



COURT MARTIAL

Citation: *R. v. Bellevue*, 2017 CM 1010

Date: 20170613

Docket: 201639

Standing Court Martial

Saint-Jean Garrison
Saint-Jean-sur-Richelieu, Quebec, Canada

Between:

Her Majesty the Queen

- and -

Caporal Y. Bellevue, Offender

Before: Colonel M. Dutil, C.M.J.

[OFFICIAL ENGLISH TRANSLATION]

REASONS FOR SENTENCE

(Orally)

[1] Corporal Bellevue has pleaded guilty to two charges brought against him under section 130 of the *National Defence Act*, contrary to section 264.1 of the *Criminal Code*, namely, having uttered and conveyed threats.

[2] The purpose of the military justice system is to maintain discipline, efficiency and morale in the military. The Court is dealing with a joint submission on sentence, and counsel recommend that the Court impose a reprimand and a \$2,000 fine. The Court has been informed of all the facts surrounding the commission of the offences as well as the particular circumstances of the accused in this case.

[3] The joint submission follows the principles set out in the Supreme Court's decision in *R. v. Anthony-Cook*, 2016 SCC 43, rendered on 21 October 2016, in which the court ruled on the legal test that trial judges should apply in deciding whether it is appropriate in a particular case to depart from a joint submission. It held that the public interest test is the proper legal test that trial judges should apply and that, according to that test, a judge should not depart from a joint submission on sentence unless the

proposed sentence would bring the administration of justice into disrepute or would otherwise be contrary to the public interest.

[4] The circumstances received by the Court and filed as an exhibit as well as a joint statement of facts indicate the following. Corporal Bellevue is 53 years old. He was re-enrolled in the Canadian Armed Forces (CAF) on 30 November 2007, but he was enrolled in 1997. Therefore, he has had a long career in the CAF. At the time of the facts alleged against him, he was posted as a cook at Saint-Jean Garrison, in the Personnel Services Unit. He had to work alongside civilian and military personnel. On 5 October 2015, at approximately 0415 hours, a colleague, a civilian employee working at the Saint-Jean Garrison in food services, noticed that the task assignment sheet for that day had not been filled out by their immediate supervisor. She therefore took the initiative of filling it out and assigning tasks to Corporal Bellevue and the other cooks. Corporal Bellevue did not appreciate the tasks that his colleague assigned to him. At approximately 0530 hours, the colleague in question noted that Corporal Bellevue had not fully completed one of his tasks. She went to see him and expressed her dissatisfaction. She then returned to the kitchen. Corporal Bellevue found her tone irritating and became annoyed. He therefore said to another colleague while he was on the serving line, [TRANSLATION] “You take care of this because I am going to give her a slap,” or something similar. A few moments later, Corporal Bellevue left the serving line to join the colleague in question in the kitchen. There they exchanged words. During this discussion, he made unprofessional remarks to her a few inches from her face. According to their immediate supervisor, Corporal Bellevue had an aggressive stance and was speaking loudly. At one point during the discussion, Corporal Bellevue gesticulated and yelled, [TRANSLATION] “Somebody get her out of here before I hit her.” Their supervisor unsuccessfully tried to calm Corporal Bellevue down. According to the victim to whom his statements were addressed, Corporal Bellevue also repeated several times, in her direction, [TRANSLATION] “I’m going to hit her.” Corporal Bellevue continued yelling his complaints for some time, which, according to another colleague, made things uncomfortable throughout the kitchen. Yet another colleague then walked out, worried for his own safety. During these events, Corporal Bellevue began hitting objects in the kitchen and passed the victim again, threatening her while punching his hand.

[5] The Court was also informed of the following facts. Corporal Bellevue will be releasing from the CAF for medical reasons on 15 November 2017, in a little less than six months. He has no criminal record or military conduct sheet. His guilty pleas before the Court today have prevented the need for a trial with at least five witnesses and for which three days of hearings would have been required. They have also spared the victim of the threats from having to testify and relive the events.

[6] Corporal Bellevue is a military member whose career up until this point has been unblemished. He has been awarded the following medals: the Peacekeeping Service Medal, the North Atlantic Treaty Organization Medal for Former Yugoslavia and the Canadian Forces Decoration. He has also participated in three international United Nations missions in Haiti, Croatia and Bosnia. Since the events, which date back to October 2015, he has been transferred to the kitchens of Farnham, which has

contributed to creating a significant distance between his residence and his new work site. The Court was also informed that he is the father of five children. The evidence before the Court indicates that Corporal Bellevue deeply regrets his actions, and his guilty plea today demonstrates beyond any doubt that he accepts full responsibility in this matter, which is an expression of his sincere remorse. He realized, following these events, that his aggressive conduct was unacceptable, and he decided to act. He therefore began meeting with a social worker and a psychologist on a weekly basis. According to the record, these appointments are ongoing, and it seems that there has been some progress. Upon his release from the CAF, Corporal Bellevue will begin a career in private security and investigation after completing a continuing education program at the CEGEP of Saint-Hyacinthe.

[7] On the other hand, the Court understands that the victim of the threats and disparaging comments was negatively affected and that she continues to feel repercussions from these events. Corporal Bellevue admitted to and apologized for his wrongful acts to his chain of command, and in particular to his colleague, who was deeply affected. It should be noted here that Corporal Bellevue underwent a summary trial in connection with these same events on 25 May 2016 and that the resulting conviction was set aside. That is why Corporal Bellevue is now facing a court martial.

[8] All of these facts and events have led to this joint submission recommending a reprimand and a \$2,000 fine. Accordingly, the Court is entirely satisfied with the explanations and facts provided to it and finds that this joint submission neither brings the administration of justice into disrepute nor is contrary to the public interest.

FOR THESE REASONS, THE COURT:

[9] **FINDS** you guilty of the first and second charges, namely, having uttered and conveyed threats, contrary to section 264.1 of the *Criminal Code*.

[10] **SENTENCES** you to the following punishments: a reprimand and a fine in the amount of \$2,000. The fine is to be paid in four equal and consecutive monthly instalments, starting 1 July 2017.

Counsel:

Captains M.-A. Ferron and M. Beaulieu for the Director of Military Prosecutions

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