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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

12th September 2025

in the case of

REX

V

L8289492 Ex-Corporal Michael BREWER

Formerly of Ministry of Defence Corsham

JUDGE ADVOCATE

Judge Smith

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Mr Brewer, you can stay sitting down when I explain to you the sentence. I know you simply just want to know what the sentence is and that is understandable, but I need to explain to you the issues that I have taken into account. Why I have come to the conclusion that I have done, and I need to ensure that you fully understand the implications for you. You are now 57, you are a former Corporal in the Royal Air Force. You retired after 22 years' service in 2009. You pleaded guilty at the first opportunity before the Court Martial for which you will be given full credit to six offences.

Four offences of indecent assault on a woman contrary to Section 14 of the Sexual Offences Act 1956 and two offences of indecent conduct towards a young child Contrary to Section 1 of the Indecency Towards Children Act 1960.

Those offences are no longer on the statute book. In 2003 there was a comprehensive review of sexual offences, though the conduct to which you pleaded guilty is, of course, still an offence under the new law but would have been dealt with now offences under the 2003 Act. All six offences would be the equivalent now Section 9 of the Sexual Offences Act 2003. That is sexual activity with a child.

Charge 1 is an allegation of sexual or indecent assault by kissing. Charge 2 indecent assault by kissing, Charge 3 indecent assault by touching the leg inappropriately. Charge 4 an offence of indecent conduct towards a young child, that indecent conduct being sexual intercourse between you and the complainant. Similarly at Charge 5, and Charge 6, an allegation to which you pleaded guilty of indecent conduct towards a young child. The allegation is that there was oral sex between you and the complainant, [name redacted], and I will come to her account in a moment or two. It is not entirely clear whether that was intended to be oral sex you upon her or her upon you. On the facts of this case, it does not make any material difference in my judgement.

These offences all took place in Cyprus where you were posted between 2000 and 2001. At the time [name redacted], who is now in her late thirties and shortly to be forty years old, was 14 or 15. She was the dependent child of another service person. You were a Corporal aged 31 or 32 at the time of this sequence of events. You were posted into Cyprus on 3rd September of 1999. You joined a theatre club there; it formed a social hub of activity largely involving service people and their families in Episkopi.

There was to be a production staged there and you took a leading role in the management or the production of a performance of. [Name redacted] was to take a leading role in that production at your instigation. The rehearsals started in late summer 2000, there were many occasions when you arranged for the two of you to be alone together in rehearsals. Sometimes other people were present but under the camouflage of you being required to give her extra rehearsals, giving her leading role, then there were occasions, many occasions when the two of you were in close contact in and around the theatre with other people not present.

The touching of an indecent kind, which is the kissing and the touching of her leg, took place when she was 14 years old. This was escalating behaviour, she was flattered by you, you are plainly, when you choose to be, a charming man, the probation officer made observations with regard to the ease

with which they were able to discuss offences with you. The reality is that [name redacted] a 14, 15-year-old was effectively overawed by the attention that you were showing towards her. It is fair to say that she complied willingly insofar as a 14- or 15-year-old could willingly go along with sexual activity encouraged by an adult. In no way is she culpable for what happened.

You were the adult, you were not a young adult, you were a lot older than she was and it was up for you to put the brakes on any understandable sexual attraction that a girl going through her early mid-teenage years may inappropriately feel towards an adult. You did not do that, and you're offending by the time she was 15 years old, extended to sexual intercourse with her either in the bar or the changing room. There was an offence for which I am not dealing with you, which took place at Brize Norton in the United Kingdom. You fall to be sentenced for at least two occasions where there was sexual intercourse between you and [name redacted].

She was a virgin, at the time. You took some limited credit on your part, did not put her at risk of pregnancy, because she refers to the fact that when there was sexual intercourse you took the precaution of wearing a condom. She kept quiet with regard to what had happened. You were posted out of Cyprus on 16 July 2001 and after that there was just the single offence at Brize Norton. This relationship happily did not continue when you were no longer in her close proximity in Cyprus.

She kept quiet with regard to what had happened. She had a breakdown sometime in 2023, and at that stage disclosed to her family what had been going on all those years ago. That just by coincidence seems to be about the timing that you were being dealt with in Lincoln Crown Court for an unrelated offence but nonetheless an offence of some concern and I will deal with the details of that Lincoln offence in a moment or two.

