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**IN THE COURT MARTIAL**

held at

**MILITARY COURT CENTRE, BULFORD**

on the

**28<sup>th</sup> day of October 2025**

in the case of

**REX**

V

**30316647 Private Samuel James Ping**

**26 Engineer Regiment**

**JUDGE ADVOCATE**

Judge Magill

Deputy Assistant Judge Advocate General

**SENTENCING REMARKS**

JUDGE ADVOCATE: At approximately midnight on Thursday, 5<sup>th</sup> September last year, 2024, you Private Samuel James Ping were a Phase II recruit at Worthy Down training to become a chef. You are now a qualified chef. Also present was recruit Private Abubacarr Saidykhan who was just 17 years old. You are 22 now, nearly 23 and you were 21 at the time.

Private Abubacarr Saidykhan was sleeping or trying to sleep in a bed space in a four-person room along with Private Sedgewick when you barged into his room obviously drunk, in nothing but your boxers, and stood over his bed. You claimed to be a Corporal conducting bed checks. You were slurring your words and saying things that Private Sedgewick described as “weird”. You made Private Saidykhan so uncomfortable that he got out of his bed to put his shorts on, and he began to film you.

He then began to argue with you, and you went to the door of the room, and you locked it. Somewhat understandably he wanted you gone. You were daring him to kiss his teeth at you and saying things like, “If you’d been fucking born here”. You became more aggressive and hostile towards him telling him, “If I had a fight with you, I would literally kill you”, and “Shut up you monkey”. You said it again and you spat in his face. He punched you. You charged at him and pushed him up against the window. The two of you grappled as he tried to get you off him.

Taken to the floor, you punched him to the jaw; you then put him in a headlock. He managed to free himself from you and went to get help from Private Wain, who together with Privates Wright and Smith went to report you to the duty Corporal. When the duty Corporal found you, you were both covered in blood. Your behaviour did not end there, you went back up to Private Saidykhan’s floor and shouted aggressive death threats which Private Wain said was aimed at Private Saidykhan. Your behaviour throughout was of a nasty drunken bully.

As a result of the incident the complainant suffered back pain and pain to the left-hand side of his jaw. He was treated as a suspect and interviewed by the police, but he was not prosecuted. That appears to be why he has not been treated fully as a victim in this case. The video speaks for itself, although it was not played in this court. The Board cannot sentence you on the basis of the video because they were not shown it, but you have seen it. Seeing it was what caused you to enter a guilty plea.

This was an unprovoked racist attack on a sleeping soldier who just wanted to be left alone in peace. You know that your behaviour was disgraceful, and you should be ashamed of yourself. To your discredit in interview, you denied the offence and accused the witnesses of lying but then you were faced with the video, and you realised that they were not lying. The reality is, you could not remember what you had done because you were so drunk. You have now at least had the good sense not to dispute the undisputable and entered a guilty plea.

The complainant was x-rayed, he had no fracture, he suffered soft tissue damage to the jaw and finger. He has declined to provide a victim personal statement which is no wonder given that he had to be

treated as suspect, so we do not know how this has affected him nor for how long it affected him. His medical records set out that he had some anxiety as a result and was upset.

In mitigation, Mr Hay has ably said all that can be said in your favour, and you owe him gratitude. You have put together many references all of whom speak well of you. The mitigating factors that apply in your case include your age and lack of maturity and the fact that you were inexperienced in a service context. You have no discipline entries, you have no previous convictions, and we accept that you have demonstrated some remorse. You are a man, therefore, of hitherto good character prior to this.

Offenders under 25 attract additional mitigation because it is settled science that the brain does not stop fully developing until the age of 25 and people under 25 are more prone to behaving impulsively when compared to those above that age. This was not just impulsive, it went on for some time, and it was racist.

We know that you were not fully trained when this happened, but you had received some training. Service personnel must exercise control and lawful controlled violence. It should be directed towards the enemy and not at other recruits. Unlawful violence shows a lack of discipline; it clearly corrodes unit cohesiveness and therefore also operational effectiveness particularly when you are assaulting one another. Deterrent sentences are necessary where violence is associated with excess alcohol, but they are vital where racism is involved.

What deterrence means is that sentences of this court send a message to others in the military that behaviour like this will never be tolerated. To put it simply sentences here are designed to stop more offending.

You have put together many references; they speak highly of you. Ms Dixon, the manager of the Conquest Centre paints rather a different picture of the man who has committed this offence. It is plain that in sobriety you can be of value to those with whom you choose to invest your time. Your girlfriend does not think that you are racist, your colleagues do not think that you are racist, and they think that you are a good chef, and a good soldier. We did read with concern, Staff Sergeant Cheverall description of this offence as a 'minor shortfall'. Being generous, Staff Sergeant Cheverall either was not told what you did, or it has been underplayed by someone relaying the case. This behaviour was not a minor shortfall.

The problem with actions carried out in drink is that a person's behaviour is often wholly different to the person everyone else sees in sobriety. A person's worst traits are evident when they are

intoxicated. This court has to grapple with your two sides, a drunken racist, and a sober hardworking chef who impresses those he works alongside. This is not a problem that can simply be fixed by not drinking. You have written a careful and thoughtful letter, but it is Mr Saidykhan who deserved the most fulsome apology. A fellow recruit of just 17 should have felt safe in his bed and was entitled not to be disturbed by you and your boorish racist behaviour.

