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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

23rd day of January 2026

in the case of

REX

V

30275195 Lance Corporal Dylan Aaron McHardy

The Royal Scots Dragoon Guards (Carabiniers and Greys)

JUDGE ADVOCATE

Judge Mitchell

Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Lance Corporal Dylan McHardy, you are 30 years old and you have been in service for eight years and 226 days. You pleaded guilty at the first opportunity to the offence of assault occasioning actual bodily harm and you will receive full credit for your plea. This is however not your first brush with the courts. In 2014 you were fined in Scotland for drunk and careless driving, in 2018 you were dealt with by summary proceedings for the offence of battery and again in 2022 for the offences of assault occasioning actual bodily harm and fighting, you were dealt with by summary proceedings and detained for 72 days. We note the date of that last offence, it is 2022 so that means

it is only two years before you committed the offence that you fall to be sentenced for now. We also note that on your JPA record you have three other matters recorded against you, two matters of contravention of standing orders and one matter of unfitness through alcohol between 2018 and 2020 for which you were fined. Therefore, it is fair to say that you have a fairly longstanding problem with alcohol and, to an extent, a fairly longstanding problem with violence.

On 11th December 2024 in drink after rowing in a taxi you got out of that vehicle and went round to another door of that vehicle and you ended up punching a fellow traveller, Craftsman Mander, as he was getting out of the taxi. You hit him so hard with one blow that you fractured his eye socket, broke his nose and cut him. He has been, fair to say, remarkably generous to you in his victim personal statement and his attitude towards you. Others, we are bound to say, would not be quite so forgiving or conciliatory but we do note that as a feature in this case, and it will become relevant later on.

Looking to the relevant sentencing guideline within civilian proceedings we have no doubt that this is a category 1 harm case. You caused Craftsman Mander serious physical harm. We agree that it is not as bad as it could have been and not as bad as it sometimes is, but nonetheless the harm you caused was serious physical harm. Your culpability, that is your blameworthiness, is, we agree, category C because the assault was impulsive and spontaneous. The starting point that is indicated by the civilian sentencing guidelines of 36 weeks' imprisonment is aggravated by your previous convictions and your commission of this offence whilst intoxicated. It is also to some extent aggravated by the fact that you hold rank. It is most certainly mitigated by your remorse, but the weight attached to that is less than it might be bearing in mind that it comes from a man who has been unfortunately violent on several occasions in the past and is always remorseful after the event and not before it. After trial we have no doubt that the appropriate sentence would have been one of 12 months' imprisonment. With a full third credit for plea that sentence would equal eight months' worth of imprisonment. Applying the appropriate mechanics indicated by version 7 of the Judge Advocate General's sentencing guidelines that could further equal a sentence of 10 months' service detention.

We turn first to the question of dismissal. For the avoidance of doubt let me make it clear that we have read the pre-sentence report, the character paperwork, we have considered the effect of version 7 of the Judge Advocate General's sentencing guidance, we have considered the offence specific guidance, we have also considered the relevant guidelines in relation to the imposition of custodial sentences and also the effect of the decisions of the Court of Appeal in matters of *Ali* and *Aripi*. We turn to the question of dismissal. This I am afraid yet another instance of drunken violence in your history. That represents an escalation in your offending. This offence was committed two years after your last offence of assault occasioning actual bodily harm. That with regret demonstrates that you

have learned little and the little that you have learned now unfortunately comes too late to save you. Looking at your history, the disciplinary matters and your previous convictions, we would not expect to see a soldier still allowed to serve with so many matters recorded against his name. I am afraid overall that you cannot serve further. We are of the opinion that this offence is serious enough to warrant dismissal from His Majesty's Service and so in due course you will be reduced to the ranks and dismissed. In forming this opinion, we have taken into account all the information available to us about the circumstances of these offences including the aggravating and mitigating factors including what we understand to be the inevitable financial effects on your livelihood and any pension that you have accrued.

We also then have to remember that dismissal to an extent is its own punishment. We have considered that, we have considered the victim personal statement, we have considered the pre-sentence report and your indications of remorse. We have considered the fact that notwithstanding the matters recorded against you there are still people who are willing to speak very well of you and we also bear in mind the fact that you have demonstrated some degree of change over the recent past notwithstanding that it is not enough to save you in service. Overall, we think that you are making some efforts. In the circumstance we can assist you to this extent. What could, and some might think should, be a sentence of immediate imprisonment can be commuted to a sentence of immediate service detention. I say immediate because we have considered all of the relevant factors. Looking to the guidelines and applying the tests therein we are far from certain that you do present a realistic prospect of rehabilitation, but we would like to think that you do. You do present some risk of re-offending, your personal mitigation has some strengths, but it cannot be considered strong and we well noticed that detention of any kind may have some impact upon your family and indeed particularly your child.

Overall, however, we take the view that the seriousness of this offence is so great that appropriate punishment can only be achieved by immediate service detention. That as ever is the one factor that trumps all other considerations as indeed it does in this case bearing in mind your history. Therefore, we take the view that ten months' service detention has to be served immediately. That will be the sentence that will be passed in conjunction with the order for your dismissal from service. We make no order for compensation in this case. You do not have the financial means to do it, you certainly will not in the immediate future but equally such money as you do have is better served with your wife for the moment and your child so that they and you in due course can make a start on a new life.

The effect of the sentence will be this. That you will serve two thirds of that sentence at the MCTC. We hope very much there that they will clean you up, dry you out and also assist in giving you the

trade and the skills that will allow you to generate for yourself a new future. That is our hope, that is our aim and to an extent that is the best that we can do for you bearing in mind that we are dismissing you.

Mr President, would you be so kind please as to announce the sentence.

SENTENCE

PRESIDENT OF THE BOARD: Lance Corporal Dylan Aaron McHardy, for the offence of assault occasioning actual bodily harm you are sentenced to ten months' service detention. Further, you are reduced the ranks and dismissed from His Majesty's Service. March out.