

**Citation:** *R. v. Able Seaman R.A. Crawford*, 2008 CM 4003

**Docket:** 200784

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

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**Date:** 1 April 2008

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**PRESIDING: LIEUTENANT-COLONEL J-G PERRON, M.J.**

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**HER MAJESTY THE QUEEN**

**v.**

**ABLE SEAMAN R.A. CRAWFORD  
(Offender)**

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**SENTENCE  
(Rendered orally)**

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[1] Able Seaman Crawford, having accepted and recorded your pleas of guilty to charges number one and number two, the court now finds you guilty of these charges. The court finds you guilty of having resisted a peace officer in the execution of his duty, contrary to section 129 of the *Criminal Code*, and of drunkenness.

[2] In determining the appropriate sentence the court has considered the circumstances surrounding the conditions of these offences, the mitigating circumstances raised by the evidence in mitigation, the aggravating circumstances raised by the prosecutor, and the representations by the prosecution and by your defence counsel, and also the applicable principles of sentencing.

[3] The statement of circumstances, to which you formally admitted the facts as conclusive evidence of your guilt, provides this court with the circumstances surrounding the commission of the offences. While you were highly intoxicated due to the consumption of alcoholic beverages, during the evening of 4 November 2006 and during the early hours of 5 November 2006, you were involved in altercations at the Junior Rank's Mess at CFB Wainwright and you also demonstrated a lack of respect for the duty NCO, Sergeant Lamarche, and the base RSM. You also resisted two members of the military police who were attempting to bring you to cells because you were drunk.

You became violent and refused to follow them to their vehicle. They were forced to bring you to the ground and to put restraints on you.

[4] The prosecutor was quite correct in stating that sentencing is often described as the most difficult decision in a trial. A Military Judge must apply sentencing principles that are common to both military courts martial and civilian criminal trials in Canada. These sentencing principles have been expressed in various ways. Generally, they are founded on the need to protect the public and the public, of course, includes the Canadian Forces. The primary principals are the principals of deterrence, that includes specific deterrence in the sense of deterrent effect on you personally, as well as general deterrence; that is, deterrence for others who might be tempted to commit similar offences. The principles also include the principle of denunciation of the conduct and last, but not least, the principle of reformation and rehabilitation of the offender. The court must determine if protection of the public would best be served by deterrence, rehabilitation, denunciation, or a combination of those factors. The court is required in imposing a sentence to follow the directions set out in article 112.48 of the Queen's Regulations and Orders, which obliges it in determining a sentence to take into account any indirect consequences of the finding or of the sentence and impose a sentence commensurate with the gravity of the offence and the previous character of the offender.

[5] Usually, the court must also give consideration to the fact that sentences of offenders who commit similar offences in similar circumstances should not be disproportionately different. No case law was provided to the court in the present case, therefore, the court may not undertake this type of comparison. The court must also impose a sentence that should be the minimum necessary to maintain discipline. The prosecution suggests that a fit sentence would include a reprimand and a fine in the amount of \$1000. Your counsel has suggested that the court could impose a reprimand accompanied by a fine in the amount of less than \$200. The ultimate aim of sentencing is the restoration of discipline in the offender and in military society. Discipline is that quality that every CF member must have which allows him or her to put the interests of Canada and the interests of the Canadian Forces before personal interests. This is necessary because Canadian Forces members must willingly and promptly obey lawful orders that may have very devastating personal consequences such as injury and death. Discipline is the cornerstone of the Canadian Forces and it is one of the fundamental prerequisites to operational efficiency in any armed force.

[6] I do consider as aggravating factors the nature of the offences, especially the offence of resisting a peace officer in the execution of his duty and your lack of respect for military authority in the form of the duty NCO, Sergeant Lamarche, and the RSM. But this case also contains numerous mitigating factors. Your guilty plea demonstrates that you feel remorse for the offences that you have committed and that you are willing to accept the consequences that come with accepting your guilt. You have shown the courage to testify before this court and be heard by members of your military

community. I find that you have expressed yourself in a clear and honest manner. You have described your efforts to deal with your addictions and to improve yourself as a person and as a member of the Canadian Forces. You are a first time offender.

