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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

31st day of October 2025

in the case of

REX

V

24907058 Major Scott Daniel Davidson

Grantham Station Support Unit

JUDGE ADVOCATE

Judge Legard

Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Mr Davidson, remain seated please for the moment. You were convicted after trial of a single offence of assault occasioning actual bodily harm. It is for that which you fall to be sentenced today.

The offence itself took place following a Christmas function in the QM Department at Dalton Barracks in Abingdon over the evening of 11th, 12th December 2023. You were the QM at the time. The victim in this case Lance Corporal Spencer was a chef, and he was directly subordinate to you. There were

approximately 20 people present that evening but by the time of the events in question, there was only yourself, Corporal Spencer and Private Mowbray present.

In the early hours of the morning, as the three of you continued to drink, you got up from behind the bar, walked around to confront Lance Corporal Spencer, and punched him with full force, once to the face. The Board has no doubt that you did so because you believed that Corporal Spencer had made or shared comments about you that you considered disrespectful or because, in your view, his banter had strayed beyond acceptable boundaries.

Having punched him, and rendered him semi-conscious, you then stood over him while he lay prostrate on the floor, you threatened him with further violence, and it was only Private Mowbray's presence and intervention that prevented matters from escalating further.

Now, as a consequence of being punched, Lance Corporal Spencer suffered extensive damage to his mouth and his teeth, resulting in the loss of his two front teeth. Following on from that incident, once you had come to your senses, and reflected upon your actions, you then did your utmost to paper over the cracks by apologising for and offering to pay for further dental treatment.

Until such time as you were interviewed you made no suggestion whatsoever that Lance Corporal Spencer had been the initial or principal aggressor or that you had struck him in anticipatory self-defence. Indeed, at trial, you concocted a story whereby you alleged that it was Lance Corporal Spencer who, on being ushered out of the building by you, had taken a step back, clenched his fist and drew back his arm as if to strike you. You claim to have then turned your face away and struck out with your weaker hand in anticipatory self-defence.

However, you had overlooked Private Mowbray. The Board found Private Mowbray to be a compelling witness to the events in question. A relatively sober and, despite your best efforts to suggest otherwise, independent witness. More importantly he was a brave witness, because it is not easy for a private soldier to front up to a senior officer, the Quarter Master at that, and, under vigorous cross-examination as well as undoubted subtle pressures from the chain of command, to tell the truth.

The Board wish to commend Private Mowbray in particular for the moral courage that he displayed by coming to court and assisting the Board in determining where the truth lay in this case.

The contrast between Private Mowbray and yourself could not be starker. You were an officer. Officers not only lead by example but they should, at all times, demonstrate the highest standards of

moral courage and integrity. What you did was the complete opposite. Indeed, you went a step further, you went out of your way to cast aspersions upon these two subordinates. Contending that their testimony was essentially a product of collusion, that they had fabricated their accounts, that the allegation may have been financially motivated and that Mowbray had simply fallen into line out of misguided loyalty and friendship. You refused to accept any responsibility for your actions. You maintained your denial in the face of overwhelming evidence and your story was rightly and comprehensively rejected by the Board.

Another matter which has troubled the Board in this case, although the Board does not pin any blame for this against you personally, is the way that the chain of command sought to protect one of its own or allow a serious allegation of violence to be effectively brushed under the carpet or kept inhouse. Cap badge loyalty and closing of ranks are perfectly appropriate, arguably essential, on the battlefield. Those principles must not be used to allow a friend or a colleague to avoid the consequences of criminal action. The culture in your unit, at the highest level is, the Board finds, to be deplored.

We have had read out to us a victim impact statement from Lance Corporal Spencer, updated this morning. Over and above the immediate pain and obvious discomfort that he suffered there has been ongoing cosmetic embarrassment and he now needs to remove his teeth each and every night. The loss of his teeth has impacted his relationship, it has led to increased self-consciousness, continued discomfort and he has been unable to afford private dental reconstruction. He has received an approximate quote for that work in the sum of £5,000.

Turning to sentence, the Judge Advocate General's Guidance encourages us to apply the Sentencing Council Guidelines but, in doing so, to consider any features of service life that might serve to either heighten culpability or harm or aggravate or mitigate the offence itself being careful of course, to avoid any double counting.

We would 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 quote from the Judge Advocate General's Guidance itself 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. Dismissal should be considered in cases of ABH and above when culpability is assessed at B or above and/or harm is assessed at 2 or above.”

We now turn to the Sentencing Council Guidelines for the offence of assault occasioning actual bodily harm. We agree with counsel that this offence falls squarely within category C2. Category C culpability on the basis that it was a single punch, spontaneous and short lived. Category 2 harm, given that the nature of the injuries sustained which, while serious, are not sufficiently so as to justify placement in the highest category.

A category C2 placement provides for a start point of a high-level community order and a range of a low-level community order to 36 weeks' custody. However, we take into account, at step two, service factors present in this case which include differential in rank the fact that Spencer was a subordinate in your effective chain of command and the manner in which you sought to abuse that differential in rank. We take the view that those service factors justify a start point of custody as opposed to a community order within the relevant category.

We have been careful not to double count by using the same factors as aggravating the offence, but we have taken into account that your rank and seniority (which is to be distinguished from rank differential,) together with the fact that you were under the influence of alcohol at the time you committed this assault, which serve to increase a sentence from that notional start point.

We now turn to mitigation. We note and we take full account of the fact that you are representing yourself today. You have provided us with a letter and have read out a number of matters that are personal to you and, of course, your immediate family. I do not propose to rehearse the contents in full within the context of these sentencing remarks but suffice to say, you have had a series of profound challenges over your lifetime. Not least the tragic and untimely death of your daughter, the anniversary of which coincided with and may well have contributed towards your sudden loss of control on this particular evening.

