 of the NDA, that is to say fraud contrary to section 380(1) of the *Criminal Code*; and one charge under subsection 125(a) of the NDA, namely, having wilfully made a false statement in an official document signed by him. He had fraudulently obtained Separation Expense and Post Living Differential benefits for almost two years. The offender was sentenced to a detention for a period of 30 days and a reduction in rank to Sergeant. The offender has appealed his conviction to the CMAC primarily on the basis that section 130 of the NDA is unconstitutional.

*R. v. Master Corporal N.S. Edmunds*¹⁶

At the time of the offence, Master Corporal Edmunds was working in the brigade pharmacy at Canadian Forces Base Petawawa. His duties included receiving goods ordered for the pharmacy and certifying them as having been received. Before an SCM, Master Corporal Edmunds pleaded guilty to one charge under section 130 of the NDA, that is to say fraud contrary to section 380(1) of the *Criminal Code* for an amount totalling \$8,515. The SCM sentenced Master Corporal Edmunds to imprisonment for a period of 30 days.

*R. v. Corporal V. Salera*¹⁷

Corporal Salera was posted to the Vice-Chief of the Defence Staff's Coordination/Military Foreign Service section, responsible for providing administrative support to CAF members posted outside Canada (known as OUTCAN) since September 2009. Corporal Salera pleaded guilty

¹⁵ *R. v. Arsenault*, 2013 CM 4007.

¹⁶ *R. v. Edmunds*, 2013 CM 4016.

¹⁷ *R. v. Salera*, 2013 CM 3028.



to one charge under section 130 of the NDA for fraud, contrary to section 380 of the *Criminal Code* for an amount totalling \$42,975. He was sentenced by an SCM to imprisonment for a period of 60 days.

*R. v. Commander D.J. Martin*¹⁸

While posted to Colorado Springs, USA, in 2009, Commander Martin submitted information for claiming Foreign Service Premium for which he had no entitlement, depriving Her Majesty in Right of Canada of \$14,938. Before an SCM, Commander Martin pleaded guilty to one charge under paragraph 117(f) of the NDA for an act of a fraudulent nature not particularly specified in sections 73 to 128 of the NDA. One mitigating factor acknowledged by the SCM was that the accused had started reimbursing the amount he had defrauded and would continue to do so until the full amount was reimbursed. Commander Martin was sentenced by the SCM to a severe reprimand and a fine in the amount of \$10,000.

Offences Relating to Conduct

*R. v. Captain B.M. Castle*¹⁹

At the time of the offences Captain Castle was employed at the Regional Cadet Instructor School (RCIS) Pacific as an instructor. In May 2012, he attended a course graduation mess dinner for a Basic Officer Training Course. During the course of the mess dinner and the subsequent reception, Captain Castle consumed a significant amount of alcohol. He became increasingly loud and disorderly as the evening progressed. During the evening, in the presence of other RCIS staff officers and course candidates, he used profanity when directing candidates to go to the mess and shouted at them to encourage them to dance. He also swore at the course duty driver at the end of the evening. After the mess dinner, Captain Castle slid his hand under the complainant's tunic and into her skirt, grabbing her buttocks. Captain Castle pleaded guilty to two charges under the

NDA, one charge under section 93 (Behaved in a Disgraceful Manner) and one charge under section 97 (Drunkenness). He was sentenced to a reduction in rank to the rank of Lieutenant and a fine in the amount of \$5,000.

*R. v. Warrant Officer J.C. Hanson*²⁰

Warrant Officer Hanson was participating in training with a unit of the Reserve Force. He completed his shift around midnight, after which he stayed at the unit in uniform. He had been drinking for awhile when, in the early morning hours, he asked a Corporal "Have you ever had a knife put to your throat?" Warrant Officer Hanson then pulled a knife from his pocket, opened the blade and pressed it against the Corporal's neck. Before an SCM, Warrant Officer Hanson pleaded guilty to two charges under the NDA: one charge under section 95 (Ill-treated a Subordinate) and one charge under section 97 (Drunkenness). The offender was sentenced to a severe reprimand and a fine in the amount of \$4,000.

*R. v. Sergeant S. Matte*²¹

In October 2012, Sergeant Matte participated in a live fire exercise. The exercise consisted of two ranges, a live fire range and an area for dry/blank practice exercises (the blank range). After the live range, he did not properly unload his weapon and at the blank range Sergeant Matte struck a fellow soldier in the left femur when he fired his weapon. Before an SCM, Sergeant Matte pleaded guilty to one charge under section 124 (Negligent Performance of a Military Duty) of the NDA. The SCM accepted the joint submission of the parties and sentenced the offender to detention for a period of 10 days and a fine in the amount of \$5,000.

Appeals to the Court Martial Appeal Court

During the reporting period, the CMAC rendered a decision on six appeals and two release pending

¹⁸ *R. v. Martin*, 2014 CM 3001.

¹⁹ *R. v. Castle*, 2013 CM 4008.

²⁰ *R. v. Hanson*, 2013 CM 3021.

²¹ *R. v. Matte*, 2013 CM 4019.



appeal applications. One appeal was abandoned by the appellant. For appeals, DDCS provides legal representation, at no cost to CAF members, when authorized to do so by the Appeal Committee.²² During the reporting period, 10 new applications to appeal were filed with the CMAC. Out of the 10, eight appeals were initiated by DDCS counsel on behalf of CAF members convicted and sentenced by court martial; two appeals were initiated by the DMP on behalf of the Crown.

We would like to highlight the following appeal cases:

*Second-Lieutenant Moriarity v. R. and Private M.B.A. Hannah v. R.*²³

Second Lieutenant Moriarity was a Cadet Instructor Cadre (CIC) officer on duty in Victoria and Vernon, British Columbia at the Cadet Organization Administration and Training Service (COATS). While in a position of trust and authority with respect to cadets with whom he interacted, he engaged in inappropriate sexual relationships with two cadets. An SCM convicted Second-Lieutenant Moriarity of four *Criminal Code* offences punishable under paragraph 130(1)(a) of the NDA: two counts of sexual exploitation; one count of sexual assault; and one count of invitation to sexual touching. The SCM sentenced Second-Lieutenant Moriarity to imprisonment for a period of 12 months, dismissal from Her Majesty's service, and reduction in rank to the rank of second-lieutenant (he had been a Captain).²⁴ The facts surrounding the case of Private Hannah have been provided in the preceding section of this report. In both cases before the CMAC, the facts were not in dispute.

Second-Lieutenant Moriarity and Private Hannah, represented by DDCS counsel, appealed from the decisions of the two SCMs dismissing their *Charter* applications and convicting the appellants of a variety of offences under paragraph 130(1)(a) of the NDA. The appellants argued that by incorporating civil offences unrelated to military service in the CSD, paragraph 130(1)(a) employs

unconstitutionally broad means to achieve its purpose: enforcing discipline, efficiency, and morale in the military. They sought from the CMAC a declaration that paragraph 130(1)(a) is unconstitutional and of no force or effect pursuant to s. 52 of the *Constitution Act*, 1982 and a dismissal of all charges against them, as their convictions were based on an unconstitutional law. In particular, the appellants contended that paragraph 130(1)(a) violated their liberty rights under s. 7 of the *Charter* in a manner that cannot be saved by s. 1; and that the provision also violated subsection 11(f) of the *Charter* and the right to not be arbitrarily tried by a military tribunal since non-military crimes may be tried by a service tribunal with no right to a jury.

