

WARNING: reporting restrictions apply to the contents transcribed in this document, because the case concerned is a sexual offence. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.

This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.



IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

1st May 2025

in the case of

REX

V

30368382 Air Specialist Class 1, Kieran Buchan

Royal Air Force Station Coningsby

JUDGE ADVOCATE

Judge Mitchell

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: The defendant for the moment may remain seated. For the avoidance of doubt, we have considered the pre-sentence report, the character references, the Sentencing Council sentencing guidelines on the offence of sexual assault, totality and the imposition of custodial sentences together with version 7 of the Judge Advocate General's Guidance on Sentencing in the Court Martial. We have also taken into account everything, AS1 Kieran Buchan, that Mr Sands has said on your behalf.

You are now aged 22 and you have been convicted by Court Martial of sexually assaulting your former colleague and friend, [name redacted], twice. First, by touching her breast over her clothing while she was in bed in her living accommodation then by touching her waist by placing your fingers inside the waist band of her shorts. These offences took place on 31st March 2024 when you were both stationed at the Mount Pleasant Complex in the South Atlantic when you were 20. Following a social event that involved drinking [name redacted] returned to her quarters and retired to bed because she had had enough. You continued drinking after you returned from the social event at around 2.00am went in to [name redacted]'s quarters uninvited. You were drunk, you lied to [name redacted] when you told her that your roommate had locked you out of your room. You told that lie to in effect invite yourself into [name redacted]'s bed. She considered you to be a close friend and so she trusted you in the circumstances to just go to sleep. Through a combination of youth, stupidity, drink and arousal you touched [name redacted] sexually to try to arouse her to have sex with you knowing full well that she had absolutely interest in you sexually and saw you only as a friend. You touched her breast over the hoodie top she was wearing in bed; she told you straight to stop and that she would kick you out of her room if you carried on. She fell asleep but awoke to find you touching her waist with your fingers inside the waistband of her shorts. She grabbed your wrist to remove your hand. Ultimately, she needed assistance from another colleague to get you out of her room and back to yours. Your drunkenness and the abuse of your former friendship are aggravating features as are the fact that these offences took place in [name redacted]'s living quarters where she was entitled to feel safe from harm.

We have read the pre-sentence report prepared by Miss Alison Minchin and completed on 26th April 2025. You show no remorse and little true understanding of the effect of what you have done but we agree that these offences resulted from impulsivity and a lack of maturity. We agree with Miss Minchin's overall assessment of the ongoing risks you pose. According to the Information for Service Courts you enlisted on 20th July 2021, aside from these matters you have no previous convictions or disciplinary findings to your name. We remind ourselves of the words in the Judge Advocate General's guidance relating to these sentencing of sexual offences. Quote:

“Service personnel have a little choice where and with whom they serve. They may live in close confines with only a curtain or, if on operations, nothing separating them from others. They may share facilities including ablutions and social spaces. They work, eat and socialise together. Sexual offending undermines the bond of trust which must exist between those who serve together, affects morale and ultimately operational effectiveness. Sexual offending involving uninvited access to a victim's accommodation is particularly serious.”

Culpability. We have assessed this case within the relevant guidelines for offences of sexual assault published by the Sentencing Council which grades culpability, that is blameworthiness, into levels A, B and C. Whilst no doubt to an extent you abused the trust and confidence that exists between all Service personnel this case is not an abuse of trust case as that term is intended within level A of the guideline. It is more the case that you abused a friendship and the trust that friendship entailed. In the absence of any other culpability A features your culpability is therefore level B. Taking both offences together for the sake of totality it is however fair to say that the second offence aggravates the first. Put simply you did not take no for an answer and tried again to take things further before [name redacted] forced you, with help, to leave her room.

