

Court Martial Appeal  
Court of Canada



Cour d'appel de la cour  
martialle du Canada

**Date: 20111028**

**Docket: CMAC-546**

**Ottawa, Ontario, October 28, 2011**

**CORAM: LÉTOURNEAU J.A.  
PELLETIER J.A.  
DAWSON J.A.**

**BETWEEN:**

**HER MAJESTY THE QUEEN**

**Appellant**

**and**

**CAPTAIN (retired) J.C. MACLELLAN**

**Respondent**

**JUDGMENT**

The appeal is allowed, the decision of the military judge permitting the respondent to re-elect trial by Standing Court Martial is set aside and, without prejudice to the Director of Military Prosecution's right to consent to a re-election for trial by a Standing Court Martial, it is ordered that the trial of the respondent resume before a General Court Martial in accordance with the Convening Order issued by the Court Martial Administrator on March 1, 2011.

It is also ordered that the style of cause of this judgment, the reasons in support thereof and any subsequent proceedings be amended to reflect the fact that the respondent has retired from the Armed Forces. His designation as respondent shall be as follows:

CAPTAIN (retired) J.C. MACLELLAN

“Gilles Létourneau”

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J.A.