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**IN THE COURT MARTIAL**

held at

**MILITARY COURT CENTRE, CATTERICK**

on the

**19<sup>th</sup> day of September 2025**

in the case of

**REX**

V

**30158003 Corporal Adam Daniel WELLSTEAD**

**36 Engineer Regiment**

**JUDGE ADVOCATE**

Judge Magill

Deputy Assistant Judge Advocate General

**SENTENCING REMARKS**

JUDGE ADVOCATE: Thank you, please sit down. Can all service personnel please keep headress on for this hearing. Corporal Wellstead you are to be sentenced for two offences, please remain seated. I will indicate when you need to stand.

You are to be sentenced today for two offences contrary to Section 23(1) of the Armed Forces Act 2006 namely disgraceful conduct of an indecent kind against two separate soldiers under

your command, [name redacted] and [name redacted]. I remind all present in the court today, in this hearing, that their identities are protected under an anonymity order granted by the Judge Advocate General at a previous hearing, and that order lasts for life.

At the time you and all concerned were Royal Engineers based within 23 Parachute Engineer Regiment at Rock Barracks in Woodbridge. You were then and you remain a Corporal. The first incident occurred at around 2200 to 2230 hours on Friday, 14<sup>th</sup> June 2024. Marco Ferrera whose rank was not provided of 23 Parachute Engineer Regiment was in his room in the block with his door propped open.

There was an open-door policy on that block to create a social atmosphere but at approximately 2200 hours, you entered that corridor which had a faulty lock, via the fire exit rendering it insecure. You walked through towards [name redacted] room. The witness thought that you were drunk, as you were staggering. [name redacted] had been asleep in his room and had his lights off. He recalls waking up to you entering his room, closing the door behind you and it transpired that you locked it.

That in itself was sinister and although he was not initially sure it was locked, your presence in his room unnerved him. He was dressed only in his boxers under his duvet, and he turned over and tried to speak to you. You were shirtless, wearing just jean shorts and no shoes or socks. You appeared to be extremely drunk as you were wobbling and tried to speak muttering. You lay down on him, placing your head onto his body. He tried to get you to sit up, but you leant forward, placing your head onto his crotch and muttering something. You then reached around, as if to try to hug him, and your hands tried to grab his buttocks. You then tried to pull him down and he feared you were trying to kiss him. He felt your lips go down his neck, he pushed you away and got to the end of his bed managing to make his way to the door realising it was locked. You had locked it behind you.

He managed to unlock the door and run up and down the corridor utterly confused as to how best to deal with you and the situation. He felt very uncomfortable. He described to the service police you waddling drunkenly back out of his room. He was laughing nervously. At that point he told two of his fellow soldiers in the corridor what you had done. They agreed it was weird behaviour. They took action to prevent you trying to re-enter the block, but an

hour later they all realised that you were walking up and down outside the block asking, "Where's [name redacted]?" The only door they could not lock to keep you out was the fire exit and you managed to enter again. [name redacted] was forced to lock himself inside his block room door to keep you away. Fellow soldiers told you that he had gone and you subsequently left again via the fire exit.

The second incident occurred the following day. You were still drunk, you had continued to drink throughout the night, you appeared to be on your second bottle of Jack Daniels. [name redacted] was now alone in the block; it was the morning. You reappeared looking for [name redacted]. You were walking down the block corridor saying, "[name redacted], where's [name redacted]?" You entered [name redacted] room. You sat on his sofa, placing your arm around him, you pulled him into you, and you told him that you loved him. Your behaviour was erratic, you got up and then began to leave the room and come back in knocking on the door and repeating, "Where's [name redacted]? Where's [name redacted]?" He made an excuse that he needed to go and eventually you left.

Some little time after [name redacted] had been to the barbers and returned to his room at the block. [name redacted] went into his room and disclosed what had just happened to him. [name redacted] said he feared that what happens to [name redacted] was going to happen to him.

Half an hour later at about 1100 hours, you returned again. Entering [name redacted] room and asking him what had happened the night before as you did not remember. You were holding a near empty bottle of Jack Daniels. You appeared to be, to use the language of [name redacted], flapping ie worried that you had done something. All you could talk about was how you were so very drunk during the night, but unprompted by them you once again began to behave inappropriately. You looked at [name redacted] and [name redacted] and you used language such as, "Oh you two lads are so handsome, gorgeous, attractive". You be appeared to be looking right through [name redacted].

