



## COURT MARTIAL

**Citation:** *R. v. Roodzant*, 2018 CM 3019

**Date :** 20181127

**Docket :** 201857

Standing Court Martial

4th Canadian Division Support Base Petawawa  
Petawawa, Ontario, Canada

**Between :**

**Her Majesty the Queen**

- and -

**Sergeant S.E. Roodzant, Offender**

**Before :** Lieutenant-Colonel L.-V. d'Auteuil, D.C.M.J.

NOTE:	Personal data identifiers have been redacted in accordance with the Canadian Judicial Council's " <i>Use of Personal Information in Judgments and Recommended Protocol</i> ".
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### **REASONS FOR SENTENCE**

(Orally)

[1] Sergeant Roodzant pleaded guilty to the first and second charges on the charge sheet which read as follows:

**"FIRST CHARGE**  
Section 129 NDA

**CONDUCT TO THE PREJUDICE OF GOOD  
ORDER AND DISCIPLINE**

*Particulars:* In that he, on or about 18 February 2018, at or near Riga, Republic of Latvia, failed to enforce OP REASSURANCE Roto 9 Task Force Standing Order 101, Alcohol Consumption Policy, contrary to his duty pursuant to the article 5.01 of the Queen's

Regulations and Orders for the Canadian Forces, by allowing XXXX Bdr Moulton, to consume more than two alcoholic beverages.

SECOND CHARGE  
Section 129 NDA

CONDUCT TO THE PREJUDICE OF GOOD  
ORDER AND DISCIPLINE

*Particulars:* In that he, on or about 18 February 2018, at or near Riga, Republic of Latvia, failed to comply with OP REASSURANCE Roto 9 Task Force Standing Order 101 – Alcohol Consumption Policy, paragraph 15, by consuming alcohol while assigned to the High Readiness Company.”

[2] The Court accepted and recorded your plea of guilty on both charges and now finds you guilty of both charges.

[3] The prosecutor and the offender’s defence counsel made a joint submission on the sentence to be imposed by this Court. They jointly recommended that this Court sentence you to a fine in the amount of \$2,000 payable in four monthly instalments of \$500.

[4] In the particular context of an armed force, the military justice system constitutes the ultimate means of enforcing discipline, which is a fundamental element of the military activity in the Canadian Armed Forces (CAF). The purpose of this system is to prevent misconduct or, in a more positive way, promote good conduct. It is through discipline that an armed force ensures that its members will accomplish, in a trusting and reliable manner, successful missions. The military justice system also ensures that public order is maintained and that those subject to the Code of Service Discipline are punished in the same way as any other person living in Canada.

[5] The evidence before this Court includes a Statement of Circumstances, which reads as follows:

“STATEMENT OF CIRCUMSTANCES

1. At all material times, Sergeant (Sgt) Roodzant was a member of the Regular Force, Canadian Armed Forces, posted to 2 Royal Canadian Horse Artillery (2 RCHA) in Petawawa, Ontario. Between 18 January 2018 and 14 March 2018, Sgt Roodzant was employed on Op REASSURANCE Roto 9 in Latvia as part of the Enhanced Forward Presence Battle Group (EFP BG).

2. On 18 February 2018, Sgt Roodzant, along with Master bombardier (MBdr) Avery, MBdr Hall and Bdr Moulton went for a day

trip to Riga, Latvia. On this occasion, Sgt Roodzant consumed alcohol despite knowing that he was not allowed to do as he had been assigned to the High Readiness Company and members of said Company were not allowed to consume alcohol as per paragraph 15 of Task Force Standing Order (TFSO) 101 on alcohol consumption.

3. During the same day trip to Riga, Sgt Roodzant further failed to enforce TFSO 101 in relation to a subordinate, Bdr Moulton, as was required of him by article 5.01 of the Queen's Regulations and Orders for the Canadian Forces.

4. After Bdr Moulton had consumed alcohol in excess of the maximum quantity of two allowed by paragraph 9 of TFSO 101 and started showing signs of intoxication, MBdr Avery ordered Bdr Moulton to stop drinking only to be immediately overruled by Sgt Roodzant who said that it would be "on [him] as [he] is the senior NCO in the group" or words to that effect.

5. On the bus returning to Camp Adazi, Bdr Moulton vomited. Upon seeing that Bdr Moulton was intoxicated, the bus driver, Cpl Gosse, demanded that Bdr Moulton get off the bus at the Alfa Mall. Sgt Roodzant and MBdr Hall also got off the bus with Bdr Moulton and Sgt Roodzant exchanged phone numbers with Cpl Gosse to arrange for the bus to be cleaned up later.

