



COURT MARTIAL

Citation: *R. v. Matiz*, 2025 CM 7013

Date: 20251217

Docket: 202531

Standing Court Martial

Halifax Courtroom, Suite 505,
Halifax, Nova Scotia, Canada

Between:

His Majesty the King

- and -

Sergeant C.J. Matiz, Offender

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

REASONS FOR SENTENCE

(Orally)

Introduction

[1] Sergeant (Sgt) Matiz, the Court has accepted and recorded your plea of guilty in respect of the second charge on the charge sheet. The Court directs a stay of proceedings with regard to the alternate first charge on the charge sheet; section 124 of the *National Defence Act* (NDA) for negligently performing a military duty. The Court therefore finds you guilty of the following charge:

“SECOND CHARGE
(alternate to the
First charge)

NDA Section 108

SIGNED AN INACCURATE
CERTIFICATE IN RELATION TO AN
AIRCRAFT

Particulars: In that he, between 11 and 29
August 2023, at or near Little River

Airstrip, Australia, while acting as the Weapons Systems Releaser for Cyclone CH148814, signed the Daily Aircraft Maintenance Certificate, certifying the aircraft as airworthy despite being aware of the presence of damage potentially compromising its airworthiness.”

[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 in the amount of \$ \$2,000, payable in full by 31 January 2026.

[4] As noted by the Court 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] In *R. v. Mentel*, 2023 CM 5003, at paragraph 11, the Court succinctly outlines the benefits 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 Court stated that when 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 deter offenders and other persons from committing offences (paragraph 203.1(2)(d)), 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 Sgt Matiz. 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 indicated that Sgt Matiz’s unit declined to submit a military impact statement referred to in subsection 203.71(1) of the *NDA*.

[13] For its part, defence counsel produced several documents for the Court to consider including an Agreed Statement of Facts, numerous reference letters and Sgt Matiz’s recent Performance Appraisal Reports (PARs).

[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, in order

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 agreed Statement of Circumstances reveal the following circumstances relevant to the offence:

- (a) On 11 August 2023, while deployed onboard His Majesty's Canadian Ship (HMCS) *Montreal* for Operation (Op) PROJECTION, Cyclone CH148814 conducted an emergency landing at Little River Airstrip, Australia, due to a tail gearbox chip indication. Three technicians, Master Corporal (MCpl) Matiz, Corporal (Cpl) Nguyen, and MCpl Lang, along with a test pilot, were dispatched from the ship with spare parts to repair the aircraft.
- (b) The landing environment was austere and isolated, further complicated by communication breakdowns. The aircrew and technicians faced significant pressure from HMCS *Montreal* to return to the ship in time for its transit through the Suez Canal. This urgency created a high-stress environment for those involved in aircraft repairs and logistics, compounded by limited tools and severe sleep deprivation.
- (c) The night between 11 and 12 August 2023, the technicians remained with the aircraft for security purposes. At or around midnight, during an inspection, MCpl Matiz accidentally fell on the aircraft's horizontal stabilizer, causing damage.
- (d) The following morning, MCpl Matiz observed a small crack on the stabilizer but did not raise a fault to seek assessment from an aircraft structures technician (ACS Tech) or by another authority with the appropriate qualification to assess the damage. No other action was taken at the time due to competing aircraft issues and pressure to return the aircraft to service. None of the three technicians dispatched from the ship were ACS Techs.
- (e) On 15 August 2023, MCpl Matiz performed before and after flight inspections (B and A checks) and as a level C Weapon System Releaser (WSR), he released the aircraft to the pilots by signing section 7 of form 7 of the CH148 Cyclone Daily Aircraft Maintenance Certificate certifying the aircraft's airworthiness.
- (f) A successful ground run and test flight followed. The aircraft was accepted back by MCpl Matiz at 1740 hours, who completed an A check and later a second B check.

