



National Défense  
Defence nationale



# DMP ANNUAL REPORT 2022-2023



Canada 

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## MESSAGE FROM THE DIRECTOR OF MILITARY PROSECUTIONS

I am pleased to present the second Annual Report since my appointment on 29 June 2021. This reporting period was largely driven by the implementation of Bill C-77. As a result of the amendments to the military justice system, the Canadian Military Prosecution Service (CMPS) is now providing all investigatory and charge-laying advice to the military police in respect of service offences.



C-77 has also streamlined the referral process, which significantly improved the effectiveness and efficiency of the court martial process. We have capitalized on these changes by creating a centralized, electronic intake process for all requests for legal advice and referral of charges to our office. Additionally, I have taken the opportunity to meet with commanders and commanding officers across the country to explain my approach under this new system, with a goal to empowering units to appropriately utilize the new summary hearing system to its full capability. These new changes are, in my view, a very positive development for unit discipline and for military justice.

On 26 November 2021, I released my interim direction, implementing Madame Louise Arbour's interim recommendation. That direction remains in effect while DND/CAF, and ultimately Parliament, decide whether and how to implement Mme Arbour's final recommendation to remove jurisdiction to investigate and prosecute *Criminal Code* sexual offences.

This reporting period also marked the re-establishment of the Network of Military Prosecutors, a special interest group under the International Association of Prosecutors. The CMPS was a founding member of the Network, and I am happy that we have been successful in renewing the group's efforts now that business activities have returned to normal following the corona virus pandemic.

I am very proud of the achievements that my team of dedicated, professional military prosecutors and support staff have made over the last year. I look forward to continuing those efforts in the years to come.

*Ordo per Justitia*

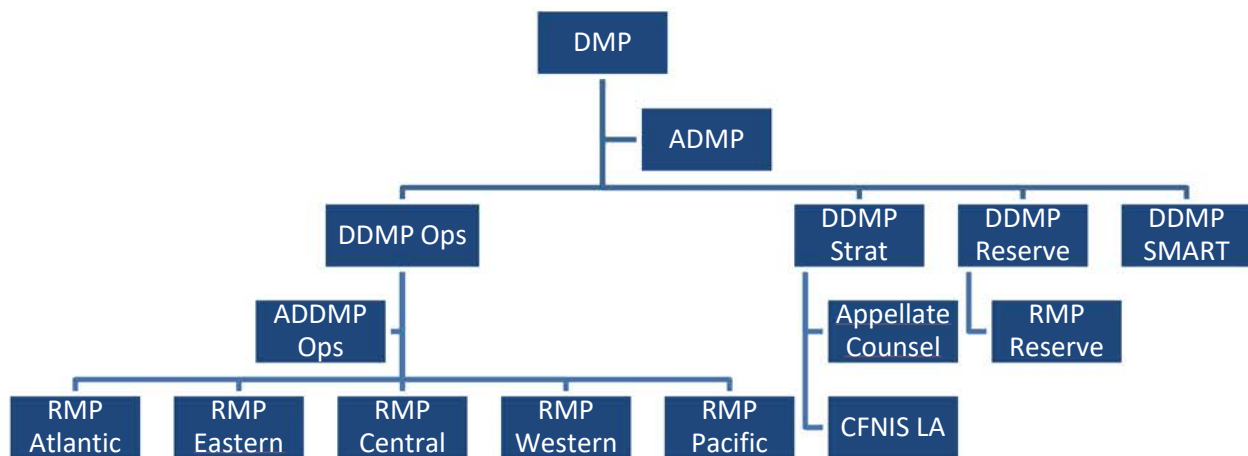
A handwritten signature in blue ink, reading "Dylan Kerr".

Colonel Dylan Kerr, CD  
Director of Military Prosecutions

# CHAPTER 1 - ORGANIZATION AND PERSONNEL

## 1.1. Structure of the Canadian Military Prosecution Service

1. There has been one substantial change to the CMPS organisation during the reporting period. In December 2022, the Senior Counsel position, previously reporting to and supporting the ADMP, was reassigned as the Assistant to the Deputy Director of Military Prosecutions (DDMP) Operations (Ops). This change was made to provide additional capacity to the DDMP Ops to ensure adequate support to, and supervision of, all court martial operations and placed greater emphasis on the position's role as a senior trial counsel. Following this change, the organisational chart was as follow:



### DMP

2. The DMP is the senior military prosecutor in the CAF. He is appointed by the Minister of National Defence (MND) for a fixed term, pursuant to subsection 165.1(1) of the *National Defence Act* (NDA).<sup>1</sup> Under the NDA, the DMP is responsible for preferring all charges to be tried by court martial and for the conduct of all prosecutions at courts martial. The DMP acts as counsel to the MND, when instructed, with respect to appeals to the Court Martial Appeal Court (CMAC) and the Supreme Court of Canada (SCC). The DMP is also responsible to provide advice in support of investigations conducted by the Canadian Forces National Investigation Service (CFNIS), which is the investigative arm of the Canadian Forces Military Police. The DMP represents the CAF at custody review hearings before military judges and the CMAC.

<sup>1</sup> *National Defence Act*, RSC 1985, c N-5.

3. In accordance with section 165.15 of the NDA, the DMP may be assisted and represented, to the extent determined by the DMP, by officers who are barristers or advocates with standing at the bar of a province. In this regard, the DMP is assisted by Regular and Reserve Force legal officers appointed to act as military prosecutors, along with a civilian paralegal and support staff. This organization, known as the CMPS, is headquartered in Ottawa and comprised of several Regional Military Prosecution offices located across Canada.

### **ADMP**

4. The ADMP is responsible to assist the DMP in the corporate governance of the CMPS. The ADMP also fulfills the responsibilities of the DMP in his absence.

### **DDMPs**

5. The roles of the DDMPs are:

a. The DDMP Operations is responsible for the management of the court martial calendar and file assignments. DDMP Ops supervises and mentors the Regional Military Prosecutors (RMP);

b. The DDMP Strategic (DDMP Strat) supervises the Appellate Counsel and the CFNIS Legal Advisor. DDMP Strat tracks all matters of national interest occurring at the trial level and develops standardized legal positions on key areas of law;

c. The DDMP Reserves (DDMP Res) is an experienced Reserve Force prosecutor who holds the rank of LCol and who is responsible for the overall supervision and management of Reserve Force prosecutors; and

d. The DDMP for the Sexual Misconduct Action Response Team (DDMP SMART) is an experienced Reserve Force prosecutor who holds the rank of LCol and who is primarily responsible for mentoring prosecutors in the performance of their duties related to serious sexual misconduct prosecutions.

