

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

24th day of July 2026

in the case of

REX

V

C040747N Ex-Lieutenant Commander John Douglas Cursiter,

formerly of His Majesty's Ship Neptune

JUDGE ADVOCATE

Judge Legard

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Thank you. Please everyone take a seat and please keep headdress on. Now, I shall refer to you as Mr Cursiter. You can remain seated during these remarks. When I come to announce sentence, I will invite you to stand at that point and then once I have provided the reasons for sentence Madam President will formally pass sentence.

Mr Cursiter, following your conviction after trial you fall to be sentenced in respect of a single charge of sexual assault, a charge of false imprisonment and a further charge for the possession of class A

drug, namely cocaine. These offences are inextricably linked. One the evening of 8th/9th November 2022 you were an experienced 43 year old Lieutenant Commander in the Royal Navy having held a number of important roles lastly that of XO within the nuclear submarine service. [Name redacted], the victim in this case, was a 20 year old Able Seaman also serving within the Royal Navy's submarine service. [Name redacted] had been helping out earlier that evening at a wardroom function and later joined others, including yourself, in the Royal Naval Arms across the road. You befriended him and subsequently accompanied him to a local club in Plymouth called Fever.

When you returned from that club you invited him initially with two others to join you in the Bar Below, an officers' only honesty bar, and there you remained until the early hours of the morning. You bought or gave him more and more to drink and it was not long before you were alone together. Having been disturbed by wardroom and cleaning staff you effectively escorted [name redacted] back to your cabin and, whilst he lay asleep and intoxicated upon your bed, you sexually assaulted him. That is charge 4 upon which you were convicted. He awoke in a drunken and confused state with his trousers removed and you holding his hand. He immediately, or soon thereafter, attempted to leave your cabin but, as he did so, you took hold of his hand, you prevented him from doing so. That is charge 5. And later that day, or the following day, following a search of your cabin a small bag was recovered from your coat pocket which contained cocaine. That is charge 6.

Your story, namely that [name redacted] simply followed you to your cabin with a view to both of you consuming more alcohol; that there was neither any sexual intent on your part let alone any sexual assault, well that version of events was in the face of compelling evidence to the contrary roundly and comprehensively rejected by the Board.

We have had read out to us a victim personal statement from [name redacted]. It makes for sad reading, it brings home that incidents of this nature invariably have profound and long lasting consequences for those affected. The Board notes that [name redacted] appears to be making some progress thanks to therapy intervention and the Board sincerely hopes that the conclusion of these proceedings may assist further in that regard. [Name redacted] refers to what happened to him as an ambush. We respectfully agree. He has been clearly affected by feelings of shame, embarrassment and guilt. He says as follows:

"Though I still hold a lot of resentment, anger and hatred towards the individual who did this I am learning not to let it impact my life to the point what is no longer my own but his. This has affected my life forever."

He speaks of the emasculating feeling of being taken advantage of, of nervous breakdowns and the fear of going out in public due to a lack of trust.

Before we turn to sentence, we wish also to address some of the matters that have been raised by your counsel in mitigation. This is no criticism whatsoever of Mr Scutt, far from it. The submissions he made on your behalf were properly, fairly and eloquently made. But both the Board and myself have had the advantage of assessing both the witnesses and the evidence in this case. Applying the appropriate criminal standard of proof, it is patently clear to us that this offence, sexual assault, was a planned and predatory assault by a senior officer on a junior rating behind the closed door of his own cabin. There is no doubt that it involved the touching of [name redacted] naked genitalia. Your DNA was recovered from the inside front panel of his boxer shorts, his trousers had been removed, there was unexplained reddening to the tip of his penis. [Name redacted] was in our judgement acutely vulnerable both in the lead up to and whilst being assaulted by you. He was in a state of extreme intoxication. That is obvious from the CCTV footage and was supported by his own evidence on the subject.

