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**IN THE COURT MARTIAL**

held at

**MILITARY COURT CENTRE, BULFORD**

on the

**24<sup>th</sup> day of April 2026**

in the case of

**REX**

V

**30365038 Craftsman Donte Malachi Madourie**

**27<sup>th</sup> Regiment, Royal Logistics Corps**

**JUDGE ADVOCATE**

Judge England

Assistant Judge Advocate General

**SENTENCING REMARKS**

JUDGE ADVOCATE: You can remain seated for now, Craftsman Madourie. The facts of this offence can be very briefly put. You were posted in the Falkland Islands. You were due to fly home on R&R on 13<sup>th</sup> December 2024. Between the 23<sup>rd</sup> and 27<sup>th</sup> November of that year, you or someone you were acting with entered the room of AS1 Connop and AS1 Walton and stole two watches belonging to Connop and Sony headphones belonging to Walton.

On 13 December you or someone you were acting with entered the room of AS1 Adams and AS1 Clark and stole a laptop and charger belonging to Adams and Beats headphones belonging to Clark. You packed all of those items into your hand and hold baggage and flew back to the UK.

On arrival at Brize, the RAF police had been alerted to the thefts, and you had been identified as a suspect and they searched you and your bags. You had the Sony headphones on you as you had been using them. They found the laptop and charger, the case for the Sony headphones and the two watches in your day sack. They also found the Beats headphones in your hold baggage.

You were interviewed after caution. The account that you gave at interview and then repeated with some changes at court defied the facts and was not believable. Laptop watches and Sony headphones have been reunited with their owners, and we are told that the Beats headphones will be similarly returned.

As to you, you are now 21 years old, and this offence was committed when you were 20. You have got 4 and a half years' service having joined at the age of 17. You are single with no dependent children. You have no previous convictions and a clean service disciplinary record.

We have listened very carefully to everything that Mr Izod has said on your behalf, but the truth is there is very little offence mitigation bar your relatively young age in your previous good character. We have also read 3 character references and an SJAR which commend your personal and professional qualities and paint a very different picture of you from the person who steals others' items which is what has placed you at this court martial.

We have read with care the probation officer's report for which we are grateful and note that in the professional assessment of the experienced probation officer you continue to deny the offence. You do recognise the impact theft offences can have on people and the impact of theft in the wider military context. You pose a low risk of reconviction and a low risk of causing serious harm, and the risk you pose can be managed in the community.

When sentencing, we must have regard to relevant guidelines, and we have had regard to the offence specific guideline, the imposition guideline, and the Judge Advocate General's Sentencing Guidance version 7. Like with any offence, be it service or civilian, the court has to consider culpability and harm when categorising these offences.

Under the Sentencing Council guidelines, there are no A factors and there are no lower category C factors. We do consider that there was some planning, especially for 13 December thefts. We, therefore, under the Sentencing Council guidelines, place it as category B.

There is a Service factor there which places it into a higher culpability if we were to take the view that thefts in breach of trust fell into the category of a high degree of breach of trust and responsibility. That is quoted in the Sentencing Council guideline. In our view, we do feel that there is a higher degree of trust but not such a high degree of trust as to move it into culpability A. We do consider that it sits firmly in culpability B and perhaps further up the range than the start point.

In terms of harm, there are no Sentencing Council guidance harm factors. The value places it in category 3 but at the lower end. The service factor that feeds into harm is this: it is inevitable that thefts of these sorts have an adverse effect on morale, on unit cohesion and unit discipline. Knowing that a fellow service person, a colleague, has entered rooms and stolen personal stuff, knowing that there is a thief about in the lines, can breed suspicion on others, on roommates, on other colleagues, and undermine trust in the lines.

In this case, the first theft took place about 10 days to 2 weeks before the second theft, so everyone knew after the first theft that there was a thief in the lines until you are apprehended some 2 weeks later. We do not consider that moves it up the category, but it does replace it at mid-range. For Category 3B, start point is a high-level community order or 30-week service detention within a range of a low-level community order or 10-week service detention up to 36 weeks imprisonment, which would equate to 45 weeks in service detention.

Dealing with aggravating and mitigating factors, we accept that although you said someone else had given you these items, or at least some of these items, you did not identify that person with sufficient clarity for someone else to fall under suspicion, so we do not count it as an aggravating factor. We do consider it aggravating that these items were taken from two separate rooms on separate occasions at least those occasions were 2 weeks apart. In total you took items from four different people. Aggravating factors on their own justify an upward adjustment to the starting point.