### **ADDMP Ops**

6. The ADDMP Ops supports the DDMP Ops in supervising and mentoring the RMPs. The ADDMP Ops acts as DDMP Ops during absences.

### **Appellate Counsel**

7. The Appellate Counsel prepares and files written materials and appears as counsel on behalf of the MND for all matters at the CMAC and the SCC.

## **CFNIS Legal Advisor**

8. The CFNIS Legal Advisor is a military prosecutor embedded with the CFNIS and responsible to provide legal advice to members of the CFNIS HQ. The CFNIS Legal Advisor also provides advice to investigators throughout all stages of investigations, as well as updates on developments in the criminal law.

## **Regional Military Prosecutors**

9. Each of the five Regional Military Prosecution offices are managed by a Senior RMP. Offices are located in Halifax, Valcartier, Ottawa, Edmonton and Esquimalt.

10. Senior RMPs are responsible to manage the day-to-day operations of their offices and to supervise their civilian administrative support staff. Senior RMPs and RMPs are also responsible for the conduct of courts martial, for representing the CAF at custody review hearings, and for the provision of legal advice and training to their respective CFNIS detachments. From time to time, they may participate in appellate work.

## **Reserve Force Prosecutors**

11. The CMPS relies on eight experienced civilian prosecutors who are members of the Reserve Force. These members consist of the DDMP Reserves, the DDMP SMART, and six prosecutors who assist their Regular Force counterparts in the prosecution of cases at courts martial.

## **1.2. CMPS Personnel Update**

### **Regular Force**

12. CMPS integrated two newly qualified Regular Force legal officers as RMPs this reporting period, one in Edmonton and the other in the NCR.

### **Reserve Force**

13. The three positions left vacant in the last reporting period were staffed with new personnel. At the end of this reporting period, these personnel were still in the process of undergoing initial training as legal officers.

### **Civilian Personnel**

14. Long term leave of two legal administrative legal assistants led to the hiring of two civilian employees on casual and term contracts. This resulted in several changes in the support model to respond to these vacancies and ensure all RMPs received sufficient support.



### 1.3. Training and Continuing Legal Education

15. The DMP continues to place a premium on training opportunities for members of the CMPS and, aside from the annual Continuing Legal Education (CLE) workshop, relies heavily on external organizations to fulfill much of its training requirements.

16. During this reporting period, RMPs participated in legal education programs delivered by several organizations.

Host organization	Name of course	Number of attendees
Barreau du Québec	Séminaire des techniques de plaidoirie	1
Canadian Institute	13th Law of Policing Conference	1
Criminal Lawyers' Association	50th Annual Fall Criminal Law Association Conference	1
Crown School, Ontario Crown Attorney Association	Technology in Litigation	2
Crown School, Ontario Crown Attorney Association	Appellate Advocacy	1
Crown School, Ontario Crown Attorney Association	Expert Evidence	2
Crown School, Ontario Crown Attorney Association	Search and Seizure	1
Crown School, Ontario Crown Attorney Association	Trial Advocacy	1
Federation of Law Societies of Canada	National Criminal Law Program (NCLP)	7
International Association of Prosecutors	Annual Conference & General Meeting	1
Osgoode PD	Advanced Impeachment	1
Public Prosecution Service of Canada	Written Advocacy Course	1
Siracusa International Institute for Criminal Justice and Human Rights	Cours de spécialisation pour jeunes procureurs et poursuivants (CSJP)	1
York University	The Criminal Law and the Charter	1

17. The CMPS also provides support to the training activities of the OJAG and other CAF entities. During the reporting period, this support included the mentoring and supervision by RMPs of junior legal officers from the OJAG who completed a portion of their “on the job training” by assisting at courts martial. The CMPS also provided support to military justice briefings given to JAG legal officers and military justice briefings offered by the Regional Services Division of the OJAG to other members of the CAF.

#### 1.4. Temporary Duty

18. Military prosecutors are called upon to travel away from their home for significant periods of time to conduct courts martial and appeals, or to attend training events. This year, members of the CMPS were on TD for a total of 658 days. Here is a breakdown of the types of TD by region.<sup>2</sup>

Region	Court Martial Related TD	Appeal Related TD	Training Related TD	Other TD	Total TD
CMPS HQ	15	30	71	48	164
Atlantic	104	0	6	0	110
Eastern	144	0	6	0	150
Central	97	0	12	0	109
Western	51	0	12	0	63
Pacific	35	0	0	0	35
Reservists	13	0	12	2	27
Total	459	30	119	50	658

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<sup>2</sup> The total number of TD days for this reporting period does not account for TD days spent by Regular Force prosecutors while attending the Legal Officer Qualification Course (LOQC), which is a necessary training requirement for all legal officers to become occupationally qualified and provide legal services as members of the OJAG.



## CHAPTER 2 - YEAR IN REVIEW

### 2.1. Overview

19. The CMPS received 60 new referrals during the reporting period and completed a total of 41 courts martial. The CMPS also completed 142 requests for pre-charge advice. Eleven (11) appeals were completed at the Court Martial Appeal Court and one (1) appeal was concluded at the Supreme Court of Canada. There was one (1) custody review hearing during this reporting period (see annex D).

### 2.2. Evolution of the Military Justice System

20. The implementation of Bill C-77, brought into effect on 20 June 2022, led to significant changes to the military justice system. The enactment of service infractions, dealt with through summary hearings, has had an impact on the number and type of cases referred to courts martial. There is now a much clearer divide between those matters that can be appropriately dealt with at the unit level and those that warrant a court martial. The new system also reduces the post-charge delay, as cases no longer transit through a referral authority. The charge layer now refers charges directly to the DMP.

21. Since charges that were laid before 20 June 2022 continued to operate under the old regime, it is difficult to fully measure the impact of those changes in this reporting period. Since the implementation of Bill C-77, the CMPS now provides pre-investigation advice pursuant to the new requirement contained at QR&O 102.02(2) to all members of the military police and to the CFNIS. Since July 2022, all intake for requests for any type of CMPS legal advice is performed electronically through a centralized e-mailbox. This new process was widely communicated to all military police and CFNIS investigators via their chain of command.