He was clearly tired, confused and disorientated. He was in an unfamiliar place in the company of a senior officer, he simply did not know where he was. He wanted to go back to his own cabin to a place of familiarity and safety, but you steered him away from his preferred path. You placed an arm around his shoulders, you effectively led him back to your cabin and you did so because you had one thing and one thing alone in mind. And in contrast to [name redacted] you knew where you were, what you were doing and why you were doing it. The clarity of your texts later that morning speak for themselves. Going back to your cabin had nothing whatsoever to do with continuing with your drinking and we are equally satisfied that you did facilitate this offence by ensuring through a combination of drugs and alcohol that [name redacted] was rendered incapable. Facilitating an offence through drugs and/or alcohol does not require physical force or spiking, it is enough in our view that you bought, encouraged and provided the alcohol and drugs in order to render your victim vulnerable.

Your counsel says that in the Royal Navy it is perfectly normal for officers and junior rates to socialise and he is right, it is normal for that to happen in a controlled environment for officers and junior ranks to share a drink in a wardroom after a function, for example, or even within a public house. What is not normal however is for a senior officer to invite a junior rate back to his wardroom, to open up the honesty bar, to ply that junior rate with alcohol and then in the early hours, at a time when that junior rate is inebriated to the point where he is confused and disorientated, to escort him back to his cabin. None of that is usual, none of it is normal.

We turn now to sentence. For such an offence of this, the sexual assault, the Judge Advocate General's guidelines provide that we must apply the civilian Sentencing Council guidelines which we will do. But before we do, I will briefly quote from the Judge Advocate General's guidance on the subject of sexual offending in the services as follows:

"Sexual offending undermines the bond of trust which must exist between those who serve together, affects morale and ultimately operational effectiveness. Dismissal will be appropriate in all but the most exceptional case."

Well, charge 1 is clearly the most serious and it is by reference to that charge that you will primarily fall to be sentenced.

So, turning to the Sentencing Council guidance we are satisfied that this offence falls squarely within category A in terms of culpability on the basis that in order to facilitate the offence you made sure that the victim in this case, [name redacted], was incapacitated through a combination of drugs and alcohol. Furthermore, this was an offence involving you abusing your rank and position. But in any event the service factors present in this case referenced already would more than justify elevation into category A at step 2. In terms of harm this is a category 2 offence. Not only did you, as the Board has found, touch his naked genitalia but he was particularly vulnerable at the time of this offence on account of either being asleep or so incapacitated by drugs and/or alcohol as to have little, if any, idea as to what was happening to him. This was, as I have already stated, a predatory attack upon a highly vulnerable junior rating by a senior naval officer perpetrated within the confines of his cabin, and in a service context this type of sexual assault is one of the more serious that a Court Martial encounters.

That therefore gives a start point of two years' custody and a range of one to four years' custody. There are no statutory aggravating factors and we have taken care not to double count but in the service context we consider the disparity in age and the disparity in rank (which is distinct from the abuse of that rank) to be an aggravating feature, the location of the offence and the fact that it was committed whilst you yourself were also under the influence of either alcohol or drugs or both. Those are aggravating features in this case, and they serve to increase any sentence from its notional start point. With regard to the charge of false imprisonment, we agree this is a category 3C offence which provides for a start point of 26 weeks' custody and a range of a high level community order to two years custody. We agree with counsel for the defence that we should not treat this as an aggravating feature of the primary charge. In terms of possession of cocaine this is a category 1 offence which would ordinarily attract a fine albeit it has a range of up to 51 weeks' custody and we should note that

possession of a class A drug by an officer in the Royal Navy is a particularly serious matter but we also note that that fact alone has, in broad terms, led to your discharge in any event.

