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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, BULFORD

on the

22nd day of October 2025

in the case of

REX

V

D262026E Petty Officer Daniel J TRIFFITT

MoD Corsham

JUDGE ADVOCATE

Judge Atwill

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Thank you, take a seat. PO Triffitt having pleaded guilty before this court for which you will get the requisite credit, it remains for us to sentence you for two charges of disgraceful conduct of an indecent kind.

You are now 36 years old; this offence was committed when you were 35. You joined the Royal Navy on 6th March 2006; you have served for nearly 20 years. You have held the rank of Petty Officer for five years. You have a number of previous convictions. Those which are civil offences arose when you

were very young, they are not of a similar nature to these offences. You have a significant number of service disciplinary offences up to and including when you were a petty officer, all of them appear to have an alcohol aspect.

The facts of this offence can be briefly put. In November 2024, you were serving in HMS Queen Elizabeth. The ship was alongside in Hamburg. You were in a bar with many other members of the ship's company; you were highly intoxicated having been drinking throughout the day. You saw a young woman [name redacted]. [Name redacted] was 19 years old. She was with a male friend. Without any prior interaction you grabbed her buttocks from behind. She was shocked, she turned and saw you and recognised that you were from the Ship. Although she did not know you personally, she knew you were a senior rating. You then challenged her about why she was with her friend, and he then intervened and told you to go away.

Later that same evening, in the same bar you met a [name redacted]. You recognised her from the Ship. She was 24 years old at the time; you took a selfie together to send to a mutual friend. Having done that, you leant in towards her, put your arm around her and pulled her towards you. She took your hand off of her waist and said, "No". You initially complied but then you put your arm back around her and deliberately squeezed her left buttock. She told you, "No", again. A colleague intervened and swapped seats with her so that she could move away from you.

You heard the prosecutor read parts of the personal statements from each of those victims and it is as clear to us as it must be to you, the impact that your offence has had on them. Both of those young women were considerably affected by your offending. Particularly when they were aware that you were a senior rating from the same ship. That was an entirely predictable outcome from such sordid actions by a person in authority.

We have read with care the probation officer's report. We note that in the professional assessment of that experienced probation officer you took full responsibility for the offence. You fully recognised the impact your offending would have on your victims and on the service. You pose a medium risk of reconviction, a medium risk of causing serious harm but the risk you pose could be managed in the community.

We have listened to carefully to everything that has been said on your behalf by Ms Enever. We have also read the professional and character references and your SJARs. They are creditable, they represent a stark contrast between a professional and competent senior rating and the man who behaved this way on that night.

We must start by reflecting on the purposes of sentencing in the service courts. Service courts are required to pass a sentence in accordance with the following principles: the punishment of offenders, the maintenance of discipline, the reduction of service offences and other crimes, including reduction by deterrence, the reform and rehabilitation of offenders, the protection of the public and the making of reparation by offenders to persons affected by their offences.

By Section 60 of the Sentencing Act, 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 a guideline describes categories of case, the court must decide which of the categories most closely resembles 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 the Sentencing Council's imposition guideline on the imposition of a community and custodial sentences. The guidelines are a reduction in sentence for a guilty plea, and the totality guideline. We have also had regard to the Sentencing Guideline issued by the Judge Advocate General in respect of the specific service offences.

Classification of offences: Charge 1 disgraceful conduct towards [name redacted]. With any offence be it service or civilian, the court has to consider both your culpability and the harm caused by the offence. Dealing firstly with your culpability this was an intentionally indecent act. Your culpability therefore falls into the higher bracket this being category A. Turning to the harm caused given the distress caused to the victim, which was both immediate and long-lasting, and entirely understandable and predictable, we placed the harm caused or intended to be caused by this offence into the medium bracket that being category 2.

Consequently, having considered both culpability and harm we place your offences in category A2 which provides for a category starting point of a high-level community order within a range starting at a low-level community order, and rising to six months' imprisonment.

We then go on to consider the aggravating and mitigating factors relevant to the offence. We consider your previous convictions, the fact that you held rank, that you were under the influence of alcohol at the time of the offence, to be aggravating factors justifying an upward adjustment to the category starting point. Conversely, we find you were off duty, you have a good professional record, out with your offending and your genuine remorse which we accept 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 upward adjustment to the category starting point. The sentence after trial on this charge would be a high-level community order with 200 hours of unpaid work. We are taking into account the fact that we intend to make an alcohol abstinence monitoring requirement in addition and the impact of the other part of the sentence which will be dismissal. That reduces what would otherwise have been an even more severe order under this charge.