22. Under the new intake process, incoming requests for advice are first reviewed by the DDMP Ops, or a delegate, who either deals with the matter directly, or assigns a prosecutor to handle the request. As with any changes, it took some initial adjustment to get the system implemented. Overall, the new process proved very efficient to handle the large demand for legal services derived from the new additional requirement for pre-investigation advice.

### 2.3. Case Management System (CMS)

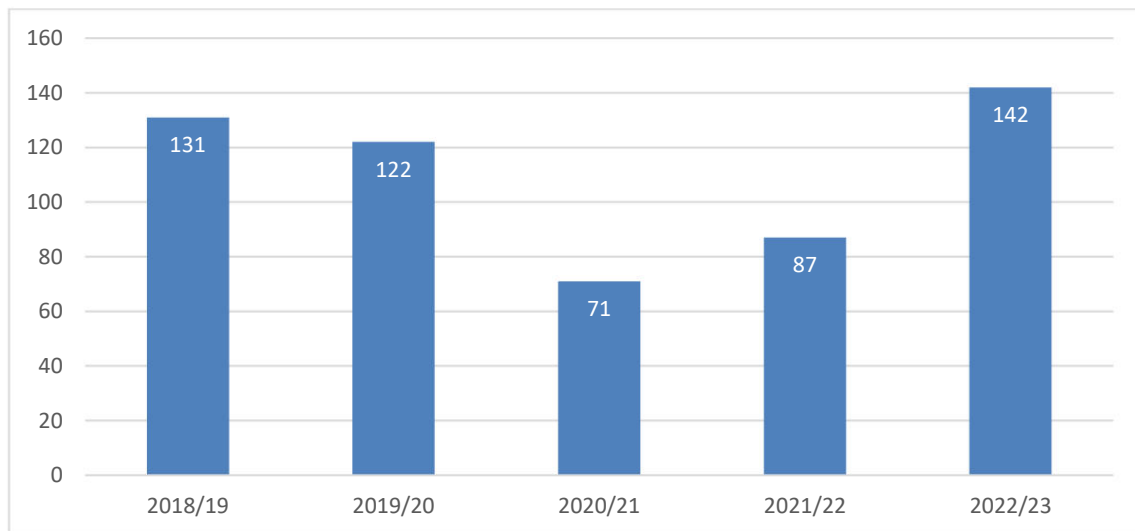
23. CMS tracks the status of files and collects data at the pre-charge, referral, post-charge, pre-trial, and trial stages. All important dates associated with these files are recorded in CMS including, but not limited to, the dates when the file was referred to the DMP, when the file was assigned to a prosecutor, the date of the decision of the prosecutor on whether or not to prefer charges, and key dates in the court martial process. CMS continues to be improved periodically and, most recently, to respond to the changes resulting from the implementation of Bill C-77.

### 2.4. Files in Numbers

#### Pre-charge advice

24. CMPS received 148 new requests for pre-charge advice and 7 requests had been pending from the previous reporting period. Of the 155 total requests, 142 pre-charge advice files were completed during this reporting period, leaving 13 files still pending at the end of the current reporting period.

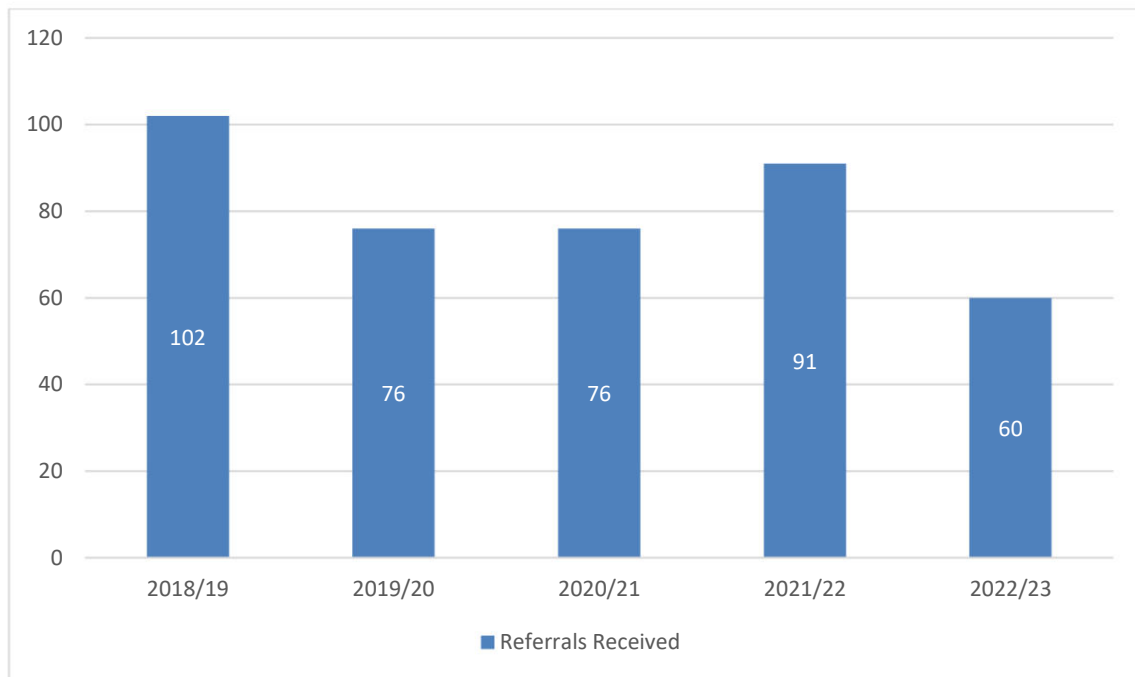
25. The following chart shows the number of completed pre-charge requests for the last five reporting periods:



### Number of referrals received during the reporting period

26. During this reporting period the DMP received 60 new referrals. In previous years, this report also included the number of files carried over from the previous reporting period. This figure has been removed from this report as the methodology for categorizing files as having been carried over did not appear to have been consistent from year to year.

