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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

28th day of August 2025

in the case of

REX

V

30380553 Private Samuel HODGETTS

4th Regiment The Royal Logistic Corps

JUDGE ADVOCATE

Judge Legard

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Private Hodgetts, remain seated for the time being please. Now, following your conviction after trial you fall to be sentenced in respect of a single offence of sexual assault by digital penetration and a further three offences of sexual assault. You are 25 years of age; you are a Private newly married serving with 4 Regiment RLC and you have over three years' service behind you. You

are also a man of hitherto good character. You have no criminal convictions or cautions recorded against you and an unblemished Service record.

Now, the facts that gave rise to these charges can be briefly summarised as follows. Both yourself and the victim in this case, [name redacted], were serving with the same squadron of 4 Regiment RLC, you were based at Dalton Barracks in Abingdon and on the night of 29th/20th October 2023 following a night out in Oxford you both ended up together with others in your now wife's Service living accommodation. Four of you eventually fell asleep on the same bed. It is fair to say that you were all in a somewhat intoxicated state and whilst lying on that bed you assaulted [name redacted] first by touching her on her vagina and then after she changed positions in her bed you again put your hand inside her joggers and you inserted your fingers into her vagina, that is charge 2, and on that second occasion such was the force of the penetration that her head in fact banged against the headboard. The four of you were momentarily awoken at around about 0800 hours before some of you fell back asleep and after that you once again assaulted [name redacted] by touching both her vagina and her anus, again naked contact, and those are charges 4A and 5A, the Board not satisfied on either occasion that penetration occurred. Now, at no point had [name redacted] consented to being sexually touched let alone penetrated in that way. Indeed, she was quite incapable of giving free and informed consent in part by virtue of her intoxicated and drowsy state.

Now, your version of events, namely that you never sexually touched [name redacted] and at most you simply held hands, and that [name redacted] had given a dishonest account in all material respects, well that version was roundly and unequivocally rejected by the Board. What you did that night, and the early hours of the next morning was unconscionable. You took advantage of a young woman who was intoxicated and falling in and out of sleep and someone who had every right to feel safe and secure in the presence and company of somebody, a friend, she ought to have been able to trust implicitly. Your actions that night have had, and I suspect will continue to have for some time, profound consequences for [name redacted] and, unfortunately, for you too.

Now, we have read out to us a victim impact statement and the impact this incident, or these incidents, have had upon [name redacted] cannot be overstated. She suffered a deterioration in her mental health, she has become socially reclusive, her self esteem has taken a knock, she has lost confidence, she suffers anxiety, depression, it has undermined relationships with her friends and indeed with her mother, the latter being a source of considerable distress, and it has damaged her trust in men more generally. And it has also had a major impact upon her professional life and career and that has not been helped by the unit or chain of command's inexplicable failure to separate the two of you in the wake of these allegations. She was left on edge with regard to the possibility of

encountering you but that is not something that falls at your door. Nevertheless, the emotional, practical and psychological fallout of this sustained incident is, as is so often the case with these types of matters, substantial and this has fallen not just upon [name redacted] but on those close to her as well and the Board sincerely hopes that the conclusion of these proceedings will assist [name redacted] in putting this behind her and focusing on what we hope is for her a promising future.

Now, the Judge Advocate General's guidelines are of limited assistance in a serious case such as this. That said we would like to quote from that guidance in order to highlight why it is that offences of this nature are considered so serious in a Service context. And I quote as follows and I appreciate that Lieutenant Commander Ramage has already referenced this in his remarks. I quote:

“Service personnel have little choice where and with whom they serve. They may live in close confines, and they may share facilities including ablutions and social spaces. 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 case.”

Now, in this case we have identified charge 2 as the most serious and we will refer to it as the headline charge. Turning to the Sentencing Council guidelines, assault by penetration, and having considered with care the relevant factors we take the view that the offence falls squarely within category 2B. That is a position, we note, which is agreed by both counsel. Category B culpability because there are no specific factors present that would justify placement in any higher category. This was, we find, opportunistic as opposed to pre-meditated, it does not qualify as an abuse of trust case. Category 2 harm although in our opinion that is primarily due to the fact that the victim was particularly vulnerable by virtue of being heavily intoxicated and asleep as well as the fact this incident was sustained and over a prolonged period of time. That therefore provides for a start point of six years' custody with a range of four to nine years.

Now, in light of the Judge Advocate General's guidance we are further entitled to adjust the start point where there are specific Service factors that justify such an approach, such as the fact that the offence was committed within Service living accommodation. However, on balance we consider those factors to be already catered for within the Sentencing Council guidelines. The fact that the offence took place in Service living accommodation does not in our view lead to an upward adjustment to the start point. That said the location of the incident, namely an assault whilst young soldiers, male and female, were asleep on a shared bed in Service living accommodation does amount in our judgement to an aggravating feature. Taking care not to double count in respect of those matters which determine

categorisation we have determined that the offence is further aggravated by the fact it was committed whilst you were clearly under the influence of alcohol another matter which serves to increase the sentence from any notional start point. Your counsel has argued that your level of intoxication may have worn off during the course of the evening. Well, in that case you ought properly to have been even more aware of the wrongness of your actions as the night wore on. For the avoidance of any doubt, we do not consider this to be a specific or deliberate targeting of a particularly vulnerable victim, which is a specified aggravating factor, more an opportunistic assault on a victim who happened to be particularly vulnerable at the time by virtue of being intoxicated and asleep. And in terms of the three sexual assault offences, we take the view that there is precious little in terms of sentencing categorisation to distinguish them. In each case we are satisfied that they fall within category 2B, category 2 harm on account of the touching of naked genitalia and it being sustained over a period of time. And category B culpability there being no factors present to justify placement in the higher category. So, in each case, therefore, a start point of 1 year's custody with a range of a high level community order to 2 years' custody and the same aggravating factors apply.

