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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

28th March 2025

in the case of

REX

V

30186231 Flight Lieutenant Michael Alan REEVE

Unit Redacted

JUDGE ADVOCATE

Judge Smith

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Flight Lieutenant Reeve, you can stay sitting down. I need to explain to you the sentence. I know how anxious you are about knowing what the sentence is but I am required to do it in this way setting out everything that we have taken into account and this is going to take a few minutes. Once I have done that and ensured you understand the sentence then I am going to ask you stand up briefly and the President of the Board will formally pass the sentence upon you.

You are 32 years old; you have been in the Royal Air Force for seven and half years and you fall to be sentenced following your conviction at trial for two offences, an offence of rape and an offence of

assault by penetration. Both those offences took place on 12th January 2024. The victim of your offending, [name redacted], was 23 years old at the time of the offences. She was working as a civilian at [redacted] where you were posted. You knew each other prior to the night in question but not well. [redacted]. She had expressed an interest in commissioning with the RAF. On the night in question, you were both attendees at a formal dinner. Now, you had no doubt attended such events on many previous occasions, but this was the first time that she had been invited to such an event. She and a friend who accompanied her were excited to have been invited as civilians and to somebody unfamiliar with the Armed Forces this would have been an impressive and high profile function. Such dinners when civilians are invited are intended to be an opportunity to showcase the Armed Forces.

Both you and [name redacted] had been drinking. She said that she did not feel particularly intoxicated. She said that initially her view was that you were not particularly intoxicated either. You told the probation officer that you had had four glasses of red wine throughout the evening. She was able to have a normal conversation with you, but she did refer to you as staggering or stumbling on the way to your room. The view that the Board took was that you had had more to drink than you remember now or are prepared to accept now but it is plain that to some extent you were both affected by alcohol. At the end of the formal part of the evening you and [name redacted] spent some time speaking to each other. She was interested in joining the RAF. You had got relatively recent experience of the commissioning process and explained that to her and it ended up with an invitation up to your room to see your RAF memorabilia. After some hesitation on her part and having been assured by you that it would only be a short visit, she said she agreed to go up there with you.

By the time the two of you were in your room the evidence that the Board heard suggested that the two of you had got rather different interpretations as to what the purpose of this visit was to the room. Almost immediately upon entering the room you removed all your clothes and stood in front of [name redacted] masturbating. She told the Board that she verbally protested on a number of occasions. You accept that you asked if she was into arse play. You accepted that you did say that you told the Board what your interpretation of that was. But the account that she gave was that you put your hand up her dress and down the back of her underwear and penetrated her anus with your finger. You absolutely refuse to accept that you did that, and she was adamant that you did. You asked to see her breasts; she refused a number of times before giving in to show her breasts and then you allowed her to perform oral sex upon you. She did not want to do that. She said that you held her hard enough by her hair to hurt her and during the course of this event required her to call you daddy and sir. It ended up with you ejaculating onto your stomach.

Given that she took your penis into her mouth the Board were asked to carefully consider the difference between a consent to an act albeit given reluctantly and somebody submitting to an act

which on her evidence she said she had made plain to you on a number of occasions that she was not interested in but you seemed intent upon in any event. The Board were satisfied that she did not consent and satisfied that you could have no reasonable belief in consent. Immediately after you both recalled a conversation when you commented something along the lines of in the military women who engage in sexual activity are considered badly while men get points and it was up to her if she told anybody about what had happened. Well, there were two potential interpretations of that conversation depending of course on what had actually happened in the moments before that. Your evidence was that this was simply friendly advice in an attempt to protect her from negative effects upon her of relating to other people that sexual activity had taken place. Given the verdicts of the Board it is difficult to see that comment as anything other than a threat to her, perhaps a gentle threat, that it would be better not to say anything else to anybody about what had happened in the room.

Well, she left the room very upset and immediately made a complaint to her friend [redacted] with regard to what she said you had done to her which was to have sexual activity against her consent. In due course you were arrested, you denied any sexual offending, you admitted that you had had oral sex with her, denied the penetration entirely and said that whatever sexual activity did take place she was consenting to it and if she was not, you reasonably believed that she was consenting.

So, those are the facts of the offence briefly stated. We need to consider the sentence guidelines in this case. Before I do that, I just deal with the other material that we have had. We have read the probation report which is a detailed and considered document. We have heard a victim personal statement from [name redacted] and we have seen a number of references written by people who know you well and plainly stand by you and have given to the Board a different side to your character to the side that the Board were sure was prevalent in this short period of time on that particular night. When courts pass sentence, we do not pull the sentences out of the air. Where there are sentence guidelines we are required to follow them. The relevant sentence guidelines in this case the sentence guidelines that come from the Sentencing Council with regard to sexual offences including rape and assault by penetration and from the Judge Advocate General with regard to sexual offences within the military environment.

