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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

26TH day of November 2025

in the case of

REX

V

30360331 Sapper Harry Thomas Peters

42 Engineer Regiment

JUDGE ADVOCATE

Judge Mitchell

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Sapper Harry Thomas Peters, you are 27 years old, and you have served His Majesty for four years and 244 days. You are single, you have no children, and you have one serious previous conviction to your name. On 6th October 2023 you received a sentence of nine months' imprisonment. That was suspended for 15 months. That was for causing grievous bodily, i.e. breaking a man's jaw in a fight that also involved alcohol. Withing the currency of that suspended sentence period you committed the offences to which you have pleaded guilty and for which you fall to be sentenced today. Those are the offences of fighting with Hugh Rhys Morgan, which is at charge 2 of

the charge sheet, and assault occasioning actual bodily harm to Joe Hart, which is charge 3 on the charge sheet, both matters arising from the same incident, both took place in the early hours of 1st November 2024.

The principal question that this Court has had to engage with is this, or two questions that the Court has had to engage with are these. First question, does the fact that you committed these offences within the currency of a suspended sentence warrant your dismissal? I can tell you now that the answer to that question is yes. The second question then is if so given that dismissal is of itself a form of punishment what overall is the appropriate punishment in this case given that these offences took place at the back end of a suspended period of suspended imprisonment, or a period of suspended imprisonment. The question really for this Court is this. Bearing in mind that we are dismissing you will you be subject to a service community order, will you be subject to Service detention or will you be subject to Service imprisonment. I shall come to the answer to that question at the end of these sentencing remarks.

Turning then to the facts briefly they are these. We are talking about the early hours of 1st November of 2024. There had been a Halloween party and to cut what is a long story short there had been an argument, there was a bit of a fight, it was split up, during the course of that fight Joe Hart ended up being hit by you by accident. In response to that it would appear Hart hit you. There was a further argument, there was something of a little break in time but ultimately how this ended was as follows. You punched Hart to the floor, and you hit him with two further blows when he was defenceless. Fortunately, the injuries in this case were not terribly serious. Hart received a black eye, he received some scratches, he received a split lip, and he received ultimately a concussion that was diagnosed by doctors. Nothing lasting but it is fair to say that this could indeed have been a good deal worse.

Let me explain our approach to totality. We have to deal with you for two offences and we see the fighting offence as overall an aggravating feature of the assault occasioning actual bodily harm. When we look to what this is worth in its own terms on the civilian sentencing guidelines, we overall take the view that this is a B3 case. It is medium culpability. It may be said that this bears some resemblance to a lower culpability case but looking at how this incident played out and bearing in mind that the fighting is an aggravating feature of the actual bodily harm offence we take the view that the position in culpability B is fully justified. This is not a case where ultimately the assault occasioning actual bodily harm you can truly say really at all that you were acting in self-defence, nor can you say that this is an offence where to some extent a mental disorder contributed to the commission of the offence itself. I will turn to the question of your mental disorder shortly, but it gives you in this case, we think, relatively little mitigation.

There are aggravating features in this case. It was an offence that was committed in alcohol and these were offences that were committed, as I say, bearing in mind your previous conviction and bearing in mind that they were committed during the operational period of a suspended sentence. There are, however, mitigating features as well. We accept that you have shown remorse for what you did and that you bear no ill will towards the people that you engaged with on that particular night. You did plead guilty at the first opportunity. Whilst we recognise that you do suffer from post-traumatic stress disorder we see it this way. To put it very simply whatever is the problem with you in drink you have a tendency to lose your temper easily and engage in violence. That is what happened broadly speaking when you were convicted before the Taunton Crown Court and that broadly speaking is what has happened here. It may be that you are affected by the events of the past, in particular the fact that your friend took his own life, but you have had, before you committed these offences, a fair degree of intervention. It does not appear really to have worked that well because you still have a propensity to engage in violence rather too quickly. You could easily have walked away from this one and you did not. Can I say that we have considered the pre-sentence report? We have considered the character references, and we have considered the oral submissions made on your behalf readily.

