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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

5th day of December 2025

in the case of

REX

V

320285698 Fusilier Levi Cooper

1st Battalion The Royal Welsh

JUDGE ADVOCATE

Judge England

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Thank you. Do take a seat. Fusilier Cooper, having pleaded before this Court for which you will get the requisite credit, it now remains for us to sentence you for one charge of desertion on the basis that you intended to permanently remain away from the Armed Forces. The period of desertion is 17th January 2022 until 9th September 2025. Now I should just check that all parties can hear me. Just raise your hand, Captain Tyrie, can you hear me? Captain Tyrie, can you raise your hand if you can hear me? Thank you. Captain Lamerbie, can you hear, and Fusilier Cooper, can you hear? Thank you very much indeed.

Right, you had obviously had become dissatisfied with Service life because you had put in your notice to terminate in January 2021 as a combination of being dissatisfied with Service life but also because you wanted to concentrate on other things; you wanted to concentrate on your child and you wanted some stability. Subsequent to you putting in your notice to terminate while you were serving out your notice period you failed a CDT in or around December 2021 or January 2022. Now, you believed, perhaps quite reasonably, that failing CDT would effectively trump your notice to terminate leading to your immediate discharge. However, the mistake that you made is that you did not hang around to find out. You left and your absence started on 17th January. Bar a couple of calls from your Sergeant it seems to us that we have no evidence before us that the unit made any effort whatsoever to contact you over the next three years and eight months. You, however, made little effort to contact them. You did check if there was a warrant for your arrest and there was not, but you accept that you knew a least in the back of your mind that the position still remained unresolved; you had not received any discharge paperwork for example. Your custody came to an end on arrest for unrelated matters which we discount completely on 6th September, and you have been in custody ever since.

You are now 25 years old but to put the length of absence into context you were 21 when you went absent. You have got four and a half years' service, we note you joined at the age of 17 and in terms of your personal circumstances you had one child at the time of going absent, you now have two children. You had lost contact with them, but we are very pleased to hear that through being at MCTC and hopefully, or no doubt with their support you have been able to resume some contact with your children because that is important both for you and for them. You have a number of previous convictions and disciplinary matters but most of them we do not consider to be relevant to these proceedings but of note are the two absences with leave, seven days in May 2021 for which you were fined and 21 days in September 2021 for which you received 21 days' detention.

We have listened very carefully to everything that has been said today on your behalf by Miss Brown and to that which is contained in the pre-sentence report. Both of those give us some insight into your struggles at the time and since you have been absent from the Army. And we accept that you had challenges in your life, we accept that you were struggling to cope hence your notice to transfer and your notice to terminate and your CDT failure. We agree with Miss Brown's submission that there was a lack of communication on both sides; you had not been given a discharge date, but you left anyway, your unit did very little to contact you and you did very little to contact them.

But there is an onus on a unit to try and get those who go absent back into service or at least back into the unit so any administrative procedures can be completed. We have no evidence that anything was

ever sent to your home address, no evidence that anyone visited your home address, we have no evidence that the ARWO was engaged on this occasion although I note from the papers that ARWO engagement had previously led to you coming back momentarily from your previous absence. And we also note there was no application for a warrant. If there had been an application for a warrant that might have brought this absence to an end sooner. Although AWOLs can be marked on PNC as a soldier being AWOL, it is known that if anyone actively searches for soldiers being AWOL it just comes up as a marker whereas if there is a warrant for arrest then that can be proactively pursued and it also triggers things like arrest and notifications at border controls if somebody tries to leave the country. So, a warrant should have been applied for and if so, it might have resolved this matter sooner.

