



COURT MARTIAL

Citation: *R. v. Maslin*, 2025 CM 7002

Date: 20250424

Docket: 202410

Standing Court Martial

Canadian Forces Base Goose Bay
Happy Valley-Goose Bay, Newfoundland and Labrador, Canada

Between:

His Majesty the King

- and -

Master Corporal T. Maslin, Offender

Before: Colonel S.S. Strickey, M.J.

REASONS FOR SENTENCE

(Orally)

Introduction

[1] Master Corporal (MCpl) Maslin, the Court has accepted and recorded your plea of guilty in respect of the only charge on the charge sheet; namely, an offence punishable under section 130 of the *National Defence Act (NDA)*, that is to say, assault causing bodily harm, contrary to paragraph 267(b) of the *Criminal Code*. The Court, therefore, finds you guilty of this charge.

[2] Having accepted and recorded the plea of guilty with respect to this charge, the Court must now determine and pass sentence.

Joint submission made to the Court

[3] It is now my responsibility to impose the sentence. I note that prosecution and defence counsel have made a joint submission to the Court and recommend that I impose a sentence of detention for a period of thirty days.

[4] As noted by Pelletier M.J. in the recent court martial decision *R. v. White*, 2024 CM 4002 at paragraph 3, a joint submission on sentence severely limits the Court's discretion in the determination of an appropriate sentence. The Supreme Court of Canada (SCC) in the case of *R. v. Anthony-Cook*, 2016 SCC 43 at paragraph 32, has stated that "a trial judge should not depart from a joint submission on sentence unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest."

[5] The now-Chief Military Judge in the 2023 court martial of *R. v. Mentel*, 2023 CM 5003 at paragraph 11 succinctly outlines the benefit of a joint submission for the accused, the participants of the court martial, the unit and the military justice system. In sum, they save resources and time while providing certainty for an accused and saving the witnesses the emotional cost of participating at trial.

[6] In addition, the Chief Military Judge stated that when the Court is considering a joint submission, trial judges consider that counsel were mindful of the statutory sentencing principles when agreeing on a joint submission. This includes that counsel took into consideration all the relevant facts when mutually agreeing upon an appropriate sentence. Submissions by counsel should provide confirmation that they did in fact consider critical aspects of the case, including aggravating factors and the offender's personal situation (*Mentel* at paragraph 12).

[7] Therefore, it is with these considerations in mind that the Court will move forward with sentencing.

Purpose of sentencing in the military justice system

[8] As noted by the SCC in *R. v. Edwards*, 2024 SCC 15 at paragraph 59 citing an earlier SCC decision in *R. v. Stillman*, 2019 SCC 40, "Canada's separate system of military justice is designed to 'foster discipline, efficiency, and morale in the military'". This purpose is codified through section 55 of the *NDA*. Similarly, the purposes and principles of sentencing in the military justice system differ from that of the civilian justice system as noted at subsection 203.1(1) of the *NDA* that states, "the fundamental purpose of sentencing is to maintain the discipline, efficiency and morale of the Canadian Forces."

[9] These fundamental purposes and principles of sentencing are achieved by imposing a just punishment that takes into account one or more of the enumerated objectives outlined at subsection 203.1(2) of the *NDA* that include such things as: "to promote a habit of obedience to lawful commands and orders" (paragraph 203.1(2)(a)); "to maintain public trust in the Canadian Forces as a disciplined armed force" (paragraph 203.1(2)(b)); and, "to denounce unlawful conduct and the harm done to victims or to the community that is caused by [the] unlawful conduct" (paragraph 203.1(2)(c)), among others. Section 203.2 of the *NDA* outlines the fundamental

principle of sentencing that “a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender”.

[10] There are a number of other sentencing principles stated at *NDA* section 203.3 that include “a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances” (paragraph 203.3(b)) and that “a sentence should be the least severe sentence required to maintain the discipline, efficiency and morale of the Canadian Forces” (paragraph 203.3(d)).

[11] In this case, even when a joint submission is being made, the Court imposing punishment should ensure, at a minimum, that the circumstances of the offence, the offender and the joint submission are considered and outlined in a sentencing decision that may not be required in the civilian criminal justice system (see *R. v. Gillis*, 2022 CM 4019 at paragraph 6). Taken globally, I have considered all the factors outlined at Division 7.1 of the *NDA* (Sentencing) in coming to my sentencing decision today.

