Citation: *R. v. Master Corporal R. Stinson*, 2004CM63

Docket: S200463

STANDING COURT MARTIAL
CANADA
MANITOBA
CANADIAN FORCES BASE WINNIPEG

Date: 15 April 2004

PRESIDING: COLONEL K.S. CARTER, M.J.

HER MAJESTY THE QUEEN
v.
MASTER CORPORAL R. STINSON
(Accused)

SENTENCE
(Rendered verbally)

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[1] Master Corporal Stinson, the court, having accepted and recorded your plea of guilty to the first charge on the charge sheet, now finds you guilty of that charge.

[2] The court has heard extensive submissions on the appropriate sentence and in its consideration and evaluation it has a number of things to say about that. So the court will allow you to be seated with your counsel while it goes through its reasoning. And when it imposes the sentence it will have you stand and impose the sentence. So you may now break off and sit with your counsel.

[3] In determining an appropriate sentence, the court has considered the circumstances surrounding the commission of this offence; your background and your current circumstances; your testimony and the testimony of other witnesses; the submissions of both counsel and the goal of and the principles of sentencing.

[4] The court must and does follow certain principles in determining what is an appropriate sentence and these principles are applied not only in courts martial but also in criminal trials in Canada. They include protection of the public, denunciation of the offence, deterrence both general and specific, and reformation and rehabilitation.

[5] The protection of the public encompasses both the general public interest, which includes in the context of courts martial the protection of the interests of the Canadian Forces, and the protection of individual members of the public including Canadian Forces members. In the context of a court martial, the primary interest of the Canadian Forces is the maintenance or restoration of discipline. Discipline, as you are well aware, is a fundamental requirement of any military force and is a prerequisite for operational efficiency. It has been described as a willing and prompt obedience to lawful orders and their prompt and willing compliance is of fundamental importance, not only for the success of a mission, but for the safety and well-being of other members.

[6] Discipline, while a group quality or characteristic, is in its final analysis, founded on personal choice. And the heart of discipline is not unthinking action, but rather conscious, immediate, and automatic response developed through practice, but ultimately resting on choice.

[7] I have mentioned the principle of denunciation which is essentially self-explanatory. It is a consequence that society imposes for a breach of its laws.

[8] General deterrence, which both counsel have referred to, is a principle that the sentence imposed should deter not only the offender from re-offending but also others in similar situations from engaging, for whatever reasons, in the same prohibited conduct. And the principle which applies to deter the offender personally from re-offending is called specific deterrence. That means that the sentence should deter you from re-offending, not just from committing the same offence or similar offences again, but from committing any offences again.

[9] Reform and rehabilitation, though they are the last principles that I'm listing, are still of great importance. When reformation and rehabilitation appear to be viable options, then they are something which must be weighed by any court in its consideration of a suitable punishment. This is because ultimately society is only protected through an individual reforming and rehabilitating him or herself. Like discipline, reformation and rehabilitation are an individual choice. Society, the Canadian Forces can facilitate this choice by both positive and negative incentives, but only the individual can make the necessary choices and take the necessary action.

[10] In addition, there are other important considerations which the court must and has taken into account. One is proportionality, which on the one hand argues that sentences, for similar offences, by similar offenders, committed in similar circumstances, should not be significantly different. Now, as counsel has pointed out, sometimes it's difficult to assess exactly what are the similarities between offences and offenders and circumstances, but nevertheless that is an obligation on the court. On the other hand, proportionality, as does QR&O 112.48, requires that any sentence take into account not only the nature of the offence but also the background; that is, the previous

character of the convicted person. QR&O 112.48, as your counsel pointed out, also requires that this court take into account any direct or indirect consequences of any finding and, what is most applicable here, of any sentence that it imposed on the offender.

[11] The court would also indicate that it has considered the provisions of sections 718, 718.1 and 718.2 of the *Criminal Code of Canada* which, while not directly applicable, do set out valuable considerations that relate to justice generally in Canada and to restorative justice.

[12] Finally here, as in every court martial, the court ultimately must consider carefully any sentence to be satisfied that it is the minimum punishment that is required to maintain discipline.

[13] The court, has considered carefully the nature of the offence, that is, stealing from the public, from the Canadian Forces. While not technically your employer, as members of the Canadian Forces are not employees, the Canadian Forces is effectively in the same position as you work as a member of the Canadian Forces and are paid for that work. Given the nature of the offence the court agrees with both counsel who have submitted that the predominant consideration in sentencing in an offence of this nature to protect the public, to maintain a safe society, and to restore discipline, is general deterrence. At the same time, the court also will consider specific deterrence to the extent it has been demonstrated as being necessary, and rehabilitation.