[7] I have reviewed exhibits 7, 8, 9, 10, 11 and 12, very closely. You have experienced a very difficult childhood and it would also appear that you have suffered from psychological illnesses throughout your life. You are now receiving treatment for these illnesses. Without repeating every detail provided to this court by your testimony and by the exhibits, these tragic events and your illnesses caused you to turn to drugs and alcohol when you were 12 years old and you became addicted to drugs and alcohol. You also associated with the violent world of illegal drugs. You testified that you joined the Canadian Forces to help you escape this world of addictions and violence.

[8] After the events of 5 November 2006, you voluntarily attended the Edgewood addictions treatment facility. As you said, you are not proud of your actions on that night, but you are grateful because they set you on your present road to recovery. You have been sober since you completed the treatment at Edgewood on 7 March 2007. You described the tragic death of your brother in May 2007 and its impact on you. I find notable that you have resisted the urge to seek solace in alcohol or drugs and have remained sober throughout this latest period of personal upheaval. Instead, you have faithfully followed the 12-step treatment program and have attended numerous weekly meetings with your addiction counselor, your padre and your psychiatrist.

[9] Simply put, life did not deal you a great hand. Unfortunately, you could not find a way of asking for help before your arrest on 5 November 2006. You have demonstrated to me that you take full responsibility for your actions. Although your childhood did not provide you the opportunities and the skills to deal with the numerous tragic events you have had to suffer from a very early age, you have gained new skills, knowledge and maturity since your stay at Edgewood, and you have invested considerable efforts to battle your addictions and your personal challenges.

[10] Having read the two personnel development reviews found at exhibits 7 and 8; and the letter of introduction, exhibit 10; and the letter of performance at exhibit 9, I can see a marked improvement in your performance since August 2007. Exhibit 7 even indicates that you received a "BRAVO ZULU" from a brigade unit CO for your professionalism in providing customer support to a master bombardier. Although this personnel development review does contain some comments referring to areas that need to be corrected, it does mention that you fixed the problems promptly and that you did not make the same mistake twice.

[11] Your efforts since November 2006 are noteworthy. Your future sobriety will only be ensured by a constant effort on your part. This sobriety is a cornerstone of your success in dealing with your other personal issues and ensuring that you may have a

successful career in the Canadian Forces. You strike me today as a young man who wants to succeed and who does not want to repeat the mistakes of the past. Your road to recovery will be long and arduous. I encourage you to continue using the means that the Canadian Forces are putting at your disposal to help you conquer your demons, but never forget, you and no one else is the architect of your future, and this future rests on the efforts that you put today and in the present. Apply to your life the lessons that countless soldiers and sailors have learned in the past in times of conflict and in times of peace: Never quit and give your best effort.

[12] I do not think there is a need for specific deterrence or rehabilitation in this matter. The court agrees with both counsel that this sentence must focus primarily on general deterrence, although this sentence—I will comment on my previous statement. You have shown to this court that you are rehabilitating yourself. This sentence will assist you in your rehabilitation.

[13] Able Seaman Crawford, please stand up. Resisting a member of the military police is a fundamental breach of discipline that cannot be condoned by sentences that do not reflect the objective and subjective severity of this offence. I will not dwell upon the offence of drunkenness since it appears you now realize the impact that drinking to the state of intoxication has on you and on the military community.

[14] I was also only provided with a very succinct description of your resistance to the military police and conclude from that description that it is not considered by the prosecution as being one of the more egregious examples of resisting a peace officer in the execution of his duties. Also, I would have sentenced you to a much higher fine but for the evidence in mitigation that described your unfortunate childhood and your commendable efforts to improve yourself.

[15] Able Seaman Crawford, I sentence you to a reprimand and a fine in the amount of \$300. You may sit down.

[16] The fine shall be paid in monthly installments of \$100 per month, monthly installments, commencing on the 1st day of May 2008. If you are released from the Canadian Forces, the entire amount then outstanding shall become due and payable the day before your effective release from the Canadian Forces. March out Able Seaman Crawford.

LIEUTENANT-COLONEL J-G PERRON, M.J.

Counsel:

Major B.J.A. McMahon, Regional Military Prosecutor Central,  
Counsel for Her Majesty The Queen

Captain B.L.J. Tremblay, Directorate of Defence Counsel Services,  
Counsel for Able Seaman R.A. Crawford