



## COURT MARTIAL

**Citation:** *R. v. Leblanc*, 2010 CM 4011

**Date:** 20101026

**Docket:** 201048

Standing Court Martial

Charles Michel de Salaberry Armoury, 2100 Le Carrefour Blvd  
Laval, Quebec, Canada

**Between:**

**Her Majesty the Queen**

- and -

**Master Corporal P.J.C. Leblanc, Offender**

**Before:** Lieutenant-Colonel J.-G. Perron, M.J.

---

### OFFICIAL ENGLISH TRANSLATION

#### REASONS FOR SENTENCING

(Orally)

[1] Master Corporal Leblanc, having accepted and registered your admission of guilt to the 1st and 4th charges, I now find you guilty of those charges. You have pleaded not guilty to charges 2 and 3. The 2nd charge is an alternative to the 1st charge, and the 3rd charge is an alternative to the 4th charge. I therefore find you not guilty of charges 2 and 3.

[2] Counsel for the prosecution and your counsel presented me with a joint sentencing submission and recommended imposing a severe reprimand with a fine of \$500. The final decision in sentence determination lies with the judge, who has the right to dismiss counsels' joint submission. However, I must accept the joint submission unless it is found to be inadequate or unreasonable, contrary to public order or would bring the administration of justice into disrepute.

[3] As indicated in paragraph (2) of article 112.48 of the Queen's Regulations and Orders for the Canadian Forces, I also took into consideration any indirect consequence

of the finding or of the sentence and the need to impose a sentence commensurate with the seriousness of the offence and the offender's record.

[4] To determine what constitutes the appropriate sentence in this case, I took into account the circumstances surrounding the commission of the offence as revealed in the statement of circumstances, which you have acknowledged to be true. I also considered the evidence filed, the caselaw and the submissions by counsel. I analyzed these various factors in light of the objectives and principles applicable in sentencing, as well as the aggravating and mitigating factors related to the circumstances of the case and the offender's personal situation.

[5] You were assigned to Class "C" service with the Tactical Reserve Company deployed to OPERATION PODIUM. The mission of this domestic operation was to provide security for the Olympic Winter Games in Vancouver. Your assignment began on August 19, 2009, and was to terminate on March 26, 2010. Your company went to Camp Vimy at Valcartier in October to train for OP PODIUM. Initially, you occupied the position of Section Commander, and later Weapons Detachment Commander. On October 3, Sergeant Boulianne, Deputy Commander of your platoon, stated in a set of orders that possessing or consuming alcohol during the training at Valcartier was strictly prohibited. You were present for that set of orders. Your company commander and the commanding general of the land component of this operation also discussed this order with the members of the company and explained the reasons for it. Section 19.04 of the QR&O was also brought to your attention during meetings in which the consumption of alcohol was discussed.

[6] On October 22, you went to the base to obtain medical care, along with other members of your company. You stopped at the CANEX on the base to make some purchases. You purchased a case of beer. A Master Corporal told you that this was prohibited but you ignored his comment and nevertheless brought the case of beer to Camp Vimy. At around 10:00 pm, when you were in your quarters after your workday, you consumed a beer. You also offered a beer to two of your subordinates, and they consumed their beer with you. All of this took place in front of about 10 other soldiers who were in the tent at the time. On October 24, Sergeant Boulianne visited you in your tent and saw the case of beer. He left the tent and informed his chain of command. The following morning, he met with you again to find out more about the situation. You refused to reveal whether members of the platoon had consumed alcohol. Sergeant Boulianne immediately removed you from your commander position, and it was decided that you would be removed from the platoon. You left Camp Vimy to be assigned to the Valcartier base. Your assignment to the Class "C" Reserve Service was interrupted prematurely on November 12, 2009, because of your attitude, your insubordination and your negative influence on your subordinates with respect to following orders.

[7] By purchasing and consuming alcohol, you disobeyed the order of a superior and committed an act to the prejudice of good order and discipline by offering alcohol to subordinates, knowing that the consumption of alcohol was prohibited under section 19.04 of the QR&O.

[8] Having summarized the principal facts of this case, I will now focus on sentencing. To determine an appropriate sentence, I took into consideration the following aggravating and mitigating factors. I consider the following as aggravating:

The nature of the offence and the sentence provided for by Parliament. You are guilty of disobeying the order of a superior and committing an act prejudicial to good order and discipline. The maximum sentences for these offences are, respectively, life imprisonment and dismissal with disgrace from Her Majesty's Service. I would describe these offences as being objectively among the most serious. This offence is also subjectively serious. You disobeyed clear and unequivocal orders. You, a Master Corporal, consumed alcohol in front of several people. Furthermore, you encouraged subordinates to disobey orders and to follow your example by offering them beer.