We have had to consider whether you should be dismissed. The offence of desertion is a serious offence and is serious enough to warrant dismissal but generally dismissal is not in the Service interest in order to maintain a deterrent effect in cases of desertion where a Service person has simply decided not to soldier on and instead goes absent or deserts hoping then that they will be dismissed to bring their service to an end when they have no entitlement for it to be so. Soldiers such as that fail to see out the commitment that they have made to the Armed Forces and they fail to repay the investment the Armed Forces have put into that person. So, it is important that there is a deterrent effect. However, we feel that your circumstances can be distinguished. You had already served notice to terminate and so your service would have ended lawfully in a relatively short period of time had you stayed and you had tested positive for CDT which would have led to your inevitable discharge in a far shorter period had you not gone absent when you did. So, in effect, your service may have ended perhaps even in as little as a few days. It seems to us that there is no value to the Service in retaining you and it also seems to us that it is in the best interests of the Service to bring this somewhat sorry state of affairs to an end as soon as possible. We therefore do dismiss you from HM Forces.

In terms of classifying the offence we agree that it is a category B offence, the guidelines are very clear on this, and intention to permanently remain absent is category B. In terms of harm, we have very little information as to any impact on your unit. You were non-deployable on medical grounds at the time you went absent and so had limited utility although those that support the ROG nevertheless perform a valuable role and very often ROGs are limited in the personnel resources that they have and so when they do go a person down that can have an impact but we are only inferring that from our general Service knowledge. But you were due to be discharged for CDT in any event and so it seems to us that your unit would have been without you anyway very shortly had you not left. So, we conclude that there was no or limited impact on your unit or its personnel going absent bar the usual admin that accompanies a soldier going absent. So, we do consider this to be a category B3 offence with a start point of nine months' Service detention and a range of six to 18 months' Service detention.

The aggravating features are that this was a long absence, some three years and eight months or thereabouts, that it ended in arrest, you made no attempt to contact your unit and that you have previous convictions that are relevant, namely two absences in the year prior to your departure. We consider those are significant aggravating factors and that they warrant an upward adjustment to the start point to some 12 months or thereabouts. But set against that you were a junior soldier at the lowest rank, that is not to say that people of Fusilier rank do not add value, they do add value they add value every single day to their unit but it is not the same as somebody holding a position of responsibility in the unit going absent. You were 21 and it is accepted research that somebody at the age of 21 may not have fully developed thinking processes such as in the areas of impulsivity, failing to think through the consequences of their actions. And also, we consider a significant mitigating factor is that there is no evidence before us that your unit tried to do anything to get hold of you. At the very least units owe a duty of care to any soldier that is still on their books and simply because somebody goes absent does not extinguish that duty of care. You were known to have some struggles; it seems to us that your unit should have done more. Those mitigating factors do lead us to a downward adjustment from that 12 months then to a little over ten months.

You are entitled to a credit for your guilty plea, and we give you full credit for your guilty plea because you indicated that you would plead guilty at an early stage in these proceedings and that credit amounts to a third. And so that sentence of a little over ten months reduces down to in the region of seven months which we are going to express in terms of 210 days. You will serve two thirds of your sentence less 90 days that you have already spent in Service custody. That fully counts towards your sentence. You will then be released. You will have a little longer to serve but not much longer. You can earn extra remission on the part of your sentence that is over 90 days; that is at the discretion of the Commandant MCTC. That may reduce your sentence further. And although you will spend a little longer in MCTC we are very clearly of the view that that must be to your benefit. That is not the reason we have imposed the sentence we have imposed, we have imposed it because that is the sentence we are arriving at on the guidelines. But we also think it will have the effect of assisting you in your transition to civilian life. We do hope, Fusilier, in the future that you continue to take advantage of everything that MCTC can offer you, every avenue that they can offer you whether that is in terms of housing, education, applying for jobs, contact with children et cetera. We hope that you use what MCTC can offer you to set you up for the best possible chance of success when you are released from MCTC in the New Year.

Captain Tyrie, is there anything else that we have not mentioned or anything else that we need to explain more fully?

CAPT TYRIE: Nothing from myself thank you, your Honour.

JUDGE ADVOCATE: Thank you, Captain Tyrie. Miss Brown?

MISS BROWN: Your Honour, no.

JUDGE ADVOCATE: Then the President will announce the sentence of the Court.

SENTENCE

PRESIDENT OF THE BOARD: Fusilier Cooper, for the offence of desertion you are sentenced to 210 days' Service detention and to be dismissed from HM Forces.