27. The following chart shows the number of new referrals received by CMPS for the past five reporting periods:

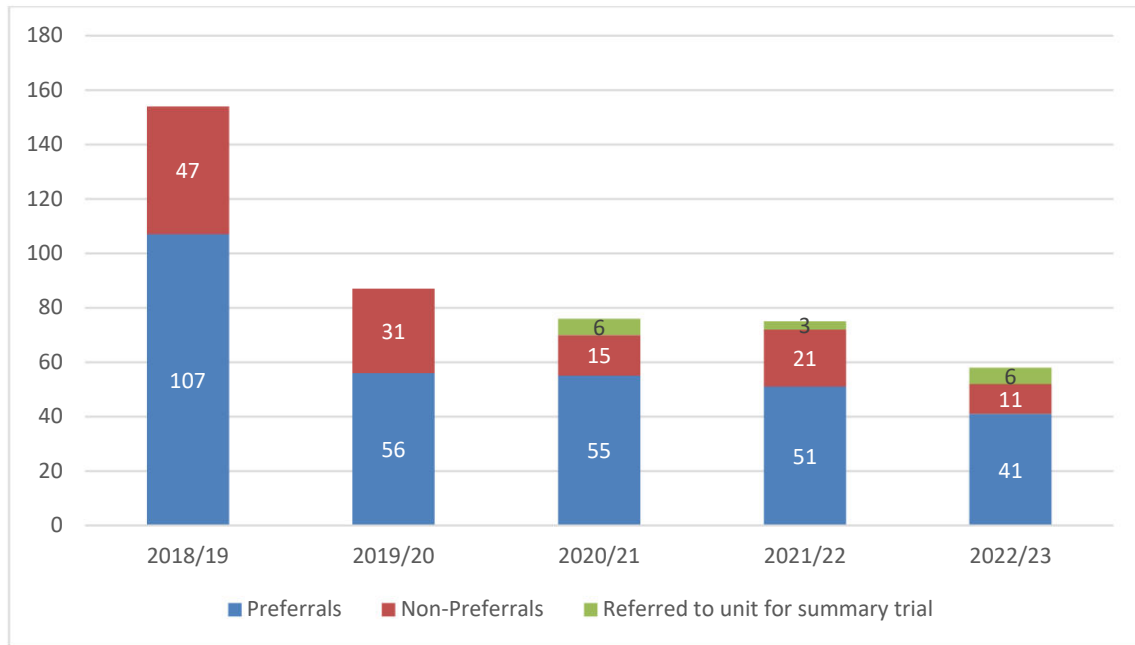


### Preferrals, non-preferrals and referral of charges to a unit for summary trial

28. During this reporting period, prosecutors made post-charge decisions in 58 files. Twelve (12) of those decisions were made on files received during the previous reporting period. From the 60 referrals received this year, 14 files were still pending a prosecutorial decision at the end of this reporting period.

29. Of the 58 post-charge reviews completed this reporting period, prosecutors preferred at least one charge in 41 files. Eleven (11) files were not preferred and six (6) files were referred back to a unit to try the accused person by summary trial. The referral rate for this reporting period is therefore 71%.

30. The next figure shows the number of preferrals, non-preferrals and referral of charges to the unit for summary trial for the past five reporting periods:



### Preferral rates by investigative agency

31. The incident giving rise to the charge(s) may be investigated by one of three military investigative agencies: the CFNIS, an investigator with the military police who is not a member of the CFNIS, or a unit investigator. The rate of preferrals varies between investigative agencies as their investigators have different levels of experience, proficiency and training.

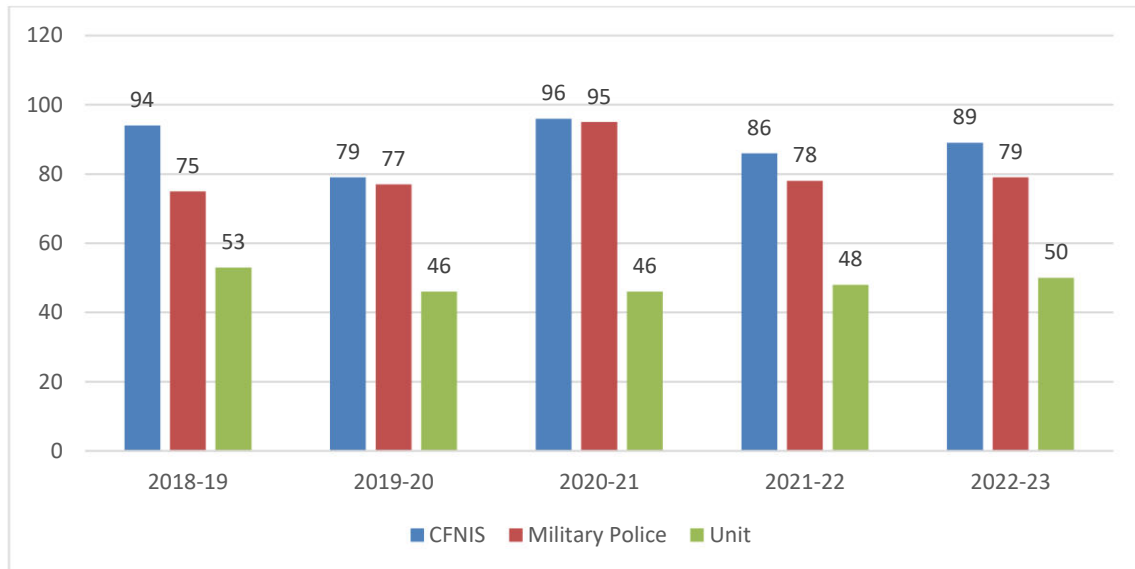
32. During this reporting period, the preferral rates were as follows:

- a. Files investigated by the CFNIS: 89%;
- b. Files investigated by the regular military police: 79%;
- c. Files investigated by a unit investigator: 50%.

33. Following the implementation of Bill C-77, it is expected that all new service offence investigations will be conducted by the CFNIS or the military police. This flows directly from the clearer divide that now exists between those matters that can be appropriately dealt with at the unit level and those that warrant a court martial. While the military police may investigate service infractions in certain circumstances,<sup>3</sup> it should be extremely rare for a unit investigation to lead to the laying of service offence charges. If the allegation is serious enough to potentially warrant a court martial, then it should be investigated by a professionally trained police investigator.

<sup>3</sup> E.g.: It may be preferable for the military police to investigate certain allegations of a service infraction committed by a senior officer to ensure an actual and perceived independent investigation.

