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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

15th September 2025

in the case of

REX

V

25159162 Corporal Ben David William LUCAS

1st Regiment Royal Logistic Corp

JUDGE ADVOCATE

Judge Legard

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Thank you, please take a seat, please remove headdress. Now, Corporal Lucas, you have been convicted after trial of two charges of sexual assault for which you fall to be sentenced today. The facts make for sorry reading.

On 14 February last year a social event took place in the Corporal's Mess at St David's Barracks in Bicester. There present were a number of people including yourself and the victim in this unfortunate

matter, [name redacted]. You were known to one another, and you served in the same unit, namely 1 Regiment RLC.

You became steadily more inebriated as the evening wore on and you began to single out [name redacted] with unwanted advances, comments and your behaviour towards her that evening became increasingly sexualised. You made an inappropriate comment about her breasts and subsequently, during the course of that same evening, on several occasions you touched and grabbed both her breasts and buttocks. Those are the facts which underpin and form the basis of both these charges.

Your story which was essentially that you had limited recollection of that evening; that the actions described were not something that you would have done either drunk or sober and that [name redacted] had essentially fabricated or wholly misinterpreted your actions and behaviour that night was rightly and comprehensively rejected by the Board. Now, [name redacted] made a short victim impact statement back in February last year, in which she described the incident as having made her uncomfortable and unsettled. She subsequently declined to make any further statement.

You are 39 years of age, a junior NCO serving with 1 Regiment RLC and you are of hitherto good character. You have no criminal convictions and an unblemished service disciplinary record, stretching back some 23 years.

This is a particularly sad case and one that comes before these courts and this court in particular all too often. Low level, sexualised misconduct, generally by men, when in drink. There is no doubting your ability as a soldier and a junior NCO and there is no doubt that over many years you have provided Queen, King and Country with valuable service, often, I suspect, in very challenging conditions.

Unfortunately, for you, and indeed the Army, all of that has been sacrificed on account of a few hours of madness and the consequences, both financial and otherwise, are extreme. Arguably one could say disproportionate. The revised Judge Advocate General's Guidance encourages us to apply the Sentencing Council Guidelines but, in so doing, to consider any features of service life that might serve to either heighten culpability or harm or aggravate or mitigate the offence or offending itself. We must, of course, be careful to avoid any double counting.

I am just going to quote from that revised guidance as follows and, in doing so, try and highlight why offences of this nature are considered to be so serious in a service context. I quote:

“Service personnel have little choice where and with whom they serve. 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.”

We now turn to the Sentencing Council Guidelines for the offence of sexual assault. , We are satisfied that both offences fall within category 3 for harm and category B for culpability, there being no specified factors present in either case, which might give rise to a placement within any higher category. There are some specific service factors present in this case but we consider those as aggravating features of the offence as opposed to features justifying placement within a higher category. Furthermore, although this was deliberate touching, it is the Board’s view that this was more opportunistic than premeditated.

A category 3B offence provides for a start point of a high-level community order with a range of a medium level community order to 26 weeks’ custody. For custody read civilian imprisonment not detention. The fact that you were under the influence of alcohol at the time and in the presence of others when you committed these assaults, those matters serve to increase the sentence from any notional start point. The other factor which aggravates this offence, in a service context is, of course, the rank differential between yourself and [Name redacted].

On the other hand, in mitigation, you have no previous convictions, and you are of hitherto good character. This offending was clearly out of character, you were off duty. We have taken into account everything else that has been very ably expressed on your behalf by your counsel. You have much to thank him for. He has brought to our attention various matters. You are a family man; you are a married father. You are a qualified mechanic, and you are hopeful of securing employment in the civilian world in the very near future.

He has brought to our attention, quite rightly, the severe impact that your dismissal will have upon your pension entitlements. We have also read a pre-sentence report, the contents of which are both helpful and self-explanatory. We are troubled by your continuing absence of remorse but more importantly by the absence of any impact awareness upon the victim. The limited understanding overall of the effect that this sort of offending has upon not only the individuals concerned but upon the service to which you belong. You are assessed at being low risk of reconviction but a medium risk of causing serious harm to others. That said we do take on board your counsel’s comments in relation to the harm assessment. We cannot, of course, give you any credit for guilty plea in this case.

Corporal Lucas would you please replace headdress and stand, thank you.

This type of behaviour is wholly unacceptable. All people, whatever their sex, must be able to enjoy a night out or a mess function in the company of friends and colleagues in the safe and secure knowledge that they will not be subjected to this type of drunken sexualised behaviour but instead be afforded the respect that they properly deserve.

Your behaviour that evening was inexcusable and represents a betrayal of the values and the standards of the Armed Forces. It goes without saying that anyone in the civilian world convicted of such an offence, let alone two, would inevitably be dismissed for gross misconduct and be dismissed there and then. We have considered the substantial financial impact upon you of dismissal, in terms of pension loss. We have taken into account all the mitigating factors. Notwithstanding those matters, we do not consider that any lesser form of sentence, short of dismissal, would be sufficient in the circumstances of this case. Accordingly, you will be dismissed from His Majesty's service.

In terms of sentence, taking into account the appropriate sentencing guidelines and considering your personal mitigation, the Board has concluded that your offending is serious enough to warrant the making of a service community order, and we so order. There will therefore be an 18-month community order during the course of which you will be required to undertake 150 hours of unpaid work on behalf of the community and attend a minimum of 20 rehabilitation activity requirement days, where the primary focus, we believe, will be on the Maps for Change Programme. All of that needs to be completed within the next 18 months.

What that means, Corporal Lucas, is you must meet your supervisor when and where you are told, cooperate fully with any instructions you are given and if you fail to do the work or you fail to do it properly or you fail to cooperate with the rehabilitation activity requirements days, you will be in breach of this order. That means you will be brought back before a court, and you may be given further requirements or resentenced or fined and so forth and that could well mean custody.

For the avoidance of doubt that sentence is concurrent on both Charges. In light of this sentence, we have decided not to make a service compensation order. The Board is concerned that orders that appear to monetise a sexual assault can have the opposite effect and impact upon the victim than that intended and there are alternative avenues which a victim can explore.

Finally, I must certify that you have been convicted of a sexual offence so that you must, for a period of five years, from today's date 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, and you will be asked to sign it. If you breach those requirements, you are liable to be punished by a term of imprisonment of up to five years.

Those notification requirements are not as onerous as they sound, it is a simple question of keeping police informed of personal details should they materially change. Have you understood everything I have said, yes? I am now going to ask the President just to formally pronounce sentence, please?

SENTENCE

PRESIDENT OF THE BOARD: Corporal Lucas, you are dismissed from His Majesty's Armed Forces and ordered to perform 150 hours of unpaid work and 20 RAR days.