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**IN THE COURT MARTIAL**

held at

**MILITARY COURT CENTRE, CATTERICK**

on the

**8<sup>th</sup> day of December 2025**

in the case of

**REX**

V

**30101242 Sergeant Benjamin Williams Edwards**

**Royal Air Force Marham**

**JUDGE ADVOCATE**

Judge Mitchell

Assistant Judge Advocate General

**SENTENCING REMARKS**

JUDGE ADVOCATE: Having addressed all relevant matters for the purpose of this sentencing exercise, in particular we have read with care the pre-sentence report. We have considered the offence specific guidelines set forth by the Sentencing Council. We have considered Version VII of the Judge Advocate General's Sentencing Guidelines. We have also considered the imposition guideline, the character references and the Court of Appeal Decisions in the matter of *Ali* and *Aripi* and indeed all relevant legal and factual matters.

Sergeant Benjamin William Edwards, you are 40 years old, and you have been in His Majesty's service for 16 years and 56 days. You have no disciplinary matters recorded against you and you have one previous conviction for a relatively minor public order matter for which you were conditionally discharged for 18 months back in 2006.

You have pleaded guilty to all the Charges against you at the plea and trial preparation hearing and in this jurisdiction that means that you will receive full credit for your plea.

The facts of this case relate to the events that took place at the Officers' Mess at RAF Marham on Burns' Night this year. Put very simply you got yourself into a state of drunkenness. Whilst you were on the dance floor, you touched sexually three times [name 1 redacted]. You touched her on the bottom, you touched her on the breast, and you touched her in the area of her crotch. Put very simply you were making a real and proper troublesome nuisance of yourself. What is worse is that on each occasion she told you not to do what you were doing but you did it anyway. It must have been clear to you that your attentions were very much unwanted.

Each of those touchings aggravates the other, but that is not the end of the story because you also made a nuisance of yourself, criminally speaking, with [name 2 redacted]. The facts of what you did and said to her are contained within the prosecution's opening but to put it very simply you touched her inappropriately and you used very inappropriate language towards her. Overall, your behaviour on that evening was nothing short of disgraceful.

It is no mitigation to say that you did what you did in drink. No doubt many people that evening had been affected by drink, but you took it upon yourself to behave as you did. Equally, it is something that is out of character for you but nonetheless it is something that you now have to answer for. We have considered at length the victim personal statement in this case, that have been read to us. What we understand readily from our perspective is the service context of this kind of offending. It makes life incredibly difficult and uncomfortable for those who suffer this kind of offending both professionally and socially. Those are precisely the effects which in particular [name 1 redacted] reports as having taken place in the aftermath of what you did.

It is scant mitigation to say, as we have already observed, that you were drunk at the time. If anything, alcohol is an aggravating feature. Whereas it is suggested that you cannot remember what you did, you remembered enough of it the next morning to set about trying to apologise for it. It is suggested that you have had guts and courage to plead guilty to these matters. That is not a submission that we can accept, bearing in mind what we know that you did but nonetheless we do accept that you have

shown a high degree of contrition and remorse and made clear that in the appropriate way by pleading guilty at the first possible opportunity.

Our approach to totality is this. We have considered your behaviour in the round. We will impose concurrent sentences for each of these Charges subject to credit for plea, to take account of everything that you did. The lead offences in this case are the offences of sexual assault. As already observed each aggravates the other. They are further aggravated by the service offences that you committed against [name 2 redacted].

Dealing then with the sexual assault matters and turning to the civil Sentencing Guidelines, each is what is known as a culpability B harm 3 offence. There are additional service factors which increase the harm in this case. We do accept that there has been an adverse effect on the operational effectiveness. We do accept that there has been an adverse effect on morale and unit cohesion. We do accept that there has been an adverse effect on the reputation of His Majesty's Armed Forces.

Putting it very simply, half the population of this Country would be discouraged from serving in His Majesty's Armed Forces if they expected that behaviour like this would be visited upon them. That is simply unacceptable. It is the military context of this case which makes it much more serious than one might expect in a civilian context.

Therefore, whilst in this case, the appropriate starting point on the civilian guidelines is a high-level community order. We note that the range runs as high as 26 weeks' worth of imprisonment. There are aggravating and mitigating factors obviously alcohol as we have already observed is an aggravating factor but there is some mitigation in your remorse. There is also some mitigation in the fact that you have neither recent nor relevant convictions and there is real mitigation in the fact of your good professional record and indeed your previous charitable works.