[14] When determining an appropriate sentence the court often looks for an appropriate range of sentences and this is usually based on the nature and circumstances of the offence. The court will also consider mitigating and aggravating factors and the particular circumstances of the offender.

[15] Now let me move to the issue of the facts before the court. And I will do this now rather than dealing with the submissions of counsel because, in essence, the facts were not disputed. Now, although counsel took a different view of what they might mean in their submissions, I think the facts were very straightforward.

[16] With regard to the seriousness of the offence, and this is set out in the statement of circumstances, it is an offence of stealing which has a maximum punishment of seven years. However, of course, this is a standing court martial and the method of trial is a choice of the prosecution and the maximum punishment at a standing court martial is two years or less than two years imprisonment. So although it is objectively serious, it certainly doesn't fall into the most serious category of the stealing offences. However, it is a relatively large amount, $23,652.60. It occurred over several months, in fact, seven to eight months from January to September 2002. It did involve other CF members inasmuch as they were the recipients or the buyers of the computers that were sold. And

there it was a situation where there was an advantage taken of something that was given to you because of your employment; that is, the corporate card.

[17] Now let me move to your previous character as set out in the facts before the court. You're 37 years old and you've been a member of the Canadian Forces for more than 17 years. You served on, it appears, three overseas deployments: one in the Golan Heights in 1993; one in Bosnia between 2000 and 2001; and you were also deployed in July and August of 2002 to Diego Garcia in support of Operation APOLLO. This is a first offence; you have no conduct sheet. You were appointed as a master corporal on the 20th of May 2002, in essence during the time frame that this offence was occurring. You have been working with the Princess Patricia's Canadian Light Infantry since 1997, though at present it appears you are on a holding list.

[18] The testimony before the court by Lieutenant-Colonel Day is, in essence, that you were a good service member prior to 2002. And Master Warrant Officer Pullman makes it clear that you were an excellent tradesperson and a good soldier from 1998 to 2002 and in particular this was demonstrated by you being awarded the Tradesman of the Year Award in December 2001.

[19] The court has reviewed very closely your PERs and it would refer to certain extracts of them. 1997/98, you were assessed as superior and in the first quarter of corporals in the Princess Patricia's Canadian Light Infantry Battalion here in Winnipeg. 1999/2000, you were described as having mastered the skills of Major Equipment Clerk. During the absence of the TQMS on several occasions in garrison, you easily and ably assumed the duties of the sergeant and excelled with respect to supervising the QM warehouse. You were described as a team player whose hard work and tireless dedication has earned you the respect of your peers and superiors alike. It goes on to say that you have a strong work ethic and a dedication to your job and that the military—this work ethic and dedication earned you selection as a candidate for top tradesperson in that year. You were described as having outstanding potential and being a self-starter with superb organizational skills.

[20] The next year is 2000/2001, and in many way this would seem to be almost the peak of your career. It says:

> Cpl Stinson has mastered the required skills of I/C Major Equipment. He displayed an extremely high degree of competence ... His innovativeness allowed him to vastly improve the management of major equipment ... He gets along exceptionally well with his peers and superiors. He always puts the interests of the team ahead of himself, and he never lost sight of the mission.

It goes on in POTENTIAL to say:

> Cpl Stinson is an excellent supply technician and is ranked 1 of 6 911 Cpls in 2PPCLI. His work is meticulous. He never hesitates to take the opportunity to assist and train junior personnel, and his team-oriented approach has a positive affect on those around him.

[21] The following PER is the PER for 2001 to 2002. It says:

> Cpl Stinson has demonstrated outstanding leadership abilities when called upon to fulfill the duties of Assistant TQMS. Thorough and knowledgeable in his trade, he can be employed in any supply related job at any time.

And in POTENTIAL it says:

> Cpl Stinson has a remarkable ability to adapt to the requirements of his superiors and his co-operative attitude ensures a team effort at all times. ... he always sets a good example for his peers, earning him selection as a 2PPCLI representative during a small unit exchange in Korea in April 2001. He completed the Battle Fitness Test and always works hard to maintain his level of physical fitness.

