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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

13th day of February 2026

in the case of

REX

V

30370849 Private Raiv Francis

9 Regiment, The Royal Logistics Corps

JUDGE ADVOCATE

Judge Mitchell

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Would the defendant please stand. Yes, for the avoidance of doubt let me make it clear from the outset of these sentencing remarks that we have read the pre-sentence report and addendum, we have referred to the offence specific sentencing guideline, we have referred to version 7 of the Judge Advocate General's sentencing guideline, we have also considered the relevant guidelines that relate to totality and also the effect of the decisions of the Court of Appeal in *Ali* and *Aripi*.

Private Raiv Francis, you are 25 years old and you have been in service of His Majesty for four years and 155 days. You have no previous convictions, you have no disciplinary matters recorded against you on JPA. You have pleaded guilty to three charges. Those three offences all relate to the possession of indecent material at one time or another. In effect the subject material of this case is indecent images of children at categories A, B and C and also some items of extreme pornography which can be best described as bestial in nature.

On 8th December 2023, your phone was seized. It was examined and, as I have already indicated, indecent images of children at categories A, B and C were recovered. In total so we are told in opening today 171 indecent images were recovered, 74 at category A, 77 at category B and 20 at category C and some of those images were accessible, some of those images it appears were deleted; that is effectively the difference between charges 1 and 2 on the charge sheet that you face.

Dealing with the category A material, which is the most serious and which is effectively the lead matter for the purposes of dealing with sentence, that material was category A. We have heard at least some of it described to us today. It is shocking and horrific in nature, it depicts pain and distress in young children. There were a large number relatively speaking of items and indeed there were a large number of victims. You accessed the material in total over the period of about a year from November of 2022 to your arrest in December of 2023.

Those facts coupled with everything else that we know in this case lead us to conclude that you developed a curiosity in this sort of material that led ultimately to an interest in that sort of material, i.e. an interest in material depicting sexual abuse. Whether or not that interest equates to a sexual interest in children is perhaps an academic point. The reality is that you in any event developed an interest in that material and so it can fairly be said that you have an interest in children certainly in their suffering and depictions of their suffering. To that extent we have no doubt that a sexual harm prevention order is necessary in your case. That much in fairness is conceded on your behalf by Mr Bolt who appears for you and has done everything that can be done for you.

What I will do is this. I will make the sexual harm prevention order now and the Court is satisfied that it is necessary to make a sexual harm prevention order for the purposes of protecting the public, for protecting members of it from sexual harm from you. Thereafter I shall prohibit you from doing or attempting to do for a period of five years from the date of this order the following things. Whilst this order is in force you are subject to these prohibitions:

1.1 This order does not prohibit you from using someone else's device with their permission to do something totally lawful so long as the owner is there with you the whole time you use it and you do not delete anything you have done.

1.2 It does not prohibit you from using a device provided by your employer for your work only or by an educational establishment for study only so long as you do not take it home or out of the workplace or educational establishment.

1.3 It does not prohibit you from using device provided in a public library or job centre or similar organisations so long as you use it only as intended by the organisation.

Apart from these three situations you are only allowed to possess or use an internet enabled device if you comply with the following conditions.

2.1 You make the device available for inspection on request by a person authorised by the Chief Constable at any reasonable time specified in the request.

2.2 The device has the capacity to retain and display the history of internet use for at least 30 days and is set to do at all times.

2.3 You make sure no software is activated which prevents the device from retaining and/or displaying the history of internet use including incognito or private browsing.

2.4 You make sure that the internet history record on the device is not deleted.

2.5 You make sure that no evidence elimination, encryption or other file or drive cleaning software is installed.

During the period of this order, you are subject to notification requirements. This means that you must notify the police of your name and address, date of birth and other specified information within three days of service of this order and for the reasons that will be set out in due course that notification period will indeed be five years as well. If without reasonable excuse you do anything that you are prohibited from doing by this order or you fail to comply with the notification requirements upon you, you will be liable to arrest, prosecution, conviction and potentially imprisonment for any breach for a term not exceeding five years' worth of custody.

For the avoidance of doubt, I shall also now make an order for the disposal of the iPhone which was recovered in this case. Application having been made for an order under paragraph 3(2)(b) of the Armed Forces Disposal of Property Regulations 2009 the destruction of property on the basis that its owner, Raiv Francis, disclaims his right in the property I order the destruction of exhibit RF1, the iPhone 12 that was recovered in this case.

Going back then to the facts of your case dealing with the sentencing guidelines. We note that the starting point for possession of category A material is one year's worth of imprisonment, the category ranges from 26 weeks' imprisonment to three years' worth of imprisonment. The sentence available for the category A material is aggravated by your possession of the category B and C material and also further aggravated by the possession of the extreme pornography depicting bestiality. On top of that in this case bearing in mind that we are in the Court Martial service factors do come to bear. We have no doubt that your offending has affected morale and discipline and it also has no doubt affected the reputation of His Majesty's Armed Forces. All in all, we think that after trial the appropriate sentence in your case would have been one of 15 months' worth of imprisonment. With full credit for plea, which is available to you, that would equate to 10 months' worth of imprisonment.

The bigger question in this case is whether or not that sentence can properly be commuted to service detention. Let me tell you now that it can be. We have listened very carefully to the points that have been made very, very well on your behalf by Mr Bolt. He speaks very powerfully about the need for both punishment and rehabilitation in your case and also to exercise an option which is capable of giving you a future. You recognise quite rightly that you have no future within the Armed Forces. That being so it is almost certainly the case that you have no future in the British Isles, and you are likely to be sent back to your home country. That is likely to happen sooner rather than later and if we were to pass in your case a suspended sentence of imprisonment or if we were to pass in your case a service community order the likelihood is that any plan we have for rehabilitation would be ultimately frustrated by your deportation from this country.

We therefore agree that the right way forward to rehabilitate you, to punish you and also to allow those who will work with you at MCTC to give you a trade and a future is for you to spend some time with them. And therefore, the option that has been commended to us so carefully by Mr Bolt is one that we are prepared to exercise. And therefore, using the Judge Advocate General's guidance for the purposes of conversion of terms of imprisonment we commute the sentence of 10 months' worth of imprisonment to a sentence of 12 months' worth of service detention and that sentence will be imposed on each charge concurrently. So, the total sentence in your case will be one of 12 months' service detention.

The practical effect of that is this. That you will serve two thirds of that sentence, that is eight months. We know that whilst you are there you will get a degree of rehabilitation and help for the interest that unfortunately you have generated and we also know that others will work with you in order to give you a trade to allow you when eventually you return to your home country to at least make a future for yourself and indeed for your family. So, that will be the sentence. But also, this. As you recognise quite rightly and as we order you will be dismissed from His Majesty's Armed Forces. For the sake of clarity, we are of the opinion that this combination of offences is serious enough to warrant dismissal from His Majesty's Service and so you will be 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 effects on your livelihood and any pension that you have accrued. You will be subject to notification procedures as I have already indicated and the term of notification in these circumstances will be five years, that being also the length of the sexual harm prevention order that I have made.

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

SENTENCE

PRESIDENT OF THE BOARD: Private Raiv Francis for each of the offences for which you have pleaded guilty you are sentenced to 12 months' service detention. Those sentences are to run concurrently. Furthermore, you are dismissed from His Majesty's Service. Court Orderly, march him out.