

WARNING: reporting restrictions apply to the contents transcribed in this document, because the case concerned is a sexual offence. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.

This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.



IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

26th Day of September 2025

in the case of

REX

V

30320910 Private Semi Nacoko

9 Regiment, The Royal Logistic Corp

JUDGE ADVOCATE

Judge Legard

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Thank you, please take a seat and please remove headdress. Just bear with me, please. Private Nacoko, just remain seated for the moment. You fall to be sentenced in respect of a single charge of possession of indecent images of children and a further charge for the possession of extreme pornography.

To both those charges you pleaded guilty at the first available opportunity and for that you will receive full credit in due course. You are 26 years of age. You are a private serving with 9 Regiment RLC. You

have just over six years of service behind you. You are currently single. You are also of hitherto good character.

Before I deal with the facts of this particular case, can I just say a few words about this type of offending. This is not a victimless crime. Far from it, those who appear in these images are often young, highly vulnerable children, often recruited from impoverished backgrounds who are then forced into performing degrading sexual acts or are exploited and abused by others purely to feed the sexual gratification of others.

It is you and others like you who are ultimately responsible for creating a market for this type of highly offensive and damaging material and the lives of these young children can be, and often are, permanently scarred. It is you, I am afraid, and those like you that must ultimately bear ultimate responsibility for it.

Now, the facts of this case can be briefly stated. Following an investigation for alleged distribution, service police conducted a search of your premises and they seized a mobile phone which was later subjected to forensic analysis, albeit only after a substantial delay. That examination revealed five category A images, six category B images and a further ten category C images plus images of extreme pornography.

When interviewed you confirmed that that mobile phone was yours, and that no one else had access to it. Now, category A possession, represents, as the letter indicates, the worst example of indecent images of children, illustrating penetrative sexual activity.

Lieutenant Commander Ramage has described in detail the imagery or some of the imagery depicted in those images, and I say no more about it within the context of these sentencing remarks. It is right to say that all of those images of children, recovered from your mobile, were in the form of still as opposed to moving images.

We have considered the Judge Advocate General's Guidance and, having done so, we are satisfied that there are no service factors that might aggravate or mitigate any sentence or elevate the categorisation in any way, shape or form. Therefore, in determining an appropriate sentence, specifically for Charge 1, we apply the guidance set out by the Sentencing Council. Now, because Charge 1 concerns the possession of category A images, the start point for that charge is one of 12 months' custody with a range of 26 weeks to 3 years' custody. There are no statutory or other aggravating factors that serve to increase any sentence from that notional start point.

Private Nacoko, in mitigation, you were, until you entered your guilty pleas, a young man of positively good character. You have no relevant or indeed any previous convictions. On a relative scale the number of images recovered from your mobile phone were few. The time period over which they were in your possession was very short, effectively a 24-hour window. There were no moving images, and the age and vulnerability of the children depicted, by the sad standards of other cases, could not be described as extreme.

We have read with care the contents of a pre-sentence report. You are considered a medium risk of serious reoffending and harm to children. The author of that report recognises that you are at risk of receiving an immediate custodial sentence today. Nevertheless, in the alternative, the author recommends a service community order encompassing attendance on sexual behaviour programmes and unpaid work and so forth.

We have listened with care to everything that has been very ably expressed on your behalf by Mr Scott. You have much to thank him for. We note that you came over to the UK in around 2019 from Fiji. You are a capable and indeed highly proficient rugby player and that you looked at these images out of curiosity. That you profoundly regret not having had the moral courage or sense to report this matter immediately via your chain of command. Mr Scott urges upon us not to dismiss you; he submits that this is one of those very rare and exceptional cases where we can draw back from such an approach.

If you are to be dismissed, he invites us to consider MCTC in Colchester as opposed to a sentence that would leave you potentially homeless and vulnerable. We have read a reference from your chaplain, and we have also read at least two of your SJARs, describing you, from a soldierly perspective, as both diligent and professional.

Private Nacoko, could you please replace headdress and stand, thank you.

The Judge Advocate General's Guidance says this, it says:

"Dismissal will be appropriate in all but the most exceptional case, and even if an offender is not dismissed by the court, subsequent administrative action by the offender's service leading to discharge is almost inevitable pursuant to the Service's zero tolerance approach to sexual offences and inappropriate behaviour."

