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**IN THE COURT MARTIAL**

held at

**MILITARY COURT CENTRE, BULFORD**

on the

**9th day of July 2026**

**in the case of**

**REX**

**V**

**30155383 Bombardier Michael Joseph Murley**

**32 Regiment Royal Artillery**

**JUDGE ADVOCATE**

Judge Atwill

Assistant Judge Advocate General

**SENTENCING REMARKS**

JUDGE ADVOCATE: Bombardier Murley, having been found guilty by this court it remains for us to sentence you for one offence of rape. This is an offence to which Schedule 18 of the Sentencing Act applies, but we are not making a finding of dangerousness in your case. You are 34 years old; you've served in the British Army for a number of years and have held the rank of Bombardier since April 2024. You have no previous convictions or administrative findings registered against you.

The facts of this offence can be relatively briefly put. In June 2024, you met a woman through a dating app and formed a casual relationship with her. On 5<sup>th</sup> June that year you picked her up from a social function and took her home at her request. You had consensual sex with her and stayed the night. In

the morning, she had to get up relatively early for a short work commitment. That day was her birthday. She left you in bed, explaining that she would be back shortly.

When she came back, she then had to get ready for her normal day's work. You wanted to have sex, and you initially tried to persuade her. When she refused, you became more forceful and eventually violent. You forced her onto the bed, put your arm across her neck, and roughly penetrated her with your fingers. She struggled and asked you to stop but you persisted, using further force to pull her underwear aside and penetrating her with your penis. You then turned her over and once again penetrated her whilst pushing her head down onto the bed. She tried to resist, but you were too strong. You continued penetrating her for some time until you ejaculated inside her. You then slapped her on the bottom and left her on the bed. You'd got what you wanted.

Later, you tried to behave as if everything was normal. It wasn't. She was both frightened and upset. It showed and you repeatedly asked her what was wrong and why she was being weird? You appear to have completely disassociated from the fact that you had just had sex with her, quite obviously without her consent.

You both left the house and she went to work where colleagues could see immediately that she was upset about something. She disclosed that she had been raped. At that stage, she didn't give your name because she was worried about the ramifications for you. You were arrested and spoken to by the service police. You said that the acts described had not occurred. You maintained that position in your evidence to the board. They did not believe you.

You heard the prosecutor read parts of the victim's statement. It is as clear to us, as it ought to be to you, the impact that your offence has had. That impact has been profound and long lasting, affecting her across her life, her home, her family relationships and her work. That impact was as obvious on her when she gave evidence in court as it had been to her friend at the very beginning. The victim's personal statement was very hard to listen to for good reason. The impact on her and others who rely upon her has been very significant, including effects on her physical function, on her relationship with others, on her personal behaviour and profoundly on her wellbeing.

By Section 60 of the Sentencing Act 2020, the court's duty in all cases includes imposing on the defendant in accordance with the relevant guideline a sentence which is within the offence range. Where the guideline describes categories of case, the court must decide which of the categories most closely resemble the defendant's case to identify the starting point within the offence range.

Section 259 of the Armed Forces Act requires service courts to have regard to any guidelines issued by the Sentencing Council. We have had regard to the Sentencing Council guideline for the offence of rape and also the sentencing guidelines issued by the Judge Advocate General. In light of the serious nature of the offence and the guidance issued by both the Sentencing Council and the Judge Advocate General, there is no benefit in ordering a pre-sentence report in this case. We listened carefully to everything that was said on your behalf by Mr Williamson.

Classification of offences. With any offence, be it service or civilian, the court has to consider both your culpability and the harm caused. Dealing first with your culpability, on this guideline, there is an absence of culpability A factors, and your culpability therefore falls into the lower bracket, that being category B.

Turning to the harm caused by your offence, given the severe psychological harm, which we assessed from both the victim's personal statement, the evidence given by the victim and those who had looked after her through this process, the sustained nature of the offence, which went far beyond a single act of penetration but was continued and involved multiple acts of penetration despite protest, with the use of violence beyond that inherent in the offence itself, we place the harm caused by this offence into the medium bracket, that being category 2.