The CMAC found that, properly interpreted, paragraph 130(1)(a) of the NDA is not unconstitutionally overbroad as its scope is restricted by the requirement of a so-called "military nexus" (as applied by the CMAC in a number of cases from 1983 to 1996). Since neither Appellant challenged the presence of a military nexus for any of the offences for which they were charged, or otherwise challenged their convictions, the appeals were dismissed.

*Private Alexandra Vezina v. R.*²⁵

The appellant appealed from her convictions at trial of service offences punishable under section 130 of the NDA for trafficking in cocaine, contrary to subsection 5(1) of the *Controlled Drugs and Substances Act*. Immediately after her conviction, the appellant applied for stay of proceedings on the basis that she was entrapped into committing these offences by the military police. The military judge dismissed the application. In her appeal to CMAC, the appellant argued that she was entrapped and the proceedings should have been stayed.

The CMAC ruled that the military judge's characterization of the undercover operator's question ("Can you get me some coke?") as just an investigative step was supported by the

²² See QR&O articles 101.20 and 101.21 for information on DDCS involvement in appeals and regarding the Appeal Committee.

²³ *Moriarity v. Canada*, 2014 CMAC 1.

²⁴ *R. v. Moriarity*, 2012 CM 3022.

²⁵ *Vezina v. Canada*, 2014 CMAC 3.



evidence and was consistent with the applicable jurisprudence. The CMAC disagreed with the military judge, and held that there were also two alternative bases for rejecting the defence of entrapment in this case. First, when the investigator asked the appellant whether she could sell her some coke, the military police did have objectively discernible facts supporting a reasonable suspicion that the appellant was implicated in trafficking. Second, the investigator's question to the appellant arose during a bona fide inquiry within the meaning of *R. v. Mack*²⁶ and *R. v. Barnes*²⁷. The CMAC thus declined to interfere with the military judge's conclusions in this regard.

Private Vezina also challenged the constitutionality of paragraph 130(1)(a) of the NDA. The CMAC noted that in *Moriarty v. Canada*, the CMAC dismissed an identical challenge. The panel in *Vezina v. Canada* considered itself bound to follow *Moriarty v. Canada* because the appellant had failed to establish that the CMAC panel in that case had committed manifest error. The CMAC also found that the question of exactly what constitutes a military nexus sufficient to avoid unconstitutional overbreadth is a matter to be worked out on the facts of future specific cases. Here again, the CMAC found no manifest error.

The CMAC therefore dismissed the appeal.

*R. v. Corporal J.H. Courneyea*²⁸

At trial by SCM²⁹, the respondent was found not guilty of all charges. The Minister appealed with respect to the verdict on the first charge (an offence punishable under section 130 of the NDA, that is to say, assault with weapon contrary to section 267(a) of the *Criminal Code*) and the third charge (an offence punishable under section 130 of the NDA, that is to say, uttering threats contrary to section 264.1(1)(a) of the *Criminal Code*) only. The appellant argued that the military judge erred in law in determining that the respondent

had discharged the evidentiary burden of putting the defence of automatism in play; by finding the respondent not responsible on account of mental disorder with respect to the first charge of assault with a weapon; and in acquitting the respondent on the third charge of threatening to shoot.

The CMAC noted that a psychiatrist had provided evidence at trial to the effect that it was unlikely that the respondent had a dissociative episode at the time of allegedly uttering threats; that it was more likely that the respondent had a dissociative episode in readying his weapon and posture than in making threatening comments, and that "it is most plausible that the alleged offences were the product of the combined effects of exhaustion, persistent hyper-arousal symptoms of PTSD, and possible dissociation with exaggerated and inappropriate threat response including assuming the ready position".³⁰ In light of the overall circumstances of the case, the CMAC declined to interfere with the military judge's decision to put into play the defence of automatism.

The CMAC further held that the military judge's conclusion that the respondent was not responsible on account of mental disorder with respect to the first charge was based on his assessment of the facts and that the appellant had failed to establish that the military judge committed a reviewable error in his findings with respect to that defence.

With respect to the third charge, the CMAC held that the military judge had essentially made a finding of fact. The Court held that there was ample evidence on which the military judge could base this finding. The Court held that the appellant had failed to establish that there was a ground on which the Court should intervene and overturn the acquittal on the third charge. As a result, the CMAC dismissed the appeal.

*Sub-Lieutenant J. Thibeault v. R.*³¹

The appellant was convicted of sexual assault by

²⁶ *R. v. Mack*, [1988] 2 S.C.R. 903.

²⁷ *R. v. Barnes*, [1991] 1 S.C.R. 449.

²⁸ *Canada v. Courneyea*, 2013 CMAC 3.

²⁹ *R. v. Courneyea*, 2012 CM 4013.

³⁰ *Ibid.* at para. 10.



an SCM.³² He appealed his conviction on the basis that he did not receive the effective assistance of counsel at his trial. He requested that the CMAC consider fresh evidence in support of his position. The fresh evidence consisted of affidavits sworn by the appellant and his defence counsel, and the transcripts of cross-examinations on those affidavits. The appellant argued that he believed that the complainant consented to their sexual activity but, on the advice of his lawyer, he did not take the witness stand to provide evidence to support the defence of honest but mistaken belief in consent. He argued that the CMAC should find that a miscarriage of justice occurred, to overturn his conviction, and to order a new trial.

The CMAC held that the appellant's version of events was relevant. It related to the question of whether the appellant intentionally engaged in sexual contact with the complainant without her consent. His testimony was clearly relevant to one of the essential elements that the prosecution had to prove beyond a reasonable doubt. The Court found that the appellant's evidence was reasonably capable of belief, was not implausible in the circumstances and could reasonably have affected the outcome of the trial by creating a reasonable doubt about the required mental element. The Court therefore concluded that that a miscarriage of justice had occurred.

On the issue of ineffective assistance of counsel, the Court noted that defence counsel left it to the appellant to decide whether to testify but did not provide specific advice about the connection between the appellant's testimony and the defence of mistaken belief in consent. By failing to provide that advice, counsel did not allow the appellant to make an informed choice as to whether or not he should testify. The CMAC was satisfied that the appellant had demonstrated that his counsel's advice was unreasonable. The Court therefore concluded that appellant did not receive the effective assistance of counsel at trial and, as a consequence, his conviction for sexual assault was unreliable. As a result, the CMAC held that the fresh evidence should be admitted,

allowed the appeal, set aside the conviction, and ordered a new trial.

