



COURT MARTIAL

Citation: *R. v. Ladet*, 2017 CM 1013

Date: 20170912

Docket: 201640

Standing Court Martial

2nd Canadian Division Support Base Valcartier
Courcellette, Quebec, Canada

Between:

Her Majesty the Queen

- and -

Corporal A. Ladet, Offender

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

[OFFICIAL ENGLISH TRANSLATION]

REASONS FOR SENTENCE

(Orally)

[1] Corporal (retired) Ladet has pleaded guilty to one count of striking or offering violence to a superior officer, contrary to section 84 of the *National Defence Act* (NDA) and two counts of insubordination, contrary to section 85 of the *NDA*. The charges read as follows:

[TRANSLATION]

“S. 84 STRUCK OR OFFERED VIOLENCE TO A SUPERIOR
NDA OFFICER

Particulars: In that he, on 18 November 2015, at Canadian Forces Base Cold Lake, Alberta, pushed Sgt Allen, R.W.

S. 85 USED THREATENING LANGUAGE TO A SUPERIOR

NDA OFFICER

Particulars: In that he, on 18 November 2015, at Canadian Forces Base Cold Lake, Alberta, said to Sgt Allen, R.W., “Get the fuck out of here or I’m going to kill you” or words to that effect.

S. 85 USED THREATENING LANGUAGE TO A SUPERIOR
NDA OFFICER

Particulars: In that he, on or about 9 May 2016, at Canadian Forces Base Cold Lake, Alberta, said to WO Green S.R.M., “It is a good thing you are military or I would kill you bitch,” or words to that effect.”

[2] Counsel in attendance presented a joint submission suggesting that this Court should impose a sentence of reduction in rank and a fine in the amount of \$3,000, payable in three equal, consecutive payments, starting today.

[3] Other than the Statement of Circumstances, the evidence filed in court is limited to an Agreed Statement of Facts. Those documents read as follows:

[TRANSLATION]

“STATEMENT OF CIRCUMSTANCES

1. At the time of each of these offences, Corporal Ladet was a member of the Canadian Armed Forces (CAF), Regular Force, employed at 4 Wing Cold Lake.

THE EVENTS OF 18 NOVEMBER 2015

2. On 18 November 2015, Sergeant Allen and Corporal Ladet were both present at the J.J. Parr Sports Centre at CFB Cold Lake.

3. At the time, Sergeant Allen was exercising on a stationary bike. At one point, Cpl Ladet came up behind Sergeant Allen and said a few words that Sergeant Allen did not understand, as he was wearing earbuds connected to an electronic device.

4. Sergeant Allen then removed his earbuds and the following exchange took place:

- a. Corporal Ladet said, “Get the fuck out of here.”
- b. Sergeant Allen responded, “What?”

- c. Corporal Ladet repeated what he had said and pushed Sergeant Allen with both hands, causing Sergeant Allen to fall, hitting nearby equipment.

5. Sergeant Allen had bruising on the left side of his torso as a result of the fall. In the days following the incident, Sergeant Allen constantly felt in danger. He developed a fear of Corporal Ladet. Sergeant Allen states that, to this day, he is still psychologically affected by the incident.

6. Corporal Ladet knew Sergeant Allen and had interacted with him previously at work.

THE EVENTS OF 9 MAY 2016

7. At 0900 hours on 9 May 2016, Warrant Officer Green entered the J.J. Parr Building by the back door. That day, she was volunteering for Canadian Blood Services.

8. At that time, she met Corporal Ladet, who was standing behind the counter of the sports store. She said, "Good morning." Corporal Ladet said a few words in return, which Warrant Officer Green did not understand because Corporal Ladet was speaking French at that time.

9. Warrant Officer Green told Corporal Ladet that she had not understood what he had just said. Corporal Ladet replied, in English, "It is a good thing you are military or I would kill you bitch."

10. Warrant Officer Green felt threatened by what Corporal Ladet had said. She told him she had not done anything to justify what he had just said to her and that his comments were unwelcome.

11. Corporal Ladet repeated a second time, "It is a good thing you are military or I would kill you bitch."

12. Warrant Officer Green did not say anything else, and she left quickly. She feared for her safety, knowing that Corporal Ladet had attacked a superior in the past."

"AGREED STATEMENT OF FACTS

1. According to the diagnosis by psychiatrist James Hanley, Ex-Corporal Ladet suffers from chronic, severe post-traumatic stress disorder (PTSD), major depressive disorder and alcohol use disorder.