In terms of mitigating factors, you have no previous convictions, a clean service disciplinary record. Age and lack of maturity can be a mitigating factor, it is accepted that in some young adults, typically aged 18 to 25, that there are areas of the brain that are not fully developed, those areas of the brain, including impulse control, risk-taking and thinking through consequences.

Your character references and your SJAR, though, suggest that you are mature for your age. That you act with maturity in relation to your professional duties and in relation to your duties in the boxing team as the boxing team captain. In any event, we have no doubt that the values and standards would have been explained to you, and you would have known full well that theft from other people's rooms was not an acceptable thing within these services.

You do have good character, and we consider that the aggravating and mitigating factors balance themselves out. That leaves us with a high-level community or a 30-week service detention. Before we say which of those it will be, we must deal with the question of dismissal. It is this question that has taken up the majority of our deliberating time.

The Judge Advocate General Sentencing Guidance says that any theft from a service person is to be treated as having the feature of a breach of trust, theft from a person's Mess deck, room or bed space is to be treated particularly seriously and that is the position we have here. Dismissal will be appropriate in all but the most minor cases. This is not a minor case.

These were nasty offences. They were sneaky offences. Stealing personal possessions from Service people far from home. In one case taking a laptop, you know that that is difficult to replace in somewhere like the Falkland Islands and it is not likely to be able to be replaced immediately. It may take some weeks for a laptop to be able to be sourced and shipped. In another, a watch had sentimental value to the owner. We heard that two of the victims were unable to secure their room because they had to share a key and they were on different shift patterns and it simply did not work. But in any event, people will often leave their rooms open as they move around the lines, they use the ablutions, they go to the gym, they go off for meals, or they may simply prefer not to lock their rooms.

Service people do not get to choose who they are accommodated with, they have to accept they may share their lines with people from different units and different services as was the case here, with people that they do not themselves know. It follows from all of that that every Service person needs to be able to trust every other person not to help themselves to their stuff. That you did so represents a gross breach of trust and responsibility reposed in every service person to behave properly and honestly with respect to their colleagues.

In your favour are your age and your capacity for change. But in our view, stealing from not one but two colleagues' rooms, 2 weeks apart, that 2 weeks gave you time to think, is this the right thing to be doing? Clearly it was not, but there you were doing it again. In relation to the theft on 13 December, that was so close to your flight that we can only infer that you took that opportunity to remove the

items from that room so that you could immediately take them back to the UK with you so that they could not be traced to you and you would avoid detection for them. Your failure to accept responsibility for your actions leave us in no doubt that this is so serious that dismissal must follow.

If you were continuing in service, we would have imposed detention both as a punishment, a deterrent and a means of rehabilitation. However, as you are being dismissed, we consider that dismissal is a deterrent and a punishment in itself. We can achieve rehabilitation and modest additional punishment by a service community order. There will be dismissal with a service community order. That service community order is unspecified in the pre-sentence report as to length. We will impose an order of 18 months.

There will be unpaid work of 120 hours. We are going to say up to 15 RA days. We note the recommendation is 10, but we consider that up to 15, particularly where somebody does not accept responsibility for their actions may be required. It will be for the probation officer to ultimately determine the number of days you are required to deal.

With a community order, you need to be very clear that you must attend when required and directed. You must cooperate with any instructions you are given. You must complete the rehabilitation activity, you must work as and when required, and you must do that work properly. If you do not do any of those things, then you can be breached on the order.

Now, if you are breached on the order, that means you will go to the Crown Court and you will be dealt with there for the breach. Now that could be a fine, it could be further requirements, but if ultimately you do not complete the order and you do that deliberately, you can be resentenced and that could be civilian custody. The Crown Court does not have the ability to impose a service detention, so if they decide because you have not done your community order which is an alternative to custody that they may put you in prison. Make sure you do the order, so you do not put yourself in that position.

Colonel Harris, is there anything that we have not dealt with or anything that we have not fully explained?

COL HARRIS: No, your Honour.

JUDGE ADVOCATE: Mr Izod, anything from you that we have not fully explained or have not dealt with?

MR IZOD: No, your Honour, thank you.

JUDGE ADVOCATE: Would you please stand-up Craftsman Madourie, and the escorts. The President will announce the sentence of the court.

**SENTENCE**

PRESIDENT OF THE BOARD: 30365038, Craftsman Madourie, for the offence of theft, you are dismissed from HM Forces and to a service community order in the terms already outlined.