*R. v. Captain J.T. Wright*³³

The respondent was acquitted by an SCM of all four charges he faced for offences under the NDA, all of which related to an allegation that he had obstructed justice by submitting fabricated evidence in an earlier proceeding. At the opening of his trial, the respondent made an application to exclude certain evidence (six pieces of email correspondence) on the basis that it had been obtained (pursuant to a production order) in violation of his right to be secure against unreasonable search or seizure under section 8 of the *Charter*. The military judge allowed the application³⁴, found that there had been a serious breach of his section 8 *Charter* rights, and ordered that the impugned evidence be excluded because its admission would bring the administration of justice into disrepute. The prosecution announced that in light of the military judge's decision, the prosecution would not be calling any evidence. The defence then moved for dismissal on the basis that there was no evidence to support a *prima facie* case against the respondent. The motion was granted and the respondent was found not guilty of all four charges.

The Minister appealed the respondent's acquittal alleging three errors on the part of the presiding military judge: first, in concluding that the production order was invalid; second, in deciding that respondent's section 8 *Charter* rights had been breached through an abusive seizure; and third, in excluding the evidence pursuant to section 24 of the *Charter*.

Regarding the production order, the CMAC agreed with the military judge that the errors he identified were not "trifling technicalities." Rather, they were "technical matters where precision is expected, rigor is demanded and complete and accurate disclosure is required."³⁵ Regarding the manner in which the seizure of the email

³¹ *Thibeault v. Canada*, 2014 CMAC 2.

³² *R. v. Thibeault*, 2012 CM 1014.

³³ *Canada v. Wright*, 2014 CMAC 4.

³⁴ *R. v. Wright*, 2012 CM 3002.



correspondence was carried out, the CMAC found that there was “ample support for the military judge’s finding that the search and production of the respondent’s personal data was abusive because its execution went beyond the scope of the Production Order.”³⁶ Regarding the exclusion of the email correspondence, the Court saw no error in the military judge’s conclusion that the admission of the impugned evidence would bring the administration of justice into disrepute. For those reasons, a majority of the three-judge CMAC panel dismissed the appeal. The remaining member of the panel wrote a dissenting opinion.

Annex E provides additional information regarding appeals to the CMAC.

Appeals to the Supreme Court of Canada

There was one application for leave to appeal filed with the Supreme Court of Canada during

the reporting period and there were no appeals to the Supreme Court of Canada. The application for leave to appeal concerned the appeals by Second-Lieutenant Moriarity and Private Hannah that were dismissed by the CMAC. The appellants challenged the ruling by the CMAC that paragraph 130(1)(a) of the NDA is not unconstitutionally overbroad. Annex F provides additional information regarding appeals to the Supreme Court of Canada.

Custody Reviews

Military Judges are, in certain circumstances, required to review orders made to retain a CAF member in service custody. DMP represents the CAF at such hearings. During the reporting period, military prosecutors appeared at seven pre-trial custody review hearings³⁷, one 90-day review hearing³⁸ and one Release Pending Appeal revocation hearing³⁹. Further information on custody reviews is provided at Annex G.

³⁵ *Ibid.* at para. 59.

³⁶ *Ibid.* at para. 69.

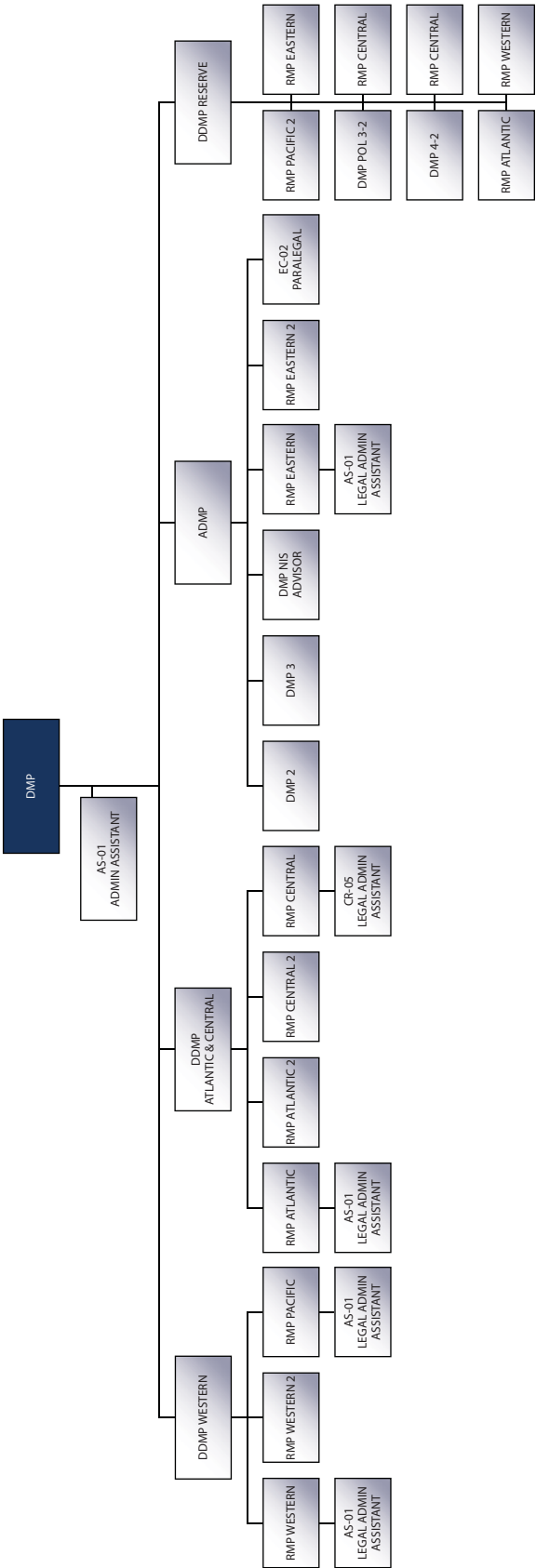
³⁷ NDA, s. 159.

³⁸ NDA, s. 159.8.

³⁹ NDA, s. 248.8.



Annex A:
Director of Military Prosecutions Organizational Chart





Annex B: Legal Training Statistics

Host Organization	Name of Course	Number of attendees
Canadian Defence Academy	Legal Officer Intermediate Training - Operational Law Course	1
Law Society of Upper Canada	Advanced Cross-Examination Techniques	1
Canadian Bar Association	2013 Canadian Bar Association Annual Conference	2
Legal Education Services of Alberta	31 st Annual Intensive Advocacy	1
Canadian Defence Academy	Presiding Officer Certification Training	1
Office of the Judge Advocate General	JAG Speaker's Corner	2
Directeur des poursuites criminelles et pénales	Arrestation, détention et intrusion étatique	2
Directeur des poursuites criminelles et pénales	Règles de prévue et de procédure criminelles spécialise	4
Federation of Law Societies of Canada	2013 National Criminal Law Program	8
Ontario Crown Attorneys' Association	Search and Seizure	2
Quebec Bar	Techniques de plaidoiries	1
Ontario Crown Attorneys' Association	Internet and Child Exploitation	2
Ontario Crown Attorneys' Association	Homicide	1
Ontario Crown Attorneys' Association	Appellate Advocacy	2
Ontario Crown Attorneys' Association	Complex Prosecutions	1
Canadian Defence Academy	Legal Officer Intermediate Training – Military Justice / Military Administrative Law / Board Of Inquiry Course	1
Department of Justice	Fundamentals of Solicitor-Client Privilege in the Government Context	1
Office of the Judge Advocate General	JAG Continuing Legal Education Seminar	18
Canadian Bar Association	14 th Annual Administrative Law, Labour & Employment Law Conference	1
Learning and Career Centre	Introduction to Project Management	1