As a result of her complaint, you were interviewed after caution in 2025. You made no comment at the interview, you were entirely entitled to do that, and the sentence is not increased because of you exercising your right to silence. Despite the serious nature of these offences, you did everything that you could do to make amends at that stage by entering prompt guilty pleas and therefore avoiding the requirement for [name redacted] to have to come to court and give evidence and you challenging that evidence.

She has given a victim personal statement to the court, I have read the transcript, I have seen the demeanour of [name redacted] as you have over the course of some of that video recording. The reality is she hid her feelings about this offending for years. She looks back on this now, realising it was entirely an inappropriate relationship. You were not a boyfriend, this was not a loving, gentle

relationship she says, this was more of a pornographic type nature, she said. Not the way that it should have been with regard to her early sexual experiences. She said that you were secretive with regard to what was going on. That is evident, nobody around her in that close-knit community realised what was going on.

She said that she was scared to tell anybody. I do not read into that, that in any way there were any threats or implied threats by you against her. Understandably she did not feel able to tell anybody else or want to tell anybody else with regard to what was going on. She refers to further indignities upon her, at least to this extent you encouraged her to shave her pubic hair.

The reality is that you charmed her, you went onto touching her, this was escalating behaviour, it ended up with walks on the beach and the like. As I have already indicated, you favoured her by selecting her for a leading role in. By an aside there is a question with regard to whether it is right for a 14- or 15-year-old should be involved in such a production which is largely dealing with adult themes. Most people would say it was not age appropriate, and it seems on the information that she gave in her victim personal statement that this was fairly controversial within the theatre community at the time.

The reality is you flattered her, you praised her, this is all grooming behaviour, and your defence counsel quite properly does not challenge that suggestion. This has been with her, her whole life. She has had a number of mental health issues; it has given her a lack of confidence going forward. Struggles to form relationships of her own, or age similar relationships. She has had, as a result of anxiety and stress, physical issues such as incontinence, and in her own mind, this is all down to your behaviour towards her. She may well be right. She has ongoing anxiety issues.

Here, now, in 2025 we are increasingly aware and a lot more aware even than courts were in 2000 and 2001, with regard to the ongoing life-long effects upon the victims of childhood sexual abuse. That is what this was.

That is the prosecution case against you. There is a pre-sentence report in this case, you have been entirely cooperative. The pre-sentence report refers to you as being a personable man. Your own long-term relationship broke down and that with your now 13-year-old daughter, a couple of years ago when you were brought before the Lincoln Crown Court for what I am satisfied was an extremely concerning offence given the facts of these offences in 2000 and 2001. That offence being attempting to facilitate an offence of sexual activity with a child. Let me make it absolutely clear, that offence did not involve your daughter, but as a result of the protective order put in place, arising out of that

conviction for which you were given a suspended sentence of imprisonment, then your ongoing contact with your daughter is albeit on a relatively regular basis, always supervised by her mother.

On 18th December 2023, you were given that court order, 16 months suspended for 24 months with a requirement of attending at 50 rehabilitation activity requirements and unpaid work in the community. A sexual harm prevention order was made for a 10-year period. The probation officer commends you with regard to your attitude towards that order. You have done everything that has been required of you. Additionally, you have taken on voluntary work with the Lucy Faithful Foundation. That always stands to your credit.

With regard to the risk assessment that the probation service put forward, they say this, even with the successful work that you have been doing, the probation service still consider that you are a medium risk going forward of further offending. Were there to be any further offending a medium risk of causing serious harm, particularly to females aged between 9 and 16. In other words, you have an ongoing inappropriate sexual interest in little girls of that age. You accept that, you are doing what you can, and it is to your credit, to address that issue.

I have seen a number of references upon you, there is another side to your character. I have indicated already how personable and charming a lot of people find you. There are references from Paul and Diane Day who are the parents of your now partner. A letter from Claire Ryan and a letter from Sandra Kay and Julie Green, all people who have known you for a long time and describe another side to your character.

There is a reference from one of the officers of Operation Nova which is a veterans' association who are assisting you. Let me make it clear you remain a veteran and entitled and deserving of the support of the veterans' organisations, despite the offences that you have committed. They provide valuable support which is demonstrated in this case.

What is the appropriate sentence to pass in this case? Judges do not pull sentences out of thin air, where there are sentence guidelines, we are obliged to follow them. I have been referred to the Sentencing Council Guideline for sentencing sexual offences. The specific guideline with regard to sentencing what can sometimes loosely be described as historical sexual offences. Those are offences which were committed under the previous legal framework, the 1956 Sexual Offences Act and the supporting Air Force Act which was in place at the time.

