



## COURT MARTIAL

**Citation:** *R. v. Preston*, 2025 CM 7009

**Date:** 20250903

**Docket:** 202514

Standing Court Martial

Canadian Forces Base Kingston  
Kingston, Ontario, Canada

**Between:**

**His Majesty the King**

- and -

**Private B.R.H. Preston, Offender**

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

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**Note:** Personal data identifiers have been redacted in accordance with the Canadian Judicial Council's "*Use of Personal Information in Judgments and Recommended Protocol*".

### **REASONS FOR SENTENCE**

(Orally)

#### **Introduction**

[1] Private (Pte) Preston, the Court has accepted and recorded your plea of guilty in respect of the only charge on the charge sheet. 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 a fine of \$1,000, payable in ten installments of \$100 per month. Prosecution and defence have also jointly submitted to the Court that I issue a weapons prohibition order pursuant to section 147.1 of the *National Defence Act (NDA)* for a period of twenty months. Finally, counsel have advised that the firearm involved in this matter, a GSG-15 .22 calibre semi-automatic rifle, is now a prohibited weapon pursuant to the *Criminal Code*. Therefore, counsel have jointly submitted that this weapon be subject to forfeiture pursuant to subsection 147.3(1) of the *NDA*.

[4] As noted by Pelletier M.J. in the recent court martial decision in *R. v. White*, 2024 CM 4002, 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 while 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. Submission 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 as 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 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 paragraph 6). Taken globally, I have considered all the factors outlined at Division 7.1 of the *NDA* 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 Pte Preston. It was entered in evidence as an exhibit, along with other documents provided by the prosecution as required at *Queen’s Regulations and Orders for the Canadian Forces* article 112.51. During the court martial, the prosecution confirmed that the nature of the offence does not implicate a victim impact statement. Further, prosecution submitted a military impact statement pursuant to subsection 203.71(1) of the *NDA* that was completed by Commander (Cdr) Parker, Commandant of the Canadian Forces School of Military Engineering.

[13] For its part, defence counsel produced an agreed statement of facts and two additional documents for the Court to consider including a performance review from Captain (Capt) Xia, Troop Commander at 21 Electronic Warfare Regiment (21 EW Regt) and a professional reference from Master Warrant Officer (MWO) Babin, Sergeant Major of Joint Intelligence, Surveillance And Reconnaissance (JISR)/Targeting Training Squadron at the Canadian Forces (CF) School of Military Intelligence.

[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, information in the documents entered as exhibits, and submissions of counsel reveal the following circumstances relevant to the offence:

“STATEMENT OF CIRCUMSTANCES

Background

1. In August of 2024, Pte Preston was serving as a regular force member on the Basic Training List at the Canadian Forces School of Military Intelligence, at CFB Kingston, in Ontario.
2. On 14 August 2024, military police at CFB Kingston received a complaint regarding Pte Preston’s storage of a firearm in his vehicle.
3. Military police attended the parking lot at XXXX, CFB Kingston, where they found a vehicle with no occupants inside and what appeared to be a semi-automatic rifle in plain view in the back seat of the vehicle. The vehicle was a black Dodge Ram 1500, plate number XXXX. The vehicle belonged to Pte Preston. The parking space at XXXX was provided to Pte Preston as part of his accommodation in single quarters at CFB Kingston.
4. On 15 August 2024, military police executed a search warrant and seized a semi-automatic rifle and 435 rounds of ammunition from the vehicle. When the rifle was taken from the back seat of Pte Preston’s truck it was not loaded, and its trigger was secured with a trigger lock. However, the rifle was not in a locked container separate from ammunition.
5. The rifle was found to be a .22 calibre rimfire GSG-15. It had a Bushnell AR Optics TRS-26 Red Dot sight attached, as well as a Magpul Rail Vertical Grip. The ammunition was in an ammunition canister that contained 100 9mm rounds, and 333 .22 calibre rounds. Two further 9 mm rounds were found loose outside the canister. Military police also seized a black and grey Sako rifle bag.
6. CFB Kingston’s Base Standing Order 19.00, “Allocation and Control of DND Quarters” prohibits the storage of privately-

owned firearms in single quarters (page 14). A copy of Base Standing Order 19.00 is marked as exhibit 6 in these proceedings.