- (g) The CH148 Daily Aircraft Maintenance Certificate is a certificate in relation to an aircraft used to record, among other details, the aircraft's pre- and post-flight inspections (B and A checks). This certificate certifies that all required daily maintenance tasks have been completed and that the aircraft is airworthy for flight operations. It is signed by the WSR, who certifies the aircraft's serviceability and authorizes its release to the pilot.
- (h) On 16 August 2023, MCpl Matiz released the aircraft at 0700 hours and again signed the Daily Aircraft Maintenance Certificate. Four flights were conducted, ending in Adelaide where the aircraft's auxiliary power unit (APU) Generator failed, grounding the aircraft.
- (i) On 19 August, MCpl Matiz raised a fault for the APU Generator in the Contingency Operations Binder (CONOPS).
- (j) A spare APU part was ordered from Shearwater, resulting in HMCS *Montreal* departing Australia without the air detachment on 24 August 2023.
- (k) Additional technicians, including MCpl Gingras, a level "A" ACS Tech, were sent from Perth to assist.
- (l) The spare APU part arrived on 25 August 2023 and on 26 August 2023, the APU Generator maintenance was completed. MCpl Gingras and MCpl Matiz performed a B check inspection. MCpl Matiz then released the aircraft as the WSR and signed the Daily Aircraft Maintenance Certificate, certifying its airworthiness.
- (m) However, during the inspection, MCpl Gingras, raised concerns to MCpl Matiz about the crack to the horizontal stabilizer. As a qualified ACS Tech, MCpl Gingras assessed the aircraft as unserviceable and unsafe for flight. Despite his assessment MCpl Gingras did not raise a fault, nor did any other technicians.
- (n) Following these concerns, MCpl Matiz informed the Air Detachment Commander (ADC) and the aircraft Captain of the damage. MCpl Matiz maintained that the damage was minor and did not render the aircraft unserviceable.
- (o) On 28 August 2023, MCpl Matiz conducted a B check and on 29 August he signed the Daily Aircraft Maintenance Certificate as WSR, confirming airworthiness. The aircraft flew to Royal Australian Air Force Base Edinburgh on 29 August 2023.
- (p) The ADC learned of MCpl Gingras' concerns during or after the flight to RAAF Edinburgh and messaged MCpl Matiz about the damage to the

horizontal stabilizer. Considering the departure of the ship, the ADC then decided to ground the aircraft to reduce pressure from the technicians and focus on the aircraft preservation.

- (q) On 5 September 2023, MCpl Matiz sent photos of the stabilizer damage to the ADC. The photos were taken at Little River Airstrip.
- (r) On 13 September 2023, MCpl Matiz emailed the ADC with open faults and tasks. MCpl Matiz raised a fault for the cracked stabilizer on 12 September 2023.
- (s) The aircrew and technicians were gradually repatriated before a rescue team arrived on 2 November 2023 to return CH148814 to Canada via a C-17 Globemaster.
- (t) An aircraft becomes unserviceable when faults are detected. When a fault is raised, it must be formally recorded via a Maintenance Work Order in the Computerized Maintenance Management System (CMMS). If technicians lack network access, they use the CONOPS Binder to log tasks and later upload them. Serviceability is restored after repairs, testing, or deferral within technical limits.
- (u) MCpl Matiz knew or should have known a fault should have been raised upon noticing the crack to the aircraft horizontal stabilizer. In addition, MCpl Matiz was not qualified to assess structural damage as he is not an ACS Tech. As such, the certificate he signed was inaccurate as he was not in a position to certify the aircraft was airworthy when he signed the Daily Aircraft Maintenance Certificate.

The circumstances of the offender

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

- (a) Sgt Matiz is forty-six years old. He enrolled in the Canadian Armed Forces (CAF) as an infanteer in February 2003. During his time in the infantry, he deployed to Kandahar, Afghanistan on two occasions, from January to August 2006 and from October 2009 to May 2010. He spent approximately fourteen months in combat operations;
- (b) in July 2012, Sgt Matiz completed a voluntary occupational transfer from the infantry to his current occupation of aviation systems technician;
- (c) Sgt Matiz was promoted to his current rank effective 1 April 2024. He is assigned to the Flight Safety Section; and

- (d) Sgt Matiz has no conduct sheet nor any convictions by a civil court that appear on his conduct sheet.

Seriousness of the offence

[17] The Court has considered the objective gravity of the offence in this case. Section 108 of the *NDA* carries a maximum punishment of imprisonment for less than two years or to lesser punishment. I adopt the words of the Court in *R. v. McBride*, 2023 CM 4011 that aptly outlines the seriousness of this offence at paragraphs 12 to 13:

[12] It is therefore an objectively serious offence which recognizes the critical importance of aircraft maintenance through certification of the accomplishment of proper and specific maintenance tasks for specific aircraft types, an essential component of any flight safety program. The onus placed on a person charged under section 108 to demonstrate that reasonable steps were taken to ensure the accuracy of a certificate or form related to an aircraft or aircraft material is an indication of Parliament's recognition of the importance of certification to ensure safety.

[13] Consequently, any offence under section 108 engages safety: the existence of the offence itself in the *NDA* is a recognition of the importance of the need to maintain and enforce the integrity of the certification process. Safety is a given consideration in any violation of section 108.

Sentencing objectives considered in this case

[18] In the circumstances of this case, I agree with counsel that the focus be placed on the objective of general deterrence in sentencing the offender.