The Sentence Council and I am obliged to follow their directions unless there are exceptional reasons to depart from them, say that you are to be sentenced in accordance with the sentence regime available at the date of sentence. The first thing that I need to do is look to see what the offences would be now, and what the Sentence Guidelines is the appropriate sentence and decide the sentence based on the seriousness of your offending. However, whatever those guidelines tell me, I cannot go outside the maximum sentences that were available at the date of the commission of the offences. The offences to which you pleaded guilty carried a maximum of 10 years at the time in 2001, 2002 and not the 14 years' maximum that the equivalent sentences in 2025 would attract.

I need to consider the Sentencing Guidelines, make an assessment with regard to the seriousness of the offence and your culpability. I am not looking to see what the sentence would have been at the time; I am looking to see what the appropriate sentence would be now. As a general proposition, it is fair to say that not least because of our enhanced understanding now with regard to the harm that is caused by offending of this type, the sentences on the current sentencing regime are, with regard to offences of this type, rather higher than they would have been at the time.

I need to consider the relevance of the passage of time carefully because it can have the potential to aggravate or mitigate the seriousness of the offence. Broadly speaking this, if somebody 20 years ago committed offences, not brought to court for those offences for that length of period of time, but in the meantime have led a blameless life, and perhaps even doing positive good in the society, there is room in those cases for a downward adjustment on the sentence to take into account their behaviour over the succeeding 20 years.

In some cases, if somebody has gone on not to lead a law-abiding lifestyle, but to commit further and further offences, then their behaviour since has the potential to aggravate the position. In your case, there is a little bit of both. You largely have led a law-abiding lifestyle but there was that offence of considerable concern which led you to be sentenced in Lincoln Crown Court. That suspended sentence to which I have already referred. You are entitled a reduction on the sentence for an early guilty plea, in any event.

What sentences would be appropriate now? The prosecution identify from the current Sentencing Council Guideline for sexual offences and the specific offence of sexual activity with a child, that this would be a high culpability offence with regard to the offences of sexual activity such as kissing and touching. The reason the prosecution say that is because there was certainly grooming behaviour when she was 14 or 15 and you were 31 or 32. That plainly is a significantly disparity in age. The prosecution say there is an abuse of trust, it is perhaps not an abuse of trust in the very carefully

defined examples which are given by the Sentencing Council that would put an offence into category A if that was the only factor. The abuse of trust examples put forward in the Sentencing Council Guideline are not an exhaustive list, but it includes such instances of a parent and a child, a parent and a stepchild, a teacher and a pupil or somebody responsible for care of vulnerable children.

There is a question mark with regard to whether you fit into the abuse of trust category for that reason, but Mr Hay properly recognises that because of grooming behaviour and the significant disparity of age, your offending would be in that bracket in any event.

Prosecuting counsel helpfully say that with regard to Charges 1, 2 and 3 the appropriate starting point now for a 3A offence would be a sentence start point of 26 weeks' custody. Charges 4, 5 and 6 are much more serious offences, those offences involve sexual intercourse or the oral sexual activity with the victim. The prosecution submit that again these would be high culpability offences because of the grooming behaviour, because of the significant disparity in age and because of the abuse of trust. Therefore, say that any penetrative sexual activity would fit into the category 1A with regard to Charges 4 and 5. Sentence category 2A with regard to Charge 6. Again, your learned counsel does not argue that the prosecution have not properly categorised those offences. Therefore, with regard to those offences now, the Sentencing Guidelines applicable in the Crown Court, would be with regard to Charges 4 and 5, a starting point of five years imprisonment and with regard to Charge 6, a starting point of three years' imprisonment with a range of two to six years.

I need to take into account that these offences are also aggravated by the service context. Service people sign up to the values and standards of the Armed Forces. Although there is not an abuse of trust, in the sense of that put forward in the Sentence Council Guideline, it is difficult to imagine a more egregious breach of trust than a Corporal in the Armed Forces, in Cyprus, sexually offending in this way against the teenage daughter of a fellow serviceman.

MR HAY: Sorry to interrupt your Honour, he was not a Corporal he was a Junior Technician.

JUDGE ADVOCATE: I beg your pardon, thank you. I am grateful, Mr Hay quite properly intervenes at that stage. I overstated your rank at that stage. You were a junior technician, but you were 32 years old and unless it was somebody of more senior rank, it is difficult to imagine a more egregious breach of trust than sexually offending against the teenage daughter of a colleague in these circumstances.

