

Citation: *R. v. Corporal J.L. Hentges*, 2007cm2017

Docket: 2006103

**STANDING COURT MARTIAL
CANADA
QUEBEC
ASTICOU CENTRE, GATINEAU**

Date: 2 November 2007

PRESIDING: COMMANDER P.J. LAMONT, M.J.

HER MAJESTY THE QUEEN

v.

**CORPORAL J.L. HENTGES
(Accused)**

FINDING

(Rendered orally)

[1] Corporal Hentges, this court finds you guilty of charges number 2, 3, 4, 5, 6, 10, 15, 16, 17, 18, 19, 20, 22, 24, 26, 29 and 33. You may break off and be seated beside your counsel.

[2] Corporal Jamie Lawrence Hentges is named in a charge sheet charging 33 offences under the *National Defence Act*. In the course of the trial, 16 of the charges were withdrawn at the request of the prosecution and with the consent of the defence. The remaining 17 charges in the charge sheet consist of 10 charges of offences contrary to section 125(a) of the *National Defence Act*; that is, wilfully making a false entry in a document made by him that was required for an official purpose, and seven charges under section 117(f) of the *National Defence Act*; that is, an act of a fraudulent nature not otherwise particularly specified.

[3] Dealing first of all with the charges under section 117(f), all of the charges contain the same wording except for the date of the alleged offence. The facts are agreed to in an agreed statement of facts that was marked as Exhibit 3 on the trial.

[4] The accused was a driver for his unit, the Canadian Forces Support Unit. In that capacity, he had access to a DND vehicle on an apparently frequent basis. For the purposes of his work, he was issued with a DND credit card. The facts in the agreed

statement of facts disclosed that on seven different dates after returning his DND vehicle, the offender used his DND issued credit card to purchase fuel for his personal vehicle, and on one occasion, to purchase a car wash.

[5] Dealing with the 10 charges of offences alleged to have been committed contrary to section 125(a) of the *National Defence Act*, the facts disclosed that on nine dates between April of 2004 and February of 2005, the offender submitted a claim for reimbursement of the mileage expense for using his personal motor vehicle to attend the National Defence Medical Centre for appointments. The appointments either did not occur or were cancelled. In any event, in all of these cases, the accused did not attend the National Defence Medical Centre as he had indicated in his claims for reimbursement for mileage.

[6] The remaining charge under section 125(a) relates to an attendance of the offender at the clothing stores, where he gave a false name and service number on the form required by the clothing stores for which he received Gortex equipment to the value of \$722.73. The facts are that the accused was playing a joke on a new member, unknown to him, who was working at the clothing stores.

[7] The agreed statement of facts establishes all the elements of all the offences in the 17 charges remaining before the court to my satisfaction, beyond a reasonable doubt, and therefore, in respect of those 17 charges, the accused is guilty.

COMMANDER P.J. LAMONT, M.J.

Counsel:

Major S.A. MacLeod, Regional Military Prosecutions Central
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