This type of conduct, Private Nacoko, which you ought readily to understand and recognise, is wholly incompatible with continued service within His Majesty's Armed Forces. The Board has taken the view that it is sufficiently serious to warrant dismissal. Despite Mr Scott's eloquent submissions on the point, you will therefore be dismissed.

Now, we have considered the matter with care, and have concluded that in respect of both charges, the custody threshold has been passed or crossed in this case, a matter realistically conceded by your Counsel and that these offences, taken together, or viewed in isolation, are so serious that a period of custody is unavoidable. However, we have also concluded that it is in both the service and more importantly, your own individual interest, that we should impose an immediate sentence of service detention as a direct alternative to prison.

It is important to note that a period of service detention is not the same as a period of imprisonment. It does not carry the same stigma, and whilst you are at Colchester, Private Nacoko, you will receive training. You will receive rehabilitative support including in terms of housing, immigration matters and so forth. That is in order to assist you to meet the challenges that you will inevitably be confronted with in civilian life. Furthermore, unlike prison, you will be released after having served two thirds of your sentence of detention and you will not be subject to any licence requirements or threat of recall.

However, when a sentence of 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. Whilst the extent of any increase will depend on the circumstances of the case, an increase of more than 25 per cent is unlikely to be appropriate.

It is, as I have already indicated, by reference to the category A images that you primarily fall to be sentenced. Therefore, on the Charge of possession Charge 1, the sentence is one of 9 months' detention. We took 12 months as our start point from the Sentencing Council Guidelines, there were no aggravating features. Mitigation reduced that to 8 months' imprisonment, but we then applied a small uplift to reflect the fact that we are effectively converting that sentence into one of detention so 9 months. We reduce that further to 6 months' detention which gives you full credit for your guilty plea. That is the least sentence that we can impose that marks the totality of your offending.

There will be no separate penalty in relation to Charge 2. Now of that 6 months' detention, Private Nacoko, you will serve two thirds, less any further remission which is or can be granted at the discretion of the Commandant for good conduct. There will also be a sexual harm prevention order

in the draft, as uploaded on Case Centre at Q1 to 9. Mr Scott, I want you please to undertake to take Private Nacoko through that order in detail before he leaves, thank you.

I just say this to you, Private Nacoko, not only does the Board consider it necessary and proportionate to make that order, if you breach that order you are liable to be imprisoned for a period of up to five years. I also certify that you have been convicted of a sexual offence so you must, for a period of five years from the date of your conviction keep the police informed at all times of your personal particulars, the address at which you are living, any alteration in the name you are using. Again, you will be given full details of these requirements on a form at the end of the hearing which you must read, understand and sign.

Lieutenant Commander Rammage, was there a forfeiture and destruction application?

LCDR RAMMAGE: Yes, there was, your Honour. It should be uploaded in Section Q1 as well. It should be Q1, item 4, forfeiture and destruction. Thank you, your Honour.

JUDGE ADVOCATE: We make that order too, so there will be an order that the iPhone mobile phone be forfeited and destroyed. Before I invite the President to pass sentence, Private Nacoko -- sorry, Mr Scott a matter that you want to raise?

MR SCOTT: Your Honour, yes. Just in relation to the certification is it five years from 5th September when he originally entered a guilty plea, and he provided notification to the police within the three days?

JUDGE ADVOCATE: I believe it is from date of conviction. If I am wrong about that could someone correct me. Do you think it is from today?

MR SCOTT: No, I think it is from date of conviction.

JUDGE ADVOCATE: That is my understanding, that is what I said. It is five years from date of conviction.

MR SCOTT: Thank you.

JUDGE ADVOCATE: Yes, I think that is what I said, thank you anyway, Mr Scott. Private Nacoko, I understand going down to Colchester today will come as a shock to you. The ball is in your court, if

you apply yourself whilst you are down there, you take advantage of the support that you will be offered when you get down there, it will be to your substantial benefit. I do urge you to apply the same professional standards that you have applied hitherto with your unit, to when you get down there. It is very much a matter for you. The better you behave the more you will get out of it, does that make sense? Okay, very good.

Mr President, will you now please pass sentence?

SENTENCE

PRESIDENT OF THE BOARD: Private Nacoko, you are sentenced to six months' detention in MCTC, and you are dismissed from His Majesty's Armed Forces.