7. Pte Preston was aware that the storage of his weapon in his vehicle in single quarters was contrary to Base Standing Orders.
8. Pte Preston's storage of his privately-owned firearm in singles quarters, contrary to Base Standing Order 19.00, created prejudice to good order, discipline, efficiency, and morale at his unit as other members of the Basic Training List learned of the incident and expressed concerns for their safety, and staff time was required for administrative steps associated with the incident and addressing members' concerns."

[16] The Court has taken particular consideration of the military impact statement submitted by Cdr Parker. In particular, Cdr Parker notes that Pte Preston's actions displayed an isolated but severe lack of sound judgment as a military intelligence professional and the training environment at the Canadian Forces School of Military Intelligence was negatively impacted. Members on the Basic Training List expressed concerns for their safety. Cdr Parker also noted that Pte Preston's actions tarnished the reputation and professionalism of intelligence operators. The Court acknowledges the critical role that the Commanding Officer has played in outlining the impact of Pte Preston's actions on discipline, efficiency and morale in the unit.

**The circumstances of the offender**

[17] The documents examined by the Court, including the Agreed Statement of Facts, and the submissions of counsel reveal the following circumstances relevant to the offender:

- (a) Pte Brayden Preston was born in 1996 in Brantford, Ontario;
- (b) Pte Preston is married since June 2018 and is the father of two children; one born in October 2023 and the second born in 2025. The family resides in a private married quarter (PMQ) at Canadian Forces Base (CFB) Kingston;
- (c) as a child, Pte Preston wished to be a police officer or live out his father's dream by joining the CAF. He was also a keen athlete and video gamer;
- (d) Pte Preston's father passed away when he was twelve. This led to a troubled period until he met his wife in 2016;

- (e) after turning his life around, he attended university with his wife. It is during this period that he developed an interest in competitive shooting and hunting;
- (f) Pte Preston obtained his Possession and Acquisition Licence (PAL) in August 2021 to take part in those activities. He upgraded his PAL to a Restricted PAL (RPAL) in November 2022;
- (g) he acquired a GSG-15 .22 calibre rimfire semi-automatic rifle and several modifications to take part in competitive shooting training. Prior to November 2024, this was a non-restricted firearm;
- (h) in late-2022, Pte Preston decided to pause his studies and pursue a career in the CAF. He enrolled on 7 February 2023 as an artilleryman;
- (i) following his basic military qualification (BMQ), he received the Camaraderie Award and the sergeant major's coin. He was selected for the former award by his BMQ peers. He received the latter from his chain of command following his outstanding performance during BMQ;
- (j) Pte Preston remustered to his current trade of intelligence operator in April 2024 and was posted to CFB Kingston. His family did not accompany him initially;
- (k) during this time, Pte Preston resided in single quarters on the base. His wife and child resided with Pte Preston's mother. Pte Preston's firearm was initially stored in a weapons safe which remained at his mother's home;
- (l) following a family dispute in mid-June 2024, his wife and child moved to reside with his brother-in-law while Pte Preston secured military housing for his family;
- (m) Pte Preston's brother-in-law's family were opposed to Pte Preston storing the firearm in their home. Pte Preston therefore took the firearm with him and stored it in his pick-up truck on base when he returned just before Canada Day 2024;
- (n) after his return, he sought someone with a licence to hold on to the weapon until he secured housing. He was aware that the MP no longer accepted private firearms for storage. Unfortunately, he was unable to make appropriate arrangements prior to the incident leading to his appearance in court today;
- (o) following the move of his family, Pte Preston also took the remainder of his possessions with him in his truck and stored them in the vehicle;

- (p) on the evening of 14 August 2024, he went to retrieve one of these possessions from his truck. To access this object, he had to move the firearm onto the backseat. At the time, the weapon was unloaded and mechanically inoperable due to a trigger lock;
- (q) when he left the truck, he accidentally left the firearm on the back seat and locked the vehicle. This is where it was later found by the MP;
- (r) that same evening, a report was made to the MP by Pte Craig, a former roommate, that Pte Preston was storing a firearm in his truck;
- (s) the MP attended at the location given by Pte Craig and saw the firearm on the back seat where Pte Preston had accidentally left it. They obtained a search warrant from a civilian justice of the peace;
- (t) early on the morning of 15 August 2024, the MP executed a search warrant with the full cooperation of Pte Preston who readily provided them access to the vehicle;
- (u) Pte Preston attended the MP Detachment later that day where he was arrested and released on conditions shortly thereafter;
- (v) these conditions were later rescinded, and Pte Preston was released without conditions by Isenor, M.J., following a review hearing held in Ottawa on 18 December 2024;
- (w) on 20 December 2024, two charges were preferred for trial by the Canadian Military Prosecution Service. These charges were withdrawn and replaced on 14 August 2025 with the single charge before the Court today;
- (x) following the incident, Pte Preston voluntarily allowed his RPAL to lapse. He is no longer legally permitted to possess firearms outside his employment with the CAF. He hopes to be able to resume his training for competitive shooting once this incident is behind him;
- (y) since the incident, Pte Preston has continued his career. He has successfully completed the developmental period 1.1 and 1.2 career courses achieving operational functional point. He has also completed several heavy vehicle driving courses;
- (z) Pte Preston aspires to become a JTFX source handler. His application for selection to this specialized position has been held in abeyance due to this court martial; and