The court is pleased to learn that you have reduced your alcohol intake, and we hope that is true. Your pre-sentence report, however, gave mixed reading, some of it was alarming. This was racist behaviour, and we were concerned by the comments that you made to the author of your pre-sentence report. They elucidate some problematic personal views. You linked your treatment of Private Saidykhan to your views on illegal immigration and on those who commit organised crime in your home area. You still have a lot of work to do to challenge biases that we are not sure you actually understand yourself yet.

There is no place for racism in the Armed Forces. The Sentencing Council Guidelines for racially aggravated common assault is a maximum of two years in prison. You will not receive a sentence of prison today, but you need to understand that that is how serious this offence is.

The crown has said that this sits within culpability A, and we agree. There was intention to cause fear of serious harm. The force used was substantial, particularly in the context of a common assault. There was a strangulation element you placed him in a headlock or a chokehold as it has been variously described. We agree that this is a category 2 case, this was more than minor physical harm. Therefore, on the Sentencing Council Guidance in the first step, before we consider the racially aggravated aspect, we place this with a starting point of a medium level community order, and a range of a low-level community order to 16 weeks in custody.

If we were to consider this by way of reference to the Judge Advocate Sentencing Guidelines the equivalent when considering service detention for a medium level community order is a starting point of 20 weeks service custody with a range of 15 to 25 weeks. There are aggravating factors here, there was spitting, it was in front of other recruits, and you were drunk. Commission of an offence whilst under the influence of alcohol aggravates the starting point.

You have significant personal mitigation, I have already outlined your significant personal mitigation, but the lack of previous convictions, your remorse, lack of JPA entries, your age and good prospects of work and so on, cancel out those aggravating factors and so we come back to the original starting point, before we consider the racial aggravation.

Having determined the category of the basic offence, the non-aggravated offence, we have had to then consider the level of racial aggravation and apply an appropriate uplift to the sentence in accordance with the guidance. We could not be sure to the criminal standard that racial aggravation was the predominant motivation for the offence. We therefore concluded that there was a medium level of racial aggravation and that it formed a significant proportion of the offence as a whole. What that means in simple terms if this was not one racial comment thrown at him, it was constant. The references to race were peppered throughout the attack, and therefore we have taken the view that a medium level of aggravation is appropriate. We could not be sure that what you did by going into that room was deliberate to target him *because* he was black.

It is therefore appropriate for us to consider a significantly more onerous penalty of the same type or a more severe type of sentence than for the basic offence. The way that we have reached our decision is this, we could have imposed a higher category of service detention, we could have gone from service detention or a community order to prison, but instead we have taken a different approach to your sentence today because we have to consider dismissal.

It is a racially aggravated offence, and racist behaviour is just simply not compatible with service. The lowest sentence you would have received had you lost at trial would have been 30 weeks service detention. Private Ping, please stand.

You entered a guilty plea, and therefore we reduce that to 20 weeks' service detention but then we considered dismissal. The impact of service detention and dismissal on you was considered along with the imposition of the custody and community sentence guidelines. For that reason, we have stepped away from service detention. We have however taken the view that a deterrent sentence is required, this offence is too serious in nature. It is so serious as to warrant dismissal from His Majesty's Service.

This was nasty bullying and racist behaviour the sort of which has no place in the Armed Forces. In forming this opinion, we have taken into account all of the information available to us about the circumstances of these offences including aggravating and mitigating factors. Including what we understand to be the inevitable financial effects on your livelihood and your new baby and on your family. We do not consider that any lesser form of sentence short of dismissal would be sufficient in the circumstances of this case and accordingly, as part of this sentence you will be dismissed from His Majesty's Service. I have already said that we are going to step back from detention. What that means is you are going to get a sentence of a service community order. It will last for 18 months. A service

community order is served in the community, it will last for 18 months, it will be overseen by the probation service, and you will have to comply with requirements.

Those are court ordered requirements, the consequences of not complying with those rules are serious because you will be brought back before the court. The requirements will be these, up to 25 days' rehabilitation activity requirement, and we do not agree with the probation service that an alcohol abstinence requirement is appropriate in this case. We do feel there needs to be a punitive element, something to punish you. You are capable of work, you work hard, and you work well. Therefore, we sentence you to 120 hours of unpaid work, to be carried out as directed by the probation service.

The 120 hours need to be completed within the 12 months of the 18 months of the order. You will need to work where and when you are directed by your supervising officer. That means you must meet your supervisor where and when you are told to, and you have to cooperate fully with any instructions that you are given. If you fail to complete the unpaid work or fail to do it to the right standard, or you fail to cooperate with the rehabilitation activity requirements which are usually appointments with probation and sometimes they are courses, you will be in breach of that order, which means you will be brought back before the court, and you may be given further requirements, you could be fined, or you could be resentenced to the offence and that could result in the imposition of civilian prison.

We make no order as to costs; Mr President, please hand down sentence.

### **SENTENCE**

PRESIDENT OF THE BOARD: 30316647 Private Ping. You are sentenced to an 18-month service community order with two requirements, firstly up to 25 days rehabilitation activity requirement. Secondly 120 hours unpaid work. You are dismissed from His Majesty's Service.