

**Citation:** *R. v. Major S.L. Stevens*, 2004CM62

**Docket:** S200462

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

---

**Date:** 16 March 2004

---

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

---

**HER MAJESTY THE QUEEN**

**v.**

**MAJOR S.L. STEVENS**

**(Accused)**

---

**SENTENCE**

**(Rendered orally)**

---

[1] Major Stevens, having accepted and recorded your plea of guilty to charge number two, the court now finds you guilty of charge number two. 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 described in the statement of circumstances, Exhibit 6, the evidence that was adduced during these proceedings and the submissions of counsel, both for the prosecution and for the defence.

[2] 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. Nevertheless, in imposing sentence, the court takes account of the many circumstances 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. 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 are not 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 behavior. One or more of these goals and objectives will inevitably predominate in arriving at a fit and just sentence in a particular 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.

[3] As I explained to you when you tendered your plea of guilty, section 139 of the National Defense Act prescribes the possible punishments that may be imposed at courts martial. Those possible punishments are limited by the provision of the law which creates the offence and provides for a maximum punishment and is further limited to the jurisdiction that may be exercised by this court.

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

[5] In summary, the facts disclose that Major Stevens was issued with \$100,000 U.S. in American Express traveller's cheques in order to accompany a reconnaissance party to Diego Garcia in the Indian Ocean. Instead of transporting the funds in a locked briefcase or other suitable container as required by CFAO 202-2, the offender carried the funds in her personal unlocked knapsack. It appears that during an overnight stay in Newport News, Virginia, the offender left the funds in the knapsack in her hotel room while she went for dinner and that a person or persons unknown stole six of the cheques in the amount of \$1000 U.S. each from her hotel room. Five of the six cheques have since been cashed with a loss to the Canadian Forces of \$7600 Canadian.

[6] The prosecution recommends a disposition by way of a fine of between \$750 and \$1250.

[7] Both counsel agree as to the many features of this case that call for mitigation of sentence. This is a first offence by a member with 28 years of distinguished service in the Canadian Forces. She is a capable finance officer with a

superb recommendation from her work supervisors. Indeed, she is regarded as a stellar performer. She cooperated fully with police investigations as to the loss and as to her responsibility for it, and she has pleaded guilty before this court at the first available opportunity. The prospect of trial by court martial has been on her mind for some considerable period since the offence and I accept the submission that the charge has caused embarrassment and humiliation to the offender among her work colleagues. I also accept that her failure to adhere to the requirements of CFAO 202-2 was motivated by a desire to conceal from others that she was in possession of a large amount of funds in order to better secure those funds. She held an honest belief that she was doing her best to protect the security of those funds. There is no element here of personal gain by the offender. Nonetheless, it appears that she will be required by the Canadian Forces authorities to repay the amount of the loss of \$7600.

[8] I cannot lose sight of the fact that the CFAO is designed to minimize the risk of loss by imposing reasonable requirements as to the handling of funds in transit. Merely having the funds contained in a locked container, as required by the regulation, might have dissuaded a would-be thief. I also take into consideration that the failure of the offender to take the required precautions put at risk a much larger quantity of money than was actually lost.

[9] The defence agrees that a fine is a fit disposition and submits that it should not exceed \$200 in order that the disposition can be removed from the offender's conduct sheet after 12 months in accordance with DAOD 7006-1, entitled, "Preparation and Maintenance of Conduct Sheets." Otherwise, submits the defence, the offender would have to wait a period of 72 months with this entry on her conduct sheet.

[10] I note from DAOD 7006-1 that the offender may, in the future, apply for a pardon under the Criminal Records Act and that would have the effect of removing the entry from the offender's conduct sheet. The waiting period under the Criminal Records Act is much shorter than 72 months.

[11] Stand up, please, Major Stevens. You are sentenced to a fine in the amount of \$500, to be paid at a rate of \$100 per month commencing 31 March 2004. In the event you are released from the Canadian Forces for any reason, the unpaid amount of the fine then outstanding is due the day prior to your release.

[12] March out Major Stevens.

[13] The proceedings of this court martial in respect of Major Stevens are hereby terminated.

COMMANDER P.J. LAMONT, M.J.

Counsel:

Major B. Cloutier, Directorate of Military Prosecutions

Counsel for Her Majesty the Queen

Major A.E. Appolloni, Directorate Defence Counsel Services

Counsel for Major Stevens