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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

3rd day of November 2025

in the case of

REX

V

30326440 Kingsman Christopher John Green

1st Battalion The Duke of Lancaster's Regiment

JUDGE ADVOCATE

Judge Legard

Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Right, Kingsman Green, just remain seated please for the moment. You are to be sentenced in respect of a single charge of unlawful wounding. To that charge you pleaded guilty albeit on a basis that was initially unacceptable to the prosecution. You nevertheless altered your position shortly before trial accepting the Crown's factual basis in full and you will receive an appropriate amount of credit for having done so in due course. You are 23 years of age, you are a Kingsman serving with the 1st Battalion The Duke of Lancasters and you have just over two years --

DEFENDANT: It is a bit more than that, your Honour, because of the first service. Sorry.

JUDGE ADVOCATE: I was about to say subject to the interruptions that you had in your earlier service but you are also hitherto of good character and I am going to deal briefly with the facts; they have been opened in commendable detail by Commander Hannah so I do not propose to rehearse the whole factual background in full. But nevertheless, on 25th July last year you spent the majority of the day on a company social obviously with your fellow Kingsmen throughout which you were drinking and drinking to excess and that was in Cyprus. At about 4 o'clock in the afternoon four of you returned to Episkopi in a car, you and the victim in this case, Kingsman Brown, who was seated in the back plus two others. You had in your hand a bottle of local beer, there was a brief argument between the two of you whilst you were on route back to Episkopi, it may have been to do with your previous CDT failure that had caused you to leave the Army on a previous occasion.

There followed an exchange of insults, you then sat in silence for a few moments and when you got to your destination you got out of the car, you walked around to where Kingsman Brown was and you punched him and struck him to the face with the hand in which you were carrying that bottle and unsurprisingly Kingsman Brown fell back bleeding profusely from his eyebrow. And there but for the grace of God Kingsman Brown could have lost an eye. You came within an inch of striking him in the eye. So, to some extent he can count himself fortunate not to have been blinded. Not content with that you then started throwing further insults at him and punching him until eventually others intervened and you stopped.

And so, we have had read out to us a short victim impact statement from Kingsman Brown. He suffered a 2½ centimetre laceration, we have seen the video speaks for itself. Fortunately, no long lasting pain or sensitivity and there have been no further updated photographs because he did not wish to shave his eyebrow in order to reveal the scarring.

Now, in determining an appropriate sentence in your case we turn to the Sentencing Guidelines. We are encouraged to determine the offence category for this type of offence by reference to those guidelines. But in doing so to consider whether there are any additions Service factors that affect culpability or harm, and, in this case, we have been unable to identify any Service factors that might serve to elevate or heighten your culpability or indeed the harm beyond that Sentencing Council category. We agree with counsel, and we note there are no objections that this offence falls squarely within culpability B category on the basis that it involved a bottle which is a weapon or weapon equivalent. And in so far as harm is concerned, we have concluded that it sits within category 3, the lesser category, particular when one allows for the fact that this an offence of section 20 grievous

bodily harm so the harm must be measured accordingly. Now, that provides for a start point on one year's custody with a range of a high level community order to two years' custody. And we will just set out a few Service policy considerations that we must have regard to when sentencing for offences of violence within the Service jurisdiction and in doing so I am just going to briefly quote from the Judge Advocate General's guidelines, and I quote as follows:

"Service personnel are trained to exercise controlled and lawful violence towards the enemy. Unlawful violence displays a lack of discipline and can corrode unit cohesiveness and operational effectiveness, particularly when directed at Service colleagues. Deterrent sentences are often necessary, particularly where violence is associated with excess alcohol."

And this offence was clearly aggravated by the fact that you had consumed excessive alcohol.