Whilst we recognise that the starting point for a B3 offence of assault occasioning actual bodily is a high level community order there is available to any Court a range of up to 36 weeks' worth of imprisonment and bearing in mind the fact that these offences were committed within the currency of a suspended sentence order we take the view that this sentence after trial would have been 36 weeks' worth of imprisonment all day long. Deducting from that one third's worth of credit for guilty plea we take the view that the appropriate sentence in this case in custodial terms would be 24 weeks. We then turn to the question that I asked earlier as to overall bearing in mind the fact that you are being dismissed what is this worth? Can I say from the outset that we take the view that these offences in context are far too serious to be dealt with by way of a service community order?

That effectively leaves us with one of two other choices. Is it Service detention or is it imprisonment? I shall put you out of your misery now. We think that this is in fact a Service detention case. We recognise that you will be to some extent punished by the fact of your dismissal. We recognise that this offending, whilst it took place within the currency of a suspended sentence, was towards the end of the period of the suspension. And we also recognise that on the facts of this case, if I can summarise this way, "this was not ultimately all you". Maybe to some extent others engaged in the difficulties that you were embroiled in, maybe it is the case that overall, you did not start this but you certainly finished it and you could have withdrawn from it much more easily. That is what you should have done but you did not do. But bearing all of those features in mind and looking at this case in the round even though you did it during the period of a suspended sentence we nonetheless take the view, just,

that the appropriate form of punishment in this case is not imprisonment or itself but is in fact a Sentence of Service detention.

In order to convert 24 weeks' worth of imprisonment to Service detention version 7 of the Judge Advocate General's sentencing guidelines, which for the avoidance of doubt, we have consulted, tells us that we should add between 20 and 25 per cent to that number bearing in mind that Service detention does not bring with it the stigma of imprisonment. We will do that and therefore we think that in this case the appropriate sentence overall will be one of 30 weeks' Service detention. That will be served immediately, it will not be suspended. It will not be suspended because principally this case is too serious. Only a sentence of immediate Service detention is appropriate. Having considered albeit all the other factors that we are required to in this case put very simply a man on a suspended sentence who commits an offence during a suspended sentence cannot expect a further suspended sentence in due course. It would fly in the face of sense, and it would fly in the face no doubt of the promise that was made to you on the last occasion when you appeared before the Taunton Crown Court. There will be a concurrent sentence of 28 days' Service detention for fighting and so overall the sentence in this case, which I shall shortly ask the President to announce, will be one of 30 weeks' Service detention.

The effect of that will be this. That you will serve 20 weeks' worth of Service detention before you are released. It follows from my earlier comments that we take the view that this combination of offences is so serious that dismissal is appropriate and that is an order that we make. We have, for the avoidance of doubt, considered all of the consequences of that order to you including the financial consequences but nonetheless these offences bearing in mind their context and the fact that they were, as we say, committed within the operational period of a suspended sentence is so serious that dismissal is justified and we order it. For the avoidance of doubt this is not a case where we order compensation. You will be shortly losing your liberty for a period. During that period, you will not be paid and so we take the view that overall, you do not have the means to pay such an order even if it is appropriate to compensate one man for punching another, a proposition that frankly we doubt very much. Therefore, the sentence in this case will be one of 30 weeks' Service detention, it will be served immediately. Could I turn to you, Mr President, to pronounce the sentence please, and thank you.

SENTENCE

PRESIDENT OF THE BOARD: Sir, thank you. Stand. Sapper Harry Peters, for the offence of fighting you are sentenced to 28 days' Service detention. For the offence of assault occasioning actual bodily harm, you are sentenced to 30 weeks' Service detention. These sentences will be served concurrently and immediately. Further, you are dismissed from his Majesty's Service. March out.