Second, this conduct took place during training for a domestic operation, the purpose of which was to provide security for the Olympic Games. Any disobedience of an order must be considered injurious to the good discipline and the effectiveness of our forces. Disobedience in an operational context is even more serious, because the success of the mission and the security of our personnel rely to a large extent on the principle that orders from superiors are carried out as given, and not according to the personal preferences of subordinates.

Third, you have a conduct sheet. You made disrespectful comments to a superior and made provocative gestures to a superior. This occurred at approximately 9:00 pm during the unit's troop dinner. You also damaged a lamp post located in the armoury parking lot. You were sentenced to a reprimand and a \$350 fine. It was a summary trial. You were a Master Corporal at the time of these offences. Although these offences in your conduct sheet date back to December 2004, they indicate that you had problems related to personal discipline at that time.

Fourth, you held a leadership position within your platoon, that of Weapons Detachment Commander. You testified that you had completed your sergeant course, but that you had been told that you had not completed your master corporal course. Master Corporal Leblanc, your conduct in October 2009, your conduct sheet, your testimony and your conduct in court indicate to me that you have not yet reached the level of maturity and leadership that we look for in our leaders. Despite your age and military experience, there is no evidence before me that shows that you understand the importance of discipline within the Canadian Forces or that you have the qualities that we look for in our leaders.

Fifth, although your conduct was clearly intentional, I have no evidence that the purchase of the case of beer was premeditated.

[9] As for mitigating factors, I note that you have admitted your guilt. Your plea came late. An admission of guilt normally demonstrates a certain amount of remorse. Furthermore, a plea enables the State to save significant amounts of money, as well as

avoid calling witnesses. Although the Court considers your admission of guilt to be a mitigating factor, the Court only attributes so much weight to it. You testified at the time of sentencing, but you had nothing to say with respect to the offences. This mitigating factor could have carried more weight if the Court has had before it any evidence indicating that you recognize your mistakes and take responsibility for them.

[10] During their submissions, the prosecutor and your counsel stated that the Court had to consider your personal circumstances as they are at present. The prosecutor indicated that he believed that a severe reprimand and a fine of \$1,000 to \$1,500 would have been appropriate in this case, but he suggests that a severe reprimand and a fine of \$500 would be appropriate given your difficult financial situation. Exhibit 8 shows that you receive a net amount of \$340 per week in Employment Insurance benefits. You have testified that you must report the balance received for your presence in the Class "A" service unit, and that your Employment Insurance benefits are reduced accordingly. You have testified that you would prefer to work than to receive benefits. Your mortgage payments are \$305 per month. A charitable organization gives you \$120 a month to help you purchase food. You had custody of your two children, aged 17 and 10 years. You have not been assigned to Class "B" or Class "C" services since the month of November 2009.

[11] It is true that a Court must consider the offender's ability to pay when setting the amount of a fine. It is also true that you seem to be going through a difficult period in your personal life. That said, it seems clear to me that you are the principal cause of your financial problems. In light of the evidence before me, I conclude that your attitude and your conduct have cost you the opportunity to be assigned to Class "B" or "C" service.

[12] I note that, as with many courts martial and criminal trials in Canada, the Court is not necessarily aware of all the factors and all the information that led the parties to agree on the guilty plea and the joint submissions, and that the Court must rely on parties' submissions. Having reviewed the parties' joint submission closely and the submissions of counsel for the prosecution with respect to the considerations and factors that he took into account in arriving at this joint submission, I am of the view that, in light of the particular facts of this case and the arguments of counsel for the prosecution, it incorporates the sentencing principles and is the lightest possible sentence in the circumstances to ensure the protection of the public and the maintenance of discipline.

[13] Master Corporal Leblanc, I sentence you to a severe reprimand and a fine of \$500. The fine shall be paid in 10 \$50 instalments starting November 1, 2010. In the event of release from the Canadian Forces before the fine is paid in full, Major Charland shall notify Master Corporal Leblanc of the need for monthly certified cheques and to whom such cheques must be sent.

---

**Counsel:**

Major G. Roy, Canadian Military Prosecution Service  
Captain D.G.J. Martin, Canadian Military Prosecution Service  
Counsel for Her Majesty the Queen

Major J.A.E. Charland, Directorate of Defence Counsel Services  
Defence Counsel for Master Corporal J.P.C. Leblanc