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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

26th Day of September 2025

in the case of

REX

V

30153664 Ex-Corporal, Fraser David MATHIESON

Formerly of 4th Battalion, The Royal Regiment of Scotland

JUDGE ADVOCATE

Judge Mitchell

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Ex-Corporal Mathieson, you are 30 years old, you are now discharged from His Majesty's Forces, but you formerly served His Majesty for a period of 13 years and 276 days. To your name you have three criminal convictions on your police national computer record. In 2015 you were fined for drink driving, in 2023 you have convictions in Scotland for offences which arise from domestic abuse and in 2025 you were further fined for drink driving. That is not however the end of it. You have eight disciplinary entries dealt with by way of summary hearing against your name from your service in the Army which fall into five basic brackets; contravention of standing orders, failing to report for

duty, unfitness through alcohol, misconduct through alcohol and conduct prejudicial to good order. Just under six months before you committed the offences to be sentenced today you were formally interviewed for unacceptable sexual behaviour. On that occasion you sent unwanted messages to two soldiers in your unit asking for oral sex; that was on 2nd October 2024.

From this background I am afraid we infer that you have obviously a long-standing problem with drink and of late I am afraid that that has resulted in a further tendency to what we can only describe I am afraid as predatory sexual behaviour. In this case you contacted [name redacted] when you were his Section Commander and between 25th and 27th April 2025. you sent him sexually explicit messages and photographs, repeatedly requesting oral sex, sometimes for money. You also walked into his room. You further reinforced the requests by threats of potential administrative action. To that extent there was an air of menace and also blackmail about what you did. By that point you were again drinking to excess and unfortunately also using cocaine. You had to no small extent and, to use the vernacular, gone down the rabbit hole and whilst disinhibited you displayed again what we can only describe as predatory tendencies to a junior soldier that you targeted.

We give you full credit for your plea. The two charges that you face took place over a couple of days, but they represent a form of behaviour over that time, and they must be set within the wider context of what you had become to that point which can be summarised this way. You were physically abusive, and you were sexually predatory. The offending itself is quite bad enough but taken as a whole it is in the wider and indeed most importantly Service context that severely aggravates these offences.

There is no sentencing guideline for these offences but the maximum sentence for each of these offences is two years' imprisonment and that is the same as that for the military offence of committing disgraceful conduct of an indecent kind. In the absence of a specific sentencing guideline for the offences you face Major Lawson submits that the appropriate approach is to apply the guideline for the Service offence as set out in version 7 of the Judge Advocate General's sentencing guidance. For the avoidance of doubt can it be known that we have consulted all the relevant potential sentencing guidelines promulgated by the Sentencing Council, we have also considered in detail version 7 of the Judge Advocate General's sentencing guidance, we have considered the pre-sentence report in this case, we have considered all the information that has been provided to us both written and orally and we have also considered the decisions of the Court of Appeal in the matters of Ali and Aripa. Put very simply, returning to the submission that Major Lawson has made and with which on your behalf Miss Marsay agrees. We also agree that that is the appropriate road map legally speaking for sentencing

in this case. Bearing however, finally, in mind that what we are dealing with here are criminal offences rather than Service offences and to that extent that they are more serious.

Put very simply this is precisely the kind of bullying and harassment that all junior soldiers, both men and women, fear most precisely because it is so hard to deal with. The Judge Advocate General's sentencing guidance makes clear soldiers, airmen, those in the Navy do not have a choice really more often than not as to who they live with and how they live. Preying on your fellows is the worst. They fear it, there is little sometimes that they can do about it and that is particularly true when you are in a position of authority over them. One can only imagine how [name redacted] felt at that time when you were treating him as you did. There was nowhere for him to go. That is how he must have felt at that time, and it is a real shame that he, as per his victim personal statement, has found it so hard to live with ultimately what you did to him. It is terribly sad but that is the harm that you inflicted upon him, and we have taken real note of that victim personal statement.