Matters considered

[12] In this case, the prosecutor read a Statement of Circumstances which was formally admitted as accurate by MCpl Maslin. It was entered in evidence as an exhibit, along with other documents provided by the prosecution as required in *Queen’s Regulations and Orders for the Canadian Forces* (QR&O) article 112.51. During the court martial, the prosecution entered two victim impact statements (VIS): one from the victim, Sergeant (Sgt) Lagassé, and the other from Sgt Lagassé’s wife, Melissa Lagassé. The Court was mindful of what the law authorizes the sentencing judge to consider in the VIS. Further, the Commanding Officer of 444 Combat Support Squadron (444 CS Sqn), Major (Maj) Pratt, read a military impact statement (MIS) referred to in subsection 203.71(1) of the *NDA*.

[13] For its part, defence counsel produced two documents for the Court to consider including a statement of facts and a letter of appreciation from the Wing Commander, Lieutenant-Colonel Sajan.

[14] In addition to this evidence, counsel then made submissions to support their position on sentence based on the facts and considerations relevant to this case, to assist the Court to adequately apply the purposes and principles of sentencing to the circumstances of both the individual offender and the offence committed.

The circumstances of the offence

[15] The Statement of Circumstances was entered as an exhibit and reveals the following:

- (a) during the relevant period, MCpl Thomas Maslin was a member of 444 CS Sqn at Canadian Forces Base (CFB) Goose Bay, Newfoundland and Labrador, where he was employed as an aviation systems technician;

- (b) Sgt François Lagassé was also an aviation systems technician with 444 CS Sqn. Sgt Lagassé and his family lived nearby to MCpl Maslin in the residential housing units (RHUs) close to the base;
- (c) as a result of events that occurred on the evening of 4 September 2023, MCpl Maslin was upset with Sgt Lagassé and decided to attend his RHU to confront him. He knocked on the door at approximately 0730 hours on the morning on 5 September 2023;
- (d) when Sgt Lagassé answered, MCpl Maslin demanded that he step outside. Sgt Lagassé refused, seeing that MCpl Maslin was angry. MCpl Maslin then struck Sgt Lagassé with a closed fist in the face. He forced his way into the residence, pushing Sgt Lagassé to the floor, yelling and continuing to strike him six to ten times in the face and head;
- (e) Sgt Lagassé's wife, Melissa, was at home and observed the assault. She attempted to intervene and to pull the accused off Sgt Lagassé. MCpl Maslin then stood up, left the residence and departed the scene in his vehicle;
- (f) Sgt Lagassé was wearing glasses at the time of the assault. The attack caused wounds to his face which began to bleed, creating a puddle of blood at the bottom of the stairs and blood spatter in multiple locations on the ground floor of the house;
- (g) when the assault occurred, the two Lagassé children were upstairs. The elder of the two witnessed the incident from the landing of the staircase, while the younger child heard the noise;
- (h) a neighbour of the Lagassé family became aware of the disturbance following MCpl Maslin's departure and attended the residence, where he observed the injuries to Sgt Lagassé's face; he then called military police;
- (i) military police investigator, Corporal Little, attended the scene and observed Sgt Lagassé's condition as well as the blood spatter inside the house; he suggested that Sgt Lagassé seek medical attention;
- (j) shortly before 0900 hours, military police located MCpl Maslin outside of the quarters on base and placed him under arrest. He was released with conditions by the Custody Review Officer, Captain Ashley Gaudette, shortly after 1500 hours that afternoon;
- (k) Sgt Lagassé sustained multiple injuries as a result of the assault:
 - i. his nose was fractured,

- ii. he had two open wounds on the bridge and right side of his nose, requiring five sutures,
 - iii. there was significant bruising around his eyes,
 - iv. his jaw was swollen, and
 - v. he had received multiple scrapes to his arms, chest and back;
- (l) Sgt Lagassé was treated at Canadian Forces Health Services. He underwent a CT scan which showed a fracture to his nasal bone. He was initially placed on sick leave for four days. One month after the assault, Sgt Lagassé continued to experience tenderness in his face and pain while wearing glasses. The wounds to his nose led to scarring;
- (m) following the investigation's conclusion, MCpl Maslin was charged on 20 February 2024 with assault causing bodily harm; and
- (n) the charge was preferred on 10 April 2024, leading to the proceedings before the court martial

