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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

12th day of March 26 2026

in the case of

REX

V

30162453, Lance Corporal Michael Alan Ward

9 Regiment, The Royal Logistic Corps

JUDGE ADVOCATE

Judge Magill

Deputy Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Lance Corporal Ward, please remain seated until I direct you to stand. You were convicted following a trial by Court Martial sitting at Catterick on 4th February this year of committing a criminal offence contrary to section 42 of the Armed Forces Act 2006, namely fraud contrary to section 1 of the Fraud Act 2006.

The facts of that fraud relate to a Service Families Accommodation at 18 Kemmel Close here at Catterick Garrison between June 2022 and April 2024. You sublet occupation of that Service Families

Accommodation, (“SFA”), to your civilian friend, Alec Hobman and received payment from him. The arrangement was loosely structured, but the rent charges increased as time went on. You failed to disclose the fact that he was living there to the Defence Infrastructure Organisation Service Delivery Accommodation, (“DIO”), notwithstanding your duty to do so. You failed to tell anyone that you were letting out your SFA save for your then partner who later came to court to give good credible evidence. Your licence to occupy SFA was personal and it prohibited sharing or transferring it without prior written consent. Paragraph 6.3.1 stated:

“This licence is personal to you. You cannot transfer this licence of the occupational rights enjoyed under it to anyone else nor share occupation of the property with anyone else without prior written consent. The visitor rules also made here that any visitor may only stay on temporary basis and for no more than 28 days aggregated or continuous in any 93 day period without prior DIO authorisation.”

On 18th July 2024 the Service Police searched your SFA. They recovered multiple items of Mr Hobman’s personal property and documents at the address including letters addressed to him, his passport, a debit card, a wash kit and photographs of him and his daughter including a framed photograph that read “I have a hero called dad”. It was notable and obvious from the photographs of your SFA that the house had been set up for an adult male living in it with you, not you and your children. Your bank records obtained by a production order showed 85 transfers from Mr Hobman to you between 10th June 2022 and 12th April 2024 totalling £12,132.75 with 32 references annotated rent. Screenshots of your messages to your former partner placed before the Court included references to rent being owed by Alec, to increasing his rent and to deductions from rent. By way of an example “Alec still me owed me £320.00 for this month” “I have told him to take it off the rent” “it is out of my rent” and “probs going to put his rent up”.

You were interviewed after caution on two occasions and denied that Mr Hobman lived there suggesting he used the address for post and occasionally stayed and that rent references were “jokes”. You then decided to have a trial, and you called Mr Alec Hobman to give evidence in your defence. Your explanation that the repeated references in messages between you and Miss Blackmore to charging Alec Hobman rent, for him being late for his rent payment and for you deducting things from his rent was a mere joke between friends held no water. The suggestion that automatic payment processes generated the word ‘rent’ on bank transactions, meant that all transactions were capable of being dismissed as *not* being rent was similarly implausible given the corroborative evidence that many of them, if not all, comprised either rent or rent-related payments. The glaring picture presented by those statements was that of two people who very much lived together and whose lives

were entwined. Your neighbour, Mr Cantlow, who did not know you and had no reason to make any allegation against you, thought you and Mr Hobman were a couple who were co-habiting in your house on the same cul-de-sac and he and his family were pleased about that. That evidence was particularly damning.

It was obvious that you have been poor at managing your own money despite being paid a full-time salary as a soldier and living in defence subsidised housing and despite charging your friend to also live in that housing. You were frequently asking your partner to cover costs and borrowing money from her. You were and remain the father of very young children. You gave evidence that you were nevertheless sporadically gambling, would go out partying on nights out and that you had your friends around who on your own evidence you knew were likely to be using cocaine in your house. All in all, it was an unimpressive picture of you as an individual and your financial troubles clearly motivated your offending. The Board rejected your explanation and convicted you. It was a further instance of your dishonest behaviour that you lied to this Court and not only that, you organised Alec Hobman to come and lie on oath on your behalf.

We have read your references and your pre-sentence report with great care. It is plain outside of these circumstances and those circumstance and despite that brief incident of past dishonesty involving your rugby training you have been a good soldier, and you are well liked. It is a great shame that you find yourself here. You have let yourself down. Where the references refer to your honesty, your strong moral character and your personal integrity, we disagree. The persistent dishonesty demonstrated in this court does not reflect any such thing and the Court hopes that you have learned something from this experience such that you do not repeat dishonest behaviour again elsewhere in your life. You have a young family, three young children. In respect of your youngest you are a full-time parent, and you have a fourth biological child on the way. The pregnancy has not been straightforward, and we have sympathy with that.