34. The next figure provides an overview of referral rates by investigative agency over the past five reporting periods:

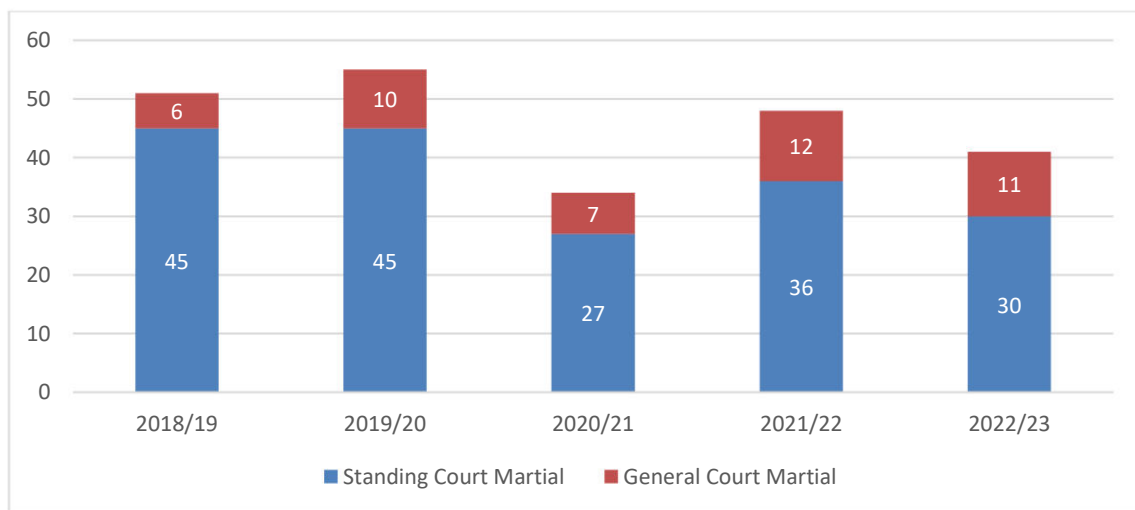


### Completed Courts Martial

35. This section provides an overview and analysis of cases heard at a court martial during the reporting period. For a complete list of all courts martial heard during the reporting period, please refer to Annex A.

36. A total of 41 courts martial were completed during this reporting period. Of those, 30 were Standing Courts Martial and 11 were General Courts Martial.

37. The next figure illustrates the number of completed courts martial by type for the last five reporting periods:



## 2.5. Court Martial Cases

38. Please refer to Annex A for an overview of all the courts martial held during this reporting period.

## 2.6. Notable Appeals

39. For the complete list of the cases completed at the CMAC throughout the year, please consult Annex B. For the list of SCC cases, please consult Annex C.

### ***R v McGregor, 2023 SCC 4***

40. At his SCM (*R v McGregor, 2019 CM 4015*), Cpl McGregor was found guilty of sexual assault pursuant to s. 130 of the NDA (contrary to s. 271 of the *Criminal Code*); two counts of voyeurism pursuant to s. 130 of the NDA (contrary to s. 162(1) of the *Criminal Code*); one count of possession of a device for surreptitious interception of private communications pursuant to s. 130 of the NDA (contrary to s. 191(1) of the *Criminal Code*); one count of cruel or disgraceful conduct, pursuant to s. 93 of the NDA; and one count of conduct to the prejudice of good order and discipline, pursuant to s. 129 of the NDA. He was sentenced to imprisonment for a period of 36 months and dismissal with disgrace from His Majesty's service (*R v McGregor, 2019 CM 4016*).

41. The case arose from a criminal investigation conducted by the CFNIS in the Commonwealth of Virginia in the United States. Cpl McGregor was a regular force CAF member posted to Washington, D.C. Following a complaint to the CFNIS by another CAF member who found two audio recording devices in her home and who believed were placed there by Cpl McGregor, the CFNIS commenced an investigation. After obtaining a search warrant with assistance of local authorities in Virginia, the CFNIS executed the warrant on Cpl McGregor's residence. While searching electronic devices which were authorized in the search warrant, investigators found unanticipated digital evidence of sexual assault.

42. At court martial, Cpl McGregor unsuccessfully brought a motion to exclude the relevant evidence under s. 24(2) of the *Charter*, arguing the *Charter* applied extraterritorially. The military judge's decision relating to both the extraterritoriality of the *Charter* and the reasonableness of the search was affirmed by the CMAC (*R v McGregor, 2020 CMAC 8*) and the appeal was dismissed on 31 December 2020.

43. Cpl McGregor sought leave to appeal at the SCC. Leave was granted on 14 October 2021. The appeal was heard at the SCC on 16 May 2022 and judgement was rendered on 17 February 2023.

44. The SCC found that the warrant was authorized and properly executed. Given the limited reach of Canadian law in a foreign country, the investigators communicated with local authorities and availed themselves of the only legal mechanism by which to obtain a proper search warrant. In terms of the reasonableness of the search, the Court rejected Cpl McGregor's argument that the search was more intrusive than necessary and was unjustifiably expanded to include a search outside the scope of the warrant. The majority of the Court found that the requirements for application of the plain view doctrine were met, and that the evidence of sexual assault discovered inadvertently by the investigators did not invalidate the warrant. The SCC declined to reconsider the extraterritorial application of the *Charter* and found that the *Charter* generally cannot apply to Canadian authorities in investigations abroad (as set out in *R v Hape*, 2007 SCC 26).

45. The SCC dismissed the appeal and affirmed the decisions made at court martial and the CMAC.

***R v Edwards et al.*, SCC files 39820; 39822; 40046; 40065; 40103**

46. A long-disputed series of court martial cases pertaining to the independence and impartiality of military tribunals under s. 11(d) of the *Charter* will soon have judgment rendered by the SCC.

47. On 1 June 2021, the CMAC ordered new trials for these cases. In doing so, the CMAC confirmed that military judges are subject to the Code of Service Discipline, that the Military Judges Inquiry Committee has no power to discipline, and that the prosecution of military judges before courts martial is consistent with the rule of law principle that no one is above the law.

48. The accused in *Edwards et al.* sought leave to appeal to the SCC. Leave was granted on 2 February 2023. The core issue raised by the Appellants was whether the status of military judges as military officers violates s. 11(d) of the *Charter*. The SCC hearing was conducted on 16 October 2023. Judgement was reserved.

49. *R v Cookson* (SCC file 40845), *R v Remington* (SCC file 40642) and *R v Turner* (SCC file 40779) all raise the same issues and are all pending a decision for leave to appeal by the SCC.



## CHAPTER 3 - COMMUNICATION AND OUTREACH

50. Communication and outreach activities play a vital role in building public confidence in Canada's military justice system. From key stakeholders in the military justice process, as well as national and international strategic partners and organizations, communication and outreach activities form an integral part of the DMP's strategic view to promoting Canada's military justice system. In that regard, the DMP has made a concerted effort to engage a number of organizations to further enhance the legitimacy of Canada's military justice system. This Chapter sets out those communications and outreach activities by the DMP over the course of the current reporting period.