And in the ADDITIONAL REVIEW, which was done by Lieutenant-Colonel Makulowich, it says:

> ... he has superb leadership skills and is ready for employment in a supervisory supply role.

So in essence, what this demonstrates is someone who is an excellent soldier and an excellent tradesperson.

[22] 2001 apparently is when you developed some medical problems and by 2002, on the evidence before the court, these medical problems worsen and you began treatment for essentially an ulcer on your leg. In addition, you have seven months sick leave during the time frame April 2002 to March 2003. And your evidence is that essentially you have been, to a large extent, absent on sick leave since September of 2002; that is, for the past 18 months you spent very little time at work due to medical problems.

[23] Also your first marriage, on the evidence before the court, ended effectively if not legally in the March 2001 time frame. From March 2001 until October 2002, the 3rd of October 2002 in your testimony, you engaged in an escalating series of activities involving gambling. In the September/October 2002 time frame you sought assistance

for your difficulties with gambling. Subsequent to 2001, you have apparently developed a relationship with a woman who you have identified as your fiancee and who you now live with in Saint-Jean-Baptiste and you have a daughter with her who is now nearly two and a half months old. You pay $425 a month child support for your daughter from your first marriage. The documents before the court indicate that you have a high school graduation certificate which you obtained in 1984 and since that time you have been in a situation of receiving various training, but from the Canadian Forces, in the areas of leadership and supply. The last course that is listed was a course that you took in 1998 that gave you a dangerous goods certification.

[24] Now, as the court indicated, it has to look at the impact of any sentence, the direct and the indirect, and the court has spent some time thinking about this. It is evident from the information, from the evidence before the court that, in essence, your Canadian Forces career is over whatever happens here. You do not meet the current medical standards and for reasons entirely outside this court martial you will be released anyway from the Canadian Forces.

[25] However, the court accepts that the plea of guilty and the guilty finding and the sentence may impact on your release item. Your counsel has indicated that if you're released 3(b), that is a medical release, you may possibly get a pension. If you're released under another item as a result of conviction then this may adversely affect this pension. It may adversely affect severance entitlement and as well may adversely affect any entitlement to unemployment insurance. The court doesn't know what the impact of those would be, in fact there may be no impact, but the court will take into account that there may be an impact.

[26] The court has no evidence before it and is unaware of whether or not the release item would impact on the educational credit which all members of the Canadian Forces accumulate and which, in your case, would appear to be approximately $17,000; that is, $1000 for each year of service. However, the court would indicate that given your high school education and the information on the lack of credit rating, the fact that you have a conviction and that this conviction, because it is for stealing, is one which, in essence, will be registered; that is, it will be a conviction where if you were asked whether or not you've been convicted of an offence you will have to respond that you have. Given all that, the court is taking into account that you may very much need to upgrade your education and change your qualifications.

[27] So your current circumstances are that you're 37; you have a high school education; you may or may not have a medical pension of some amount; you no longer have a Canadian Forces career; you have two children, five and two and a half months, both of whom are dependant to a great or a lesser degree on you for support; you have a new family where you apparently have responsibility for a third child now; you appear to have a supportive fiancee and support from her family as well; you have no credit

rating; you have limited funds; you are about to lose a job where you did very well and where you currently earn approximately $50,000 a year pay and allowances; and you have also, from the evidence before the court, lost the trust and respect of a number of your colleagues.

[28] The prosecution in their submissions reviewed the purpose of military justice in sentencing and the facts. They identified in, as aggravating factors in this case, the involvement of other Canadian Forces members and civil servants; the period of time over which this offence took place; the fact there has been no restitution; a gambling addiction which they listed as an aggravating factor; and the fact that you misused your corporate card which was provided as part of your job responsibilities. The prosecution submitted the range of punishment includes custodial sentences and they referred the court to a number of Court Martial Appeal Court decisions, specifically the decisions in *Vanier, Legaarden, Levesque, Deg, St. Jean* and *Loughrey* as well as a number of court martial decisions; that is, *Gallagher, Nadeau, Beveridge, Lechman* and *Loughrey*.

[29] The prosecution also, to a large extent, read before the court a very lengthy submission about the non-application of section 718 of the *Criminal Code of Canada* and *R. v. Gladue*—and the analysis set out in *R. v. Gladue* to courts martial. The prosecution made reference to the fact that there was no double jeopardy in this regard; that is, you couldn't be tried again by the civilian courts for this offence and elaborated that this was done to be illustrative of the different sentencing powers of civilian and military courts. The prosecution submitted the most applicable sentencing principles were general deterrence, then specific deterrence, but also rehabilitation.