- (aa) Pte Preston does not have a criminal record. He does not have a conduct sheet.

[18] The Court has reviewed the evidence submitted by defence counsel: A performance review from Capt Xia, Troop Commander at 21 Electronic Warfare Regiment and a professional reference from MWO Babin, Sergeant-Major of JISR/Targeting Training Squadron at the CF School of Military Intelligence.

[19] Capt Xia provided a performance review that was highly complimentary of Pte Preston. Among other things, they stated that “Pte Preston’s overall performance at 21 EW Regt has been excellent. They maintain a consistently positive attitude, build a strong professional relationship with both peers and leadership, and make meaningful contributions to team cohesion and overall troop effectiveness”.

[20] Equally complimentary is the professional reference provided by MWO Babin. The Court takes particular notice when a senior non-commissioned member such as MWO Babin states that “[he] would be proud to serve alongside him in any capacity” and that he is a “shining example of the future leaders within the CAF”. In my view, this is perhaps the highest compliment a senior leader such as MWO Babin can give to a junior member.

[21] Finally, the Court takes note of the comments offered by Pte Preston at the sentencing hearing. Pte Preston was well spoken and exhibited true remorse for his actions. He apologized to his unit and vowed to learn from this experience and move forward to contribute positively to the Canadian Armed Forces (CAF).

### **Seriousness of the offence**

[22] The Court has considered the objective gravity of the offence in this case. Section 129 of the *NDA* carries a maximum punishment of dismissal with disgrace from His Majesty’s service or to less punishment. It is therefore an objectively serious offence that is directly linked to the requirement of maintaining a disciplined armed force.

[23] There are a broad range of circumstances that can lead to offences under section 129 of the *NDA*. In this case, the circumstances of the behaviour are significant; for a member of the CAF to store firearms and ammunition for multiple weeks in his vehicle within the confines of CFB Kingston is concerning and denotes a significant lack of judgment. This behaviour is not only objectively dangerous to the offender and innocent persons that could be injured due to his actions but is also contrary to good order and discipline as it clearly violates CFB Kingston’s Base Standing Orders where occupants must be responsible to “[be] aware of and adher[e] to CAF and CFB Kingston’s orders and regulations, specifically concerning...firearms [and] ammunition”. More specifically, the possession of privately owned firearms and ammunition is clearly prohibited in the Base Standing Order.



**Sentencing objectives considered in this case**

[24] In the circumstances of this case, I agree with counsel that the focus be placed on the objectives of denunciation, deterrence (specific and general) and rehabilitation in sentencing the offender.

[25] In terms of the main purpose of sentencing at section 203.1 of the *NDA*, namely the maintenance of “discipline, efficiency and morale of the Canadian Forces,” the sentence proposed must be sufficient to denounce Pte Preston’s conduct in the military community while deterring him and others from exhibiting such behaviour in the future (see *NDA* paragraphs 203.1(2)(a) to (d)).

[26] At the same time, the sentence must not be so severe as to cause a disproportionate impact on the offender and risk compromising his rehabilitation. As noted in the joint sentencing submission, the recommendation of a sentence of a fine of \$1,000 would serve to demonstrate the military justice system denounces such conduct, deter Pte Preston and others from committing such offences and would leave no doubt should CAF members possess firearms in a manner contrary to Base Standing Orders, they will face consequences.

[27] Importantly, the joint submission also referred to the principle of rehabilitation. The Court is mindful of the strong performance appraisal for the offender from Capt Xia along with the character reference from MWO Babin. This militates towards the Court to be mindful of the objective of rehabilitation (see *NDA* paragraphs 203.1(2)(e), (f), and (i)).