*Annex B: Legal Training Statistics*

Host Organization	Name of Course	Number of attendees
Canadian Institute for the Administration of Justice	"Ambiguous Crossroads": Persons with Mental Health Problems & the Criminal Justice System	1
Department of National Defence – Vice-Chief of the Defence Staff	Conference of Defence Associations	1
International Association of Prosecutors	18 th Annual Conference and General Meeting	2
International Association of Prosecutors	3 rd North American and Caribbean Regional Conference	1
Ontario Bar Association	Litigating a Smarter Charter	1
Learning and Career Centre	Managing Civilian Human Resources	1
Ontario Ministry of the Attorney General	Crown Prosecutors Knowledge Management Conference	2



Annex C: Pre-Referral Delay

Charges referred to DMP during FY 13-14 and involving a delay of 90 days or more between the Record of Disciplinary Proceedings being signed and the referral being received by DMP.

QR&O article 107.015 provides that a charge is laid when it is reduced to writing in Part 1 of the Record of Disciplinary Proceedings and signed by a person authorized to lay charges.

#	Unit	Charges	Referral Authority	Incident Date	RDP date	Referral Signed	Received at DMP	RDP to Received
1	CRFC Quebec	s. 129	CMP	02-Oct-13	03-Dec-13	21-Feb-14	11-Mar-14	98
2	2 R22R	s. 87(1) CCC s. 266 CCC	2 Div	30-Jun-11	28-Oct-13	20-Feb-14	7-Mar-14	130
3	3 MP Regt	s. 83	VCDS	07-Aug-13	28-Nov-13	27-Feb-14	6-Mar-14	98
4	CFLTC	s. 116	CDA	22-Oct-13	05-Nov-13	25-Feb-14	3-Mar-14	118
5	4 CDSG	s. 129 s. 4(1) CDSA X 2	4 Div	20-Oct-13	20-Nov-13	19-Feb-14	3-Mar-14	103
6	3 RCR	s. 264.1 CCC X 2	4 Div	31-Oct-13	01-Nov-13	31-Jan-14	17-Feb-14	108
7	HMCS York	s. 129 X 2	RCN	30-Apr-13	11-Sep-13	07-Feb-14	13-Feb-14	155
8	HMCS York	s. 129 X 2	RCN	30-Apr-13	11-Sep-13	07-Feb-14	13-Feb-14	155
9	HMCS York	s. 129 X 2	RCN		11-Sep-13	07-Feb-13	13-Feb-14	155
10	7 Intelligence Coy	s. 271 CCC s. 93 X 2	4 Div	15-Jun-13	26-Aug-13	11-Dec-13	16-Jan-14	143
11	2 R22R	s. 271	2 Div	20-Aug-11	01-Oct-13	16-Dec-13	30-Dec-13	90
12	OP Attention	s. 129	CJOC	15-Jul-13	26-Sep-13	10-Dec-13	30-Dec-13	95
13	1 PPCLI	s. 129	3 Div	22-Mar-13	28-Aug-13	05-Dec-13	30-Dec-13	124
14	CFJSR	s. 129 s. 4(1) CDSA	CJOC	24-Nov-12	21-Mar-13	05-Dec-13	12-Dec-13	266
15	1 RCR	s. 84 s. 86 s. 97	4 Div	03-Feb-13	23-May-13	19-Nov-13	29-Nov-13	190
16	JPSU Petawawa	s. 85 s. 84 s. 129	CMP	03-Oct-12	28-Nov-12	21-Oct-13	24-Oct-13	330
17	CFSCE	s. 129	CADTC	01-Jul-13	15-Jul-13	15-Oct-13	24-Oct-13	101
18	35e BN S du C	s. 129	2 Div	16-Mar-13	20-Jun-13	17-Sep-13	24-Sep-13	96
19	PEI Regt	s. 129	CMP	22-Feb-13	21-May-13	30-Aug-13	24-Sep-13	126
20	12 Wing HQ	s. 4(1) CDSA s. 129	1 CAD	20-Jan-12	15-Feb-12	19-Sep-13	20-Sep-13	583
21	21 MP Flt	s. 83 s. 85	COS VCDS	20-May-13	31-May-13	06-Sep-13	10-Sep-13	102



Annex C: Pre-Referral Delay

#	Unit	Charges	Referral Authority	Incident Date	RDP date	Referral Signed	Received at DMP	RDP to Received
22	CFS Met	s. 266 CCC X 2 s. 86 X 3	CDA	12-Mar-13	23-Apr-13	12-Aug-13	5-Sep-13	135
23	WTEME	s. 84 s. 86 s. 85 X 2	1 CAD	18-Jan-13	14-May-13	26-Jul-13	26-Aug-13	104
24	1 CFH	s. 101.1 s. 90 X 2	CF H Svcs Gp	09-May-13	10-May-13	15-Aug-13	19-Aug-13	101
25	3rd RCR	s. 90	LFCA	02-Feb-13	13-Feb-13	21-Jun-13	5-Jul-13	142
26	2 Svc Bn	s. 85 s. 97	LFWA	01-Nov-12	22-Mar-13	26-Jun-13	3-Jul-13	103
27	HMCS Prevost	s. 114 s. 129 s. 90	RCN	12-Dec-12	13-Mar-13	11-Jun-13	15-Jun-13	94
28	2 CMBG HQ	s. 129 X 2	LFCA	24-Aug-12	12-Oct-12	05-Jun-13	13-Jun-13	244
29	1 ASG	s. 125 s. 129	LFWA	18-Apr-12	29-Jan-13	30-May-13	7-Jun-13	129
30	2 CER	s. 114 X 2 s. 129 CCC	LFCA	31-Oct-12	26-Feb-13	23-May-13	3-Jun-13	97
31	RCD	s. 129	LFCA	07-Jan-13	04-Mar-13	23-May-13	3-Jun-13	91
32	1 R22R	s. 129(a) CCC	SQFT	05-Feb-12	25-Jan-13	23-May-13	29-May-13	124
33	LFAA TC	s. 83 X 2	LFAA	12-Sep-12	20-Feb-13	04-May-13	21-May-13	90
34	55 Field Ambulance	s. 129	CF H Svcs Gp	28-Feb-11	28-Nov-12	09-May-13	15-May-13	168
35	GGFG	s. 97 s. 114 s. 83 s. 90	LFCA	15-Apr-12	01-Dec-12	30-Apr-13	13-May-13	163
36	GGFG	s. 97 s. 114 s. 83 s. 90	LFCA	15-Apr-12	27-Nov-12	30-Apr-13	13-May-13	167
37	2 CER	s. 124 s. 130 unlawful bodily harm	LFCA	03-Oct-12	17-Jan-13	04-Apr-13	24-Apr-13	97
38	2 PPCLI	s. 90 s. 97	LFWA	23-Nov-12	29-Nov-12	04-Apr-13	11-Apr-13	133
39	2 MP Regt	s. 129	VCDS	13-Apr-12	30-Aug-12	03-Apr-13	5-Apr-13	218