[30] The prosecution recognized and described you as being a gambling addict. They indicated that imprisonment, in their submission, was too harsh, but that 30 days detention and reduction to private would be the minimum sentence necessary to meet general and specific deterrence.

[31] Now the court would say that it will briefly mention a little bit about section 718 in *Gladue* only because it was a significant portion of the submissions of the prosecution. The court is still not entirely confident and understands why this matter was brought up and discussed in great detail, but as a matter of courtesy, if nothing else, it feels compelled to comment on it.

[32] Section 718 of the *Criminal Code of Canada* is not directly applicable to military tribunals which includes courts martial, but in many ways it reaffirms the traditional principles of sentencing. Sentencing at courts martial is done under the direction of first, the *Charter of Rights and Freedoms* that is the fundamental principles of justice in Canada, also the applicable decisions of the Supreme Court of Canada and the Court Martial Appeal Court which are the two appellant courts that apply. The provisions of the *National Defence Act* and the Queen's Regulations and Orders are also

applicable. The court has taken the opportunity, since it was presented with the case by the prosecution and the prosecution spent a lot of time discussing this, to review the case of *R. v. Gladue* again, a 1999 decision of the Supreme Court of Canada found at 1 S.C.R. 688. The version provided to the court was a QuickLaw version.

[33] This case relates to the sentencing of an aboriginal woman who plead guilty to manslaughter for the killing of her common-law husband and was sentenced to three years imprisonment. She appealed arguing the sentencing judge had not properly taken in consideration her aboriginal status in sentencing as required by the 1996 *Criminal Code of Canada* amendments which resulted in the enactment of section 718.2 (*e*) of the *Criminal Code of Canada* which states:

"(*e*) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders."

[34] Now, the court would make it clear there is no suggestion that Master Corporal Stinson is an aboriginal offender. So the particular matter decided here by the Supreme Court of Canada does not appear to be an issue in this case.

[35] In essence, the submissions of the prosecution and the concern that, I understand they had, was whether or not the idea of imprisonment should be a punishment of last resort, imposed only if no lesser punishment is appropriate to the offence and the offender, is an appropriate consideration for courts martial. The court in that regard would refer to a statement that the Supreme Court of Canada made in paragraph 40 of the decision which indicated that it did not considered this concept a revolutionary principle. There the Supreme Court of Canada said:

"40 It is true that there is ample jurisprudence supporting the principle that prison should be used as a sanction of last resort."

[36] Now the Supreme Court of Canada also went on in paragraphs 42 and 43 to address the 1996 changes to the *Criminal Code* which included to sentencing powers of civilian courts which reflected an approach to restorative justice. For example, a civilian court could order, as part of the sentence it imposed that the offender repay monies that were stolen or part thereof; that is, to make reparations. That is not part of the powers of this court.

[37] This court has reviewed section 139 of the *National Defence Act* again. Section 139 of the *National Defence Act* lists punishments in scales of severity. And the court in looking at that and looking at the first seven punishments would indicate that four of those are clearly identified as punishments of incarceration. So the court would indicate that there does not seem to be a great deal of difference between the principles set out in

the *Gladue* case, and the statements of the Supreme Court of Canada and the statutory scheme that is set up in the *National Defence Act*.

[38] The court has also gone on to review QR&Os and these are QR&Os which are not applicable directly to this court because they apply actually at summary trials, but the court thought it would be useful to look at what direction and guidance was provided at summary trials to see if perhaps there was a discrepancy there. The court in particular has looked at QR&O 108.20 which talks about procedures at summary trials and the Notes under that QR&O. And in those Notes, and the Notes are not binding but they do provide guidance, the court would note that, in Note (G) what is stated is:

"As a general rule, the proper punishment is the least that will maintain discipline."

And in Note (H) it goes on to say:

"Before sentencing an offender to a punishment of detention, the commanding officer must be satisfied that the punishment is both appropriate and essential. Detention should normally only be used as a last resort when other lesser punishments have failed to improve the member's conduct."

And it goes on to say:

"This particular punishment may also be imposed as a means to dealing with particularly serious incidents of misconduct."

[39] In essence, the court does not find any discrepancy between these directions and the general approach that is taken by the Supreme Court of Canada and by civilian courts in Canada.