The circumstances of the offender

[16] The documents presented to the Court and the submissions of counsel reveal the following circumstances relevant to the offender:

- (a) MCpl Maslin is thirty-six years old, is in a common-law relationship of approximately eight years' duration and they have two children, ages five and three;
- (b) MCpl Maslin is an avionics systems technician with fifteen years' service in the regular component of the Canadian Armed Forces (CAF);
- (c) in 2017, MCpl Maslin served on a three-month deployment to Iraq;
- (d) MCpl Maslin was promoted to his current rank effective 18 November 2022;
- (e) MCpl Maslin has no conduct sheet nor any convictions by a civil court that appear on his conduct sheet;
- (f) MCpl Maslin suffered a service-related hip injury and as a result is scheduled for medical release in October 2025; and

- (g) subsequent to the events which are the subject of this court martial, MCpl Maslin was employed with 5 Operations Support Squadron instead of 408 Tactical Helicopter Squadron to avoid any contact between he and the complainant. MCpl Maslin performed admirably for the several months at his new employment, as evidenced by the Letter of Appreciation he received in May 2024 from the Commander, 5 Wing Goose Bay.

Seriousness of the offence

[17] The Court has considered the objective gravity of the offence in this case. Section 130 of the *NDA* (paragraph 267(b) of the *Criminal Code*) carries a maximum punishment of imprisonment for ten years or less punishment.

[18] In this case, the circumstances of the behaviour are significant. The offender forced his way into the victim's home, striking him numerous times causing serious injury. This incident not only took place in front of the victim's wife, but one of their children.

[19] This incident had a significant impact on the Lagassé family. Both the victim, Sgt Lagassé, and his wife, Melissa Lagassé, submitted VIS. Sgt Lagassé outlined the impact of his physical and emotional injuries because of MCpl Maslin's actions. Melissa Lagassé presented her VIS orally in open court. She outlined the significant emotional and familial impact this assault had upon her, her husband and her children. I have taken both these statements into account today and thank both Sgt Lagassé and Melissa Lagassé for their courage in submitting these statements to the Court.

[20] This assault did not only impact the Lagassé family but rippled through 444 CS Sqn and CFB Goose Bay. The Court heard from the Commanding Officer of 444 CS Sqn, Maj Pratt, who presented a MIS. There is no question that the actions of MCpl Maslin on that fateful day had an impact on unit cohesiveness, discipline, efficiency and morale within the squadron and the overall operational effectiveness of the unit. The Court acknowledges Maj Pratt's leadership in presenting a MIS; it has been duly considered when rendering sentence today.

Sentencing objectives considered in this case

[21] The fundamental purpose of sentencing at section 203.1 of the *NDA* is the maintenance of "discipline, efficiency and morale of the Canadian Forces". This fundamental purpose of sentencing is to be achieved by imposing a just punishment that has one or more of several objectives outlined at *NDA* subsection 203.1(2) (see *NDA* paragraphs 203.1(2)(a) to (i)).

[22] In this case, the recommendation of a sentence of thirty days' detention would serve the sentencing objectives of denouncing MCpl Maslin's conduct and the harm done to the victims, deter other CAF members from committing such offences and

maintaining public trust in the CAF as a disciplined armed force. Importantly, the joint submission also emphasized the principle of rehabilitation. In this regard, Note A to QR&O 104.09 provides some useful guidance:

In keeping with its disciplinary nature, the punishment of detention seeks to rehabilitate service detainees, by re-instilling in them the habit of obedience in a structured, military setting, through a regime of training that emphasizes the institutional values and skills that distinguish the Canadian Forces member from other members of society. Specialized treatment and counselling programmes to deal with drug and alcohol dependencies and similar health problems will also be made available to those service detainees who require them. Once the sentence of detention has been served, the member will normally be returned to his or her unit without any lasting effect on his or her career.

Aggravating and mitigating factors

[23] The circumstances of the offence reveal the following aggravating factors:

- (a) the circumstances of the assault. The offender confronted and assaulted the victim at his home. His wife and oldest child observed the assault;
- (b) the significant physical and emotional harm caused to the victim. This was a serious assault that fractured Sgt Lagassé's nose, caused five sutures along with other physical injuries. It also caused emotional harm. This was outlined in Sgt Lagassé's VIS;
- (c) the impact of the assault on Sgt Lagassé's wife and family that was outlined in Melissa Legassé's VIS; and
- (d) the impact of the assault on the unit cohesiveness and operational effectiveness of 444 CS Sqn that was outlined in Maj Pratt's MIS.

