

**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

**12<sup>th</sup> day of March 2026**

in the case of

**REX**

V

**25209981 Warrant Officer Class Two Kevin William James Harvey**

**British Army Training Support Unit Belize**

**JUDGE ADVOCATE**

Judge Mitchell

Assistant Judge Advocate General

**SENTENCING REMARKS**

JUDGE ADVOCATE: The defendant can remain standing. For the avoidance of doubt, we have considered the sentencing guideline relating to the offence of sexual assault, version 7 of the Judge Advocate General's sentencing guidance and the overarching sentencing guideline relating to the imposition of custodial sentences. We have also considered the character references and the pre-sentence report.

Warrant Officer Class Two Kevin William James Harvey, you have been in His Majesty's Service for 19 years and 343 days. This is a sad way for a solid military career to come to an end. You are 37 years old and aside from your conviction for the offence for which you are to be sentenced you have no previous convictions or disciplinary entries recorded against you. You have been convicted by Court Martial of the offence of sexual assault and so are entitled to no credit for plea.

The facts are that on 8<sup>th</sup> February 2025 whilst in Belize and visiting a waterfall in a national park with [name redacted] you slapped her bottom when she was standing unbalanced on a rock. This was the culmination of your attempts to get her to be interested in you. You had previously suggested that you and she should sleep together in the same bed on a proposed trip to the USA. On the day itself you touched her upper leg when you were both in a car. At another point you squeezed her waist. The simple truth is that [name redacted] was not interested in you and that is why she reacted to your finally touching her as strongly as she did. In reality you would have known that she was not interested in you and that your increasingly desperate efforts to generate interest were also uninvited and unwelcome.

For the purposes of the relevant civilian sentencing guidance your actions fall into category B3. There are relevant service factors. Whilst you did not abuse your rank to commit the offence it is a fact that [name redacted] was significantly junior to you. We also 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.”

There are mitigating factors. You have no previous convictions, your good and previous long service is to your credit as is your previous positive good character albeit that is now lost to you.

The first question we determine is that of dismissal. As version 7 of the Judge Advocate General's guidance reads, following conviction for offences of this kind dismissal will be appropriate in all but the most exceptional cases. You had a trial, you were convicted, this case is not exceptional. We are of the opinion that this offence is serious enough to warrant dismissal from His Majesty's Service and so you will be reduced to the ranks and dismissed. In forming this opinion, we have taken account of all the information available to us about the circumstances of this offence including the aggravating

and mitigating factors including what we understand to be the serious and inevitable effects on you livelihood and any pension you have accrued. You will therefore be reduced to the ranks and dismissed.

We bear in mind however that the fact that dismissal in itself is a form of punishment. We query whether to some extent the over familiarity that generated your offending may in part have been the result of the particular circumstances of your deployment in Belize. We also think that you have found yourself caught in a lie that you told shortly after committing the offence. Sticking with that lie rather than immediately apologising falling on your sword may in part have led to the consequences you now face. In truth for that you only have yourself to blame.

Overall, taking all factors into account, we do not find that this case crosses the custody threshold. Had you immediately and promptly confessed the suggestion made by Mrs Edington on your behalf might be more acceptable but as it is we take the view that the appropriate sentence after trial overall is a 12 month service community order with 60 hours of unpaid work and up to 15 days of rehabilitation activity. The work is punitive, the rehabilitation activity will, we hope, ensure that you never find yourself in a position like this again. As regards notification you will be subject to notification requirements for two years. The effect of that will be made clear to you by written notice shortly.

Mr President, would you please announce the sentence?

### **SENTENCE**

PRESIDENT OF THE BOARD: Yes, your Honour. Warrant Officer Class Two Kevin Harvey, for the offence of sexual assault you are sentenced to 12 months service community order, you will complete 60 hours of unpaid work and up to 15 rehabilitation activity requirement days. Further, you are hereby reduced to the ranks and dismissed from His Majesty's Service. Sergeant, march him out.

***JUDGE'S POST-SCRIPT: The notification period is in fact five years, not two. TM 20.3.26***