Discount for plea. You pleaded guilty before trial, having initially disputed the allegations. While the charge was different the facts were the same. You did not indicate an unequivocal guilty plea to this different offence at any early stage, and you filed a defence statement suggesting that any contact with [name redacted] was accidental and that there was no deliberate contact with [name redacted]. Nevertheless, you are entitled to some credit for your plea and that will be 20 per cent. I will deal with the final sentence on this count in terms of totality in due course.

Charge 2 disgraceful conduct towards [name redacted]. This was an intentionally indecent activity, and we put your culpability in category A. In terms of harm given the distress caused to the victim, which again was both immediate and long lasting, and was entirely understandable and predictable we place the harm in category 2. Consequently, on this offence we place it into category A2 a starting point of a high-level community order within a range starting at a low-level community order rising to six months' imprisonment. The aggravating factors are the same as for Charge 1, with one addition. That being your failure to heed warnings from the victim. Three mitigating factors are the same.

Taking into account both aggravating and mitigating factors we would consider it fair to make a significant upwards adjustment to the category starting point on this count. The sentence after trial would be a high-level community order with 200 hours of unpaid work. This takes into account the addition of an alcohol abstinence monitoring requirement and the impact of dismissal. Discount for plea is the same at 20 per cent that would reduce this sentence to 160 hours of unpaid work.

Dismissal. The Judge Advocate General's Guideline makes clear that dismissal will be appropriate in all but the most exceptional cases of this nature. Service personnel have little choice where and with whom they serve. They must work live and socialise together. Offending with a sexual character, indecent offending of this sort, undermines the bond of trust which must exist between those who serve together. It affects morale and it ultimately affects operational effectiveness. We have taken into account the financial and other impacts of this sentence which are significant, but you simply

cannot continue to serve. These offences taken together are so serious that dismissal is appropriate. You will be dismissed from His Majesty's service.

As a result of the sentence of dismissal you will be reduced to the rank of able seaman. No senior rating could expect to behave this way and retain their rank.

The category starting points and ranges are for a single offence, we are sentencing you for two offences which are of a similar kind and took place one after the other. Concurrent sentences will be appropriate. All courts when sentencing for more than a single offence should pass a total sentence which reflects all the offending behaviour before it and is just and proportionate. Therefore, concurrent sentences will ordinarily be longer than a single sentence for a single offence. Therefore, we will increase the sentence on count one, to reflect the totality of your offending by adding 50 hours of unpaid work to that charge and making both charges concurrent. Charge 1 would therefore go up to 250 hours before discount and with a discount of 20 per cent that comes down to 200 hours.

It is apparent from this offending, your previous convictions and your candour with the probation officer, which is to your credit, that alcohol use remains an area of concern and a challenge for you. Particularly in times of personal difficulty. We are concerned that the risk you present to others will be heightened by any such use and accordingly we conclude that an alcohol abstinence monitoring requirement is appropriate in this case. This means you will be required to wear a monitoring device which will detect any consumption of alcohol. Any such consumption would be a breach of the order we are making, and something for which the probation service would bring you before the court.

Compensation. The distress you caused was real and predictable. You will pay compensation of £750 to each victim. I should explain that the guidelines permit only very modest sums in such circumstances, the award is not designed to match the harm caused and cannot do so. It is a gesture for the harm caused. We hope that both of your victims will now be able to put these offences behind them and move on with their lives and their careers wherever that may be. We recognise the courage that it took to report your behaviour.

Ms Enever do you want to take some instructions on payment?

MS ENEVER: Yes.

JUDGE ADVOCATE: Thank you.

MS ENEVER: (Confers with defendant) Your Honour, thank you it can be paid obviously. Your Honour may be aligned to the fact that within the pre-sentence report, reference is made to obviously some of the financial outgoings. Extraordinarily Petty Officer Triffitt has been paying an awful lot of money every month to the Legal Aid Board or whoever it is that he has. He is told that some of that money will be coming back to him.

JUDGE ADVOCATE: Yes.

MS ENEVER: I do not know about that, I am afraid. I cannot assist you.

JUDGE ADVOCATE: No.