[24] That said, the Court acknowledges the following mitigating factors:

- (a) MCpl Maslin's guilty plea today avoids the expense and energy of running a trial and demonstrates that he is taking responsibility for his actions in public, in the presence of members of his former unit and of the broader military community;
- (b) the absence of a criminal record and conduct sheet revealing precedents of similar misbehaviour; and
- (c) a positive letter of recommendation from the Wing Commanding Officer that demonstrates MCpl Maslin exhibited professionalism and hard work following the incident.

Assessing the joint submission

Parity

[25] Turning now to the parity principle, the Court examined precedents for similar offences to determine whether the joint submission is like sentences imposed on similar offenders. Sentences imposed by military tribunals in similar cases are useful to appreciate the kind of punishment that would be appropriate in this case.

[26] In the context of submissions to demonstrate that the joint submission was within a range of similar sentences for similar offences, the prosecution and defence counsel brought several cases to my attention, showing that the proposed sentence fits in an acceptable range for similar cases, although no case is the same. The Court has considered the following cases:

- (a) *R v. Meeks*, 2023 CM 2016. Sgt Meeks was found guilty of one count of assault causing bodily harm. Following a physical exchange with a private where the private was on the ground, Sgt Meeks kicked him in the face while uttering some strong derogatory language. The private suffered facial fractures and nerve damage. Both the victim and the unit submitted impact statements. Accounting for some significant mitigating factors linked to a post-traumatic stress disorder diagnosis, he was sentenced to thirty days' detention. The Court also issued a DNA order. It is important to note that the Court Martial Appeal Court of Canada (CMAC) determined, "the original sentence was a fit sentence. However, in light of the new evidence, the position of the prosecution and the significant change in the circumstances of Sgt Meeks, it is appropriate to suspend the period of detention" (see *R. v. Meeks*, 2024 CMAC 9 at paragraph 44);
- (b) *R. v. Warren*, 2008 CM 2005. Officer Cadet Warren pleaded guilty to two charges; the first of assault causing bodily harm and the second charge of drunkenness. The offender, who was intoxicated, was involved in inciting a fight with a fellow officer cadet. In particular, the offender used derogatory language and punched the victim in the chin, breaking his jaw in three places. The offender was sentenced to twenty-one days' imprisonment and a DNA order was issued. The Court considered, but did not grant, a weapon prohibition order;
- (c) *R. v. Greene*, 2023 ONCJ 468. Mr Greene was found guilty of one count of assault causing bodily harm. The offender sucker-punched the victim in the head, causing him to lose consciousness and fall. Mr Greene then got on top of the victim and punched him three or four times. The offender was sentenced to ten months' imprisonment and a two-year probation order, a DNA order and a weapon prohibition order;

- (d) *R. v. Power*, 2022 NLSC 167. Mr Power was found guilty of one count of assault and one count of assault causing bodily harm. The offender, in two separate altercations, assaulted the victim outside a bar causing serious injuries that required surgical intervention. The Court sentenced Mr Power to twelve months' imprisonment for assault causing bodily harm and thirty days' imprisonment for assault, to be served concurrently. Mr Power was placed on probation for eighteen months, given a no-contact order, a DNA order and a weapon prohibition order;
- (e) *R. v. K.A.W. Fox*, 2004 CM 25. Ex-Private Fox pleaded guilty to one charge of assault causing bodily harm. Following an assault by a fellow private, the offender stabbed the victim with a bayonet. The Court accepted the joint submission on sentence of imprisonment for forty-five days (suspended). The Court also issued a DNA order and weapon prohibition order for five years;
- (f) *R. v. Ennover*, 2004 CM 3012. Corporal Ennover was found guilty of one charge of assault causing bodily harm. In determining the sentence, the Court noted that prior to the assault, members of the unit hurled offensive comments against the victim, including racial epithets. It is unclear the extent of the injuries suffered by the victim other than they were serious. The Court sentenced the offender to fourteen days' detention and issued a DNA order. The Court considered, but did not grant, a weapon prohibition order; and
- (g) *R. v. Vanson & G.W. Winkler*, 2001 CM 09. Corporal Vanson and Private Winkler pleaded guilty to assault causing bodily harm. The offenders assaulted a fellow CAF member at a house party. The victim required surgery on his nose. The offenders were sentenced to twenty-one days detention (suspended) and a \$6,000 fine.

