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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

2nd Day of May 2025

in the case of

REX

V

G8448533 Corporal Gregory Harvey Sayle

Royal Air Force Station Lossiemouth

JUDGE ADVOCATE

Judge Legard

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Thank you. Do sit down please and please remove headdress. Corporal Sayle, you fall to be sentenced in respect of four separate charges of disgraceful conduct of an indecent kind. To each of those four charges you have pleaded guilty at the first available opportunity, and you will receive full credit for having done so in due course. You are now 45 years old, and you are a Corporal serving with the RAF at RAF Lossiemouth in the role of a mechanical technician and you have almost 24 years of service behind you. You are also a man of hitherto good character. Can I just say this before I summarise the facts? This kind of drunken sexualised behaviour is wholly unacceptable in the

modern Armed Forces and all people, whatever their sex, must be able to enjoy a celebratory evening in the company of their friends, their colleagues, their team mates in the safe and secure knowledge that they will not be subjected to this sort of demeaning sexualised physical touching but instead be afforded the respect that they properly deserve. And the facts of this case have been outlined in commendable detail by Commander Ramage; they can be briefly put.

On 24th November 2023 at the Future Inn Hotel in Cardiff there was a formal awards dinner and that was following the end of an RAF ice hockey championship, or the championships. You were in the company of friends and team mates, colleagues both male and female and indeed one of the ironies of this case is that you already had picked up the man of the match award following what you described as one of the best performances of your career. However, during the course of that evening you became steadily inebriated, you lost all inhibition, and you began to behave in an increasingly immature, irrational and sexualised way towards a number of those there present.

Now, Lance Corporal, as she was then[victim 1] was one of those enjoying herself socialising in the foyer of the hotel when you without warning, without asking grabbed her by the waist, lifted up her dress at the same time making sexual grunting noises before you touched yourself on your penis saying "I've just come". Those are the facts that form the basis of charge 1. Now, that must have been an acutely embarrassing and demeaning experience for, now, [victim 1] and it is little wonder that she suffered a loss of confidence, that she became and has become socially withdrawn, forced to adjust the way she dresses, she suffered sleep disturbance and very sadly in the eyes of the Board she has severed any connection with RAF Hockey, a sport that she clearly loved and excelled at. We have had read out to us her victim impact statement and we must say that it makes for sad reading and it demonstrates that incidents of this nature whilst they may on one view fall within the "less serious" category of like behaviour nevertheless often give rise to long lasting and profound impact upon the recipient of them.

Now, later on during an interaction with [victim 2], who was at the time a good friend and team mate of yours, you grabbed his bottom cheek with your left hand and tried to push your finger into his anus only restricted from penetrating by virtue of him being clothed. That is charge 2. You were clearly inebriated at the time. And, finally, when everyone was sat at their respective tables and you found yourself seated at a table with a [victim 3], who is a civilian, [victim 4], both of who again known to you first you brushed the private area, the groin, of [victim3] you grabbed his inner thigh, that is charge 3. He told you not once but twice "What are you doing, get your hands off me" inviting you to desist from that behaviour and yet you failed to heed his warning, and you persisted in it. And then you grabbed the inner thigh of [victim 4] left leg, that is charge 4. And your drunken and sexually

inappropriate behaviour was noticed by a number of others and that included your team captain who eventually intervened and spoke to you. Initially you told him to fuck off but it is quite clear that you had to be spoken to on several occasions about your behaviour during the course of that evening.

And in interview you stated you could not recall acting inappropriately. You accepted you had been consuming and had consumed excessive amounts of alcohol, you said that you had sought some counselling respect of your alcohol intake and you're drinking generally but overall, your lack of recollection speaks for itself.