### 3.1. CAF Chain of Command

51. The military justice system is designed to promote the operational effectiveness of the CAF by contributing to the maintenance of discipline, efficiency, and morale. It also ensures that justice is administered fairly and with respect for the rule of law. As the military justice system is one of several tools available to the chain of command in order to help it reach these objectives, it is imperative that the DMP, and prosecutors within the CMPS, actively and effectively engage the chain of command throughout the court martial process.

52. This reporting period, the DMP, accompanied by a DDMP, visited commanders and commanding officers in Victoria BC, Edmonton AB and Winnipeg MB. Key discussions during these visits touched upon the investigation and prosecution of service offences post C-77 implementation and the use of the summary hearing process to further unit disciplinary needs.

### 3.2. CFNIS

53. It is important for all prosecutors to maintain a strong relationship with investigative agencies, while at the same time respecting the independence of each organization. Good relationships with investigative agencies ensure that the prosecutor and the investigator exercise their respective roles independently but cooperatively, and help to maximize the effectiveness and efficiency of the CMPS as a prosecution service.

54. Over the course of this reporting period, the CFNIS Legal Advisor presented at the CFNIS Indoctrination Course for new investigators. These presentations and discussions enhanced the knowledge of the military justice system for the new CFNIS investigators, particularly in relation to the prosecutions of sexual offences. DDMPs also had regular, meaningful engagement with the CFNIS leadership.

### **3.3. Federal, Provincial and Territorial Heads of Prosecution Committee**

55. The Federal, Provincial and Territorial Heads of Prosecution (HoP) Committee was established in 1995. The Committee is made up of the heads of each of Canada's 12 prosecution agencies. This includes the heads of prosecution for the ten provincial prosecution services, as well as the Director of Public Prosecutions for the Public Prosecution Service of Canada, and the DMP. The mandate of the HoP Committee is to serve as a national forum for the discussion of prosecutions and prosecution-related issues, and to facilitate the exchange of information and best practices on legal and managerial issues among the prosecution services of Canada. Since its inception, the Committee has helped promote assistance and cooperation among prosecution services and facilitated the coordination of national prosecution issues and the adoption of consistent prosecution positions on those issues whenever possible. The HoP Committee also serves as a national advisory body on prosecution issues in Canada, providing a venue where stakeholders can consult and seek the views of the Canadian prosecution community.<sup>4</sup>

56. During this reporting period, the DMP attended the Spring session of the committee in Kelowna BC, and the Fall session in Canmore AB.

### **3.4. International Association of Prosecutors**

57. This year marked the return of the Annual Conference & General Meeting, after two years of cancellation following the COVID-19 global pandemic. The conference was held in Tbilisi, Georgia from 25 to 29 September 2022. While this year did not include a specific presentation from the Network of Military Prosecutors (NMP), key members of the network, including the DMP, committed to reinvigorating the NMP at the next Conference to be held in London, United Kingdom, from 24 to 27 September 2023.

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<sup>4</sup> <https://www.ppsc-sppc.gc.ca/eng/tra/tr/05.html>.

## CHAPTER 4 - FINANCES

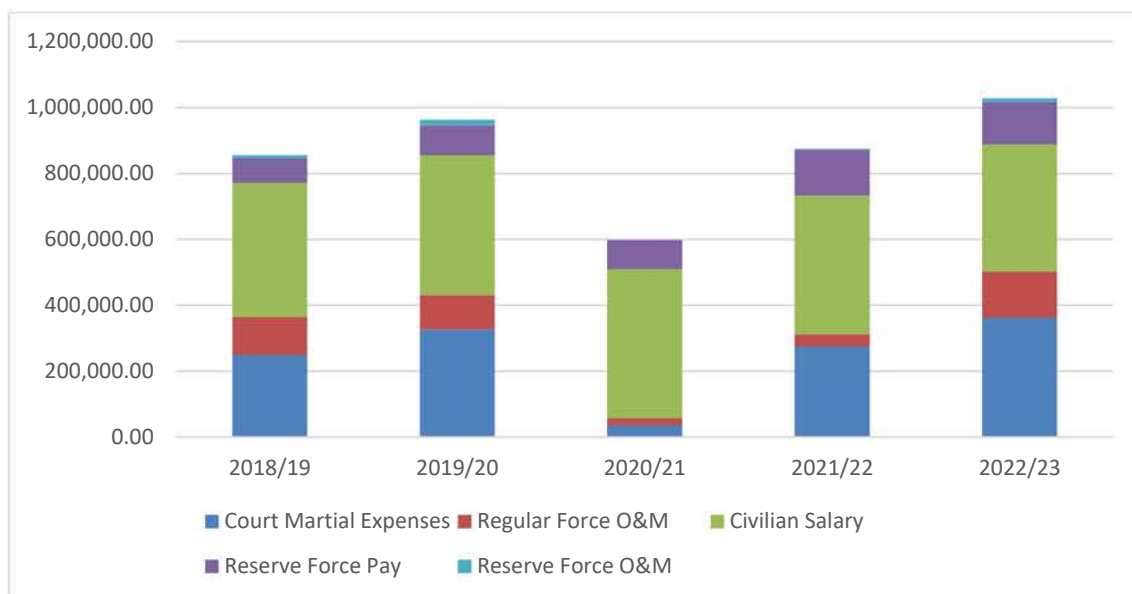
58. The DMP's operating budget is allocated primarily to operations and is divided into five main categories: Regular Force Operations and Maintenance, Civilian Salary and Wages, Reserve Force Pay, Reserve Force Operations and Maintenance, and Court Martial Expenses. Operations and Maintenance includes items such as travel, training costs, general office expenditures, and other costs that support personnel and maintain equipment, but does not include costs associated with a specific court martial. Court Martial Expenses are comprised mainly of the travel costs associated with prosecutors, investigators and prosecution witnesses.

59. Due to various factors, such as the number of courts martial, the duration of courts martial, as well as unpredictable expenses, including the requirement for expert witnesses, court martial expenditures can vary greatly from one reporting period to the next.

