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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

26th February 2025

in the case of

REX

V

30339152 Private Kele Bulewa KIDA

13 Air Assault Support Regiment, The Royal Logistic Corps

JUDGE ADVOCATE

Judge Mitchell

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Everybody else please sit, the defendant remain standing. Private Kele Bulewa Kida, you are now aged 25 years old, and you have pleaded guilty on 23rd January 2025 at a plea and trial preparation hearing to a single count of sexual assault contrary to section 3 of the Sexual Offences Act 2003. This offence dates back to 26th September 2023 when you were 24. According to the agreed basis of your plea you were drinking with the complainant, a female Service person hereafter known as [name redacted], with others present. You danced with [name redacted], the drink ran out, she decided to leave, you were

told by another person present that you did not need to walk [name redacted] back to her block. You nonetheless approached her, touched her hip, put your hand down her shorts and touched [name redacted] vagina. She told you to stop and you did so. You touched her because, you submit, you made a serious mistake in thinking that [name redacted] was waiting for you and had consented to be touched in that way. Neither fact was true. [name redacted] gave you no reason to believe that she was interested in you at all. Your mistakes were no doubt fuelled by intoxication coupled with your desire to engage with [name redacted] sexually. Intoxication explains what you did but does not mitigate your actions.

We have read the pre-sentence report prepared by Miss Kay Webb and completed on 20th February 2025. We recognise that you have shown remorse for your actions, that you feel shame and regret for what you did and that your offence was motivated by your sexual attraction to [name redacted]. We agree with Miss Webb's conclusions that to some extent you still wrongly blame what happened on [name redacted] apparent friendliness and that alcohol is the root cause of this offending. You show some insight into how this offence undermines the trust and safety between your colleagues and may further undermine the way the public view service within the Armed Forces. You accept that [name redacted] will be traumatised by what you did.

According to the information for Service Courts you enlisted on 20th September 2020. On 13th February 2021 you committed a military offence of being unfit through alcohol. On 18th September 2022 you assaulted a Sergeant by beating him. On 19th June 2022 you committed the offences of drink/driving and other motoring offences for which you were fined and banned from driving. You committed this offence in September 2023 and have been awaiting this outcome for some time. The short time you have been in the Army is littered with offences all committed in drink. Your convictions are aggravating features; this history confirms that alcohol is the root cause of the pattern of your offending. The effect of this conviction upon you, your wider family will be devastating albeit that you do not have dependent children. Whilst you are thought to pose a low risk of re-conviction you pose a medium risk of further contact sexual offending and harm towards future partners and those to whom you feel an attraction.

We have taken into account all that has been said by Mr Bolt on your behalf. We have also read the character references and appraisals served on your behalf. Culpability; we have

assessed this case within the relevant guideline for offences of sexual assault published by the Sentencing Council which grades culpability, that is blameworthiness, into levels A, B and C; A is the most serious. Whilst no doubt to an extent you abused the trust and confidence that exists between all Service personnel this case is not an abuse of trust case as that term is intended within level A of the guideline. In the absence of any other culpability A features your culpability is therefore B. Harm; the guideline grades harm into harm caused to a victim into levels 1, 2 and 3. You touched [name redacted] naked genitalia. As per the sentencing guideline that brings the harm you caused within category 2. Considering additional Service factors that may affect blameworthiness and harm the harm you caused is aggravated by the adverse effect your actions have on your unit's morale and unit cohesion and the reputation of His Majesty's Armed Forces and these are strong aggravating features. This is precisely the type of offending that female recruits to His Majesty's Armed Forces fear and which must be deterred.

The guidelines therefore suggest a starting point of one year's imprisonment with a range of sentence between a high level community order and two years' imprisonment. The aggravating features are the fact that you committed this offence whilst affected by alcohol. Whilst you were 24 when you committed this offence and are no doubt remorseful now there is a real limit to the weight to be attached to these factors. In the short time you have been in the Army you have offended badly on several occasions. You have not learned from your previous encounters with the law. This is not a case where lack of maturity can count as it sometimes does. Mr Bolt suggests that this is a case where some allowance should be made for delay. We disagree. You denied your guilt when you were interviewed. That denial compelled the Service Police and prosecution to set about a protracted investigation including forensic investigations that took the best part of 2024 to be concluded. Through your lawyers you only signalled your intention to plead guilty one week prior to the PTPH. Even taking in the round we do not think that the delay incurred in this case can be said to be egregious as Mr Bolt suggests by comparison either with the length of time usually taken in Court Martial proceedings or by comparison with the time taken in similar cases in the Magistrates' and Crown Courts.

Overall, we take the view that if there had been a trial the appropriate sentence would have been one of 18 months imprisonment bearing in mind all relevant factors together with the fact that as all agree you will be dismissed from His Majesty's Service as a result of these

proceedings. Giving you the full one third credit for your guilty plea that results to a sentence of 12 months imprisonment. We have considered the available alternatives but in this case for an offence of this kind nothing less than imprisonment meets the justice of this case. We are required by the sentencing guidelines to consider whether we can step back and suspend this prison sentence. In doing so we are also required to consider relevant case law. In 2023 the Court of Appeal held that the current high prison population in adult male prisons was at present an exceptional factor which could be properly taken into account by a sentencing judge especially in relation to suspending what would otherwise be a short or relatively short immediate custodial sentence. The decision did not direct judges to suspend prison sentences but simply to be mindful of the current prison populations.

We agree with Miss Webb's assessment that you present some risk to the public; you do not have a history of poor compliance with court orders, you have some prospect of rehabilitation, you have some personal mitigation, but we do not believe that it is strong. This is not a case where immediate custody will result in significant harmful impact upon others. Overall, we find that appropriate punishment in a case of this kind can only be achieved by an immediate sentence of imprisonment and an immediate custodial sentence is in our judgement necessary both as a punishment and as a deterrent to others who behave as you have. The sentence of this Court is therefore one of 12 months imprisonment. You will serve half of that sentence and then be under licence or post-sentence supervision when you must comply with the directions of the Probation Service if you remain in this country. If you do not comply with those directions, you will be brought back to court. As we have already indicated we are also of the opinion that this offence is serious enough to warrant dismissal from His Majesty's Service and so you will be reduced to the ranks and dismissed. In forming this opinion, we have taken into account all the information available to us about the circumstances of these offences including the aggravating and mitigating factors including what we understand to be the inevitable financial effects on your livelihood and any pension that you have accrued.

I certify that you have been convicted of a sexual offence so that you must for a period of 10 years from the date of your conviction keep the police informed at all times of your personal particulars, the address at which you are living and any alteration in the name you are using. You will be given full details of these requirements on a form at the end of this hearing. I will now invite the President of the Court to formally pronounce the sentence.

SENTENCE

PRESIDENT OF THE BOARD: Private Kele Bulewa Kida, on charge 1 for the offence of sexual assault you are sentenced to 12 months imprisonment to be served immediately. Further, you are reduced to the ranks and dismissed from His Majesty's Service. March out.