Now, on the other hand in mitigation you have no relevant or indeed any previous convictions, you are of positively good character, you have an excellent professional and Service disciplinary record and we have taken into account numerous references submitted on your behalf from your family, from your chain of command, family friends and so on all of whom speak positively of you, all of whom hold you in very high regard. There is no doubting your professionalism, there is no doubting your commitment to your cap badge but that of course was not the issue in this case. Nevertheless, it is clear to us that this offending was wholly out of character. We have taken into account all that has been very ably expressed on your behalf by Mr Martin, you have much to thank him for. We note amongst many other things that you come from a very supportive family environment, and you enjoy a strong relationship with your parents and especially your older sister to whom you have provided considerable emotional support. You are newly married; you have hopes and expectations for the future including having a family of your own. You have a strong work ethic and there is the promise of work awaiting you. We have also considered the delay in this matter coming to trial which is somewhat unusual in this jurisdiction. So, all those matters, they serve to direct the pendulum in the opposite direction and overall, we take the view that mitigation outweighs aggravation in this case.

This is a profoundly sad case because the impact of your offending, Private Hodgetts, also extends to others. I have regard to the effect that your impending incarceration will have upon your own family but unfortunately all actions have consequences, and it is often a sad aspect of a case like this that it is those least culpable that often suffer the most. And finally we have read with interest what is a detailed pre-sentence report, the contents of which we found very helpful, we thank the author, Miss

Rhodes, for it. Amongst many other things the report has provided us with a comprehensive analysis of your background. We note that you maintain your denials, that is not unusual in these circumstances, but that inevitably gives rise to limited self-awareness and understanding as to the harm caused to the victim in this case. You are assessed as a medium risk of committing a further contact offence and of medium risk of serious harm to known individuals. That said we note it is highly unlikely that you will ever cross paths again with [name redacted]; it is not a case where a restraining order or something like is being sought.

Can I invite you please now to replace headdress and stand? Now, Private Hodgetts, this type of behaviour is wholly unacceptable. Women are rightly at the front and centre of the modern Armed Forces and if our Armed Services are to remain operationally effective then they must be inclusive and all people whatever their sex and whether or not they are in a relationship or whatever they must be able to socialise, share accommodation in the safe and secure knowledge that they will not be sexually assaulted but instead be afforded the respect that they properly deserve and your behaviour was inexcusable. It represents a betrayal in the values and standards of the Armed Forces, and it goes without saying that anyone in the civilian world convicted of such an offence would inevitably be dismissed for gross misconduct. The Board has decided that your actions that night are and were incompatible with service in His Majesty's Armed Forces and that you are to be dismissed.

Having considered the matter with care we have also concluded that the custody threshold has been passed, a matter realistically conceded by your counsel, and the offences are clearly so serious that a period of immediate custody is unavoidable. We considered an appropriate sentence for each individual offence. Our initial instinct was to pass consecutive sentences at least in respect of the two classes of offence given the timeframe over which the offending occurred, and consecutive sentences would have been more than justified. However, that would have led us to a substantial custodial sentence which we do not consider to be either just or proportionate and the question for us is what is a proportionate and just sentence that reflects all the relevant features of the offending and the various aggravating and mitigating features that we have identified. So, we stood back to consider what was an appropriate aggregate sentence for this course of offending and applying the principles of proportionality and totality we decided, albeit with a degree of caution, to pass concurrent sentences. However, because we are imposing concurrent sentences and taking charge 2 as the headline count, we are justified in increasing that sentence beyond the notional start point. What we have decided to do therefore is to pass concurrent sentences on all four charges but increase the sentence on charge 2 to reflect the overall gravity of your offending.

The least possible sentence we can impose having regard to the seriousness of that offence, charge 2, is one of 5½ years', or 66 months', imprisonment. We took as our start point 6 years, aggravation led us to 6½ years, we then discounted it to 4½ years to reflect mitigation in your case, however we then increase the sentence to 5½ years, or 66 months, in order to reflect the overall gravity of your offending. And on each of the three remaining charges there will be concurrent sentences of ten months' imprisonment. We cannot of course give you any credit for a guilty plea. So, your total sentence is one of 66 months' imprisonment, that is the shortest possible sentence commensurate with the seriousness of these offences and is significantly less than that which we originally had in mind; you have much to thank Mr Martin for. Pursuant to section 130 of the 2022 Act you will serve up to two thirds of your 66 month sentence in custody, you will serve the remainder on licence and you must keep to the terms of your licence and commit no further offence or you will be liable to be recalled and you may then serve the rest of your sentence in custody.

We do not consider that the dangerousness provisions are triggered in this case. And in light of the sentence passed and also having regard to the observations by the Court of Appeal in the recently reported case, *R v A and Z*, we decline to make any compensation order. It is extraordinarily difficult to translate into money or into money terms what an assault of this nature or assaults of this nature are worth. The Criminal Injuries Compensation Scheme is the best forum for assessing such an award for a victim in these circumstances. We recognise the undoubted impact upon [name redacted], something that is very difficult to monetarise and we sincerely hope that the culmination of these proceedings will be of some comfort to her going forward. You will also be subject to notification requirements on an indefinite basis, in other words until further order. You have already been informed of those requirements; you have already signed the certificate to that effect following your conviction after trial. If you breach those requirements, you are liable to be imprisoned for up to 5 years. Mr President, will you please pass sentence?

SENTENCE

PRESIDENT OF THE BOARD: Private Hodgetts, you are to be sentenced to 66 months' imprisonment and to be dismissed from His Majesty's Armed Forces.