You told [name redacted] that he was handsome and gorgeous. You then grabbed [name redacted] calf and squeezed it moving your hand up his thigh and squeezing that saying you loved him. This is the offending that comprises Charge 2. Once again, they were both

extremely uncomfortable with your behaviour and they made their excuses about going to the shop and left to get away from you.

You refused to leave initially but [name redacted] firmly told you that you had to go. The two soldiers left camp because they were so shocked at your behaviour, as they left, they saw you staggering in the common room swigging whiskey. In his video interview with the police, [name redacted] said that he felt frightened and uncomfortable by what you did to him in his bed. He has given a victim personal statement, that was read to the Court today that indicates that the impact of what you have done has been an ongoing one.

You denied the offence in your interview with the service police, and you denied even being present in their rooms. You reneged from that position, and you have entered guilty pleas, not disputing anything that these two soldiers have said about you.

The first hearing in this case was 29<sup>th</sup> April. You entered not guilty pleas. A further case management hearing was fixed for 5<sup>th</sup> June; trial fixed for 14<sup>th</sup> July. You notified the prosecution and the court 12 days before the trial and your guilty plea was entered 10 days before. You had served a defence statement on 20<sup>th</sup> May. We agree with your barrister that 15 per cent is an appropriate discount for your guilty plea. This was a guilty plea close to your trial, but not so close as to only invite a 10 per cent discount.

[name redacted] was a Lance Corporal under your direct command at the time; you were responsible for him. He looked up to you. You were supposed to lead by example. [name redacted] was also under your direct command, two below you. You were his corporal. Your behaviour was an egregious breach of their trust in you. Although you lived in the same block, you were not entitled to enter their corridor save for inspections and you knew that. That was their private and personal space where they were entitled to feel safe. Turning to you as a person, you are 38 years old, you joined the Army in 2012. You told the author of the Pre - sentence report that you could not remember the offences. A wholly different narrative to the one you advanced in your interview, but this Court accepts it is more likely to be true. However, in not remembering it provides you with a protective blanket to disassociate from what you have done, thereby removing your own shame and embarrassment and meaning that you are incapable of taking full responsibility.

You do not appear to have yet gained any insight into your own actions that night but that does not mean that it is impossible for you ever to do so. You know the importance of not behaving in the way that you did, given your role above these men in your chain of command. The impact on operational effectiveness is obliterated if discipline and boundaries are not maintained. Your negative relationship with alcohol has caused you to be in conflict with both the Army in 2013 and then both the Army and the civilian police in 2020 in two separate incidents, resulting in you being reduced in rank then and now it has brought you here.

If this is not a final and very serious wake up call about your relationship with alcohol, this Court does not know what is. We are very concerned that you have continued to drink as you do in light of your previous conduct towards junior service personnel in 2020, when, as an instructor, drunk you inappropriately were found in the recruits' accommodation and assaulted one of them.

In mitigation Mr Rynn has ably said all that can be said in your favour. Your references speak well of you, it is plain that in sobriety you are a well-liked soldier who has been of value to the Army, and you have demonstrated sporting acumen in your golf. By way of personal mitigation, you suffered bereavement two years ago and you have stopped drinking, on your account for a year now. That is extremely positive and no matter what happens by way of sentence today, for your own sake, we urge you to keep that up.

We have had to apply the Judge Advocate General's Guidance on sentencing in the service courts. We listened to the submissions from prosecution and defence counsel carefully. We looked at the offences in the round and we find that both offences sit within culpability B. When considering the level of harm, we have considered that although your behaviour had the ability to have a significant effect on discipline or unit cohesion, without any additional evidence to lead us to be able to be sure of that, we err on the side of caution and find that it sits within category 2. Both offences, therefore, sit within B2.

However, there were two victims who suffered as a result of your behaviour reflected in the two separate charges. For that reason, we will impose concurrent sentences and take the first offence against [name redacted] as the lead offence. What that means in ordinary

language is that we have decided that this was an ongoing series of offences from the time you went into Lance Corporal's room to your behaviour towards [name redacted], and to the point that you finally left.