Now, in mitigation we have listened with care to everything that has been advanced on your behalf by Miss Magill, you have much to thank her for. She concedes quite rightly that the custody threshold has been crossed but she has focused her submissions on the fact that this offence was out of character, she urges upon us a sentence whereby you can remain and be rehabilitated within the community by way of a suspended sentence order with attached conditions, mental health treatment requirement, unpaid work and so forth. And with reference to the mental health treatment requirement proposal, we have also read and taken account of the contents of a report by Doctor Porter a clinical psychologist. We have also read a character reference from, we assume, your Platoon Commander, Lieutenant Stacey and finally we have read a pre-sentence report, the contents of that both helpful and self-explanatory. You are assessed as being a low risk of re-conviction and medium risk of causing serious harm to others.

Now, Kingsman Green, could you replace headdress please and stand? Thank you. First of all, dismissal. Well, dismissal should be considered in cases of actual bodily harm and above when culpability is assessed as B or above. Your behaviour on this occasion was inexcusable, it represents a betrayal of the values and standards of the Armed Forces, and it also tarnishes the reputation of the uniformed Services more widely. We have concluded that the offence is serious enough to warrant dismissal and you will therefore be dismissed from His Majesty's Armed Forces.

Now, having considered the matter with care we have also concluded that this offence of unlawful wounding is so serious that only an immediate custodial sentence can be justified. Nevertheless, we have also unhesitatingly concluded that detention as a direct alternative to imprisonment is the most appropriate course of action for you. Detention does not carry the same stigma, and detainees receive

unparalleled rehabilitative assistance and training to assist them in their future career whether that is in or outside the Armed Forces. When released there are no licence requirement, no threat of recall. Therefore, when a sentence of Service detention is imposed as an alternative to a prison sentence it is generally appropriate to apply an increase to the length of the sentence of Service detention to reflect the difference in regimes. And whilst the extent of that increase will depend on the circumstances of the case an increase of more than 25 per cent is unlikely to be appropriate.

Now, our start point was 12 months' imprisonment. The aggravating factors raised that to 16 months. The pendulum then swung in the opposite direction to take account of the mitigation in this case. That brought us back to 14 months. However, applying a suitable increase to reflect the fact you are being sentenced to detention as a direct alternative we increase that to 16 months. With credit for your guilty plea, we reduce that sentence to one of 13 months. Now, Kingsman Green just remain standing where you are. The appropriate punishment and the principles of deterrence and maintenance of discipline can only be achieved by your immediate detention and therefore we do not consider it possible to suspend the sentence. Furthermore ... just hold yourself together just for a few more moments because I will explain few more things for you, remember your cap badge. We also consider the excellent, arguably world class rehabilitative regime of MCTC to be ideally suited to offending of this nature by relatively young military personnel and yourself in particular. Your total sentence is 13 months' detention. You will serve up to two thirds of that sentence in custody before you are released subject to the possibility of further remission. When you are released, there are no period of licence, no probation requirement, no recall provisions. Now, listen to this, Kingsman Green, just listen to this. When you are in MCTC you will be offered specialist support. That includes access to DCMH --

DEFENDANT: Your Honour --

JUDGE ADVOCATE: It includes support or any mental health treatment that you require in order to rehabilitate yourself. And we also take the view that detention in MCTC markedly reduces any risk of alcohol or substance abuse that might otherwise arise in the wider community and that would have undoubtedly have a negative impact on your recovery. There will not be any compensation order in this case, and we hope that if necessary, Kingsman Brown can secure compensation via the Criminal Injuries Compensation Scheme. It is entirely up to you, Kingsman Green, just bear with me.

DEFENDANT: Yes, your Honour.

JUDGE ADVOCATE: The sentence that you are just about to hear passed from the lips of the President as I can see will come as a shock to you. Okay, I know that. But if you go down to Colchester, which you will do so in a few moments, take advantage of what is down there, okey, and if you engage with them and if you maintain a positive frame of mind, give yourself some time you will emerge from it in a much better place and better equipped to meet the challenges that lie ahead in the civilian world. Mr President, will you please pass sentence.

SENTENCE

PRESIDENT OF THE BOARD: Kingsman Green, you are sentenced to 13 months' detention at MCTC and then dismissal from His Majesty's Service. Court Orderly, please carry on.