There are however, as we have already observed additional service factors that make this case more serious than would otherwise be the case if we were not in the Court Martial. You held the rank of Sergeant and that was not, as we find in the circumstances, a rank that you were entitled to. No Sergeant can ever behave in this way and expect to be called a Sergeant in the future. Also, what you did was done in front of others in a public setting. It was demeaning and we have no doubt that that is how the victims in this case took it when you behaved as you did.

As has already been conceded quite rightly by your counsel, dismissal in this case is inevitable and so I shall attend to that particular matter now. We are of the opinion that these offences taken in

combination are 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 and including what we understand to be the inevitable financial effect on your livelihood and any pension that you have accrued.

The question then is what additional punishment should be afforded to you. We have considered all of the available alternatives. What we simply say is this, bearing in mind the military context of this case, we find that the custodial threshold has indeed been crossed and indeed been well crossed.

After trial, taken as a whole, we would see the appropriate sentence as being at the top of the B3 range. That means that after trial the appropriate sentence all in for what you did would be 26 weeks' worth of imprisonment. From that we take off one third to reflect the credit for plea available to you. That produces a sentence of 17 weeks' worth of imprisonment.

The question then is whether or not that sentence should be suspended. We find that it should be. In your case, bearing in mind everything that we have heard and everything that we have read, there is a realistic prospect of rehabilitation. There is not in your case, a high risk of you reoffending. There is not a high risk of further harm.

We would not say necessarily that you have strong personal mitigation, but it does have certain elements of strength. This is a case where immediate custody may have a harmful financial impact upon others, in particular, your children. We do not think that you necessarily present much in the future by way of a risk to others and there is no history of poor compliance with court orders.

Therefore, we find that this is not a case where necessarily immediate custody must result by way of condign punishment. Therefore, we take the view that overall, the sentence that we impose, that is one of 17 weeks' imprisonment will be suspended for a period of 18 months. That will be on conditions. You will complete 200 hours' worth of unpaid work in the community, and you will also complete up to 30 rehabilitation activity requirement days if that is necessary.

That sentence will be structured in the following way. On Charges 1, 2 and 3 those are the Charges of sexual assault. The sentence will be 17 weeks' worth of imprisonment, suspended for 18 months concurrent on each Charge. On Charges 4 and 5, the service law matters, the sentences will be 8 weeks' worth of imprisonment, again suspended for 18 months. Again, to be served concurrently with

each other and with each of the other sentences imposed on Charges 1, 2 and 3. Therefore the total sentence will be 17 weeks' worth of imprisonment, suspended for 18 months.

The practical effect of that is this, that you will complete the unpaid work and the rehabilitation requirement days. If you do not, then you can be breached for that and you can be returned to court, and if the court so orders you can have your suspended sentence activated in whole or in part. If you commit any further offence punishable by imprisonment within the period of suspension, then your sentence will start at 17 weeks and to that will be added any other sentence that you are due for any other offence. Frankly, we believe in the circumstances and certainly sincerely hope that it will not come to that. That is the effect of a suspended sentence.

In coming to this conclusion, we have considered very carefully the submissions that have been made well on your behalf by your counsel. She has urged us, notwithstanding, to come to the view that perhaps this case could overall, merit a service community order rather than a suspended sentence of imprisonment. As well as that submission was put, we could not agree with it and the principal reason for that is we have given you what we believe in this case you are due.

Secondly, it is the service context that makes a difference. This kind of offending will not be tolerated. It will be stamped out. It will come to an end, and it will come to an end so that women feel confident and free to serve His Majesty in the Armed Forces. It is necessary to mark that thinking in the passing of the sentence that we so do.

Madam President, can I turn to you, please. Would you formally pronounce the sentence of the Court upon the defendant.

### **SENTENCE**

PRESIDENT OF THE BOARD: Your Honour, Sergeant Benjamin William Edwards. For each offence in Charges 1, 2 and 3 you are sentenced to 17 weeks' imprisonment. For each offence in Charges 4 and 5 you are sentenced to 8 weeks' imprisonment. Those sentences will be served concurrently. They will be suspended for 18 months.

You will complete 200 hours of unpaid work. You will complete up to 30 RAR days.

You are reduced to the ranks and dismissed from His Majesty's service, March out.

JUDGE ADVOCATE: Thank you very much Sergeant.

MR COOMBES: Can we just deal with the Sex Offenders' Register?

JUDGE ADVOCATE: We can, notification seven years. Thank you, Sergeant.