



COURT MARTIAL

Citation: *R. v. Smith*, 2010 CM 2017

Date: 20100728

Docket: 201035

Standing Court Martial

Birchall Training Centre
Canadian Forces Base Greenwood
Greenwood, Nova Scotia, Canada

Between:

Her Majesty the Queen

- and -

Corporal M.K.P. Smith, Offender

Before: Commander Lamont, M.J.

REASONS FOR SENTENCE

(Orally)

[1] Both counsel have referred to the case of *Private Chadwick Taylor*, a decision of the Court Martial Appeal Court, which reiterated the law applied by most of the provincial courts of appeal across Canada with respect to the joint submission of counsel with respect to sentence in a criminal case. The law is clear that unless the sentence jointly proposed by counsel is contrary to the public interest then the court should accept the joint recommendation of counsel.

[2] In this case, considering what I have been told with respect to the circumstances of the offence, and also what I understand with respect to the circumstances of the offender, I cannot say that the joint submission proposed by counsel with respect to sentence is contrary to the public interest, and I, therefore, accept the joint submission of counsel.

[3] Corporal Smith, you are sentenced to a severe reprimand and a fine in the amount of \$2800. The fine is to be paid in monthly instalments of \$560 each commencing 1 September 2010 and continuing for the four following months. In the event that the fine is not discharged in its entirety prior to your release from the Canadian Forces, the then outstanding unpaid balance is to be paid, is due, and is owing on the day prior to your release.

Counsel:

Major P. Rawal, Regional Military Prosecutions (Atlantic)
Counsel for Her Majesty the Queen

Lieutenant(N) M. Létourneau, Directorate of Defence Counsel Services
Counsel for Corporal Smith