** last incident date - where multiple incidents appear on one RDP



Annex D: Court Martial Statistics

#	Type	Rank	Offences	Description	Disposition	Sentence	Orders at CM	Location of Court Martial	Location of Offence	Language of Trial
1.	SCM	Lt Adams	s. 129 NDA	Conduct to the prejudice of good order and discipline	Guilty	Severe reprimand and \$1,000 fine	N/A	Toronto, ON	Niagara Falls, ON	English
			s. 430(4) CCC	Mischief	Withdrawn					
2.	SCM	WO Arsenault	s. 380(1) CCC	Fraud	Guilty	30 days detention and reduction in rank	N/A	Valcartier, QC	Gagetown, NB	French
			s. 117(f) NDA	An act of fraudulent nature	Stayed					
			s. 117(f) NDA	An act of fraudulent nature	Stayed					
			s. 125(a) NDA	False declaration in a document signed for an official purpose	Guilty					
3.	SCM	Pte Bailey (2 referrals)	s. 90 NDA	Absent without leave	Guilty	10 days imprisonment (suspended) and \$500 fine	N/A	Shilo, MB	Shilo, MB	English
			s. 90 NDA	Absent without leave	Guilty					
			s. 90 NDA	Absent without leave	Guilty					
4.	SCM	PO1 Baker	s. 125 NDA	Negligently made false entries in a document required for official purpose	Guilty	Reprimand and \$1,000 fine	N/A	Victoria, BC	Vancouver, BC	English
			s. 129 NDA	Conduct to the prejudice of good order and discipline	Guilty					
5.	SCM	Cpl Benedetti	s. 91(2) CCC	Unauthorized possession	Not Guilty	Reprimand and \$400 fine	N/A	Gagetown, NB	Gagetown, NB	English
			s. 4(1) CDSA	Possession	Guilty					
			s. 129 NDA	Conduct to the prejudice	Guilty					
6.	SCM	Sgt Brideau	s. 129 NDA	Neglect to the prejudice of good order and discipline	Not Guilty	N/A	N/A	Valcartier, QC	Kabul, Afghanistan	French
			s. 124 NDA	Negligent performance of a military duty	Not Guilty					
7.	SCM	LS Brinton	s. 83 NDA	Disobeyed a lawful command	Guilty	Reprimand and \$3,000 fine	N/A	Halifax, NS	Halifax, NS	English
			s. 83 NDA	Disobeyed a lawful command	Guilty					
			s. 90 NDA	Absent without leave	Stayed					
8.	SCM	Capt Castle	s. 93 NDA	Behaved in a disgraceful manner	Guilty	Reduction in rank, and \$5,000 fine	N/A	Esquimalt, BC	Albert Head Training Area, BC	English
			s. 97 NDA	Drunkenness	Guilty					
9.	GCM	Cpl Caza	s. 88 NDA	Desertion	Guilty	6 months imprisonment (suspended), dismissal, and reduction in rank	N/A	Trenton, ON	Trenton, ON	English
			s. 90 NDA	Absent without leave	Guilty					
			s. 101.1 NDA	Failed to comply with a condition imposed under division 3	Guilty					
			s. 101.1 NDA	Failed to comply with a condition imposed under division 3	Guilty					
			s. 101.1 NDA	Failed to comply with a condition imposed under division 3	Guilty					
10.	SCM	Pte Charbonneau	s. 5(1) CDSA	Trafficking	Withdrawn	N/A	N/A	Valcartier, QC	Valcartier, QC and Quebec City, QC	French
			s. 129 NDA	Conduct to the prejudice	Withdrawn					
			s. 5(1) CDSA	Trafficking	Not Guilty					
			s. 129 NDA	Conduct to the prejudice	Not Guilty					
11.	SCM	WO Comerford	s. 83 NDA	Disobeyed a lawful command	Stayed	Reprimand and \$750 fine	N/A	St. John's, NL	St. John's, NL	English
			s. 129 NDA	Conduct to the prejudice	Guilty					
12.	SCM	Cpl Crosman	s. 97 NDA	Drunkenness	Guilty	Reduction in rank	N/A	Edmonton, AB	Edmonton, AB	English
			s. 90 NDA	Absent without leave	Guilty					
			s. 101.1 NDA	Failed to comply with conditions	Withdrawn					
			s. 90 NDA	Absent without leave	Guilty					
13.	SCM	Cpl Crosman	s. 90 NDA	Absent without leave	Guilty	25 days detention	N/A	Edmonton, AB	Edmonton, AB	English
			s. 101.1 NDA	Failed to comply with conditions	Guilty					
14.	SCM	Lt(N) Daniels	s. 86 CCC	Careless use of a firearm	Not Guilty	N/A	N/A	Gatineau, QC	Camp Phoenix, Afghanistan	English
			s. 129 NDA	Conduct to the prejudice	Not Guilty					
15.	SCM	Pte Déry	s. 271 CCC	Sexual assault	Guilty	30 days imprisonment	N/A	Petawawa, ON	Wainwright, AB	French
16.	SCM	Pte Desgroseilliers	s. 101.1 NDA	Failed to comply with condition	Guilty	\$1,500 fine	N/A	Borden, ON	Petawawa, ON	English
			s. 101.1 NDA	Failed to comply with condition	Guilty					