60. The following table provides an overview of the DMP's budget:

Fund	Expenditures
Regular Force Operations & Maintenance	\$140,800
Civilian Salary & Wages	\$385,287
Reserve Force Pay	\$129,239
Reserve Force Operation and Maintenance	\$10,716
Court Martial Expenses	\$361,945
<b>Total</b>	<b>\$1,027,987</b>

61. The next figure illustrates the evolution of the DMP's Operating Budget over the last five reporting periods.



## ANNEX A - COURTS MARTIAL CONCLUDED

Accused	Type	Offence	Description	Disposition	Sentence	Location	Date completed	Language	Appealed
Cpl Aziz	SCM	83 NDA	Disobedience of lawful command	Not Guilty	Severe reprimand; fine of \$1200	Petawawa ON	19-Jul-22	English	
		129 NDA	Conduct to the prejudice of good order and discipline	Guilty					
PO1 Billings	SCM	130 NDA (266 Cr.C.)	Assault	Withdrawn	Severe reprimand; fine of \$2500	Esquimalt BC	28-Jun-22	English	
		97 NDA	Drunkenness	Guilty					
Sgt Bluemke	SCM	93 NDA	Cruel or disgraceful conduct	Not Guilty	Severe reprimand; fine of \$3000	Petawawa ON	27-Oct-22	English	
		129 NDA	Conduct to the prejudice of good order and discipline	Guilty					
MCpl Brousseau	GCM	130 NDA (271 Cr.C.)	Sexual assault	Stay of Proceedings		Greenwood NS	2-Feb-23	French	Yes
Sgt Charron	SCM	114 NDA	Stealing	Guilty	Absolute discharge	Kingston ON	20-Jul-22	English	
Cpl Cookson	SCM	83 NDA	Disobedience of lawful command	Not Guilty	Fine of \$2000	Edmonton AB	31-Jan-23	English	Yes
		129 NDA	Conduct to the prejudice of good order and discipline	Guilty					
Bdr Corbin-Ratté	GCM	130 NDA (266 Cr.C.)	Assault	Withdrawn	Reprimand; 21 days confinement to barracks	Valcartier QC	18-Jan-23	French	
		130 NDA (266 Cr.C.)	Assault	Withdrawn					
		130 NDA (266 Cr.C.)	Assault	Withdrawn					
		129 NDA	Conduct to the prejudice of good order and discipline	Guilty					
Cpl Crouch	GCM	130 NDA (173 Cr.C.)	Indecent acts	Not Guilty		Edmonton AB	24-Oct-22	English	Yes
		130 NDA (173 Cr.C.)	Indecent acts	Not Guilty					
Cpl Drew	SCM	130 NDA (266 Cr.C.)	Assault	Not Guilty		Halifax NS	29-Apr-22	English	
Cpl El Zein	SCM	130 NDA (271 Cr.C.)	Sexual assault	Guilty	Imprisonment for 30 days; reduction in rank to Pte; fine of \$5000	Montréal QC	15-Jun-22	French	Yes
Cpl Farrah	SCM	114 NDA	Stealing	Guilty	Reprimand; fine of \$1800	Petawawa ON	13-Apr-22	English	
Sgt Franzen	SCM	129 NDA	Negelect to the prejudice of good order and discipline	Not Guilty		Trenton ON	7-Jun-22	English	
Cpl Giggie	SCM	112 NDA	Improper use of vehicles	Guilty	Fine of \$200	Petawawa ON	31-Jan-23	English	
PO1 Gillam	SCM	130 NDA (380(1) Cr.C.)	Fraud	Guilty of a similar charge pursuant to 117(f) NDA	Severe reprimand; fine of \$6000	Borden ON	7-Jun-22	English	
		130 NDA (334(a) Cr.C.)	Theft (value stolen exceeds \$5000))	Withdrawn					
		114 NDA	Stealing	Withdrawn					
		129 NDA	Conduct to the prejudice of good order and discipline	Withdrawn					
Lt(N) Gillis	GCM	83 NDA	Disobedience of lawful command	Withdrawn	Reprimand; fine: \$750.00	Esquimalt BC	15-Dec-22	English	
		129 NDA	Conduct to the prejudice of good order and discipline	Guilty					

Accused	Type	Offence	Description	Disposition	Sentence	Location	Date completed	Language	Appealed
Cpl Ikhlef	GCM	130 NDA (266 Cr.C.)	Assault	Withdrawn	Fine of \$400	Laval QC	16-Jan-23	French	
		86 NDA	Quarrels and disturbances	Guilty					
MCpl Keller	SCM	129 NDA	Conduct to the prejudice of good order and discipline	Guilty	Reprimand; fine of \$800	Edmonton AB	28-Nov-22	English	
OC Kenderesi	GCM	81 NDA	Offences related to mutiny	Withdrawn	Severe reprimand; fine of \$4200	Borden ON	22-Sep-22	English	
		92 NDA	Scandalous conduct by officers	Stay of Proceedings					
		129 NDA	Conduct to the prejudice of good order and discipline	Guilty					
WO Laffin	SCM	97 NDA	Drunkenness	Guilty	Reprimand; fine of \$2000	Greenwood NS	19-Dec-22	English	
		130 NDA (266 Cr.C.)	Assault	Withdrawn					
Cpl Lee	SCM	90 NDA	Absence without leave	Guilty	Fine of \$2500; 14 days confinement to barracks	Greenwood NS	25-Apr-22	English	
		129 NDA	Conduct to the prejudice of good order and discipline	Guilty					
PO1 Levesque	GCM	130 NDA (271 Cr.C.)	Sexual assault	Guilty	Severe reprimand; fine of \$7000	Victoria BC	12-Jan-23	English	
		130 NDA (266 Cr.C.)	Assault	Guilty					
		130 NDA (264.1 Cr.C.)	Uttering threats	Guilty					
Pte Luis	SCM	130 NDA (271 Cr.C.)	Sexual assault	Guilty	Imprisonment for 30 days (suspended); dismissal from his majesty's service fine of \$1200	Halifax NS	10-Nov-22	English	
		129 NDA	Conduct to the prejudice of good order and discipline	Guilty					
PO1 Mackay	SCM	97 NDA	Drunkenness	Guilty	Severe reprimand; fine of \$7500	Halifax NS	8-Sep-22	English	
		97 NDA	Drunkenness	Guilty					
		95 NDA	Abuse of subordinates	Guilty					
PO1 Martin	SCM	129 NDA	Conduct to the prejudice of good order and discipline	Guilty	Severe reprimand	Halifax NS	10-Nov-22	English	
		129 NDA	Conduct to the prejudice of good order and discipline	Not Guilty					
		95 NDA	Abuse of subordinates	Guilty					
MCpl Mason	SCM	93 NDA	Cruel or disgraceful conduct	Guilty	Fine of \$4200; 21 days confinement to barrack	Trenton ON	16-Feb-23	English	
Pte Mcfarlane-Mascoll	GCM	130 NDA (271 Cr.C.)	Sexual assault	Not Guilty		St-Jean-sur-Richelieu QC	13-Jun-22	English	
Pte McGown	GCM	130 NDA (271 Cr.C.)	Sexual assault	Not Guilty		Halifax NS	1-Aug-22	English	
		129 NDA	Conduct to the prejudice of good order and discipline	Withdrawn					
Cpl Moser	SCM	114 NDA	Stealing	Guilty	Reprimand; fine of \$2000	Petawawa ON	18-Jul-22	English	
MS Olid	SCM	129 NDA	Conduct to the prejudice of good order and discipline	Guilty	Severe reprimand; fine of \$1500	Esquimalt BC	23-Jun-22	English	
		129 NDA	Conduct to the prejudice of good order and discipline	Withdrawn					

