

Court Martial Appeal Court
of Canada



Cour d'appel de la cour martiale
du Canada

Date: 20121203

Docket: CMAC-549

Ottawa, Ontario, December 3, 2012

**CORAM: HENEGHAN J.A.
TRUDEL J.A.
MAINVILLE J.A.**

BETWEEN:

BDR NATHAN J. TOMCZYK

Appellant

and

HER MAJESTY THE QUEEN

Respondent

JUDGMENT

The appeal is allowed. The finding of guilt is set aside and, pursuant to paragraph 238(1)(a) of the *National Defence Act*, a finding of not guilty is recorded in respect of the charge.

"E. Heneghan"

J.A.