There are service factors which increase harm, the adverse effect on the reputation of His Majesty's Armed Forces, the fact that the victim was junior in rank, but we do not find that either of these factors are sufficient to re-categorise upwards on harm. There is a service factor which may be said to increase culpability, that being that it occurred in the victim's accommodation, but we do not find this to increase culpability in this case in contrast to cases which occur in shared or communal accommodation. Consequently, having considered both culpability and harm, we place your offence in category B2, which provides for a category starting point of eight years' imprisonment with a range starting at seven years' imprisonment and rising to nine years' imprisonment.

Having categorised the offence by reference to your culpability and the harm you've caused, we then go on to consider the aggravating and mitigating factors relevant to the offence. We consider the fact that you ejaculated inside the victim to be a significant aggravating factor in this case. There is a service factor which increases seriousness, that is that you held rank, the rank of Bombardier. Those are aggravating factors justifying an upward adjustment to the category starting point. Conversely, we find that fact that you have no previous convictions, exemplary character with a good professional record to be mitigating factors justifying a downward adjustment to the category starting point. Taking into account both aggravating and mitigating factors, we consider it fair to make no adjustment to the category starting point.

This offence is so serious that only an immediate sentence of imprisonment is appropriate, and the least sentence we can pass is one of eight years' imprisonment. You will serve up to two-thirds of that sentence in custody and then be released on licence for the rest of the sentence. You must comply with the terms of the licence and commit no further offences, or you can be recalled to prison and will serve the remainder of your term in custody.

Dismissal. The seriousness of this offence and the nature and length of the sentence we've passed are incompatible with service in the British Army. Sexual offending fundamentally fractures the bond of trust, which must exist between service personnel who have little choice over where and with whom they serve and live. You will be dismissed from His Majesty's Service. Reduction to the rank of gunner is an inevitable consequence of a sentence of dismissal.

I certify you've been convicted of a sexual offence, so that you must for the rest of your life 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. You will be given full details of these requirements on a form at the end of the hearing. If you breach these requirements, you can be sentenced to up to five years imprisonment.

The offence for which you've been convicted is one which may make you subject to barring from working with children or others. You will be told of the restrictions under the Safeguarding Vulnerable Groups Act 2006, via the Disclosure and Barring Service.

Bombardier Murley, rape is a crime of violence which has serious and long-lasting effects on every victim, but your violence in this case, and the effect on your victim are stark. On 6<sup>th</sup> June 2024, you set aside the dignity and personal integrity of a young woman, another soldier, who you took advantage of in many ways. That you and she were both serving in the British Army at the time was, in effect, a matter of chance but she trusted you sufficiently to let you into her home and, while there, you physically dominated her, and despite her clear refusal, protest and resistance, you raped her.

You held the rank of bombardier; every non-commissioned officer has a responsibility to maintain discipline and to safeguard the welfare of those who are subordinate to them. You failed in both respects. Out with this offence, you appear to have a great deal to offer the service, and you've previously given valuable service as a member of the British Army and the Metropolitan Police Service. You were highly regarded. All of that is gone. No one could expect to behave this way and retain their

rank, their position as a member of His Majesty's Forces or their liberty. The only possible sentence is one of immediate imprisonment and the least sentence we can pass is one of eight years' imprisonment.

I am going to say a word for the complainant. We entirely appreciate the challenge that reporting an offence of this nature represents. The impact of the offence and the effect on victims and witnesses are dreadful. We acknowledge the grace with which you have approached this very difficult issue and hope that the completion of this case will now mean that you can start to re-build all of the things which have been undermined by it. We note your determination that you should no longer be defined by this offence and we commend you for it.

Bombardier Murley, taking into account the appropriate sentencing guidelines, considering your personal mitigation, we therefore sentence you as follows: dismissal from His Majesty's Service, reduction to the rank of gunner, eight years' imprisonment. I will now ask the President to formally pronounce sentence.

### **SENTENCE**

PRESIDENT OF THE BOARD: Bombardier Murley, the sentence of the court is as follows: dismissal from His Majesty's Service, reduction in rank of gunner, eight year's imprisonment.

JUDGE ADVOCATE: I must remind everyone that it is a criminal offence to report, publish or post any information about this case which could lead to the identity of the victim being disclosed. That protection is permanent and breaches of it are punishable by imprisonment.