



COURT MARTIAL

Citation: *R. v. Hornell*, 2010 CM 2005

Date: 20100503

Docket: 200941

General Court Martial

Halifax Courtroom
Halifax, Nova Scotia, Canada

Between:

Her Majesty the Queen

- and -

ex-Ordinary Seaman S.J. Hornell, Offender

Before: Commander P.J. Lamont, M.J.

REASONS FOR SENTENCE

[1] Mr Hornell, having accepted and recorded your pleas of guilty to charge number three, an act to the prejudice of good order and discipline; and as well, charges number six and eight, both alleging offences that you were unlawfully in a dwelling house with intent to commit an indictable offence, this court finds you guilty of charges three, six, and eight.

[2] The Court Martial Appeal Court has made it very clear that a sentencing court is to accept the joint recommendation of counsel as to sentence, in a case such as this case where both counsel recommend that sentence, unless to accept the sentence would bring the administration of justice into disrepute or if the recommended sentence is otherwise contrary to the public interest. I cannot say that the sentence jointly proposed by counsel in this case would bring the administration of justice into disrepute or is otherwise contrary to the public interest, and I, therefore, accept the joint recommendation of counsel.

[3] You are sentenced to a fine in the amount of \$3,000. The fine is to be paid in equal monthly instalments of \$300 each, commencing 1 June 2010 and continuing for the following nine months.

COMMANDER P.J. LAMONT, M.J.

COUNSEL

Major S.A. MacLeod, Canadian Military Prosecution Service
Counsel for Her Majesty the Queen

Major J.A.E. Charland, Directorate of Defence Counsel Services
Counsel for ex-Ordinary Seaman S.J. Hornell