We have approached the sentencing exercise in accordance with multiple guidelines. We have the Judge Advocate General's sentencing guidance in mind, and we have applied a stepped approach. We have had regard to the Sentencing Council definitive guideline for fraud as well as the guideline for the imposition of community and custodial sentences. The Crown opened the case saying that on the Sentencing Council's guidance this is culpability B aggravated by the Judge Advocate General's sentence guidance to culpability A. This is not disputed by your counsel, and we agree that that categorisation is correct. The calculation of harm; this was a sustained course of conduct in breach of your SFA licence exploiting a service benefit administered on trust and subsidised by the taxpayer. The Judge Advocate's guidance at 5.2, fraud or theft from employer identifies that such offences

should be treated as a breach of a high degree of trust or responsibility demonstrating high culpability. So, we do agree with the Crown that it falls within culpability category A, but the harm is calculated on financial value. The total gain was £12,132.75 which places harm within category 4 for the purpose of the definitive guideline. On that basis the applicable Sentencing Council guidance starting point is 18 months' custody with a range of 26 weeks to three years in prison for category A, harm 4.

In terms of aggravating and mitigating factors; in respect of the breach of the SFA licence, applying that as an aggravating factor in this part of the exercise would be double counting and therefore, we have not aggravated the sentence starting point. We have considered the point raised by Lieutenant Commander Patterson in respect of failure to heed warnings, the prosecution suggestion that Miss Blackmore raising the issue is given limited weight in the absence of any formal DIO warnings and therefore we have not taken that as an aggravating factor. By way of mitigation you have no convictions recorded on the police national computer, you have a single entry on your JPA record from 2016 for conduct prejudicial to good order and service discipline where you lied to your Troop Sergeant about the death of your grandfather for which you received five days' restriction of privileges. We treat that as dated and of limited relevance to culpability. You have served since 2012 in the substantive rank of Lance Corporal and have positive character references and commendations before the Court. The pre-sentence report records that you say you "crossed the line" and are "genuinely ashamed" and "recognise that you should not be gaining from subsidised accommodation". It assesses a low risk of re-conviction. We do give some weight to those expressions of insight and remorse, but we accept the opinion of the author of the report that this is not full remorse, and you continue to downplay your offending. There is no credit available, you had a trial.

We then had to decide whether or not you are to remain in service. Dishonesty is inconsistent with continued service, you know that. The Judge Advocate General's guidance states that dismissal will be appropriate in all but the most minor of cases. We considered that guidance carefully in light of the breach of trust inherent in exploiting SFA and we also bear in mind the parties' submissions on what to do with your sentence more broadly. In terms of ancillary orders this is a single offence for sentence today, there is no application for compensation however you did benefit from your offending and therefore we have considered imposing a fine. Standing back and applying the definitive guidance starting point of 18 months' imprisonment for category A harm 4 and then adjusting for the aggravating and mitigating features we have identified we reached a sentence after trial which crosses the custody threshold. As I said dismissal is appropriate in all but the most minor cases and this was not a minor case, it was a fraud over a long period of time committed within the service context.

We accept the nuance advanced on your behalf that this is not a theft from employer which would almost always impose a sentence of immediate custody in prison but this was an abuse of a privilege gained through your employment and you allowed an unvetted individual to live within the pads estate and you benefitted from that arrangement financially. This offence is serious enough to warrant dismissal from His Majesty's Service and so you will be reduced to the ranks and dismissed today. In forming this opinion, we have taken into account all of the information available to us about the circumstances of this offence 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. In light of the breach of trust attaching to SFA, we judge that dismissal is necessary to mark the seriousness of the offence and to uphold service discipline.

For all of the reasons already mentioned the Court has also arrived at the decision that only a prison sentence is justified in this case, but the Court now has to decide whether or not to suspend that sentence. We have taken into account your good previous character on the police national computer, your relatively long service, your references and the pre-sentence report author's assessment that you pose a low risk of re-offending and that you have begun to show some insight. Having regard to the service context and the Judge Advocate General's guidance on suspension we determine that the custodial term can properly be suspended.

Please stand. The Court will sentence you as follows; You will receive a sentence of 18 months' imprisonment suspended for 24 months with a requirement to complete up to 15 days rehabilitation activity requirement and 120 hours of unpaid work. We do also impose a fine. We have determined the figure of £6000.00 as appropriate, taking into consideration the financial evidence available to us in terms of your offending. We do however delay the start of repayment to provide time for your resettlement grant which is just over £13,000.00 to be paid and to allow you time to seek new employment. The first payment will be to be paid by 30th September this year at a rate then of £200.00 a month, total to be paid by 30th September 2028. Once you receive that grant it will be in your best interests to repay the fine rather than dragging it out long term, but that is a matter for you. If you fail to pay the fine, you must go to prison. The period of imprisonment in default is set at five months. You will be reduced to the ranks and dismissed. You must understand that that custodial sentence hanging over you for two years stays there and you will not go to prison unless you commit another offence during the operational period or if you breach any of the imposed requirements. The Court can activate the custodial term. The conviction will be recorded and there is no order for compensation.

Mr President, please hand down sentence.

SENTENCE

PRESIDENT OF THE BOARD: Lance Corporal Ward, for the offence of fraud you are sentenced to 18 months' imprisonment suspended for two years, 120 hours of unpaid work, up to 15 days rehabilitation activity requirement and fined £6000.00. Furthermore, you are hereby dismissed from His Majesty's Armed Forces. Court Orderly, please march him out.