It is difficult to imagine an offence which is more likely to lead to a breakdown of unit discipline and upset, had those offences been detected at the time. The Judge Advocate General's Guidelines effectively say how much more serious sexual offending is in the Armed Forces context even over and above the seriousness away from the Armed Forces. As a general proposition any offending of this type is aggravated by those service factors. I do take that into account.

What then, taking into account those aggravating features and taking into account your limited previous convictions, with this significant blemish of that offence in Lincoln in 2022. Adjusting the start point for those sentences, what I am going to do is this, I am going to pass concurrent sentences on all these charges. The lead charges will be Charges 4 and 5. In the sentence that I fix with regard to Charges 4 and 5, I take into account the totality of your conduct. I also take into account the totality, then I also need to adjust slightly for the fact that it would have been preferable for you to have been dealt with, for all matters at the same time. To some extent I need to take into account the work that you have already done on the Lincoln sentence.

Had you been dealt with all matters at the same time it seems to be inevitable that the court in Lincoln would have taken the view there needs to be some additional custodial sentence over and above the sentence that I am going to impose upon you for the offences for which I am dealing with you for.

Prior to any adjustment for guilty plea, at the end of a trial, I take the view that the appropriate sentences on Charges 4 and 5 would have been sentences of five years and three months imprisonment. On Charge 6, a sentence of three years' imprisonment. On Charge 1, 2 and 3 a sentence of six months' imprisonment. You are entitled to a one third reduction with regard to those sentences, given your early guilty plea. The sentence I pass upon you is a sentence of 42 months on Charges 4 and 5, a sentence of 24 months' concurrently on Charge 6. A sentence of 4 months' concurrently on Charges 1, 2 and 3. That makes a sentence of three and a half years in total.

I need to address the issue with regard to whether you meet the criteria of a dangerous offender within the terms of the 2003 Criminal Justice Act. A person falls to be sentenced as a dangerous offender if they have been convicted of a serious specified offence and these offences are serious specified offences. The judge concludes that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of a further specified offence. Despite the work you are doing it is clear that the probation service take the view there is still a medium risk of reoffending. Were you to reoffend, it seems to me that it is inevitable that offending of that type is the type of offending that is likely to cause serious harm to a member of the public and a particular community identified as members of the public at risk from you are those who are aged 9 to 16.

I do take the view that you meet the criteria for dangerousness, however, I can only pass an extended sentence upon you given that you have no previous convictions at the time of these offences in 2001 and 2002. If I take the view that the appropriate sentence that I pass upon you is one of four years imprisonment and I do not, because I take the view that the appropriate sentence in this case is three and a half years' imprisonment. I cannot increase that sentence, for the fact that I do take the view for the reasons I have explained that you meet that criteria of dangerousness. Therefore, the sentence that I pass upon you is a sentence of three and a half years imprisonment, made up as I have already indicated to you.

I need to explain to you the effect of that sentence upon you. You will be required to serve up to half of that sentence and then you will be released from custody. You will be released with licence requirements, were you not to comply with the licence requirements then you run the risk of being returned into custody to serve some or all of the remainder of the sentence.

As a result of this conviction, you will be required to sign on the Sex Offenders' Register for an indefinite period of time which may be different than that requirement that fell out of the Lincoln conviction. As a result of the conviction for these offences, your name is likely to be added to the Barring List from the Disclosure and Barring Council with regard to the type of work that you can do going forward. The Disclosure and Barring Service will be in touch with you with regard to your right to make representations. You are already the subject of a ten-year sexual harm prevention order. I am not invited to make any further order in this case, but I do remind you that if you were to breach that order, or breach any of the requirements of the Sex Offenders' Register upon your release, you run the risk of being sent to prison for a further five year period.

I am just going to turn to counsel and just see if there is anything that I should have alluded to or that I have not alluded to or anything which is obviously technically incorrect with regard to the sentence or my approach to sentence. Colonel Carmichael?

COL CARMICHAEL: Nothing identified for the Crown, your Honour, thank you.

JUDGE ADVOCATE: Thank you, Mr Hay, anything you want to draw to my attention?

MR HAY: Nothing at all, thank your Honour very much.

JUDGE ADVOCATE: No, all right, thank you. In those circumstances, please, Mr Brewer, can I just ask you to stand just for a moment?

SENTENCE

JUDGE ADVOCATE: The sentence that I impose upon you is a sentence of three and a half years made up as I have indicated.