There is one matter of interest within your service record. Whilst you were a Lieutenant you breached standing orders by inviting an Able Seaman into your cabin. In respect of that offence committed in 2014 or 2015 you received a fine. Save for that you are of hitherto good character, you have no criminal cautions or convictions recorded against you. Further I should make the point that you are 46 now years of age and, until January of last year, a Lieutenant Commander in the Royal Navy based at the nuclear submarine base at Faslane. You had 22 years' service behind you. And in further mitigation we have taken full account of everything that has been very ably expressed on your behalf by your counsel, Mr Scutt. You have much to thank him for. We note your lack of relevant previous convictions. Your counsel has brought to our attention various traumatic events, both personal and professional, that have had an impact upon you and may well have contributed to, amongst other things, increased dependency upon alcohol. He reminds us rightly of the current prison conditions that prevail across the country. We have also read with interest references from Chief Petty Officer Appleyard, from Lieutenant Organ and from Daniel Etherington and Christopher Shields all of whom attest to your personal and professional qualities. The fact that over many years you have provided important service to Queen, King and country in challenging conditions is not lost upon us. We cannot of course give you any credit for guilty pleas, and we have also read with interest the contents of a pre-sentence report which are both helpful and self-explanatory. You are assessed at being a medium risk of re-conviction and causing serious harm to others.

Mr Cursiter, will you now please stand? Having considered the matter with care we have concluded that the offence of sexual assault is so serious that only an immediate custodial sentence can be justified. The least possible sentence that we can impose having regard to the seriousness of this offence is one of 33 months' imprisonment. We took as our start point 24 months, but we found in your case that aggravation substantially outweighed any mitigation. Aggravation led us to 39 months, mitigation swung the pendulum back to 33 months. There will be a sentence of three months' imprisonment on the charge of false imprisonment and that will run concurrently to the above and there will be no separate penalty on the charge of possession of cocaine.

Now, since March of this year the courts have been empowered to suspend any sentence of up to three years and although a suspended sentence order is not an option available to us on account of you being resident in Scotland, we have nevertheless considered whether to suspend your sentence because had we done so we would have sought to apply equivalence by substituting a suspended term of imprisonment with a service community order. We took full account of your mitigation and the

observations of the author of the pre-sentence report. Having done so we decided, having applied the guidance on the imposition of custodial sentences, that we should not suspend this sentence and that in light of the seriousness of these offences, most particularly charge 1, appropriate punishment can only be achieved by immediate custody. You have not demonstrated any genuine remorse, your prospects of rehabilitation whilst by no means impossible are, in our judgement, poor and unrealistic, immediate imprisonment will not have a significant impact upon others, and your personal mitigation is not particularly strong.

Your total sentence is therefore one of 33 months' imprisonment and that is the shortest possible sentence that we felt able to pass that reflects the seriousness of this offence. Of that sentence you will serve up to one half before you are released on licence. And when you are released, you will be on licence, you must comply with the terms of the licence and commit no further offence, or you will be liable to serve a further period in custody. Notwithstanding that you have already been discharged from His Majesty's Armed Forces this Court is empowered to dismiss you and we do so. Your behaviour was inexcusable, it represents a betrayal of the values and standards of the Armed Forces, it also tarnishes the reputation of the uniformed services and the officer corps more widely. You wore that insignia on your sleeves for a reason, your job your duty was to uphold and to demonstrate high standards of behaviour and integrity, and most especially as an officer you ought to have been a living, breathing example of a person to whom a subordinate officer should aspire to become. So, for someone of your seniority to have behaved in that reprehensible way we find disgraceful and represents conduct that fell well below the standards to be expected of an officer of your or indeed any rank and seniority. And in light of the facts of this case as the Board has found them, we dismiss you with disgrace.

And from today I must certify you have convicted of a sexual offence in respect of which you have been sentenced to 33 months' imprisonment you will be subject to notification requirements for an indefinite period. So, from today you must keep the police informed at all times of your personal particulars, the address at which you are living and any alteration in the name you are using and you will be given full details of those requirements on a form at the end of the hearing. And if you breach any of those requirements you are liable to be imprisoned for up to five years.

Madam President, will you please now pass sentence?

SENTENCE

PRESIDENT OF THE BOARD: Mr Cursiter, you are sentenced to 33 months' imprisonment and to be dismissed from His Majesty's Armed Forces with disgrace.