We are helpfully assisted by sentence notes from both prosecuting counsel and your counsel with regard to our approach to sentence in this case. Mr Gregory has followed the Judge Advocate General's sentencing guidance which sets out a number of steps and I will go through those steps so that if anybody were to look at the sentence that we pass in this case subsequently they would see clearly our approach to sentence bearing in mind that guideline. At step 1 the Judge Advocate General invites us to look at the Sentencing Council guideline, that is the guideline that would appear in the Crown Court for somebody convicted of an offence such as this. That guideline invites to consider the

culpability of the offender, in other words the blameworthiness, and the harm caused to others by the offence.

With regard to culpability, we do not sentence you on the basis that you went up to your room intending to sexually assault [name redacted]. We are sure that you had sexual activity in your mind when you went up there but at that stage it may have been that it would be of a consensual nature. It was clear to the Board on the evidence that that was not her intention, and she made that clear to you. She genuinely believed, the Board are satisfied, that she was going up there to look at your RAF memorabilia. Your counsel used the words to her in cross-examination that she was perhaps dazzled by you and as such had agreed to do something with you that she would not have otherwise have done. Maybe there was some significance in that word. You were a successful officer; you were in a prestigious position in a prestigious unit. It may well be the case that when you went up to that room you thought [name redacted] would agree to having sexual intercourse with you. It perhaps had not even occurred to you that she would not want to engage in sexual activity with you. But the Board were sure that when you went into the room she did protest and that you carried on regardless. You subsequently denied the offending to the police, to the Court and to the probation officer. With regard to culpability, we do not consider this to be an abuse of trust case in the terms set out in the sentence guideline that would make the offence a high culpability offence. For the reasons I have given we do not take the view that you planned this offence from the outset.

With regard to the level of harm I have already made the observation that in a detailed victim impact statement which was read out [name redacted] details obviously profound effects that this offence has had upon her everyday life. It has affected her psychologically, it has affected her confidence, it has at least temporarily defeated her career ambition to commission into the Royal Air Force, it has affected her ability to trust other people particularly fellow Service people and those with whom she might otherwise want to enter a relationship. She does remain optimistic that as time passes the effect of that evening will lessen. Without in any way demeaning the profound effect upon [name redacted] of your actions that night we do take the view that this description of harm does not fit into the higher harm category of the Sentencing Council guidelines.

So, the view that we take with regard to step 1 is that this would be a B3 offence on those sentencing guidelines with a start point for the rape offence of five years imprisonment with a range of sentence from four years to seven years. We have considered the aggravating feature as set out in that guideline. We do not accept that [name redacted] was a particularly vulnerable victim, but we are satisfied that you were under the influence of alcohol which is an aggravating feature and your observations to her immediately after the offence with regard to not saying anything about it we are satisfied amounted to an attempt by you to dissuade her from saying anything about what had

happened in that room. Looking at the mitigating features you are of good character, there is no doubt about that, but the sentence guideline for rape suggests that good character in itself is not a reason to mitigate what would otherwise be the appropriate sentence. You are not remorseful; you do not accept that you have done anything wrong. The question with regard to whether any parts of your character can be described as positive or exemplary I will come back to in a moment or two.

So, at step 2 we need to consider the Judge Advocate General's guideline and see whether that guideline affects our initial view with regard to the culpability or harm on the sentence guidelines. I will just read into the record briefly what the Judge Advocate General has to say about sexual offences within the Armed Forces because it is well documented that there are problems within the Armed Forces of unwanted sexual behaviour from one Service person to another:

“Service personnel have got little choice with regard to where and with whom they serve. They are required to live in close confines often with only a curtain and if on operation nothing separating them from others. They need to share facilities including ablutions and social spaces and they work, eat and socialise together. Sexual offending undermines the bond of trust which must exist between those who serve together. It affects morale and ultimately operational effectiveness. Dismissal will be appropriate in all but the most exceptional cases.”

The Judge Advocate requires us to have a pre-sentence report, which we have obtained in this case. Having read that guideline we do not take the view that there are any features of this case that require us to revisit the issue with regard to culpability and harm and therefore the starting point with regard to the rape offence remains at five years subject to any movement with regard to the aggravating and mitigating features set out in the Sentencing Council guideline.

