

CANADA / JUDGMENT

R. v. Houde

2024 CMAC 7

COURT

Court Martial Appeal Court of Canada

DECIDED

6 September 2024

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R. v. Houde Collection Court Martial Appeal Court Date 2024-09-06 Neutral citation 2024 CMAC 7
File numbers CMAC-644 Decision-makers Bennett, Elizabeth A. Decision Content Date: 20240906
Docket: CMAC-644 Citation: 2024 CMAC 7 Present: Acting Chief Justice Bennett BETWEEN:
MASTER CORPORAL C. HOUDE Appellant and HIS MAJESTY THE KING Respondent Heard by
online video conference hosted by the Ottawa, Ontario, Registry on September 6, 2024. Order and
reasons delivered from the Bench at Vancouver, British Columbia, on September 6, 2024 and
edited for syntax and grammar, with added reference to the relevant case law. REASONS FOR
ORDER BY: ACTING CHIEF JUSTICE BENNETT Date: 20240906 Docket: CMAC-644 Citation: 2024
CMAC 7 Present: Acting Chief Justice Bennett BETWEEN: MASTER CORPORAL C. HOUDE
Appellant and HIS MAJESTY THE KING Respondent REASONS FOR ORDER ACTING CHIEF
JUSTICE BENNETT

- [1] This is an application by the Appellant to file a Memorandum of Fact and Law that exceeds the 30-page limit established in the Rules, by an extra 15 pages.
- [2] On June 27, 2024, I granted the appellant a significant extension of time to file his factum to September 13, 2024.
- [3] The reasons provided for seeking additional pages are that there are 29 appeal books, 89 exhibits, 13 voir dires and 7 grounds of appeal.
- [4] I was not advised of what the grounds of appeal will be until this morning. Details were not provided in the application materials and I have not been provided with a draft factum. The grounds of appeal include, potentially, ineffective assistance of counsel. Counsel are unsure if they will proceed with that ground. At this stage in the process, I am surprised that that decision has not been taken. I have no details of the other grounds of appeal other than what they are. I have no information with respect to how complicated the grounds are in the context of the factual matrix.
- [5] Applications to extend the number of pages in a memorandum are not common. The applicant bears the onus to demonstrate why the extra pages are needed. The sheer volume of material alone is not enough.

- [6] Memorandum should concisely state the facts, issues, and arguments. They need not quote extensively from case law. They need not quote from the evidence but simply provide pinpoint references.
- [7] The applicant must show why it would be difficult to set out the legal and factual background and analysis concisely. Filing the draft factum is helpful because that demonstrates how the arguments are to be presented, and why they cannot be made in a shorter format. See *Ma v. Vansanten*, 2017 BCCA 441 at para. 12.
- [8] In sum, I have not been provided with sufficient information why the memorandum requires additional pages. In my view, the applicant has not met the onus for more pages, and the application is refused. The factum will be filed as required on September 13, 2024 within the 30-page limit. « Elizabeth A. Bennett » Acting Chief Justice COURT MARTIAL APPEAL COURT OF CANADA NAMES OF COUNSEL AND SOLICITORS OF RECORD DOCKET: CMAC-644 STYLE OF CAUSE: MASTER CORPORAL C. HOUDE v. HIS MAJESTY THE KING PLACE OF HEARING: Ottawa, Ontario DATE OF HEARING: September 6, 2024 REASONS DELIVERED FROM THE BENCH BY: ACTING CHIEF JUSTICE BENNETT DATED: September 6, 2024 APPEARANCES: Major Francesca Ferguson Lieutenant-Commander François Bélanger For The Appellant Lieutenant-Commander Emmanuelle Léonard-Dufour Lieutenant-Colonel Karl Lacharité For The Respondent SOLICITORS OF RECORD: Directorate of Defence Counsel Services Gatineau, Quebec For The Appellant Canadian Military Prosecution Service National Defence Headquarters Ottawa, Ontario For The Respondent

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Prepared on 27 October 2026 · Esheria