2 According to Ex-Corporal Ladet's psychologist, Patricia Bergeron, Ex-Corporal Ladet's post-traumatic stress disorder is

attributable to his deployments as an infantry soldier in Kandahar in 2009 and 2010–2011 and in Haiti in 2010, where he experienced various traumatic events. When he returned from the mission in 2011, he managed his PTSD symptoms by using alcohol.

3. In April 2015, Corporal Ladet was assigned to Canadian Forces Base Cold Lake. He was unhappy and anxious there, and his PTSD symptoms worsened. His alcohol use, which had already been excessive upon his return from the mission, increased at Cold Lake. Corporal Ladet sought mental health services. On 14 August 2015, Corporal Ladet was withdrawn from his workplace and ceased to be employed as a driver, three months before his altercation with Sergeant Allen. He was then reassigned to the equipment counter at the base sports centre.

4. In the opinion of Ex-Corporal Ladet's psychologist, Patricia Bergeron, Ex-Corporal Ladet's mental disorders were predisposing factors and the difficult period he went through at Cold Lake precipitated his hetero-aggressive behaviour.

5. In April 2016, due to his mental health issues, Corporal Ladet was assigned to the Joint Personnel Support Unit, detachment Cold Lake.

6. In June 2016, Corporal Ladet was assigned to the Joint Personnel Support Unit, detachment Valcartier, so that he could receive mental health treatment in French, which was not possible at Cold Lake.

7. On 23 March 2017, Corporal Ladet was released from the Canadian Armed Forces due to his health issues.

8. Ex-Corporal Ladet is continuing his psychological treatments with his psychologist, Patricia Bergeron. He has been seeing her since February 2017 and currently has an appointment with her once a week."

[4] When a court is faced with a joint submission regarding the sentence it should impose on an offender, the trial judge must apply the public interest criterion and must not disregard the joint recommendation unless what is proposed would bring the administration of justice into disrepute or be contrary to public interest.

[5] In *R. v. Anthony-Cook*, 2016 SCC 43, the Supreme Court recognized that "[i]t is an accepted and entirely desirable practice for Crown and defence counsel to agree to a joint submission on sentence in exchange for a plea of guilty. Agreements of this nature are commonplace and vitally important to the well-being of our criminal justice system, as well as our justice system at large", including courts martial.

[6] Counsel must, however, provide the court with a full account of the circumstances of the offender, the commission of the offence, and the joint submission

without waiting for a request from the trial judge. In the context of this case, the Court is satisfied with the explanations and the information provided by counsel.

[7] The prosecution effectively explained that the joint submission's primary objectives were denunciation and deterrence for the offences of insubordination involving violence against a superior officer.

[8] However, the mitigating factors in this case are very important. Corporal (retired) Ladet is 39 years old and he had a short but impressive 11-year career in the Canadian Armed Forces in a particularly demanding occupation until 2014, and he served his country in Afghanistan twice, in 2009 and 2010 for which he was awarded a mention in dispatch for his actions in combat. He was scarred by his service and, ever since, he has suffered from serious mental health problems that contributed directly to the commission of the offences to which he has pleaded guilty. He has no previous disciplinary or criminal record, and he was released from the Canadian Armed Forces in March for those same health reasons. He continues to receive intensive treatment for his mental health problems. This case illustrates the unfortunate things that can happen when a person is suffering and his behaviour sends distress signals.

[9] The fact remains that reduction in rank is a severe penalty which emphasizes denunciation of the act and both general and specific deterrence when a CAF member uses violence against a superior officer. When accompanied by a substantial fine, it sends a clear message that even in cases where the offender's career was beyond reproach, or even highly meritorious, up to the time of the offence, a CAF member cannot use violence against a superior officer and that there are serious penalties for doing so.

[10] The joint submission, under the circumstances, maintains military discipline, does not bring the administration of justice into disrepute and is in the public interest.

FOR THESE REASONS, THE COURT

[11] **FINDS** you guilty of one count of striking or offering violence to a superior officer, contrary to section 84 of the *NDA*, and of two counts of insubordination, contrary to section 85 of the Act.

[12] **SENTENCES** you to a reduction in rank to the rank of private and to a fine in the amount of \$3,000 payable in three equal monthly instalments beginning today.

Counsel:

The Director of Military Prosecutions as represented by Major D.J.G. Martin

Major A. G  linas-Proulx, Defence Counsel Services, Counsel for Corporal A. Ladet