



COURT MARTIAL

Citation: *R. v. Gosse*, 2024 CM 3017

Date: 20240924

Docket: 202407

Standing Court Martial

Lieutenant-Colonel George Taylor Denison III Armoury
Toronto, Ontario, Canada

Between:

His Majesty the King

- and -

Master Warrant Officer A.C.J. Gosse, Offender

Before: Lieutenant-Colonel L.-V. d'Auteuil, D.C.M.J.

REASONS FOR SENTENCE

[1] Master Warrant Officer (MWO) Gosse pleaded guilty to the third charge of the charge sheet, which is drunkenness contrary to section 97 of the *National Defence Act* (NDA). The Court, having accepted and recorded plea of guilty in respect of this charge, then finds MWO Gosse guilty of this offence. The first and second charges have been withdrawn by the prosecution, therefore the Court has no other offences to deal with.

[2] In the particular context of an armed force, the military justice system constitutes the ultimate means of enforcing discipline, which is a fundamental element of the military activity in the Canadian Armed Forces. The purpose of this system is to prevent misconduct, or in a more positive way, promote good conduct. It is through discipline that an armed force ensures that its member will accomplish successful missions in a trusting and reliable manner.

[3] Concerning the sentence to be imposed by the Court, the prosecutor and the offender's defence counsel presented a joint submission. They recommended that the Court impose a severe reprimand and a fine in the amount of \$1,000.

[4] The circumstances of this offence were presented to the Court through a Statement of Circumstances read by the prosecutor and for which the offender accepted these facts as conclusive evidence, and which reads as follows:

“STATEMENT OF CIRCUMSTANCES

1. At all relevant times, Master Warrant Officer Gosse was a Regular Force member of the Canadian Armed Forces, deployed with OP CALUMET at Sinai, Egypt.
2. The Task Force El Gorah Commander, Col Leroux, expected MWO Gosse to be responsible for discipline and as Camp CSM, MWO Gosse was directly responsible for enforcing the alcohol policy, as outlined in Task Force Standing Order 2.00 - Alcohol & Recreational Drugs Policy (TFSO).
3. MWO Gosse was, in part, responsible for the area known as “the Lumber Yard”, where the bar was located in South Camp.
4. MWO Gosse was observed by several members contravening the TFSOs. These contraventions included overserving members, encouraging members to drink more than allowable under the TFSOs, putting money on the bar and encouraging excessive drinking, and drinking or serving alcohol outside of the prescribed hours.
5. MWO Gosse was observed on several occasions and by several members to be drunk, described as presenting with glazed eyes, slurred speech, to be unsteady on his feet, with alcohol emanating from his breath. On multiple occasions he was asked to leave the Lumber Yard because he was too drunk and was described by one sergeant as “pretty hammered”.
6. MWO Gosse was observed and reported to have acted in ways that made other members uncomfortable while he was drinking, including dancing provocatively and hugging a subordinate.
7. At the first opportunity provided in the courts martial process, MWO Gosse took responsibility for his conduct.”

[5] Defence counsel introduce an Agreed Statement of Facts which reads as follows:

“AGREED STATEMENT OF FACTS

1. Master Warrant Officer (retired) Gosse enrolled in the CAF in 2000 as a Mobile Support Equipment Operator (MSE Op). His initial posting was to Canadian Forces Joint Signal Regiment (CFJSR) Kingston

where he was a member of that unit's theatre activation team. He participated in multiple international and domestic exercises, including two deployments to Kandahar, Afghanistan.

2. In 2004 he was promoted to Corporal. Also in 2004, he completed a college certificate in the Ontario Management Development Program at Seneca College in Toronto.

3. Promoted to MCpl in 2008, he was then posted to Area Support Unit (ASU) Chilliwack from 2009 to 2013 and was assigned in 2010 to OP PODIUM to support the Vancouver Olympics, representing the CAF on a national and high visibility tasking.

4. In 2010 he completed the CAF Officer Professional Military Education program (OPME) including components of the OPME that granted him university level course credits. He was promoted to Sgt in 2013 and selected to support the Canadian Special Operations Regiment (CSOR) as the transport operations Sgt.

5. From 2013 to 2017 he was posted to CSOR. While there, he supported many domestic and international deployments. For two of these CSOR exercises he was appointed to the S4 logistics position, fulfilling duties normally provided by a logistics officer. In 2016, despite a busy operational tempo at CSOR, he completed a defence and security certificate from Algonquin College. He was promoted to Warrant Officer in 2017.

6. He was posted in 2017 to 4 Canadian Division Headquarters in Toronto as the fleet manager. While in Toronto he was selected to represent the CAF at the Invictus games in a ceremonial role. He also completed the CAF master driver's course. In 2018, in addition to his regular duties, he was appointed as a Company Sergeant Major (CSM) and Chief Quartermaster (CQ) for the ceremonial guard, a high-profile and public facing leadership position.

7. Promoted to MWO in 2020, from 2020 to 2021 he was employed as the Senior Technical Advisor for Transport within the 4th Canadian Division HQ. In this role, he was responsible for the careers of MSE Op members across the 4th Canadian Division AOR which included most of Southern Ontario. His duties included liaison with command teams on the employment and professional development of members of the MSE Op occupation. He also completed the Advanced Logistics Course where he worked as a MWO in a syndicate with four Major Logistics Officers.

