

**Citation:** *R. v. Corporal J.L. Hentges*, 2007cm2018

**Docket:** 2006103

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

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**Date:** 2 November 2007

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

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**HER MAJESTY THE QUEEN**

**v.**

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

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**SENTENCE**

**(Rendered orally)**

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[1] Corporal Hentges, you have been found guilty of 17 charges under the *National Defence Act*; that is to say, 10 counts of wilfully making a false entry in a document required for official purposes, and seven counts of committing an act of a fraudulent nature.

[2] It now falls to me to determine and to pass a sentence upon you. In so doing, I have considered the principles of sentencing that apply in the ordinary courts of criminal jurisdiction in Canada and at courts martial. I have as well considered the facts of the case as disclosed by the evidence at trial, the materials received in the course of the sentencing process, as well as the evidence you gave in the course of a pretrial application. I have as well considered the submissions of counsel, both for the prosecution and for the defence.

[3] The principles of sentencing guide the court in the exercise of its discretion in determining a fit and proper sentence in an individual case. The sentence should be broadly commensurate with the gravity of the offence and the blameworthiness or degree of responsibility and character of the offender. The court is guided by the sentences imposed by other courts in previous similar cases, not out of a slavish adherence to precedent, but because it appeals to our common sense of justice that like cases should be treated in similar ways. But in imposing sentence, the court takes

account of the many factual matters that distinguish the particular case it is dealing with, both the aggravating circumstances that may call for a more severe punishment, and the mitigating circumstances that may reduce a sentence.

[4] The goals and objectives of sentencing have been expressed in different ways in many previous cases. Generally, they relate to the protection of society, which includes, of course, the Canadian Forces, by fostering and maintaining a just, a peaceful, a safe, and a law-abiding community. Importantly, in the context of the Canadian Forces, these objectives include the maintenance of discipline, that habit of obedience which is so necessary to the effectiveness of an armed force. The goals and objectives also include deterrence of the individual so that the conduct of the offender is not repeated, and general deterrence so that others will not be led to follow the example of the offender. Other goals include the rehabilitation of the offender, the promotion of a sense of responsibility in the offender, and the denunciation of unlawful behaviour.

[5] One or more of these goals and objectives will inevitably predominate in arriving at a fit and just sentence in an individual case. Yet, it should not be lost sight of that each of these goals calls for the attention of the sentencing court, and a fit and just sentence should be a wise blending of these goals tailored to the particular circumstances of the case.

[6] Section 139 of the *National Defence Act* prescribes the possible punishments that may be imposed at court martial. Those possible punishments are limited by the provision of the law which creates the offence and provides for a maximum punishment, and may be further limited to the jurisdiction that may be exercised by this court. Only one sentence is imposed upon an offender, whether the offender is found guilty of one or more different offences, but the sentence may consist of more than one punishment. It is an important principle that the court should impose the least severe punishment that will maintain discipline.

[7] In arriving at the sentence in this case, I have considered the direct and indirect consequences for the offender of the findings of guilt and the sentence I am about to impose.

[8] The facts of these offences were referred to in my finding and I will not repeat what I said at that time.

[9] In this case, both counsel agree that a fit disposition is a reprimand and a fine in the amount of \$1500. The sentence to be pronounced is, of course, a matter for the court, but where, as in this case, both parties agree on a recommended disposition, that recommendation carries great weight with the court.

[10] The courts of appeal across Canada, including the Court Martial Appeal Court, have held that the joint submission of counsel as to sentence should be accepted

by the court unless the recommended sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest.

[11] I have considered all of the factors, both aggravating and mitigating, that counsel has referred to. I agree that the time taken to investigate and bring these offences to trial should be considered as mitigating factors, especially because of the state of mental health of the offender as described in his evidence and in the report of the psychologist, Dr. Jordan. The behaviour of the offender in carrying out numerous fraudulent acts for very small amounts of money over a period of months is troubling indeed, but taking account of all the circumstances, both of the offences and of the offender, I cannot say that the sentence recommended by counsel is either contrary to the public interest or would bring the administration of justice into disrepute and accordingly, I accept the joint submission.

[12] Stand up, Corporal Hentges. You are sentenced to a reprimand and a fine in the amount of \$1500 to be paid in monthly installments of \$100 each commencing 30 November 2007 and continuing for the following 14 months. In the event you are released from the Canadian Forces for any reason before the fine is paid in full, the then outstanding unpaid amount is due and payable the day prior to your release.

[13] The proceedings of this Standing Court Martial in respect of Corporal Hentges are hereby terminated.

COMMANDER P.J. LAMONT, M.J.

Counsel:

Major S.A. MacLeod, Regional Military Prosecutions Central  
Counsel for Her Majesty the Queen  
Major L. D'Urbano, Directorate of Defence Counsel Services Ottawa  
Lieutenant(N) P. Desbiens, Directorate of Defence Counsel Services Ottawa  
Counsel for Corporal J.L. Hentges