[40] Now, your defence counsel made some submissions which understandably were somewhat different from those of the prosecution. The first thing that he pointed out is that you have been convicted for stealing, not stealing while entrusted and he argued that it was not appropriate to apply a number of criteria that the prosecution had submitted to the court. It was not appropriate to apply those criteria to turn the stealing charge essentially into a more serious charge of stealing while entrusted.

[41] Your counsel submitted that the approach the court was to take was set out in QR&O 112.48 and that the punishment to be imposed was the minimum punishment. Lieutenant-Colonel Couture also indicated this was, in his view, not a situation that was referred to in *R. v. Genereux* where a more serious punishment was required because you were in the military. He submitted that the adverse impact on unit good order and discipline of your actions was to some degree minimized as result of your absence for medical reasons since September 2002. He indicated that the individual victims of your

actions, that is the people who the computers were sold to, did not fall into the most vulnerable of groups. He stressed that the underlying reason for your actions was a gambling addiction and he indicated that that should be considered as a compulsion and, unlike the prosecution, he argued this was a mitigating factor, not an aggravating factor.

[42] Lieutenant-Colonel Couture reviewed the evidence and he also summarized the case law that had—for the most part with the exception of the court martial case of *Charbonneau*—been provided by the prosecution, he summarized that case law as, in essence, stating that imprisonment was neither compelled nor prevented in a case such as this. He reviewed the various cases provided by the prosecution specifically *Vanier, Legaarden, Deg, Levesque, Loughrey* and *Gallagher* pointing out certain similarities and certain differences. He also introduced the case of *Boucher* to the court, that is a case of stealing while entrusted where there were three charges. The amount was $55,000 and the sentence was a severe rep and a $5000 fine. And I misspoke, the *Charbonneau* case was actually provided by the prosecution.

[43] Lieutenant-Colonel Couture submitted that incarceration was not called for here and he also indicated that specific deterrence should not be considered as a serious issue because, as you no longer gambled, you no longer needed to be deterred from your actions that resulted from your gambling. He stressed that you will be released under any circumstances and argued that the appropriate sentence in this case would be a severe reprimand and a fine in the amount of $5000 and you should be given time to pay. If, however, the court considered incarceration was the minimum appropriate sentence then he argued that your medical situation would justify a suspension.

[44] The court would agree that the cases provided by counsel are generally applicable, but in no cases identical. The range of sentence goes from incarceration and reduction in rank to severe reprimand and fine. The court has considered very carefully an extract from the case of *R. v. St. Jean*, the decision of the Court Martial Appeal Court that is found at paragraph 22 and in particular has done that while considering the submissions of your counsel. That paragraph reads as follows:

"In a large and complex public organization such as the Canadian Forces which possesses a very substantial budget, manages an enormous quantity of material and Crown assets and operates a multiplicity of diversified programs, the management must inevitably rely upon the assistance and integrity of its employees. No control system, however efficient it may be, can be a valid substitute for the integrity of the staff in which the management puts its faith and confidence. A breach of that faith by way of ..."

In this case, it was fraud but I would include there stealing as applicable here.

"... is often very difficult to detect and costly to investigate. It undermines public respect for the institution and results in losses of public funds. Military offenders convicted of

fraud, and other military personnel who might be tempted to imitate them, should know that they expose themselves to a sanction that will unequivocally denounce their behaviour and their abuse of the faith and confidence vested in them by their employer as well as the public and that will discourage them from embarking upon this kind of conduct."

[45] So the court has referred to that because there was reference to the issue of whether or not there were appropriate control systems in place and how the court should evaluate that.

[46] So, in essence, stealing is objectively a more serious offence than fraud, but it is less serious than stealing while entrusted. Incarceration in any form, whether that be detention or imprisonment, is certainly within the range of appropriate sentences as are lesser sentences including reduction in rank, severe reprimands and large fines.

[47] In terms of aggravating factors, the court has considered as aggravating factors: the amount; the duration during which the offence occurred; the issue of the involving of subordinates and colleagues in this matter; and also the fact that there was, at least, a very minimal attempt to cover up, that is the indications from Master Warrant Officer Pullman is that there were no bills where they should have been and if they had been there, he would have been able to notice this earlier.

