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**IN THE COURT MARTIAL**

held at

**MILITARY COURT CENTRE, CATTERICK**

on the

**27<sup>th</sup> day of February 2026**

in the case of

**REX**

V

**30201437 Captain Thomas Joseph Davies**

**1<sup>st</sup> (United Kingdom) Armoured Division Headquarters**

**JUDGE ADVOCATE**

Judge Mitchell

Assistant Judge Advocate General

**SENTENCING REMARKS**

JUDGE ADVOCATE: Would the defendant please stand. For the avoidance of doubt, we have considered the sentencing guideline in relating to the offence of sexual assault, version 7 of the Judge Advocate General's Sentencing Guidance and the overarching sentencing guideline relating to totality in sentencing. We have also considered the character references and the pre-sentence report.

Captain Thomas Joseph Davies, you have been in His Majesty's Service for seven years and 172 days following a lengthy period in the volunteer reserves as an Officer Cadet. You are 30 years old and aside from your conviction for the offences for which you are to be sentenced, you were previously convicted in 2021 of the offence of driving a motor vehicle with excess alcohol. You have been convicted by Court Martial of three offences of sexual assault and so are entitled to no credit for plea.

The facts are that on 21<sup>st</sup> June 2024 [name redacted] was intoxicated and lost in the mess at [name redacted] when she found her way to your room and you said that she could sleep there. She fell asleep, you woke her up when you sexually assaulted her. You kissed her and used your hand to try to open her mouth. You touched her naked breasts after you had removed her bra. You put your fingers in her mouth and pushed them down her throat while you pressed your erect penis against her. That last of these offences caused particular horror not only to [name redacted] but also to any right minded person who has heard the evidence in the case.

Taken as a whole the offences of which you have been convicted represent an ongoing course of conduct and severe concurrent sentences are appropriate to mark the totality of your offending. In any event for the purposes of the relevant sentencing guidance the touching of [name redacted] naked breasts put this case solidly into harm category 2. [name redacted] had no interest in you. She was only trying to sleep but you took terrible and grievous advantage of her in her intoxicated state for your own sexual gratification. The effects of your assault on her have been both personally and professionally appalling. Your assault on [name redacted] was sustained in that each offence taken in totality aggravates the other in the ongoing course of conduct.

We find that at the time you assaulted her [name redacted] was particularly vulnerable due to her personal circumstances. She was heavily intoxicated, she was in your room, she had been asleep, she did not know how to get back safely and was a junior NCO in the Officers' Mess. You abused the trust inherent in your former friendship. That friendship together with your rank meant that she and His Majesty, the King expected far better of you, and you have let [name redacted], the King and your service down most egregiously. Rank is a feature of this case. The service factor of rank feeds into the issue of trust. You had a duty to look after her. The sentence in this case will reflect your status and the facts of the case particularly where the person you harmed was junior in rank to you and we have no doubt that your culpability is high, that is for the purposes of sentencing guidance category A.

The starting point in bracket 2A in the civilian guidelines is two years' worth of imprisonment with a range overall of between one and four years' imprisonment. Mr Fitch-Holland rightly concedes that

point. Each offence aggravates the other albeit that these offences were, we accept, opportunistic but they were also aggravated by the fact that you were well under the influence of alcohol that led to a catastrophic error of judgement to engage in behaviour that is also conceded beyond reprehensible. Your case is mitigated by the absence of relevant previous convictions and mitigated to some extent by your previous good service and the character references. It may well be said that these offences are well and truly out of character and significantly different from your usual behaviour towards women but that is no comfort at all to [name redacted]. We take the view that you have shown no remorse, indeed your behaviour in this trial and in this court today has shown flashes of arrogance. We remind ourselves of the words of the Judge Advocate General:

“Service personnel have 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.”

An officer in His Majesty’s Service knows this and is trusted to do everything that they can to help and not hinder.

Overall, we take the view that the appropriate sentence after trial is one of three and a half years, that is 42 months’ worth of imprisonment. That sentence will be served immediately. It cannot be suspended. Even if this sentence could be suspended your offending coupled with the fact that you had a trial makes this case so serious that whatever could be said for you only an immediate custodial sentence would be appropriate in any event. This sentence serves all of the appropriate sentencing aims including deterrence. You will serve a portion of that sentence in custody to be determined by the prison authorities and the balance on licence. If you breach the terms of your licence or commit any further offence within the licence period, you can be returned to prison.

I turn then to dismissal. You have sought to resign your commission. I am afraid you do not get that luxury. You stand here in uniform as a commissioned officer, you will forfeit your commission, and you will be dismissed from His Majesty’s Service. 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 what we understand to be the inevitable financial effects on your livelihood and any pension you have accrued. The nature of the sentence means that you are subject to notification requirements, and you will be subject to those requirements for life. The effect of that will be made clear to you by written notice shortly. Mr President, please announce the sentence.

## **SENTENCE**

PRESIDENT OF THE BOARD: Captain Thomas Joseph Davies, for each of the offences for which you have been convicted the sentence of the Court is 42 months' imprisonment. Those sentences will be served concurrently and immediately. Your commission is forfeit and you are dismissed from His Majesty's Service.