**Aggravating and mitigating factors**

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

- (a) the inherent danger in possessing a firearm and ammunition within the confines of Canadian Forces Base (CFB) Kingston. Possessing these items in his vehicle in proximity to communal residences, risked serious injury or death to not only the offender, but fellow CAF members or unsuspecting civilians; and
- (b) the period in which Pte Preston stored the weapon and ammunition in his vehicle. As noted in the Statement of Circumstances, Pte Preston was aware that the storage of his weapon in his vehicle in single quarters was contrary to Base Standing Orders. Regardless, he stored these items in his vehicle for approximately six weeks.

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

- (a) Pte Preston’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 unit and of the broader military community;

- (b) the absence of a criminal record and conduct sheet revealing precedents of similar misbehaviour;
- (c) his age and his career potential as a member of the CAF. Evidence presented during the joint submission outlines that Pte Preston has excellent potential to contribute in a positive way to the CAF in the future;
- (d) the fact that Pte Preston had to face this court martial. There are likely colleagues and the public that are either present in the court or online. This has a deterrent effect on the offender; and
- (e) this incident was out of character for the offender and an isolated incident. The offender took responsibility for his actions, apologized to his unit and vowed to learn from this experience.

### *Assessing the joint submission*

#### *Parity*

[30] 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.

[31] 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. Gillespie*, 2018 CM 3002: Capt Gillespie pleaded guilty to one charge contrary to section 129 of the *NDA*. After a corporal attempted a joke, Capt Gillespie, in the proximity of six platoon members, unholstered his issued 9-millimetre Browning pistol, cocked the action and pointed it at the corporal. After a few seconds, he uncocked the weapon and returned it to his holster. During the court martial a second similar incident was admitted. Following a joint submission to the Court, Capt Gillespie was sentenced to a severe reprimand and a \$7,000 fine;
- (b) *R. v. Anderson*, 2024 CM 4008: MWO Anderson pleaded guilty of one charge contrary to section 130 of the *NDA* in that he possessed his personal Sig Sauer pistol at an unauthorized place contrary to section 93

of the *Criminal Code*. MWO Anderson, who was attempting to assist a fellow CAF member in weapons handling, brought his personal weapon into CAF lines. Following a joint submission, MWO Anderson was sentenced to an absolute discharge. He received a five-year weapons prohibition order;

- (c) *R v Steward*, 2013 CM 3035: Sergeant (Sgt) Steward pleaded guilty to one charge of neglect to the prejudice of good order and discipline. While on exercise, Sgt Steward improperly stored his Sig Sauer, magazine and ammunition in a proper manner. Following a contested submission, the offender was sentenced to a reprimand and a \$1,000 fine;
- (d) *R v Harris*, 2011 CM 4008: Sgt Harris pleaded guilty to one charge contrary to section 129 of the *NDA*. He mailed from Kandahar airfield to his residence, one AK-74, two 30-round magazines and one rocket propelled grenade (RPG) firing tube. His intention was to donate the items to a regimental museum. His actions were contrary to the Theatre Standing Order. Following a joint submission, he was fined \$1,000.
- (e) *R v Olive*: 2011 CM 2009: Sgt Olive was found guilty of one charge contrary to section 129 of the *NDA*. He mailed to his residence two AK-74s, one AK-47 and two 30-round magazines contrary to the Theatre Standing Order. His intention was to donate the weapons to the mess at his home unit. Following a contested sentencing hearing, he was sentenced to a reprimand and a fine of \$1,500.
- (f) *R v. Babineau*: 2011 CM 3009: Capt Babineau pleaded guilty to one charge contrary to section 129 of the *NDA*. He bought fourteen magazines and a scope at an American PX and mailed them to his residence, contrary to the theatre standing orders. Following a joint submission, he was sentenced to a reprimand and a \$2,000 fine.

[32] The issue for the Court 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.

[33] Having considered the circumstances of the case, the applicable case law and 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 objectives of denunciation and deterrence while focused on the rehabilitation of the offender.

[34] As recognized by the Supreme Court of Canada, 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 as “as is” basis (see *Anthony-Cook* at paragraph 42, 44 and 51).