[19] In terms of the fundamental purpose of sentencing at subsection 203.1(1) of the *NDA*, namely the maintenance of "discipline, efficiency and morale of the Canadian Forces," the sentence proposed must be sufficient to deter other CAF members in similar situations from engaging in the same prohibited conduct (see *R. v. Pero*, 2024 CM 3011 at paragraph 37(c)).

[20] The recommendation of a sentence of a fine in the amount of \$2,000 would serve as a deterrent to those in the military community, notably the Royal Canadian Air Force technical community, who may choose to inaccurately sign certificates in relation to aircraft.

Aggravating and mitigating factors

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

- (a) that Sgt Matiz did not raise a fault upon noticing the crack to the aircraft horizontal stabilizer which could have become a safety issue;

- (b) that Sgt Matiz was not qualified to assess structural damage as he is not an ACS Tech. Therefore, he knew that the certificate that he signed was inaccurate when he signed the Daily Aircraft Maintenance Certificate; and
- (c) Sgt Matiz's rank and experience at the time of the offence (MCpl).

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

- (a) Sgt Matiz'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 career potential as a member of the CAF. Evidence presented on the joint submission outlines that Sgt Matiz has excellent potential to continue to contribute in a positive way to the CAF in the future; and
- (d) this was an isolated incident. Sgt Matiz has served with honour in the CAF as demonstrated in his recent PARs and letters of reference. Since the incident, he has been promoted to Sgt which demonstrates that he retains the trust and confidence of his chain of command.

[23] With respect, I disagree with counsel that a factor in mitigation to be considered by this Court was that the landing environment was austere and isolated and that the aircrew and technicians faced significant pressure from HMCS *Montreal* to return to the ship. As noted in the agreed Statement of Circumstances, "this urgency created a high-stress environment for those involved in aircraft repairs and logistics, compounded by limited tools and severe sleep deprivation".

[24] The Court has no doubt that the conditions were austere and difficult. As noted in the Agreed Statement of Facts, the three technicians who serviced the Cyclone were recognized with the "12 Wing Team of the Year Award" for their efforts. However, operational pressures in an austere environment are exactly what members of the CAF train for. In *R. v. Cogswell*, 2021 CM 2021 at paragraph 129, the Court aptly describes this concept:

[129] Members serve together in austere circumstances and the interdependency and trust placed upon each member and the various units are necessary for survival. Trust is a cornerstone upon which a member's loyalty, duty, integrity and courage rests. Without it, members would be unable to embrace the military values required within the Canadian military ethos. . . .

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: *R. v. McBride*, 2023 CM 4011; *R. v. Lundy*, 2019 CM 5005; and *R. v. Gauthier*, 2019 CM 2022. As noted by counsel, all three cases were joint submissions and in all three cases, the offender was sentenced to a \$600 fine. However, I agree with the prosecution that the circumstances in this case are different and each case must be determined on the facts before the Court.

[27] 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.

[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 objective of specific deterrence.

[29] As recognized by the SCC, trial judges must refrain from tinkering with joint submissions if their benefits 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, 44 and 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 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.

[32] Sgt Matiz, you have demonstrated that you accept responsibility for the offence with your guilty plea. This offence touches directly upon the safety of your fellow CAF teammates. You are entrusted to perform your duties as an aviation systems technician to an understandably high standard. As a recently-promoted sergeant, you appreciate the responsibility that you have not only amongst your colleagues but importantly the standard you set for your subordinates. This was a regrettable lack of judgment on your part.

[33] However, the Court concurs with counsel that it was an isolated incident. You have served in the CAF honourably for twenty-two years. You have served in combat operations for fourteen months. The Court notes the comment from Major Hughes that is perhaps the highest compliment that one CAF member can offer a teammate; that he trusted you with his life on numerous occasions and he would do so again without hesitation. You clearly have the support of your family and colleagues here today, along with your unit as you have been promoted since this incident and serve in a critical role in flight safety. I have no doubt that you have learned from this incident and will continue to serve the CAF and Royal Canadian Air Force community with distinction. I wish you the best of luck moving forward.

FOR THESE REASONS, THE COURT:

[34] **SENTENCES** Sgt Matiz to a fine in the amount of \$2,000, to be paid by 31 January 2026. In the event that you are 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 your release. The Court directs a stay of proceedings on the alternate charge of negligent performance of a military duty, pursuant to section 124 of the *NDA*.

Counsel:

The Director of Military Prosecutions as represented by Major L.J.C. Carignan

Lieutenant-Commander F.M. Bélanger, Defence Counsel Services, Counsel for
Sergeant C.J. Matiz