[48] Now the court has also taken into account mitigating factors. And the first and foremost of this is your gambling addiction. The court accepts your testimony and also the expert testimony of Mr Murphy that you were suffering from a gambling addiction at this time; that is, you were under the influence of a compulsion and that, in essence, you did not benefit, other than being able to provide funds for your compulsion, you did not benefit personally from these funds. The court has taken into account the time taken to move this matter forward and particularly in regard to rehabilitation. And in that regard, the court accepts your testimony that in essence you are rehabilitated provided that you no longer gamble and you never gamble again. So the time has been taken into account particularly as it is shown that this rehabilitation is not of short duration but is a lengthy rehabilitation. The court has taken into account that you have a very good record of service, that you were a first offender and that the testimony of all the witnesses here is that what you did here was out of character; that is, if you weren't gambling this would not happen.

[49] The court has taken into account what I would describe as a cooperation with authorities. You did not, in essence, turn yourself in but you fully cooperated once the matter was brought forward and you were confronted by it. And also what I would describe as limited remorse and in that regard you have indicated that you would like to perhaps reimburse some of the people some of the money that was got from them by the sale of these computers.

[50] The court has also looked very seriously, not specifically as either aggravating or mitigating factors but simply as circumstances, your medical condition and what that means in terms of your ability to serve a term of incarceration and what you could do during that term of incarceration and your financial situation. And the court in that regard has, in essence, generally added up the figures that were provided by you to your counsel and it indicates that you and your fiancee, because the court would consider the family income, have probably about $500 a month more than the expenses listed at this time. Although the court would indicate that some of those expenses appear to be discretionary expenses. So the court would accept you're in limited financial circumstances and that those are unlikely to improve dramatically in the next little while.

[51] The court has considered very seriously the submission of the prosecution that you should be incarcerated. And the court would indicate that is certainly one of the suitable punishments in this case for this kind of offence and for your situation. However, the court has had to look at it from the point of view of specific deterrence and the court has come to the conclusion that it is not required. And in essence the first reason is because for specific deterrence, it seems clear in the evidence that that rests entirely with you. If you go back to gambling you will be in the same situation or a worst situation very shortly. If you don't, then you seem to have the ability to function and you don't need to be specifically deterred. The other reason is that you're going to be released from the Canadian Forces, so the rehabilitation aspects of the Canadian Forces Service Prison and Detention Barracks would appear to have limited use in your situation, and that limited use would be even less given the medical condition and the explanation of the amount of time you have to spend with your leg raised and resting.

[52] In terms of general deterrence, certainly incarceration is a very effective general deterrence for most people, but the court has considered, is it the minimum punishment considering the punishments as set out in the *National Defence Act*? Is it the minimum that would work as a general deterrence? And the court has considered no, it is not the minimum. However, the court considers that more is required than simply a severe reprimand and a fine. The court thinks that in this context and particularly given the fact that the stealing was public funds from the Canadian Forces and that you involved other members of your organization, the court believes that a military punishment is appropriate. And the court is of the view that the punishment should first of all include reduction in rank and that is reduction in rank to the rank of private. This will have two impacts. First of all, it will be a very visible indication of the lost of trust in your integrity that results from this offence. Secondly, it will have a financial cost. The calculation of the court is that it will be a reduction in gross pay of approximately $841 a month. And depending on the issue of severance, your severance pay will be reduced as well because that is based on your rate of pay on your last day of service.

[53] The court also considers, however, that a fine is appropriate and the court in addition to the reduction in rank is going to impose a fine.

[54] So, please stand. Master Corporal Stinson, the court imposes on you a sentence of reduction in rank to the rank of private and a fine in the amount of $6400. Six thousand four hundred dollars is the amount of money that you received from the sale of the computers.

[55] This is a very unfortunate situation. It is clear that before this happened you had a good career in the Canadian Forces. Now, in essence, regardless of your medical situation you are no longer useful to the Canadian Forces because they cannot trust you, they cannot have trust in your integrity. You'll no doubt have a difficult time over the next few years with your new family, a new career and limited financial options. The court is satisfied that, in these circumstances, that is more than sufficient to deter you and sufficient to generally deter anyone else who might be in that situation.

[56] Now, your counsel had asked that the payment be at $200 a month, the court is prepared to reduce that to $150 a month on the basis that the reduction in rank is an additional financial constraint and it is prepared to make the first payment due in the mid-May pay so that you have a little bit of time, not very much, but a little bit of time to discuss this matter with your fiancee and to make some arrangements.

COLONEL K.S. CARTER, M.J.

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