We will impose a separate sentence for each [name redacted] and [name redacted] offences. The sentence for [name redacted] will be longer because we have taken that as the more serious offence and aggravated it because of the second offence. Concurrent means that the sentences will be served at the same time. B2 gives a starting point of 28 days' service detention and a range of 14 days' fine to a medium service community order or 20 weeks' service detention.

Aggravating factors, the matters on your JPA and police national computer from 2020 are both recent and relevant. In 2013 shortly after joining the Army you were convicted of battery and unfitness or misconduct through alcohol when it was plainly important that you were sober as you were in fact due to carry out driver training the next day. In March 2020, you failed to provide a specimen for analysis after being pulled over by the civilian police and you were prosecuted through the civilian courts.

That should have been a wake-up call but in June 2020, you were unfit through drink, when as an instructor and in a trusted role you assaulted a recruit at Alexander Barracks and were found drunk and disorderly in the recruits' accommodation. You had a global punishment then of 28 days' pay for both of those. You were then sentenced in the civilian courts in September 2020 for that March failure to provide a specimen of breath and you were fined, costs were imposed, and you were disqualified for 29 months from driving.

The Army disciplining you reduced you in rank from Corporal to Lance Corporal. You soon regained your rank. These aggravate the starting point on sentence. We are particularly concerned that this is the second time in drink you have gone into accommodation, wherein those you were responsible for resided, and behaved in an utterly unacceptable and criminal manner.

Other aggravating factors include that it took place in their block rooms, that you were under the influence of alcohol, and continued to drink. Your rank and your position in the chain of command is an aggravating factor.

Your mitigating factors include the personal mitigation, advanced articulately and in detail in respect of your mother, your wife, the loss of your father and your personal attributes by your counsel Mr Rynn who could not have said more on your behalf. It is to your credit that you have stopped drinking and made plans for your future outside of the Army.

Please stand. For Charge 1, we started at 20 weeks, in reaching that sentence we considered that you touched two soldiers, the aggravating factors and previous convictions and consider that the cumulative effect of the aggravating factors outweighs the mitigating factors. We therefore started at the top end, with the B2 sentence guideline. We reduced that sentence by 15 per cent which is three weeks. That leaves a sentence of 17 weeks service detention on Charge 1. We listened in detail to the sentencing submissions advanced on your behalf that sought to persuade the court to impose a service community order, but this court has decided that only a sentence of service detention is appropriate.

For Charge 2 we impose a concurrent sentence. Again, this was B2, the starting point is 28 days with a reduction for credit, your sentence is 23 days, but you will serve that alongside the 17 weeks for Charge 1. That means the total sentence, that you will serve, at MCTC will be one of 17 weeks immediate service detention for Charge 1 and 23 days for Charge 2 to be served concurrently.

We now consider dismissal. It is the decision of this Court that you are to be dismissed from His Majesty's Service. Your offences had a sexual element. Although we are sentencing you for service offences, we do consider that taken in combination, they are serious enough to warrant dismissal from His Majesty's Service. This was repeated behaviour towards two separate men when you were drunk and out of control and you did not learn from your previous brushes with discipline and the criminal law. You were also in a position of power towards both men in terms of your rank, directly above them in their chain of command. You will be reduced to the ranks and dismissed.

In forming this opinion, we have taken into account all of 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. We do not consider that any lesser form of sentence short of dismissal would be sufficient in the circumstances, of this case. Accordingly, as part of this sentence, you are to be dismissed.

You will serve two thirds of your sentence and then you will be released. You may earn some extra remission on that part of your sentence that is over 90 days at the discretion of the commandant for MCTC. You will serve your sentence in D Company where the focus of your sentence will be on resettlement with opportunities for bespoke interventions preparing you for your transition to civilian life. President of the Board please hand down sentence.

#### **SENTENCE**

PRESIDENT OF THE BOARD: Corporal Adam Daniel Wellstead, you are hereby to sentenced to 17 weeks' immediate Service detention for Charge 1- and 23-days immediate Service detention for Charge 2 to be served concurrently. You are to be dismissed from His Majesty's Armed Services.