At step 4, the aggravating and mitigating features from the Judge Advocate General's guidelines, the prosecution invite us to say the location of the offence is an aggravating feature. We do not take the view that that is so. The fact that this was in the military circumstances with the opportunity for reputational damage to the Armed Forces bearing in mind the wider problem of unacceptable behaviour in the Services, which is considered to affect women disproportionately, given the fact that you were senior in rank and given the fact that you were in drink are all reasons from the Judge Advocate General's guideline to take the view that the position is aggravated. We do take the view that there are some elements of your prior behaviour that can properly be described as exemplary, and they will allow us to make a downward adjustment to where the sentence otherwise would have been. We have read a number of well written detailed references from both Service people, people who have known you both as a friend and through the Services, from your parents, from your current girlfriend and from previous girlfriends. We need to take care not to treat service in the Armed Forces

itself as any evidence of exemplary character because if that were so then it would mean that those people serving in the Armed Forces would get lighter sentences than people who were not serving in the Armed Forces which would plainly be unfair, contrary to public policy and contrary to the Service interest. But there are elements of your good character which we take the view are exemplary which are not directly related to your service as an officer which is of a very high standard we accept. That includes the charity work that people refer to you doing both as a teenager, as a teacher of young children before you went into the Armed Forces and the work that you have willingly taken on over and above your own required duties as an officer. So, those are the factors that we take into account both allowing us to move up from that starting point of five years and move down from that starting point of five years.

The tragedy of this case is that a 10 to 15 minute trip to your room has left two lives if not ruined but deeply affected. There is nothing that we can do that will undo the harm that has happened to those involved now in the case. But dealing with this case in a just and appropriate way will at least provide a foundation for both you and [name redacted] to hopefully move forward. Bearing in mind the factors that we have taken into account a sentence of immediate imprisonment is inevitable for these two offences. In passing sentence, we take into account the totality of your conduct and pass a concurrent sentence with regard to the assault by penetration. Bearing in mind the totality of the offending, the sentence guidelines and the aggravating and mitigating features to which I have referred the least sentence that we can pass upon you is a sentence of five years and six months imprisonment on the rape allegation and a sentence of two years and three months to run concurrently on the assault by penetration.

We have considered, as we were bound to do, whether you fit the category of a dangerous offender. We bear in mind the observations of the probation officer that you are thought to be a high risk of causing harm to women going forward but that needs to be read in the context of the previous conclusion that you are a low risk of offending going forward in any event. So, in other words, if that low risk came about you are a high risk of causing serious harm. We do not take the view that you meet the criteria to be defined as a dangerous offender. Given the observations in the Judge Advocate General's guideline and the fact that it would obviously be inconsistent with further military service for somebody who is in prison to continue to remain in the Armed Forces you will be dismissed from His Majesty's Armed Forces and that will require the forfeiture of your commission. We take the view it is not an appropriate case to make a compensation award to [name redacted] We are not saying she is not entitled to compensation; no doubt the Prosecution Authority will point her in the direction of the Criminal Injuries Compensation Board or any equivalent Service authority.

As a result of the conviction, you will be required to sign on the sex offenders register without limit of time. I explained to you on the last occasion that not to abide by the terms of the register would amount to a separate criminal offence which you could be separately punished for up to five years. As a result of this conviction the conviction will be referred to the Disclosure and Barring Service and they may be in touch with you with regard to any forms of employment which they do not consider appropriate for you in due course when you are released from custody. You will not serve the whole of the sentence; you will serve two thirds of that sentence and then you will be released on licence. During the terms of the licence, you will be required to follow the instructions of the probation officer and those responsible for managing your licence. If you were to breach the terms of the licence you will run the risk of being returned to prison to serve the remainder of the sentence.

I am going to turn to Mr Gregory and see if there is anything that you were expecting me to refer to that I have not referred to, Mr Gregory.

MR GREGORY: Nothing from me. Thank you, your Honour.

JUDGE ADVOCATE: Mr Johashen, anything that you want to refer to?

MR JOHASHEN: No thank you, your Honour.

JUDGE ADVOCATE: Do you understand the sentence upon you, Flight Lieutenant Reeve?

DEFENDANT: Yes, your Honour.

JUDGE ADVOCATE: All right, can I ask you to stand up and face the President of the Board and he will pass that sentence upon you?

SENTENCE

PRESIDENT OF THE BOARD: Flight Lieutenant Reeve, the sentence of this Court is that you serve five years and six months imprisonment. You will be dismissed from His Majesty's Armed Forces.