6. Upon returning to Camp Adazi in a taxi at around 1920 hours, Sgt Roodzant, MBdr Hall and Bdr Moulton were met at the tent lines by their BSM, MWO Quigley. When asked if they had consumed alcohol, all 3 individuals denied it.

7. After Bdr Moulton was arrested, Sgt Roodzant was interviewed by the Military Police (MP) and again denied having consumed alcohol.

8. On 19 February 2018, Sgt Roodzant was again interviewed by the MP and admitted to consuming two alcoholic beverages on 18 February 2018.

9. On 03 February 2018, Sgt Roodzant attended a Reception, Staging and Onward Movement (RSOM) briefing where he was informed of the contents of Task Force Standing Order 101 on alcohol consumption, notably the maximum limit of two drinks per 24 hour period (paragraph 9) and that members assigned to the High Readiness Company are prohibited from consuming alcohol (paragraph 15).

10. On 12 February 2018, Sgt Roodzant was informed by Captain Vanstournout that he was assigned to the High Readiness Company for

two weeks and that he was to remain on “dry status” and on six hours’ notice to move (NTM) during this time.

11. Sgt Roodzant had personal knowledge of article 5.01 of the QR&Os and the QR&Os had been duly notified, published and were accessible to EFP BG personnel as per articles 1.20, 1.21 and 1.22 of the QR&Os.”

[6] Although this Court is not bound by the joint recommendation made by counsel, it is generally accepted that the sentencing judge should depart from the joint submission only when it is contrary to the public interest, as stated by the Supreme Court of Canada in *R. v. Anthony-Cook*, 2016 SCC 43, at paragraph 32. The only situation where the court would depart from the recommendation is where the proposed sentence would be viewed by reasonable and informed persons as a breakdown in the proper functioning of the justice system and this includes courts martial. However, lawyers must provide to the court a full account of the offender’s situation and of the circumstances of the offences in the joint submission. Here, the Court is satisfied with the information provided by counsel. They provided sufficient and detailed information for the Court to appreciate the joint submission arising from their discussions in the specific context they were dealing with.

[7] In this case, the principles and objectives of specific and general deterrence and denunciation were an integral part of counsel’s discussions and the basis of their joint submission, and I would add that rehabilitation was also a concern for both parties during their discussions.

[8] Sergeant Roodzant enrolled 13 years ago and served in various ranks. In 2009, when he was deployed in Afghanistan, he was injured. In 2008, he received an accelerated promotion from the rank of gunner to bombardier. Without any other comments or any annotations on his conduct sheet, he has not been involved in any way with tribunals of any sorts. As mentioned by his defence counsel, Sergeant Roodzant has had a successful career. He has been involved in various deployments where he faced a number of experiences, which means that what happened in February 2018 was a bit out of character. This would potentially explain why counsel came with the joint submission of a fine in the amount of \$2,000.

[9] There were many other factors considered. As mentioned by the prosecutor, the fact that Sergeant Roodzant is a first-time offender, he instructed his counsel to proceed with a guilty plea. There are also some factors considered, such as the operational context out of the country; the fact that it was known that he should have been on dry status at the time of the offence; and that he did not display the proper conduct for a senior non-commissioned officer. All these factors were part of the discussions between counsels which brought them to this joint submission.

[10] I agree with your counsel that when I look at the information provided to me, it looks like you are a very valuable member of the CAF and you are an accomplished and

experienced soldier. As a matter of leadership, you will take a lesson from this and will use it in any other similar situations where you will lead by example. Clearly there was a reason why you had to follow the dry policy and the reason why people there were limited to two drinks per 24 hours. Having said that, the joint submission made by counsel in the circumstances, as a matter of public interest, is reasonable to me.

[11] Looking at the matter as a whole, I will accept the joint submission made by counsel to sentence you to a fine in the amount of \$2,000 as it is not contrary to the public interest and will not bring the administration of justice into disrepute.

**FOR THESE REASONS, THE COURT:**

[12] **FINDS** Sergeant Roodzant guilty of the first and second charges on the charge sheet for conduct to the prejudice of good order and discipline contrary to section 129 of the *National Defence Act*.

[13] **SENTENCES** Sergeant Roodzant to a fine in the amount of \$2,000, payable in four monthly instalments of \$500 starting on 1 December 2018. If, in the next few months, for any reason you are released from the CAF, the balance due will be fully payable to the CAF.

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**Counsel:**

The Director of Military Prosecutions as represented by Major S. Poitras

Mr. D. Hodson, Defence Counsel Services, Counsel for Sergeant S.E. Roodzant