MS ENEVER: In short, he is saying if he gets that money back, he can pay it and what he is signifying is I think he can pay it in one. Can I ask that your Honour sets a realistic timetable because I do not know, I am afraid how long that will take to come from AFCLAA.

JUDGE ADVOCATE: No. How long do you seek? 42 days?

MS ENEVER: Can I ask for three months?

JUDGE ADVOCATE: Yes.

MS ENEVER: Hopefully then the administration part of all of this will be sorted out.

JUDGE ADVOCATE: Yes, I would rather it was paid cleanly than in dribs and drabs that is better for all concerned so ...

MS ENEVER: I think that is what Petty Officer Triffitt is really getting at as well.

JUDGE ADVOCATE: What you must understand here Triffitt is if you do not pay that amount within three months you can be sent to prison for up to 28 days on each charge, if a financial penalty enforcement order is made. The court will give you three months to pay those amounts in full.

PO Triffitt your behaviour was legally and literally disgraceful. Those young women were entitled to your respect and your propriety in how you dealt with them. The age and rank differentials between you were significant and the impact of them of your intrusive, demeaning and overbearing behaviour

is understandably significant. That you were so drunk that you say you cannot remember events, does you no credit. Your relationship with alcohol has been standing you into danger for a number of years and it has brought you to this point.

You have had many warnings and opportunities to reform your behaviour. It is your failure to do so and your inherent sense of entitlement that brings you before the court today and that have led you to throw away an otherwise commendable career in the Royal Navy. It gives us no pleasure to dismiss you from His Majesty's Service but that is the inevitable and rightful outcome of your offending. The least sentence we can pass is a service community order and that is the appropriate and most effective order to make in this case.

A punitive element is required because even taking into account the broad ranging impact of your dismissal a deterrent sentence is necessary if behaviours of this sort are to be firmly discouraged.

PO Triffitt taking into account the appropriate sentencing guidelines, the conclusions of the probation officer, considering your personal mitigation and giving you an appropriate discount for your plea, we therefore sentence you as follows:

On Charge 1 dismissal from His Majesty's Service, reduction to the rank of Able Seaman. A service community order for 18 months with the following requirements: up to 20 rehabilitation activity requirement days at the direction of the probation service. 200 hours of unpaid work within the next 12 months. Alcohol abstinence monitoring requirement for 90 days and a service compensation order for £750 to be paid within three months in full.

You must comply with the supervision requirements of the probation service and commit no further offences during the period of the order. You must attend such appointments and complete such rehabilitative activities as they direct. You must complete the unpaid work they direct as and when they direct it and to a proper standard. You must be fitted with and properly use the alcohol abstinence monitoring equipment with which you will be fitted and refrain from consuming alcohol for the next 90 days.

If you fail to comply with those requirements, you will be in breach of the order and can be brought back before the court at which point you may be resented to custody. Before you leave court today you must discuss the arrangements for your first probation appointment with the court staff and make arrangements to pay the sums directed.

On Charge 2 the sentence is dismissal from His Majesty's Service, reduction to the rank of Able Seaman. A service community order for 18 months with the following requirements: up to 20 rehabilitation activity requirement days. 160 hours of unpaid work within the next 12 months. Alcohol abstinence monitoring requirement for 90 days, all of those are concurrent to Charge 1 which means the overall sentence is a service community order with 200 hours of unpaid work. You will also pay a service compensation order to the victim in Charge 2 for £750. I will ask the President to formally pronounce sentence. Will you stand up, please? Mr President?

SENTENCE

PRESIDENT OF THE BOARD: Petty Officer Triffitt, the sentence of the court is as follows:

Charge 1 dismissal from His Majesty's Service, reduction in rank to Able Seaman. A service community order for 18 months with the following requirements: up to 20 rehabilitation activity requirement days at the direction of the probation service. 200 hours of unpaid work within the next 12 months. Alcohol abstinence order monitoring requirement for 90 days, and a service compensation order for £750.

Charge 2 dismissal from His Majesty's Service, reduction to the rank of Able Seaman. A service community order for 18 months with the following requirements: up to 20 rehabilitation activity requirement days at the direction of the probation service. 160 hours of unpaid work completed within the next 12 months. An alcohol abstinence order monitoring requirement for 90 days, all concurrent to Charge 1 and a service compensation order for £750.