Now, in your case we have been referred to the sentencing guidelines issued by the Judge Advocate General. We consider charge 1 to be the most serious and therefore we will take this as our lead offence for the purpose of sentence and the sentence that we will shortly pass on this charge will be greater than those passed in respect of the remainder and that is in order to reflect the totality of your offending and to ensure a just and proportionate outcome for both yourself and for each of the victims in this case. And by adopting such a course of action we do not wish to diminish the impact upon the other victims as a consequence of your drunken and disgraceful behaviour towards them over the course of that evening. And I also want to quote from the Judge Advocate General's guidance as follows:

"The object of this offence is to preserve proper standards of decency within the Services, and to prevent personnel from bringing the Services into disrepute by publicly or openly behaving in an indecent manner. In all cases of culpability A, the Court must consider dismissal in addition to the sentences recommended above."

Now, identifying the appropriate category requires the Court to consider both your culpability and harm caused by the offence. The Board is satisfied that the behaviour that forms the basis of the disgraceful conduct, charge 1, grabbing a female fellow Service woman by her waist, lifting up her dress in a public setting in the presence of others and accompanying that by lewd and sexually suggestive behaviour and language that is clearly category A. And the fact that the offending was clearly intentional and part of a pattern of persistent activity over the course of the evening leads us to conclude that in respect of every offence category A is the appropriate category. Having regard to the victim personal statement from, now, [victim 1] there is clear and cogent evidence that this behaviour did cause her significant distress although we draw back from categorising that as "very serious" nevertheless we place the harm caused by your offending into category 2. That provides for a start point of a high-level community order with a sentencing range of a low-level community order to six months' imprisonment. The Judge Advocate General's guidelines make clear that in the service

jurisdiction an equivalent sentence to a high-level community order is one of 30 weeks' detention. We considered whether there were any Service factors that might justify a placement in the higher category but concluded there were none.

In terms of aggravating factors, in other words factors that serve to increase the sentence from the notional start point well they include the fact that you were heavily intoxicated at the time and the fact that these offences were committed in the presence of others. We do not give much weight to the fact that one of these victims was a civilian or indeed that you were a Corporal. This is not an abuse of rank case and most there present appear to be or have been of similar rank and seniority. In terms of mitigation we have listened with care to everything that has been very eloquently advanced on your behalf by Miss Edington; you have much to thank her for. We have taken into account your previous good character, your lack of any relevant Service or civilian convictions, we are also acutely conscious of the various medical conditions from which your daughter currently suffers and we have also read with interest the reference from Squadron Leader Menny who describes you as outgoing and jovial although "socially unreliable" when alcohol is involved. He says that you operate well when focused but is otherwise "a little rough around the edges". And we have also read a pre-sentence report the contents of which we found equally helpful. You are assessed as a medium risk of re-conviction and a medium risk of causing serious harm.

Corporal Sayle, will you please just replace headdress and stand please? Thank you. Your behaviour on that occasion was inexcusable, and it does represent a betrayal of the values and standards of the Armed Forces. It also tarnishes the reputation of the uniformed Services more widely. We have concluded that charge 1 by itself and in any event the combination of the offences as a whole are serious enough to warrant dismissal. We have considered your financial and other circumstances including the impact upon you and your daughter of losing Service accommodation and we understand the effects that dismissal will have upon you but notwithstanding those effects we do not consider that any lesser form of Service sanction short of dismissal would be sufficient in the circumstances of this case. And accordingly, you will be dismissed from His Majesty's Service. Now, this will have the effect of your immediate discharge from the Services and the financial and other consequences which will follow automatically from that.

Having considered the matter with care the Board has further concluded that in each case the custody threshold has been passed in this and that these offences are so serious that a period of custody is unavoidable. The shortest possible sentence we can impose upon charge 1 having regard to the seriousness of that offence is one of six months' imprisonment. In order to reflect the totality of the offending we took that charge as our lead offence and we adjusted the start point to six months.

Aggravating features that we have identified above led us to a sentence of eight months. However, mitigation including but not limited to your previous good character and your lack of relevant convictions brought us back to our start point and giving full credit for your early guilty plea we further reduce that sentence to one of four months' imprisonment. On charges 2, 3, and 4 there will be concurrent sentences of two months' imprisonment all of which have been adjusted both for aggravation and mitigation and all of which incorporate an appropriate discount for your early guilty pleas.

