

**Citation:** *R. v. Corporal Jeffrey Rondeau*, 2005 CM 45

**Docket:** S200545

**STANDING COURT MARTIAL  
CANADA  
ALBERTA  
CANADIAN FORCES BASE EDMONTON**

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**Date:** 18 October 2005

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

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**HER MAJESTY THE QUEEN  
v.  
CORPORAL J. RONDEAU  
(Offender)**

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**SENTENCE  
(Rendered orally)**

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[1] Corporal Rondeau, you may break off and be seated beside your counsel.

[2] Corporal Rondeau, having accepted and recorded your plea of guilty to the related and less serious offence of ordinary assault in the first charge, the court now finds you guilty of assault. 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 7, the evidence heard during the mitigation phase, and 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. Nevertheless, in imposing sentence, the court takes account of the many factors 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. 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.

[5] As I explained to you when you tendered your plea of guilty, section 139 of the *National Defence Act* prescribes the possible punishments that may be imposed at courts martial. Those possible punishments are limited by a 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. 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.

[6] 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. Briefly, the facts of this case are, that on the date alleged, the offender grabbed ahold of the complainant, forcibly, in an apparent attempt to bring her back to a pub where they had been drinking. The complainant resisted and ran towards her accommodation, and was pursued by the offender, who pushed her down, and then dragged her upstairs, ending up in the bathroom. The complainant was visibly upset and suffered bruising and a swollen wrist.

[7] Both counsel submit that a fit sentence, in this case, is a disposition by way of fine in the amount of \$5,000. The sentence to be imposed is, of course, a matter

for the court, but where, as in this case, both counsel agree on a recommended sentence, that joint position carries great weight with the court. The courts of appeal across Canada, including the Court Martial Appeal Court, have held that unless the joint submission of counsel is manifestly unfit or otherwise contrary to the public interest the joint submission should be accepted by the court.

[8] I must have regard for all the circumstances of the offence and of the offender. He is single and 27 years of age with six years of Canadian Forces service to his credit. He has pleaded guilty to the offence, which I take as a genuine indication of remorse on his part. He has already, effectively, spent one day in jail on this charge. As his counsel has pointed out, there is no rational explanation for his behaviour on the occasion in question. It is to be hoped that his successful completion of the Alcohol Rehabilitation Course has given him some insight into his behaviour.

[9] Corporal Rondeau, you have every prospect of a rewarding career in the Canadian Forces, if you take a lesson from this event and change your behaviour.

[10] I cannot say that the sentence proposed by counsel is manifestly unfit or otherwise contrary to the public interest, and I, therefore, accept the joint submission.

[11] Stand up, Corporal Rondeau. You are sentenced to a fine in the amount of \$5,000, to be paid in full before 31 October 2005.

COMMANDER P.J. LAMONT, M.J.

Counsel:

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