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**IN THE COURT MARTIAL**

held at

**MILITARY COURT CENTRE, BULFORD**

on the

**16<sup>th</sup> day of July 2025**

in the case of

**D247811K Petty Officer Matthew EVANS**

**Commando Helicopter Force**

**JUDGE ADVOCATE**

Judge Atwill

Assistant Judge Advocate General

**SENTENCING REMARKS**

JUDGE ADVOCATE: Petty Officer Evans, having pleaded guilty before this Court for which you will get requisite credit it remains for us to sentence you for one charge of theft. You are 42 years old and you joined the Royal Navy on 21<sup>st</sup> February 2000. You have served for 25½ years. You have held the rank of Petty Officer since 2015. You have a single previous conviction for a driving matter which is not relevant to this case.

You were employed as a Petty Officer in the survival equipment section at RNAS Yeovilton. As such among other responsibilities you were responsible for the security and maintenance of survival

equipment. Other custodians were responsible for the storage and the security of those items which had to be accessible and available for use in the section. Between November 2021 and November 2024 you stole over 60 items from the holdings of other custodians within the survival equipment section. Each of those items was valuable and they had a total value of over £9600.00. You sold the items on eBay for personal gain.

By section 60 of the Sentencing Act 2020 the Court's duty in all cases includes imposing upon the defendant in accordance with the relevant guideline a sentence which is within the offence range. Where the guideline describes categories of case the Court must decide which of the categories most closely resemble the defendant's case in order to identify the starting point within the offence range. Section 259 of the Armed Forces Act requires Service Courts to have regard to any guidelines issued by the Sentencing Council. We have had regard to a number of Sentencing Council guidelines specifically the theft guideline, the imposition of community and custodial sentences, the reduction in sentence for a guilty plea and the guideline on sentencing offenders with mental disorders. We have also had regard to the sentencing guidelines issued by the Judge Advocate General. That last guideline makes clear that dishonesty is not consistent with service in the Armed Forces because it is corrosive to unit cohesion and morale and breaches the bond of trust which must exist between Service personnel. Dismissal will be appropriate in all but the most minor cases. Theft from the employer should be treated as a breach of a high degree of trust or responsibility demonstrating high culpability.

It was part of your responsibility to ensure that these items were available for their legitimate use and you took advantage of your privileged position and access and the fact that any scrutiny would fall on others to steal repeatedly. Such offences can be hard to detect and sentences with an element of deterrence are generally required. The effect on unit cohesion is obvious and significant. It breaks down trust, it throws suspicion on others and this can have an extremely significant effect on morale.

Classification of offences. With any offence be it Service or civilian the Court has to consider both your culpability and the harm caused. Dealing first with culpability given this was a breach of a high degree of trust or responsibility your culpability falls into the higher bracket, that being category A. Turning to harm given the value of the goods stolen was just below £10,000.00 we place the harm caused into the medium bracket being category 3. Having considered both culpability and harm we place your offence into category A3 which provides for a category starting point of one year's imprisonment with a range starting at 16 weeks' imprisonment and rising to two years' imprisonment.

Having categorised the offence by reference to your culpability and the harm you caused we then go on to consider the aggravating and mitigating factors relevant to the offence. We consider the fact that the offence was committed over a sustained period to be a factor justifying an upward adjustment together with the Service factor that you held rank. Conversely we find you have no relevant previous convictions, your remorse, your positive character, the steps you have taken to address your behaviour, the substantial co-operation with the investigators and your good professional record to be mitigating factors justifying a downward adjustment to the category starting point. Taking into account both aggravating and mitigating factors we consider it fair to make a significant downward adjustment to the category starting point. The sentence after trial would be one of nine months' imprisonment. This offence is so serious that only a custodial sentence is appropriate. You are entitled to one third credit for your guilty plea which reduces the sentence to one of six months' imprisonment.

We then consider the guideline on suspension. Weighing all of the factors including particularly the impact on others, the prospect of rehabilitation and the overall deterrent effect of the rest of the sentence which we must pass we consider it appropriate to suspend your sentence of imprisonment. It will be suspended for 18 months. You must commit no further offences in that time or the sentence can be activated in whole or in part. The suspended sentence order has the following conditions. You will undertake 150 hours of unpaid work. This figure has been adjusted downwards to take into account the fact that this is a suspended sentence order. You must complete that work as directed by the Probation Service and to a proper standard or you can be brought back before the Court to be re-sentenced. You must also complete up to ten rehabilitative activity requirement days at the direction of the Probation Service.

Dismissal. This offence is so serious that dismissal is appropriate. The breach of trust is so significant and so corrosive of both direct and indirect unit cohesion that a deterrent sentence is necessary. Reduction in rank. As a consequence of dismissal you will be reduced to the rank of AB. Compensation. You will pay a service compensation order in favour of the Ministry of Defence for £9600.00. You are not entitled to profit from your crimes and nor should the public purse lose. The means will be available for you to satisfy this sum. Not to do so would be unconscionable although we recognise the significant effect that the loss of part of your pension lump sum will represent. If you do not pay that amount within two months then you can be sent to prison for up to six months if a financial penalty enforcement order is made.

We have read with care the probation officer's report and we accept you took full responsibility for the offence. You fully recognise the impact your offence would have on the Service. You pose a low risk of re-conviction and a low risk of causing serious harm. We listened carefully to everything that

was said on your behalf by Lieutenant Commander Pandyan and we also read the clear character references. The authors clearly like and respect you. It is tragic that your good name has been forfeited in this way. You made a series of bad choices in this case. What led you first to steal may never be known but your continued choices to do so can only have spread suspicion and dissent within the unit. There can be little doubt that these behaviours were out of character. You had preceded them with an honourable and valuable period of service but they were protracted and of high value. We regard your appearance before this Court as a genuine tragedy but the Armed Forces cannot function effectively without mutual trust and you have forfeited that trust through continued and significant dishonesty. Your sentence is a balance of both punishment, deterrence and, we hope rehabilitation. We recognise that it represents a significant fall from grace and will have direct impact on your family. Those are things you will have to continue to take responsibility for and work to recover. We hope you can do so in time.

Petty Officer Evans taking into account the appropriate sentencing guidelines, the views of the Court of Appeal in respect of conditions in prison as expressed in *R v Manning* and *R v Ali Ahmed*, the conclusions of the probation officer, considering your personal mitigation and giving you an appropriate discount for your plea we sentence you as follows. A suspended sentence order, six months' imprisonment suspended for 18 months. Conditions, 150 hours of unpaid work and up to ten RAR days, to be dismissed from His Majesty's Service, to be reduced the rank of AB and to pay a service compensation order for £9600.00 with two months to pay. I will ask the President to formally announce the sentence. Would you stand up please? Mr President.

#### **SENTENCE**

PRESIDENT OF THE BOARD: PO Evans, the sentence of the Court is as follows. Six months imprisonment suspended for 18 months with conditions that you complete 150 hours of unpaid work and up to ten RAR days, dismissal from His Majesty's Service, reduced to the rank of AB, Service compensation order £9600.00 payable as described.