For the reasons that we have already referred and in particular the intentional persistent indecency of these acts, measured against the Service guideline your culpability, that is your blameworthiness, is high; that is culpability A. The harm that you caused as we have already alluded to was significant, perhaps not in the highest category that there is but it is certainly within category 2 of that guideline. As I say, we have referred at length to the victim personal statement that has been read to us by [name redacted]. And also, we bear in mind the effect that this would no doubt have had on discipline and unit cohesion. As an A2 offence within the Service guideline the starting point would be a high-level service community order, but we note that the range in this case would run from ten weeks' worth of Service detention up to six months' worth of imprisonment.

There are serious aggravating factors in this case. Aside from the seriousness of the matters itself you have, as we have noted, previous convictions, poor disciplinary record and, most crucially, you indulged in previous similar behaviour. There was in this case deliberate targeting, there is the fact of your rank, there is the fact of your position of responsibility, there is the fact that when you did what you did you were intoxicated with alcohol and drugs and also you invaded his privacy; you went into his room twice. These factors severely aggravate the seriousness of the offence within the Service context. Yes, there are mitigating factors. I have no doubt at this stage that you are sorry for what you have done and that really, coupled with your guilty plea, is the main plank on which any mitigation in your case can be advanced. But we take the view looking at it overall that totality requires us to consider both offences in the round but taking into account the particular Service factors and consideration we have no doubt that the appropriate sentence in this case would not be one of Service detention but would rather be one of imprisonment.

Furthermore, adjusting this case as we do to bear in mind not only the aggravating factors but also the fact that we are dealing here with criminal offences not Service offences going back to the analogy in using the Service paradigm we take the view that, if we had to, this effectively falls within in the A1 sentencing bracket indicated for the purposes of the Service offence. Therefore, the starting point in this case, we think, would be after trial one of 12 months' worth of imprisonment. We note that the range in this case would run on that basis between 12 months Service detention and 18 months' worth of imprisonment, but we think overall that the sentence after trial would be one of 12 months' worth of imprisonment. Allowing you full credit for plea, that is one third, that results in a sentence of eight months' worth of imprisonment.

We then have to decide whether or not that sentence, being imposed as it is concurrently on each of the charges, should be served immediately or whether or not it should be suspended. I refer everybody to the matters that we have already considered in particular the tests within the imposition guideline and also the tests in relation to suspension set out by the Judge Advocate General.

Turning to the factors that we have to consider is there prospects of rehabilitation in this case? Possibly. The Probation Service suggest that you can be managed in the community, but I am afraid it is by no means certain that you can be rehabilitated bearing in mind what you have done over the period that you have done it. On the question of harm, that is risk of other offences and risk of significant harm, looking to the pre-sentence report we agree with the findings of its author there is no doubt, we think, at least a medium prospect of re-conviction in this case but also in the event of re-conviction the risk of serious harm in your case is high. So, to that extent you do present something of a risk to others and you do present something of a risk of re-conviction. Put very simply of late your behaviour has deteriorated massively and one can see that from now your list of convictions.

As regards personal mitigation to be frank we do not think you have strong personal mitigation. It may not be the case that you have a poor history of compliance with court orders, but you certainly have a poor history of compliance in the Service, bearing in mind the number of disciplinary findings that there were against you. It may well be that immediate custody may harm others financially but overall taking the seriousness of these offences means I am afraid that the appropriate punishment in this case can only be achieved by immediate custody and so the sentence in the case will be this. On each charge the sentence will be one of eight months' imprisonment, those sentences will be served concurrently on each charge, but they will be served immediately. What that means practically speaking is this. You will serve, as I understand it, between 40 and 50 per cent of that sentence. That is a matter ultimately for the prison authorities. You will be subject to notification and registration

procedures for a period of ten years. Mr President, would you be so kind please and thank you to announce the sentence? Stand up please.

SENTENCE

PRESIDENT OF THE BOARD: Ex-Corporal Fraser David Mathieson, on each charge you are sentenced to eight months' imprisonment. Those sentences are to be served concurrently but immediately.