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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

25th July 2025

in the case of

REX

V

30365213 Sapper Lloyd CONNERY,
39 Engineer Regiment

JUDGE ADVOCATE

Judge Mitchell

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Would the defendant please stand. We have considered the sentencing guideline relating to the offence of disgraceful conduct of an indecent kind in version 7 of the Judge Advocate General's guidance. We have also considered by analogy the sentencing guidance relating to the offences of both voyeurism and disclosing private sexual images together with the overarching sentencing guidelines relating to both totality and the imposition of custodial sentence. In argument

we considered whether the guideline relating to voyeurism was useful but have concluded that it does not assist on the facts of this case. Finally, we have also considered the character references and the pre-sentence report.

Sapper Lloyd Connery, you have been in His Majesty's Service for four years and 136 days. You are 21 years old and aside from your conviction for these offences for which you are to be sentenced you have no other convictions and no disciplinary matters recorded against you. You pleaded guilty at the first opportunity to the three service offences of disgraceful conduct of an indecent kind and you will receive full credit for your plea, and the facts are these.

In the early hours of 27th March 2025, you made two recordings of two fellow soldiers, a male and a female soldier, engaged in consensual sexual activity in a room where you were also present. They were aware that you were present however neither of those two people consented to being filmed nor did they consent to the distribution of that recorded material. You used a mobile phone belonging to the male participant to make the recordings. You also recorded yourself as you touched your own penis. You sent the recorded videos via Snapchat to a group chat and to individual recipients. It was viewed by two other people, it was also sent to and seen by the recorded male soldier's then partner. Upon discovering that the intimate footage had been recorded and shared both those recorded experienced distress embarrassment and humiliation albeit that they have not provided victim personal statements.

Each offence aggravates the other albeit that we take these offences as a whole and these offences were, we accept, an ongoing instance of opportunistic drunken stupidity that was not truly voyeuristic. In posting the materials we accept that you quite wrongly thought you were somehow being amusing albeit that suggestion is harder to accept in relation to you sending the video to the male's ex-partner. Your drunkenness at the time is an aggravating feature but there are many mitigating features. You were off duty, you were relatively young at the time, you have previous good character and indeed the character references provided show that you have been an excellent professional soldier who came from a challenging background. You have expressed remorse and insight into your behaviour.

In assessing your culpability within the Judge Advocate General's guidelines, we find that this is an A2 case. Your culpability, that is your blameworthiness, is category A because your acts were intentionally indecent. The harm is category 2 because we accept that your conduct caused real distress to those you recorded and at least one of those to whom you sent the material. If we were to seek to apply by analogy the civil sentencing guidance relating to disclosing private sexual images, we would see this as a B2 case. Your culpability would be category B because your recording and

sending those materials was in itself a form of violating non-consensual sexual behaviour even if those recorded did not in the moment object to you watching what they were doing. We remind ourselves of the Judge Advocate General's words:

“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 and sexual offending in so far as it is said to be sexual offending undermines the bond of trust which must exist between those who serve together, affects morale and ultimately operational effectiveness.”

For the avoidance of doubt let me make it clear that you are not being sentenced for sexual offending, you are being sentenced for disgraceful conduct of an indecent kind. But those words of the Judge Advocate General demonstrate that in such circumstances there is a high degree of trust between those who serve with each other and anything that violates that and violates a soldier's privacy must be dealt with appropriately and indeed sometimes very effectively.

Having considered everything we take the view that you cannot soldier on. Behaviour of this kind would not be tolerated in any other workplace and would result in immediate dismissal. His Majesty's Armed Forces hold their people to a higher standard. It would be bad enough if you had only recorded yourself. The violation implied in the recording of others without their consent and the sending of material such as this means that no-one could trust you enough in the future to serve with them however you made your amends. Every soldier has a mobile phone. If those in service and those seeking to join thought that this kind of behaviour would not result in dismissal then we have no doubt that the female half of the population would not want to serve in the Armed Forces to the detriment, nay ruin, of nation. A line must be drawn. This is a specialist tribunal, and we draw it here. You will therefore 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.

Given that dismissal is itself a punishment and bearing in mind all the mitigating features that we have identified we draw back from the threshold of imposing a custodial sentence that would be due if you were older and find that a service community order is appropriate subject to the term that within the next 12 months you will complete 180 hours of unpaid work. This same sentence is to be served concurrently on each charge. Mr President, please announce the sentence.

SENTENCE

PRESIDENT OF THE BOARD: Sapper Lloyd Connery, for each of the offences to which you have pleaded guilty the sentence is a 12 month community order subject to the completion of 180 hours of unpaid work. Those sentences are to be served concurrently. Further, you are dismissed from His Majesty's Service.