#	Type	Rank	Offences	Description	Disposition	Sentence	Orders at CM	Location of Court Martial	Location of Offence	Language of Trial
17.	SCM	MCpl Edmunds	s. 380(1) CCC s. 367 CCC s. 125(a) NDA s. 125(a) NDA s. 367 CCC s. 125(a) NDA s. 125(a) NDA	Fraud Forgery Wilful false statement in document required for official purpose Wilful false statement in document required for official purpose Forgery Wilful false statement in document required for official purpose Wilful false statement in document required for official purpose	GUILTY Withdrawn Withdrawn Withdrawn Withdrawn Withdrawn	30 days imprisonment	N/A	Petawawa, ON	Petawawa, ON	English
18.	SCM	Cpl Gagne	s. 80 CCC s. 127 NDA	Breach of duty Injurious handling of a dangerous substance	Not Guilty Not Guilty	N/A	N/A	Valcatier, QC	Observation post Sherlock, Afghanistan	French
19.	SCM	Maj Giroux	s. 90 NDA s. 125(a) NDA s. 125(a) NDA	Absent without leave Wilful false entry in a document required for official purpose Wilful false entry in a document required for official purpose	Withdrawn Withdrawn Guilty	Reprimand and \$800 fine	N/A	Bagotville, QC	Bagotville, QC	English
20.	SCM	Gnr Grenier (2 referrals)	s. 83 NDA	Disobeyed a lawful command of a superior officer	Not Guilty	60 days imprisonment and severe reprimand	N/A	Petawawa, ON	Petawawa, ON	English
			s. 83 NDA	Disobeyed a lawful command of a superior officer	Not Guilty					
			s. 88 NDA	Desertion	Guilty-included s. 90					
			s. 129 NDA	Neglect to the prejudice of good order and discipline	Not Guilty					
			s. 129 NDA	Conduct to the prejudice of good order and discipline	Not Guilty					
			s. 85 NDA	Behaved with contempt toward a superior officer	Not Guilty					
			s. 90 NDA	Absent without leave	Not Guilty					
			s. 90 NDA	Absent without leave	Not Guilty					
			s. 90 NDA	Absent without leave	Not Guilty					
			s. 90 NDA	Absent without leave	Not Guilty					
			s. 90 NDA	Absent without leave	Guilty					
			s. 90 NDA	Absent without leave	Not Guilty					
			s. 90 NDA	Absent without leave	Guilty					
			s. 90 NDA	Absent without leave	Not Guilty					
			s. 90 NDA	Absent without leave	Guilty					
			s. 90 NDA	Absent without leave	Not Guilty					
			s. 90 NDA	Absent without leave	Not Guilty					
			s. 90 NDA	Absent without leave	Not Guilty					
			s. 90 NDA	Absent without leave	Not Guilty					
			s. 90 NDA	Absent without leave	Guilty					
			s. 97 NDA	Drunkenness	Not Guilty					
			s. 101.1 NDA	Failed to comply with a condition of an undertaking given under division 3	Guilty					
			s. 101.1 NDA	Failed to comply with a condition of an undertaking given under division 3	Guilty					
			s. 87 NDA	Broke out of barracks	Not Guilty					
21.	SCM	OS Grondines	s. 139 CCC s. 129 NDA s. 129 NDA	Obstructing justice Conduct to the prejudice Conduct to the prejudice	Not Guilty Guilty Guilty	Reprimand and \$500 fine	N/A	Gagetown, NB	Halifax, NS	English
22.	SCM	Pte Hannah	s. 5(1) CDSA s. 5(1) CDSA s. 31 F&D Act	Trafficking Trafficking Unlawfully selling a substance	Guilty Withdrawn Guilty	Reprimand and \$2,000 fine	N/A	Gagetown, NB	Gagetown, NB	English
23.	SCM	WO Hanson	s. 267(a) CCC s. 95 NDA s. 97 NDA	Assault with a weapon Ill-treated a subordinate Drunkenness	Withdrawn Guilty Guilty	Severe reprimand and \$4,000 fine	N/A	Toronto, ON	Toronto, ON	English
24.	SCM	MCpl Holloway	s. 163.1(4) CCC s. 163.1(4.1) CCC	Possession of child pornography Accessing child pornography	Not Guilty Not Guilty	N/A	N/A	Edmonton, AB	Kabul, Afghanistan	English



Annex D: Court Martial Statistics

#	Type	Rank	Offences	Description	Disposition	Sentence	Orders at CM	Location of Court Martial	Location of Offence	Language of Trial
25.	SCM	MS Hubick	s. 90 NDA s. 85 NDA s. 114 NDA s. 129 NDA	Absent without leave Used insulting language toward a superior Stealing An act to the prejudice	Guilty Guilty Not Guilty Not Guilty	\$800 fine	N/A	Cold Lake, AB	Cold Lake, AB	English
26.	GCM	OS Hull	s. 125 NDA s. 117(f) NDA s. 117(f) NDA s. 125 NDA	Wilfully made a false statement in a document signed by him that was required for official purpose An act of fraudulent nature An act of fraudulent nature Wilfully made a false statement in a document signed by him that was required for official purpose	Withdrawn Withdrawn Guilty Withdrawn	Reprimand and \$2,000 fine	N/A	Victoria, BC	Esquimalt, BC and Mount Pearl, NL	English
27.	SCM	Cpl Keenan	s. 125(a) NDA s. 368(1) CCC s. 117(f) NDA s. 129 NDA	Wilful false entry in a document required for official purpose Uttering a forged document An act of fraudulent nature Conduct to the prejudice	Stayed Guilty Guilty Stayed	Reprimand and \$300 fine	N/A	Gagetown, NB	Gagetown, NB	English
28.	SCM	Cpl Kent	s. 86(1) CCC s. 86(1) CCC s. 129 NDA	Careless storage of a firearm Careless handling of a firearm Neglect to the prejudice	Not Guilty Not Guilty Not Guilty	N/A	N/A	Petawawa, ON	Petawawa, ON	English
29.	SCM	Cpl Khan	s. 83 NDA s. 90 NDA	Disobeyed a lawful command Absent without leave	Guilty Withdrawn	\$500 fine	N/A	Toronto, ON	Borden and Kingston, ON	English
30.	SCM	Capt Lacroix	s. 368(1)(a) CCC s. 129 NDA s. 125(c) NDA s. 125(c) NDA	Used a forged document Conduct to the prejudice of good order and discipline With intent to deceive suppressed a document issued for a military purpose With intent to deceive suppressed a document issued for a military purpose	Stay Guilty Guilty Withdrawn	Severe reprimand and \$2,000 fine	N/A	Coucelette, QC	Quebec City, QC	French
31.	SCM	MCpl Laflamme	s. 129(a) CCC s. 129(a) CCC	Obstructing a peace officer Obstructing a peace officer	Guilty Guilty	Reprimand and \$600 fine	N/A	Trenton, ON	Trenton, ON	French
32.	GCM	MS Laliberte	s. 271 CCC s. 93 NDA	Sexual assault Behaved in a disgraceful manner	Not Guilty Withdrawn	N/A	N/A	Victoria, BC	Comox, BC	English
33.	SCM	NCdt Lemoyne	s. 271 CCC s. 129 NDA	Sexual assault Conduct to the prejudice	Guilty of s. 266 Guilty	Severe reprimand	N/A	Saint-Jean-sur-Richelieu, QC	Valcartier, QC	French
34.	SCM	Cpl Lovell	s. 90 NDA	Absent without leave	Guilty	\$1,000 fine	N/A	Edmonton, AB	Edmonton, AB	English
35.	SCM	WO Lynk	s. 83 NDA s. 129 NDA s. 129 NDA	Disobeyed a lawful command Neglect to the prejudice of good order and discipline An act to the prejudice of good order and discipline	Not Guilty Not Guilty Not Guilty	N/A	N/A	Petawawa, ON	Renfrew, ON	English
36.	GCM	MWO MacMullin	s. 84 NDA s. 266 CCC s. 95 NDA	Used violence against a superior officer Assault Ill-treated a person who by reason of appointment was subordinate to him	Withdrawn Not Guilty Not Guilty	N/A	N/A	Kingston, ON	Kingston, ON	English
37.	SCM	Cpl Maillet	s. 380(1) CCC s. 117(f) NDA s. 125(a) NDA s. 380(1) CCC s. 117(f) NDA s. 125(a) NDA	Fraud An act of fraudulent nature Wilfully made a false statement in a document Fraud An act of fraudulent nature Wilfully made a false statement in a document	Guilty Stay Guilty Guilty Stay Guilty	90 days imprisonment	N/A	Courcelette, QC	Trenton, ON and Valcartier, QC	French
38.	SCM	Cdr Martin	s. 117(f) NDA	An act of fraudulent nature	Guilty	Severe reprimand and \$10,000 fine	N/A	Gatineau, QC	Colorado Springs, CO, USA	English