[27] In reviewing the joint submission before the Court, the issue to assess is not whether I agree with the joint submission being proposed or whether the Court could render a more appropriate sentence. As stated earlier, the Court may depart from the joint submission of counsel only if I consider that the proposed sentence would bring the administration of military justice into disrepute or would otherwise be contrary to the public interest.

[28] Having considered the submissions from the prosecution and defence, the proposed sentence is not so markedly out of line with the expectations of reasonable persons aware of the circumstances that they would view it as a breakdown in the proper functioning of the military justice system. In this case, the proposed sentence meets the sentencing objectives of maintaining public trust in the Canadian Armed Forces as a disciplined armed force, denunciation and deterrence while mindful of the rehabilitation of the offender.

[29] As recognized by the SCC in *Anthony-Cook*, trial judges must refrain from tinkering with joint submissions if their benefit can be maximized. Prosecution and defence counsel are well placed to arrive at joint submissions that reflect the interests of both the public and the accused. In addition, trial judges should approach the joint submission on an “as is” basis (see *Anthony-Cook* at paragraphs 42 and 44). Referring to the guidance in *Anthony-Cook*, if the parties have not asked for a particular order, such as a weapon prohibition order in this case, the trial judge should assume that it was considered and excluded from the joint submission (*Anthony-Cook*, paragraph 51).

[30] Counsel are highly knowledgeable about the circumstances of the offender and the offence and, as stated during submissions, have taken the interests of the offender, the chain of command and the broader public into consideration in arriving at their agreement on the proposed sentence. I trust that they are entirely capable of arriving at resolutions that are fair and consistent with the public interest.

[31] In terms of ancillary orders, MCpl Maslin pleaded guilty to a “primary designated offence” as defined at section 196.11 of the *NDA*. That definition includes, “an offence within the meaning of paragraph (a) and paragraph (c.02) of the definition of *primary designated offence* in section 487.04 of the *Criminal Code* that is punishable under section 130”. In this case, paragraph 267(b) of the *Criminal Code*, assault causing bodily harm, is a “primary designated offence”. Therefore, MCpl Maslin will be subject to a court order that authorizes the taking of a number of samples of bodily substances that are reasonably required for the purpose of DNA analysis (see generally, *R v. Rumbolt*, 2019 CM 2028 at paragraphs 32).

[32] In summary, considering the circumstances of the offence and of the offender, the applicable sentencing principles, and the aggravating and mitigating factors mentioned previously, I cannot conclude that the sentence being jointly proposed would bring the administration of military justice into disrepute or would otherwise be contrary to the public interest. I must, therefore, accept it.

[33] MCpl Maslin, you have demonstrated that you accept responsibility for this offence with your guilty plea. This offence is serious. Your actions caused significant harm to a CAF teammate, his family, 444 CS Sqn and CFB Goose Bay. I accept your counsel’s submission that this was out of character and an isolated incident. Up to the incident before the Court, you have served this country honourably that includes a deployment to Iraq. As you will be transitioning out of the CAF in the future, I am hopeful that you will learn from this incident and continue a productive life as a civilian with your family.

FOR THESE REASONS, THE COURT:

[34] **SENTENCES** MCpl Maslin to detention for a period of thirty days.

[35] **ORDERS**, in accordance with subsection 196.14(1) of the *NDA*, that the number of samples of bodily substances that are reasonably required, be taken from

MCpl Maslin for the purpose of forensic DNA analysis within forty-five days after the proceedings are terminated, considering that the offence for which the Court has passed sentence is a primary designated offence within the meaning of section 196.11 of the *NDA*.

[36] The sentence was pronounced at 1329 hours, on 24 April 2025. MCpl Maslin, considering your sentence today, you are entitled to apply for Release Pending Appeal. As set out in QR&O article 118.03, you have twenty-four hours to submit this application to me. If you are considering this, please discuss with your defence counsel as soon as possible.

Counsel:

The Director of Military Prosecutions as represented by Lieutenant-Commander J. Besner

Lieutenant(N) B. Wentzel, Defence Counsel Services, Counsel for MCpl T. Maslin