[35] The joint submission also requests that the Court impose a weapons prohibitions order for a period of twenty months. The imposition of a weapons prohibition order is outlined at subsection 147.1(1) of the *NDA*:

**147.1 (1)** If a court martial considers it desirable, in the interests of the safety of an offender or of any other person, it shall — in addition to any other punishment that may be imposed for the offence — make an order prohibiting the offender from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all such things, on convicting or discharging absolutely the offender of

(b) an offence that involves, or the subject-matter of which is, a firearm, a cross-bow, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition, any prohibited ammunition or an explosive substance

[36] As noted by Sukstorf, M.J. in *R. v. McKie* (2023 CM 2012 at paragraph 46) that “a weapons prohibition order is part of an offender’s sentence and is a consequence which attaches to the criminal conduct. However, it does not just serve a punitive purpose as there is a protective aspect that underlies it”.

[37] I concur with my colleague, Pelletier M.J., in *Anderson* at paragraph 33 where he stated that a weapons prohibition order has a tangible impact, notably in ordering the forfeiture of any weapon in the possession of the offender. It also has an effect of prohibiting Pte Preston from possessing firearms and other weapons outlined in the order for a period of twenty months, except in his performance of his duties with the CAF. Therefore, while a weapons prohibition order is not a punishment, *per se*, it significantly restricts Pte Preston’s ability to legally handle weapons for a period of time, particularly in relation to his desire to continue competitive shooting.

[38] Counsel also requested that I consider an order to the military police to return some of the accessories for the weapon. Counsel submitted that the Bushnell AR Optics TRS-26 Red Dot sight, Magpul Rail Vertical Grip and empty ammunition cannister should not be subject to the weapons prohibition order as they are not, *per se*, part of the weapon and some of the items (i.e. the sight and the rail) can be placed on other non-restricted or prohibited weapons.

[39] Upon receipt of this request, the Court had concerns that it had the legal authority to make such an order. It was unclear to the Court that if the accessories that were seized and formed part of the (now) prohibited weapon and, as such, made those items also prohibited. Following an adjournment to allow counsel to research the issue, they referred to SOR/98-462 “*Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines,*

*Ammunition and Projectiles as Prohibited or Restricted*". The Court takes judicial notice of this regulation pursuant to Military Rule of Evidence (MRE) 15. Upon their review, counsel confirmed that the Bushnell AR Optics TRS-26 Red Dot sight, the Magpul Rail Vertical Grip and the ammunition cannister are not referred to in the regulation as "restricted" or "prohibited."

[40] 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.

[41] 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.

[42] Pte Preston, you have demonstrated that you accept responsibility for your offence with your guilty plea. This offence is serious. It goes without saying that storing your personal weapon and ammunition in your vehicle within the confines of CFB Kingston is inherently dangerous. This could have injured you, fellow CAF members or unsuspecting civilians. This is why the CAF has such stringent orders in place. This incident not only upset your fellow CAF teammates at the time of the incident but also caused the unit to defer from its important work to address this disciplinary matter.

[43] That said, the Court believes this is an isolated incident and you have learned a valuable lesson. You have demonstrated that you are a good soldier with excellent potential to continue serving and make a positive contribution to the CAF. I am confident that you will learn from this experience as you move forward with your career. Good luck.

#### **FOR THESE REASONS, THE COURT:**

[44] **SENTENCES** Pte Preston to a fine of \$1,000 to be paid in monthly installments of \$100 beginning on 1 October 2025 . In the event that Pte Preston is released from the CAF for any reason before the fine is paid in full, then the outstanding unpaid amount is due and payable prior to his release

[45] **ORDERS**, pursuant to section 147.1 of the *NDA* that Pte Preston be prohibited from possessing any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance for a period beginning on the day this order is made and ending on 3 May 2027.

[46] **IN ACCORDANCE** with section 147.3 of the *NDA*, every item prohibited by this order in the possession of the offender, on the commencement of the order, be forfeited to His Majesty to be disposed of or otherwise dealt with, as the Minister directs. The offender is ordered, within seven days, to deliver to an officer or non-commissioned member appointed under the regulations for the purpose of section 156 of the *NDA*, all things that the possession of which is prohibited by the order, together with every authorization, licence and registration certificates relating thereto and held by the offender on the commencement of the order.

[47] **IN ACCORDANCE** with subsection 147.1(3) of the *NDA*, this order does not prohibit the offender from processing any things, including firearms necessary for his duties as member of the CAF.

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**Counsel:**

The Director of Military Prosecutions as represented by Major E. Cottrill

Lieutenant-Commander F. Bélanger, Defence Counsel Services, Counsel for Pte Preston