Annex D: Court Martial Statistics

#	Type	Rank	Offences	Description	Disposition	Sentence	Orders at CM	Location of Court Martial	Location of Offence	Language of Trial
39.	GCM	OS Martin	s. 97 NDA s. 129 NDA s. 125(a) NDA	Drunkenness Act to the prejudice Wilful false entry in document required for official purpose	Guilty Guilty Guilty	Reprimand and \$1,000 fine	N/A	Esquimalt, BC	Esquimalt and Victoria, BC	English
40.	SCM	Sgt Matte	s. 269 CCC s. 124 NDA	Unlawfully causing bodily harm Negligent performance of a military duty	Withdrawn Guilty	10 days detention and \$5,000 fine	N/A	Petawawa, ON	Petawawa, ON	English
41.	SCM	OS McConnell	s. 139 CCC s. 129 NDA s. 129 NDA	Obstructing justice Conduct to the prejudice Conduct to the prejudice	Not Guilty Guilty Guilty	Reprimand and \$1,000 fine	N/A	London, ON	Halifax, NS	English
42.	SCM	LCol McEwen	s. 129 NDA	Neglect to the prejudice	Guilty	\$1,500 fine	N/A	Toronto, ON	Kabul, Afghanistan Gatineau, QC	English
43.	SCM	Cpl Near	s. 114 NDA s. 97 NDA	Stealing while entrusted Drunkenness	Withdrawn Guilty	\$200 fine	N/A	Gatineau, QC		English
44.	SCM	OS Noel	s. 4(1) CDSA	Possession	Guilty	Reprimand and \$1,000 fine	N/A	Halifax, NS	Halifax, NS	English
45.	SCM	Cpl Ogilvie	s. 83 NDA s. 83 NDA s. 85 NDA s. 85 NDA	Disobeyed a lawful command Disobeyed a lawful command Used insulting language toward a superior Used insulting language toward a superior	Guilty Withdrawn Withdrawn Guilty	Reprimand and \$1,000 fine	N/A	Trenton, ON	Trenton, ON	English
46.	SCM	LCol Ouellet	s. 86 CCC s. 129 NDA	Negligent use of a firearm Act to the prejudice	Withdrawn Guilty	\$1,000 fine	N/A	Gatineau, QC	Kabul, Afghanistan	French
47.	GCM	OS Penner	s. 125(a) NDA s. 129 NDA s. 90 NDA	Wilful false statement in document required for official purpose Act to the prejudice Absent without leave	Not Guilty Not Guilty Not Guilty	N/A	N/A	Victoria, BC	Esquimalt, BC	English
48.	SCM	MWO Rainville	s. 85 NDA	Verbally insulted a superior	Not Guilty	N/A	N/A	Trenton, ON	Trenton, ON	French
49.	SCM	Pte Rodgers	s. 90 NDA s. 90 NDA s. 90 NDA s. 90 NDA s. 90 NDA s. 129 NDA s. 90 NDA s. 90 NDA	Absent without leave Absent without leave Absent without leave Absent without leave Absent without leave Neglect to the prejudice of good order and discipline Absent without leave Absent without leave	Guilty Guilty Guilty Guilty Guilty Withdrawn Guilty Withdrawn	15 days imprisonment suspended	N/A	Valcartier, QC	Valcartier, QC	French
50.	SCM	MCpl Royes	s. 271 CCC	Sexual Assault	Guilty	36 months imprisonment	DNA, SOIRA	Wainwright, AB	Wainwright, AB	English
51.	SCM	Cpl Salera	s. 380(1) CCC	Fraud	Guilty	60 days imprisonment	N/A	Gatineau, QC	Ottawa, ON	English
52.	SCM	LS Schelder	s. 84 NDA	Struck a superior officer	Guilty	Severe reprimand and \$2,500 fine	N/A	Esquimalt, BC	Esquimalt, BC	English
53.	SCM	MS Speirs	s. 354(1) CCC s. 91(2) CCC s. 114 NDA s. 116(a) NDA s. 86(1) CCC	Possession of stolen property Possession of a prohibited weapon Stealing Voluntarily sold public property Negligent storage of ammunition	Guilty Guilty Guilty Guilty Not Guilty	Severe reprimand and \$3,000 fine	N/A	Sherbrooke, QC	Halifax, NS	French
54.	SCM	Cpl Squires	s. 90 NDA	Absent without leave	Guilty	Reduction in rank	N/A	Petawawa, ON	Petawawa, ON	English
55.	SCM	Sgt Steward	s. 86(1) CCC s. 129 NDA	Careless storage of a firearm Neglect to the prejudice	Withdrawn Guilty	Reprimand and \$1,000 fine	N/A	Toronto, ON	Borden, ON	English
56.	SCM	MCpl Stillman	s. 244 CCC s. 244.2 CCC s. 244 CCC s. 244.2 CCC s. 268 CCC s. 85(1) CCC s. 90 CCC s. 93 CCC s. 95 CCC	Discharging a firearm with intent Discharging a firearm recklessly Discharging a firearm with intent Discharging a firearm recklessly Aggravated assault Using a firearm in the commission of an offence Carrying a concealed weapon Possession of a firearm at an unauthorized place Possession of a loaded restricted firearm	Guilty Withdrawn Withdrawn Guilty Guilty Guilty Withdrawn Withdrawn Guilty	6 years imprisonment and dismissal from the CF	Weapons	Shilo, MB	Shilo, MB	English