8. In 2021 he was identified by his occupation as a high potential MWO and assigned to his branch's succession plan. He was then selected

to become the Task Force Sergeant Major for OP CALUMET which involved deployment as part of Canada's peacekeeping contribution and support to multinational force and observers in the Sinai Peninsula. He was also selected and scheduled for second language training on his return from deployment.

9. Over the course of his career he was awarded the following decorations: South West Asia Service Medal with Afghanistan Bar 2005, International Security and Assistance Force Campaign Star for service in Afghanistan 2008, Queen's Diamond Jubilee Medal 2012, Canadian Peacekeeping Service Medal 2022, Multinational Force and Observers Medal (Sinai) 2022, Canadian Forces Decoration 2012 with a 1st clasp awarded in 2022. He has received an ISAF/NATO Division Commanders commendation for his work in Afghanistan in 2008, and a CANSOFCOM commendation in 2018.

10. While a member of the CAF, he has been an active member of the community, volunteering at the Kingston MFRC from 2002 to 2009 and serving as a board member of the Toronto MFRC from 2017 – 2018. He was also a frequent volunteer for public engagement events both at CFJSR and in ASU Chilliwack.

11. After his repatriation to Canada in May 2022. He was medically released from the CAF on 16 December 2022. Since his release he has entered a vocational rehabilitation program provided by Veteran's Affairs Canada. Via that program, MWO Gosse intends to pursue an MBA and start a second career as a logistics consultant.

12. He has been in a stable and supportive relationship with his common-law spouse for the past four years. Since his release he has taken up residence in Calgary, Alberta.

13. MWO Gosse does not have a criminal record or a history of disciplinary proceedings. He is deeply remorseful for his behaviour, recognizes that his otherwise unimpeached reputation has been tarnished by his behaviour, and that he affected the reputation of the CAF. He offers an unconditional apology to the CAF and the Op Calumet communities."

[6] Although this Court is not bound by the joint recommendation made by counsel, it is generally accepted that the sentencing judge should depart from the joint submission only when it is contrary to the public interest or brings the administration of justice into disrepute. The only situation where the Court will depart from the joint recommendation is where the proposed sentence would be viewed by reasonable and informed persons as a breakdown in the proper functioning of the justice system, which includes courts martial. It is the responsibility of military lawyers and counsel in these

circumstances to provide the Court with a full account of the offender's situation and of the circumstances of the offence in the joint submission.

[7] Here, the Court is satisfied with the information provided by counsel. They provided sufficient and detailed information for the Court to appreciate the joint submission arising from their discussions and the specific context they were dealing with.

[8] In this case, the principles and objectives of maintaining public trust in the Canadian Forces as a disciplined armed force, to denounce unlawful conduct and the harm done to victims, to deter offenders and other persons from committing offences, to assist in rehabilitating offenders, were integral parts of counsel discussions forming the basis of their joint submission.

[9] MWO Gosse enrolled in October 2000, and he was released in December 2022. He joined the Canadian Armed Forces (CAF) as an MSE OP and made his way within the CAF and became an MWO with all expectations concerning leadership.

[10] For reasons that remain unknown, at some point while deployed he failed in his leadership role. Following the incident, he was released for medical reasons from the CAF. However, he learned a lesson, as he said, and reorganized his life as a civilian.

[11] Drunkenness is an offence aimed to regulate the behaviour of persons subject to the Code of Service Discipline acting under the influence of alcohol or drugs. It is not essentially the fact of drinking alcohol or being under the influence of a drug, but it is mainly the behaviour and the consequences arising from doing such a thing that is punished here. It is true that MWO Gosse did not respect the TFSOs requirements, especially due to the fact that he was the person responsible for enforcing them. He behaved in a way that was clearly unacceptable. This failure occurred in many ways: first, the leadership expected by somebody at this rank and with his responsibilities; second, failing in representing what it is to be as a lawful authority toward others; and finally, the location. There is not a good place to do these things, but being in theatre is probably the worst place ever, because you are not just putting yourself at risk, but you are putting other people at risk as well.

[12] However, MWO Gosse took full responsibility for what he did. He is remorseful. He expressed his remarks personally here in this Court, but also by pleading guilty to the offence. He apologized. He clearly indicated to the Court that it is a lesson learned, and that he is aware of the consequences on others. And now he is turning the page.

[13] I hope this lesson will be helpful in other ways in your career, in your life as a civilian and in your personal life. And I wish you good luck for what will come to you.

[14] Counsel have been clear regarding the reason why they came to this suggestion, and I accept the joint submission they made to sentence MWO Gosse to a severe reprimand and a fine in the amount of \$1,000 payable immediately.

FOR THESE REASONS, THE COURT:

[15] **FINDS** MWO Gosse guilty of the charge of drunkenness, contrary to section 97 of the *NDA*.

[16] **SENTENCES** the offender to a severe reprimand and a fine in the amount of \$1,000 payable immediately.

Counsel:

The Director of Military Prosecutions as represented by Major R. Gallant and Major M. Jehu

Major C. Da Cruz, Defence Counsel Services, Counsel for Master Warrant Officer
A.C.J. Gosse