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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

7th day of September 2026

in the case of

REX

V

30412088 Air Recruit Ben MASON

Royal Air Force Station Cosford

JUDGE ADVOCATE

Judge Mitchell

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: We have considered the sentencing guideline relating to the offences of possessing and making indecent images of children, together with the overarching sentencing guidelines relating to both totality and the imposition of custodial sentences. We have also considered the pre-sentence report and the submissions made by Mr Samat on your behalf. We order forfeiture and destruction of the device and the images recovered.

Air Recruit Ben Mason, you have been in His Majesty's Service for two years and 312 days. You are 26 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 effectively at the first opportunity to seven offences involving the possession and downloading of indecent images of children. By reason of the fact that you were clear at the stage when you did, you receive full credit for your plea.

The facts are that following receipt of information from the National Crime Agency in January 2025, your mobile phone was seized on 10 February 2025 and it was found to contain 365 category A images, 236 of which were moving, one was still and the balance inaccessible; 155 category B images, 30 of which were moving, the balance of which were still and inaccessible; and 87 category C images, nine of which were moving, the balance of which were still and inaccessible. There were also five other prohibited images, four of which were moving and one of which was still.

Each offence aggravates the other. This is principally a category A possession case given that they constituted the majority of the images recovered. On the guidelines therefore, the starting point after trial for a person of good character is 12 months' imprisonment.

Some of the moving images lasted several minutes and, as already observed, they were category A images depicting the most serious and violent sexual abuse of young children. We deal with you on the basis that all these images came to you in short order but it is clear from the pre-sentence report that you have viewed those images, keeping some, deleting others and physically gratifying yourself as you went.

There are mitigating features. You have expressed remorse and some insight into your behaviour. There is also the fact of your age, your guilty plea, your clarity with the author of the pre-sentence report and the fact that in advance of this hearing, you have sought professional help. You are someone therefore with whom the probation service and others can work.

When aggravated by all the other images of both categories B and C and the offence involving prohibited images, this is a case that would have merited 15 months' imprisonment after trial in all. With full credit for plea, that amounts to a sentence of ten months' imprisonment which is, as the law operates, presumed to be suspended unless exceptional circumstances apply. For the avoidance of doubt, there are no exceptional circumstances in this case.

As conditions of this suspended sentence, you will complete up to 30 rehabilitation activity requirement days, that is RAR days, and 180 hours of unpaid work within the next 12 months. For the avoidance of doubt, notwithstanding the assessment within the pre-sentence report, we assess you as fit to work and not in need of any alcohol treatment requirement.

With convictions of this kind to your name, you cannot remain in the Royal Air Force. That much is clear and conceded on your behalf by Mr Samat. We recognise that is a punishment in itself. You will therefore be dismissed from His Majesty's Service and 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 features and what we understand to be the inevitable financial effects on your livelihood and any pension you have accrued.

The sentence will therefore be drawn as follows. On charges 1 and 2, the sentence is ten months' imprisonment. On charges 3 and 4, the sentence is six months' imprisonment. On charges 5 and 6, the sentence is three months' imprisonment. On charge 7, the sentence is one month's imprisonment. Those sentences will be served concurrently and will be suspended for 21 months.

What that means is this. If you commit any further offence that merits imprisonment over the next 21 months, the sentence will start at ten months' imprisonment and to that will be added any other sentence of imprisonment that you are due to be served consecutively.

This sentence also means that if you do not complete the rehabilitation activity requirement days and the unpaid work, you can be breached for failing to do so. If you are breached, you can be sentenced to a term of imprisonment and possibly by the activation of some or all of this sentence. Do you understand that?

DEFENDANT: Yes, your Honour.

JUDGE ADVOCATE: This sentence also means that you will be subjected to notification requirements as a sex offender for a period of ten years. The effect of that will be explained to you in a written notice that will follow you shortly but the core of it is this: that if you change either your residence or your name or any other significant detail about yourself and do not notify the police within 72 hours, you may commit a further offence for which you can be arrested, prosecuted and imprisoned for a period of up to five years. Do you understand that?

DEFENDANT: Yes, your Honour.

JUDGE ADVOCATE: In which case, that will be the sentence of this court. Mr President, would you please announce the sentence.

SENTENCE

PRESIDENT OF THE BOARD: Air Recruit Ben Mason, on charges 1 and 2, the sentence is ten months' imprisonment. On charges 3 and 4, the sentence is six months' imprisonment. On charges 5 and 6, the sentence is three months' imprisonment. On charge 7, the sentence is one month's imprisonment. Those sentences will be served concurrently and suspended for 21 months. You will complete 180 hours of unpaid work and 30 RAR days. You are dismissed from His Majesty's Service.