Annex D: Court Martial Statistics

#	Type	Rank	Offences	Description	Disposition	Sentence	Orders at CM	Location of Court Martial	Location of Offence	Language of Trial
57.	SCM	Pte Stull	s. 90 NDA s. 129 NDA	Absent without leave Conduct to the prejudice	Guilty Withdrawn	Severe reprimand and \$1,000 fine	N/A	Halifax, NS	Shearwater, NS	English
58.	SCM	Sgt Sutherland	s. 129 NDA s. 129 NDA s. 83 NDA s. 83 NDA	Conduct to the prejudice Conduct to the prejudice Disobeyed a lawful command Disobeyed a lawful command	Guilty Guilty Guilty Guilty	Reprimand and \$1,000 fine	N/A	St-Jean-sur-le-Richelieu, QC	St-Jean-sur-le-Richelieu, QC	English
59.	SCM	AB Thompson	s. 334 CCC	Theft	Guilty	20 days detention	N/A	Halifax, NS	Boston, Massachusetts, USA	English
60.	SCM	Maj Tremblay	s. 129 NDA s. 129 NDA s. 129 NDA s. 97 NDA	Conduct to the prejudice of good order and discipline Conduct to the prejudice of good order and discipline Conduct to the prejudice of good order and discipline Drunkenness	Not Guilty Withdrawn Withdrawn Guilty	Reprimand and \$1,000 fine	N/A	Montreal, QC	Montreal, QC	French
61.	SCM	Cpl Valcour	s. 114 NDA s. 97 NDA	Stealing Drunkenness	Withdrawn Guilty	\$200 fine	N/A	Gatineau, QC	Gatineau, QC	English
62.	SCM	Capt Vanderwaue r	s. 380(1) CCC s. 380(1) CCC s. 129 NDA s. 129 NDA	Fraud Fraud An act to the prejudice An Act to the prejudice	Not Guilty Not Guilty Not Guilty Not Guilty	N/A	N/A	Halifax, NS	Kabul, Afghanistan	English
63.	SCM	Pte Vezina	s. 5(1) CDSA s. 5(1) CDSA s. 5(1) CDSA s. 5(1) CDSA	Trafficking Trafficking Trafficking Trafficking	Guilty Stayed Guilty Stayed	6 months imprisonment	Weapons	Borden, ON	Borden, ON	English
64.	GCM	Maj Wellwood	s. 129 CCC s. 129 NDA s. 129 NDA	Obstructing a peace officer Conduct to the prejudice of good order and discipline Conduct to the prejudice of good order and discipline	Guilty Not Guilty Guilty	Reprimand	N/A	Valcartier, QC	Valcartier, QC	French
65.	SCM	MCpl West	s. 129 NDA s. 129 NDA s. 111 NDA	An act to the prejudice An act to the prejudice Improper driving of a vehicle	Withdrawn Guilty Not Guilty	Reprimand and \$1,000 fine	N/A	Comox, BC	Sant'Anastasia, Italy	English
66.	SCM	Cpl Westcott	s. 334 CCC s. 354(1) CCC s. 334 CCC s. 354(1) CCC	Theft Possession of property obtained by crime Theft Possession of property obtained by crime	Stayed Guilty Stayed Guilty	Severe reprimand and \$1,500 fine	N/A	Greenwood, NS	Greenwood, NS	English
67.	SCM	Capt Wright	s. 139(2) CCC s. 129 NDA s. 139(2) CCC s. 129 NDA	Obstructing justice An act to the prejudice Obstructing Justice An act to the prejudice	Not Guilty Not Guilty Not Guilty Not Guilty	N/A	N/A	Greenwood, NS	Greenwood, NS	English



Annex E: CMAC Statistics

CMAC #	Appellant	Respondent	Type of Appeal	Result
552	Lt(N) Pearson	Her Majesty the Queen	Severity of Sentence	Abandoned
553	Her Majesty the Queen	Mr. Paul Wehmeier	Legality of Finding	Waiting for decision
554	Her Majesty the Queen	Cpl Courneyea	Legality of Finding	Dismissed
555	Cpl J.S.F. Cyr	Her Majesty the Queen	Legality of Finding	Dismissed
557	SLt Thibeault	Her Majesty the Queen	Legality of Finding	Appeal granted / new trial ordered
558	Pte Larouche	Her Majesty the Queen	Legality of Finding	Waiting for decision
559	Lt Watts	Her Majesty the Queen	Legality of Finding/Severity of Sentence	Ongoing
560	Lt Moriarity	Her Majesty the Queen	Legality of Finding/Release pending appeal	Dismissed / release granted
561	Sgt Arsenaull	Her Majesty the Queen	Legality of Finding	Waiting for decision
562	Her Majesty the Queen	Capt Wright	Legality of Finding	Waiting for decision
563	Pte Hannah	Her Majesty the Queen	Legality of Finding	Dismissed
564	Pte Vezina	Her Majesty the Queen	Legality of Finding	Dismissed
565	MCpl Laflamme	Her Majesty the Queen	Legality of Finding	Waiting for decision
566	Pte Déry	Her Majesty the Queen	Legality of Finding	Ongoing
567	MCpl Stillman	Her Majesty the Queen	Legality of Finding	Ongoing
568	MCpl Royes	Her Majesty the Queen	Legality of Finding	Ongoing
569	Her Majesty the Queen	MCpl Holloway	Legality of Finding	Ongoing
570	Pte Vezina	Her Majesty the Queen	Release pending appeal	Dismissed
571	Maj Wellwood	Her Majesty the Queen	Legality of Finding	Ongoing

- At the beginning of the reporting period eight files were ongoing.
- Eight notices of appeal were filed by accused during the reporting period.
- Two notices of appeal were filed by Her Majesty the Queen during the reporting period.
- One offender applied to be released pending appeal¹ to the Supreme Court of Canada and one member applied to be released pending appeal to the CMAC.

¹ The CMAC did not provide a new file number for Second Lieutenant Moriarity's application for release pending appeal.



Annex F: SCC Statistics

SCC #	Appellant	Respondent	Type of Appeal	Result
35755	2Lt Moriarity, et. al	Her Majesty the Queen	Leave to appeal	Ongoing



Annex G: Release Hearings

#	Accused	Date	Review type	Charges	
1	Caza, Cpl	8 August 2013	Custody Review	s. 88 NDA	Deserted
				s. 90 NDA	Absent without leave
				3 x s. 101.1 NDA	Failed to comply with a condition imposed under division 3
				s. 129 NDA	Conduct to the prejudice
2	Caza, Cpl	16 October 2013	90 day review	s. 88 NDA	Deserted
				s. 90 NDA	Absent without leave
				3 x s. 101.1 NDA	Failed to comply with a condition imposed under division 3
				s. 129 NDA	Conduct to the prejudice
3	Crossman, Cpl	19 July 2013	Custody Review	s. 90 NDA	Absent without leave
				3 x s. 101.1 NDA	Failed to comply with a condition imposed under division 3
				s. 114 NDA	Stealing
4	Grenier, Gnr	29 April 2013	Custody Review	s. 88 NDA	Deserted
				14 x s. 90 NDA	Absent without leave
				s. 129 NDA	Neglect to the prejudice of good order and discipline
				s. 83 NDA	Disobeyed a lawful command
				s. 85 NDA	Behaved with contempt toward a superior officer
				s. 129 NDA	Conduct to the prejudice
				s. 97 NDA	Drunkenness
				s. 145(5.1) CCC	Breach of an undertaking


Annex G: Release Hearings

#	Accused	Date	Review type	Charges	
5	Grenier, Gnr	7 May 2013	Custody Review	15 x s. 90 NDA	Absent without leave
				s. 129 NDA	Neglect to the prejudice of good order and discipline
				s. 83 NDA	Disobeyed a lawful command
				s. 85 NDA	Behaved with contempt toward a superior officer
				s. 129 NDA	Conduct to the prejudice
				s. 97 NDA	Drunkenness
				s. 145(5.1) CCC	Breach of an undertaking
				s. 101.1 NDA	Failed to comply with a condition imposed under division 3
6	Levesque, Cpl	14 May 2013	Custody Review	s. 101.1 NDA	Failed to comply with a condition imposed under division 3
				2 x s. 90 NDA	Absent without leave
7	Pettie, MWO	1 June 2013	Custody Review	N/A	N/A
8	Vezina, Pte	11 December 2013	Custody Review	s. 97 NDA	Drunkenness
				2 x s. 101.1 NDA	Failed to comply with a condition of an undertaking given under division 10
9	Vezina, Pte	22 February 2014	Release pending appeal revocation	4 x s. 5(1) CDSA	Trafficking