Now, Corporal Sayle, this case has presented us with a dilemma. Do we sentence you to an immediate term of imprisonment? Well, that would clearly be merited on these facts, it would satisfy the principles of punishment and deterrence, and it is what ordinary members of the public would both expect and you could not reasonably complain. They are serious offences and –

LT CDR RAMAGE: Your Honour, there is a matter of law that I wish to discuss before you continue if I may.

JUDGE ADVOCATE: Right. Would you like just take a seat please.

LT CDR RAMAGE: In the absence of the Board, your Honour.

JUDGE ADVOCATE: In the absence of the Board?

LT CDR RAMAGE: Your Honour, it is an issue with regards to categorisation. The start point that is being read out is a start point for a 1B offence. The sentencing Board, as you have just outlined, your Honour, has a starting point for a 2A offence which is a service community order. I just wanted to make sure that he is being sentenced under the correct category in that table.

JUDGE ADVOCATE: The start point for an A2 offence is a high-level community order. Correct?

LT CDR RAMAGE: Yes, your Honour.

JUDGE ADVOCATE: We have adjusted the start point under the totality principle to the right of arc.

LT CDR RAMAGE: Thank you, your Honour. We have had a CMAC case recently where the wrong guidance was used. I just wanted to make sure that that was not the case here. If your Honour is content, it is not then I will say no more.

JUDGE ADVOCATE: No, I am content. Please stand again.

LT CDR RAMAGE: Thank you, your Honour.

JUDGE ADVOCATE: I was in the process of saying that these are serious offences and people justifiably expect deterrent sentences to be passed. But that said, having given the matter detailed consideration, Corporal Sayle, and having applied the relevant guidance on the imposition of custodial sentences contained in the Sentencing Council guidance we have decided with some caution to suspend the sentence in your case. In our judgement a relatively short term of immediate imprisonment whilst perhaps deserved would not be a proportionate sanction in these circumstances. There is significant mitigation in your case and there would otherwise be a significant impact upon other, namely your daughter, were you to be imprisoned today. The offences were out of character, you have demonstrated a degree of remorse which we consider to be genuine, there has been a significant delay in this matter for which you are not at fault and overall, we consider your prospects of rehabilitation to be reasonable. So, overall, we consider that society would be much better served and better protected by you providing unpaid work and being supervised in the community. So, there will therefore be a suspended sentence order of two years duration.

So, the custodial term is one of four months and that is suspended for two years. So, if in the next two years you commit any offence whether or not it is the same type for which you are being sentenced today you will be brought back to court and it is likely that this sentence will be brought into operation either in full or in part. Now, as a condition of this suspended sentence you will be required also to undertake 250 hours of unpaid work on behalf of the community and be subject to a supervision requirement of 24 months duration. Now, ordinarily we would have wanted to have considered an alcohol abstinence monitoring requirement or even an alcohol treatment requirement. It is disappointing that these options were either neither fully canvassed or available to us. What that means, Corporal Sayle, is you must meet your supervisor when and where you are told, you must co-operate fully with any instructions that your supervisor gives you and if you fail to perform the work or you fail to do it properly or you fail to co-operate with the supervision requirement, for example, that means you will be in breach of the order, you can be brought back to court and you may be given further requirements or indeed re-sentenced. Have you understood everything I have said?

DEFENDANT: Yes, your Honour.

JUDGE ADVOCATE: Very good. And also, we have decided, Commander Ramage, not in this case to make a compensation order. We did so after very careful reflection and deliberation and we felt overall that [victim 1] receiving a relatively speaking small sum of money in light of her victim impact statement may have actually had the opposite impact to that which compensation is meant to achieve. So, for those reasons we have decided against making a service compensation order in this case. I do not wish to diminish the impact upon [victim 1] in any way shape or form, on the contrary. Anyway, Mr President, would you please formally pass sentence?

SENTENCE

PRESIDENT OF THE BOARD: Corporal Sayle, you are sentenced to four months' imprisonment suspended for two years and dismissal from His Majesty's Services.