Harm. The guideline grades harm cause to a victim into levels 1, 2 and 3. Whilst your entry into [name redacted]'s living quarters was uninvited it was your lie about being locked out that led [name redacted] to allow you to stay and ultimately allowed you to commit these offences. To that extent this is not a case of sexual assault following an uninvited entry to premises as that term is usually understood within the relevant sentencing guideline. [name redacted] was however particularly vulnerable because she was intoxicated and in her own bed in the early hours of the morning. There was nowhere to which she could escape. She was 8000 miles away from home. We have also listened carefully to [name redacted]'s victim personal statement. You have caused her a legion of professional and acutely personal problems that even now, 13 months later, are still affecting her. The harm you caused was at sentencing level 2 but firmly so.

Considering additional Service factors that may affect both your blameworthiness and harm we do not double count the fact that these offences took place in Service living accommodation. The harm you caused is aggravated again by the adverse effects your actions will no doubt have had on your unit's morale and unit cohesion and the wider reputation of His Majesty's Armed Forces. These are strong aggravating features. This is precisely the type of offending that female recruits to His Majesty's Armed Forces fear, and which must be deterred.

The Sentencing Council guidelines therefore suggest a starting point of one year's imprisonment with a range of sentence between a high-level community order and two years' imprisonment. Within the Sentencing Council's guidance the fact that you committed these offences whilst affected by alcohol is aggravating. Your youth and lack of previous convictions are, however, strong mitigating factors. There are no further Service factors that aggravate sentence, and your good professional Service record is a relevant Service mitigating factor.

Overall, we take the view that the appropriate sentence is one of 12 months' imprisonment bearing in mind all relevant factors together with the fact that you will be dismissed from His Majesty's Service as a result of these proceedings. In effect the aggravating and mitigating features balance to produce a sentence in line with the Sentencing Council's indicated starting point. We have then considered the alternative to custody of Service detention. Given your age, the need to rehabilitate you and your prospects for rehabilitation we take the view that Service detention is appropriate albeit that you will inevitably be dismissed from His Majesty's Service with appropriate training you can still make something of your life. We award an uplift of two additional months Service detention to reflect the fact that such a disposal is not as onerous or stigmatic as a sentence of immediate imprisonment.

We are required to consider whether we can step back and suspend this sentence. We agree with Miss Minchin's assessment of the risk you pose; you do not have a history of poor compliance with court orders, you have some prospects of rehabilitation, you have some personal mitigation, but we do not believe that it is particularly strong. This is not a case where immediate custody will result in significant harm or impact upon others and for the avoidance of doubt, we have also considered additional Service factors within the Judge Advocate General's sentencing guidance relating to the suspension of sentences. Overall, we conclude that appropriate punishment in a case of this kind can only be achieved by an immediate sentence of Service detention. It is necessary both as a punishment and as a deterrent to others who would behave as you have albeit that we have made fair allowance for your youth and lack of previous convictions.

The sentence of this Court is therefore to be one of 14 months immediate Service detention. You will serve two thirds of this sentence subject to any further periods of remission as are applied at the discretion of the Commandant of the Military Corrective Training Centre up to a maximum remission of one sixth of the portion in excess of 90 days. As we have already indicated we are of the opinion that this offence 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 including what we understand to be the inevitable financial effects on your livelihood and any pension that you have accrued.

As Assistant Judge Advocate General I certify that you have been convicted of a sexual offence so that you must, for a period of five years from the date of your conviction, keep the police informed at all times of your personal particulars, the address at which you are living and any alteration in the name that you are using. You will be given full details of these requirements on a form at the end this

hearing. And so, AS1 Kieran Buchan, please stand. I will now invite the President of the Court to formally pronounce sentence.

SENTENCE

PRESIDENT OF THE BOARD: Air Specialist (Class 1) Kieran Buchan, on charge 1 for the offence of sexual assault you are sentenced to 14 months' Service Detention. On charge 2 for the offence of sexual assault you are sentenced to 14 months' Service detention to be served concurrently to the sentence passed on charge 1. Further, you are dismissed from His Majesty's Service. March out.