Although we are conscious of the fact that, at the relevant time, you were in what can be described as a difficult place emotionally and you appear perhaps to be using alcohol as a coping mechanism, these matters cannot of course excuse or condone let alone explain this type of conduct.

You are 53 years of age, and until recently an officer serving with GSSU. You had almost 35 years' service behind you. That included numerous operational tours. The fact that over many years you have provided important, at times no doubt critical, service to Queen, King and Country in very challenging conditions is not lost upon us. You have no previous convictions, and you are of hitherto positively good character. This offence was clearly out of character.

We recognise the impact upon you of your loss of good character and your reputation. You are currently in employment, you are the primary carer of your wife who faces shoulder surgery and notwithstanding your conviction, you maintain that you are remorseful and that you take full responsibility for your actions.

The Board is prepared to accept that your remorse is, notwithstanding the fact that you chose to face your trial, genuine as opposed to a reaction to your current predicament. We have also read a pre-sentence report, the contents of which are both very helpful and self-explanatory. In that report, we note there are some encouraging signs of what appears to be a reasonable level of impact awareness upon the victim. You are assessed at being a low level of reconviction and a medium risk of causing serious harm to others.

We have also, of course, read a number of character references from a number of colleagues, Brigadier Hansen, Lieutenant Colonel Lowe, Lieutenant Colonel McDonnell all of whom attest to your personal and professional qualities. We cannot, of course, give you any credit for guilty plea.

Now, Mr Davidson will you please, stand? You wore those pips or crowns rather on your shoulders for a reason. Your job indeed your duty was to uphold and demonstrate the high standards of behaviour and integrity and especially as an officer, you ought to have been a living breathing example of the person to whom subordinate soldiers should be aspiring to become. For someone of your seniority to have behaved in this reprehensible way, especially your conduct post-incident and the way you abused your position, your rank and seniority, the Board finds that that conduct falls well below the standards to be expected of an officer. Notwithstanding the fact you have already been effectively retired from service, the Board has determined that this offence is serious enough to warrant dismissal, and you will therefore be dismissed from His Majesty's Armed Forces.

Having considered the matter with care, we have also concluded, on balance, that the custody threshold has been crossed, the offence is so serious that only a custodial sentence can be justified. We took as our start point six months, the aggravating factors that we have identified raised that sentence to eight months, but the pendulum then swung in the opposite direction to take account of the significant mitigation in your case. That includes the matters set out in the references, your lack of previous convictions, your positive good character, the service to King and Country and so on. That brought us back to a sentence of six months' imprisonment.

This case, Mr Davidson, presented us with a dilemma. Do we sentence you to an immediate term of imprisonment? That would clearly be merited. On these facts it would satisfy the principles of punishment and deterrence, and it is what the victim, Corporal Spencer, and ordinary members of the public and Armed Services would expect. You could not reasonably complain if that is what we were to do. This is a serious offence, and both the public and members of the Armed Services justifiably expect deterrent sentences to be passed. That said, and having given the matter detailed consideration, having applied the relevant guidance on the imposition of custodial sentences, the Board has decided, albeit with some caution, to follow the recommendations set out in the pre-sentence report albeit attached to a suspended sentence.

In our judgement, having taken into account all the circumstances of this case, including but not limited to your positive good character, your length of service, your personal and family circumstances, the opinion of the probation officer, and the impact that a custodial sentence would have upon your employment and your ability to support your wife, and given the current prison conditions, we determined that a short period of immediate imprisonment would neither be the right nor proportionate sanction. We consider that society would be better served by you providing unpaid work in the community.

There will therefore be a suspended sentence order of 24 months' duration, so the custodial term is one of six months' imprisonment suspended for 24 months. If in the next 24 months 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. Do you understand that?

DEFENDANT: Yes, your Honour.

JUDGE ADVOCATE: As a condition of this suspended sentence, you will also be required to undertake 280 hours of unpaid work on behalf of the community. What that means is that you must meet your supervisor when and where you are told. You must cooperate fully with any instructions your supervisor gives you and if you fail to undertake the work or you fail to do it properly then you will be in breach of the order. That means you are brought back to court, and you may be given further requirements or resentenced and that could also well mean custody, do you understand that?

DEFENDANT: Yes, your Honour.

JUDGE ADVOCATE: Finally, you will also pay compensation to Lance Corporal Spencer in the sum of £5,000. Before I proceed any further, can I just enquire from you as to whether that £5,000 can be paid in ten equal monthly instalments beginning 1st December. In other words, £500 per month. Can you afford that? I do not want to make it any more than 12 months.

DEFENDANT: I will pay it, your Honour.

JUDGE ADVOCATE: In ten months?

DEFENDANT: Yes, your Honour.

JUDGE ADVOCATE: Yes, okay. That is payable in ten equal monthly instalments commencing 1st December or sooner it is a matter for you. Now, that payment forms part of your sentence. It must be complied with, if you fail to pay the compensation you will go to prison for three months. Before you leave court, you must report to a member of the court staff, complete all the necessary administrative procedures and you will be required to confirm your account details and provide information of your current financial obligations. You will be informed as to the payment schedule or reminded of it and any required meetings. A failure to comply with these conditions may result in enforcement proceedings under what is called the Financial Penalty Enforcement Order process or indeed other civil enforcement action. That may include deductions from earnings, benefit recovery, bailiff action, or other enforcement measures. Again, do you understand that?

DEFENDANT: Yes, your Honour.

JUDGE ADVOCATE: Now, Mr President would you please pass sentence, thank you.

SENTENCE

PRESIDENT OF THE BOARD: Mr Davidson you are sentenced to six months' imprisonment suspended for 2 years. You are to pay £5,000 compensation and you are dismissed from His Majesty's Armed Forces.