Accused	Type	Offence	Description	Disposition	Sentence	Location	Date completed	Language	Appealed
Sgt Prevost	SCM	130 NDA (380(1) Cr.C.)	Fraud	Withdrawn	Severe reprimand; fine of \$1500; restitution order in the amount of \$855.25	Gatineau QC	16-Jun-22	English	
		117 (f) NDA	An act of a fraudulent nature	Guilty					
		130 NDA (366(1) Cr.C.)	Forgery	Withdrawn					
		125 NDA	Offences in relation to documents	Withdrawn					
OC Reis	SCM	86 NDA	Quarrels and disturbances	Guilty	Reprimand; fine of \$1000; 21 days confinement to barrack	Kingston ON	20-Feb-23	English	
		86 NDA	Quarrels and disturbances	Guilty					
		86 NDA	Quarrels and disturbances	Guilty					
NC Remington	SCM	130 NDA (271 Cr.C.)	Sexual assault	Guilty	Imprisonment for 2 years	Halifax NS	22-Apr-22	English	Yes
NC Rivet-Glavicic	GCM	130 NDA (271 Cr.C.)	Sexual assault	Not Guilty		Kingston ON	27-Oct-22	English	
Col Russel	SCM	129 NDA	Conduct to the prejudice of good order and discipline	Guilty	Reprimand; fine of \$500	Gagetown NB	4-Oct-22	English	
Capt Siconnelly	SCM	129 NDA	Conduct to the prejudice of good order and discipline	Guilty	Fine of \$4000; detention 7 days	Valcartier QC	28-Mar-23	French	
Cpl Smith	SCM	130 NDA (342.1 Cr.C.)	Unauthorized use of a computer	Not Guilty	Fine of \$1500	Halifax NS	27-Sep-22	English	
		129 NDA	Conduct to the prejudice of good order and discipline	Guilty					
MCpl Sutherland	SCM	130 NDA (271 Cr.C.)	Sexual assault	Guilty	Imprisonment for six weeks	Halifax NS	28-Feb-23	English	Yes
MWO Tarso	SCM	130 NDA (380(1) Cr.C.)	Fraud	Guilty	Imprisonment for 30 days; dismissal from his majesty's service; reduction in rank to Sgt; restitution order in the amount \$37269.19	Gagetown NB	21-Jun-22	English	
		130 NDA (122 Cr.C.)	Fraud by public officer	Withdrawn					
		130 NDA (122 Cr.C.)	Breach of trust by public officer	Guilty					
		125 NDA	Offences in relation to documents	Withdrawn					
Cpl Thornton	SCM	130 NDA (271 Cr.C.)	Sexual assault	Not Guilty		Gatineau QC	24-Nov-22	English	
WO Wierenga	GCM	93 NDA	Cruel or disgraceful conduct	Guilty	Reduction in rank to Sgt; fine of \$5000	Shilo MB	6-Dec-22	English	
Cpl Zapata Valles	SCM	130 NDA (271 Cr.C.)	Sexual assault	Not Guilty		Brampton ON	8-Jul-22	English	Yes

## ANNEX B - APPEALS CONCLUDED AT THE COURT MARTIAL APPEAL COURT

CMAC#	Appellant	Respondent	Type of appeal	Result	Date completed	Citation	Appealed
601	Her Majesty the Queen	Cpl Christmas	Legality of a decision of a court martial that terminates proceedings	Granted	13-Jan-22	2022 CMAC 1	Yes
615	Sgt Pépin	Her Majesty the Queen	Legality of finding	Dismissed	4-May-22	2022 CMAC 4	
616	Sgt Thibault	Her Majesty the Queen	Legality of finding	Dismissed	22-Apr-22	2022 CMAC 3	Yes
617	Her Majesty the Queen	Lt(N) Brown	Legality of a decision of a court martial that terminates proceedings	Granted	30-Mar-22	2022 CMAC 2	Yes
618	Her Majesty the Queen	Cpl Euler	Legality of finding	Dismissed	9-May-22	2022 CMAC 5	
619	Her Majesty the Queen	MWO MacPherson	Legality of a termination of proceedings	Dismissed	23-Aug-22	2022 CMAC 8	
620	Bdr Cogswell	Her Majesty the Queen	Legality of finding	Dismissed	10-Aug-22	2022 CMAC 7	
621	His Majesty the King	Pte Vu	Legality of finding	Dismissed	27-Feb23	2023 CMAC 2	Yes
622	S3 Stewart	His Majesty the King	Legality of finding	Granted	16-Nov-22	2022 CMAC 9	
624	His Majesty the King	Pte Bruyère	Severity and legality of sentence	Dismissed	21-Feb-23	2023 CMAC 1	
625	NC Remington	His Majesty the King	Legality of finding	Dismissed	10-Mar-23	2023 CMAC 3	Yes



## ANNEX C - APPEAL CONCLUDED AT THE SUPREME COURT OF CANADA

SCC#	Appellant	Respondent	Type of appeal	Result	Date completed	Citation
39543	Cpl McGregor	His Majesty the King	Legality of Finding (appeal by leave)	Dismissed	17-Feb-2023	2023 SCC 4

## ANNEX D • CUSTODY REVIEW HEARING

Person arrested	Offence	Description	Decision	Date of decision
Pte NongQayi	130 NDA (267 Cr.C.)	Assault with a weapon	Retained in custody	8 Mar 2023
	130 NDA (264.1 Cr.C.)	Uttering threats		
	101.1	Failure to comply with conditions		