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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

2nd day of October 2026

in the case of

REX

V

30337165 Lance Bombardier Mosese Lewanivusu NASILASILA

4 Regiment Royal Artillery

JUDGE ADVOCATE

Judge Magill

Deputy Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Lance Bombardier Nasilasila remain seated until I direct you to stand. You are 34 years of age, you joined the Army on 1 March 2020, and you have been therefore in the Army for 6 years and 216 days. You appear before us today to be sentenced for two offences. Charge 1 is conduct prejudicial to good order and service discipline when you dishonestly reported that your wife was ill to obtain leave. Charge 2 involved a period of being absent without leave of 288 days.

On 16 June 2025, you chose to leave the United Kingdom without notifying your chain of command, claiming that your spouse was gravely ill, unresponsive in hospital. You contacted your Battery Sergeant Major in the early hours of the morning, presenting this as an emergency and asserting that you had already submitted four weeks of leave. That claim was false. When your Battery Sergeant Major attempted to gather the basic information required to support you through welfare channels and prevent you being posted AWOL, you refused to provide it. You accused your superiors of racial discrimination and insisted that you did not need to inform the Army of your movements. Over the following days, you continued to present yourself as being in Fiji, attending to your allegedly ill spouse. You told your Battery Sergeant Major that you had landed, that your wife was recovering at home, and that you were with her.

Your Battery Sergeant Major did everything he could in the circumstances to support you. He acted in good faith. He began arranging welfare leave. He even explored charitable funding to reimburse your travel costs. You attempted to gain charitable funding, providing a screenshot purporting to show your flight expenses, but it lacked dates and essential details.

You came undone on 22 June when your spouse in Fiji contacted your Battery Sergeant Major directly. She provided detailed information demonstrating that you were not in fact in Fiji at all, but in Sacramento, California. She explained that you instructed her to lie to the British Army and claim that she was ill if she was contacted. She also provided evidence of your travel bookings from Newcastle to Sacramento, hotel reservations in Sacramento, and a screenshot showing you sightseeing with another woman. When confronted with these inconsistencies, you continued to insist that you were in Fiji, even though the timestamps on your own screenshots contradicted your story. You refused to share your location and eventually stated that you were done with the Army and would not be returning. You were given a clear, lawful order to return to camp by 25 June 2025. You refused, saying you had no money, and invited your chain of command to just post you AWOL.

By the time your Battery Sergeant Major returned to work, a notice to terminate your service had already been initiated. You did not return to camp, and you ceased responding to communications. Your messages laid unread.

This case comprised a sustained pattern of dishonesty, deliberate evasion of your duty, and intentional deception of your chain of command. You fabricated a medical emergency, misled your superiors about your location, and instructed your spouse to lie to the Army. You were given multiple opportunities to correct your behaviour. You chose instead to continue the deception and abandon

your post for a period of 288 days. The impact on your unit caused by your actions is obvious in a period where they were busy and leading up to an exercise that you very evidently, by your own remarks in your pre-sentence report, took deliberate action to evade.

You have since voluntarily presented yourself, having communicated with your unit. You have presented yourself back here in the UK and entered a guilty plea at the first possible opportunity. Those all go in your favour. You have today relied on submissions that your difficult personal circumstances ought to be considered mitigation, but it was you that left a device signed in, in Fiji, that your wife could read which showed what you were up to. It was you that embroiled her in a deception that could have cost your regimental charity a significant amount of money and caused your unit no end of administrative problems. It is because of your wife's honesty and her courageous and proper conduct informing the British Army of your dishonesty that they came to understand your lies and prevented that loss. She is to be commended for her actions and for her integrity.

We have had regard to a number of Sentencing Council guidelines. Specifically, the Judge Advocate General's Sentencing Guideline. Also, the imposition guideline, the totality guideline and the guideline dealing with the discount for a guilty plea. We have listened carefully to everything that has been said on your behalf by Mr Green. We listened with particular care in respect of the fact that you say you were accused of an offence for which you were then not prosecuted. We have read with care your reference. Now that you have come back you have been cooperative.

Charge 1, conduct prejudicial to service discipline, was the Charge that encapsulates your dishonesty to obtain leave. This was a serious misconduct. Fabricating a medical emergency. Manipulating a welfare process. Instructing your spouse to lie. We found that it was deliberate and sustained. We agree with counsel that this case falls within category B culpability and category 2 harm, which has a starting point of 60 days detention and a range of 28 to 120 days.

The aggravating factors which are the same for both offences are the level of dishonesty involved, The service impact and your rank. The mitigating factors which are the same for both offences. Guilty plea at the first opportunity indicates remorse. Albeit rather belatedly, you have demonstrated cooperation. Your good, clean service record and lack of previous convictions is mitigation that is afforded to you in respect of both Charges.

We started at 60 days which is the starting point within the guidance. We aggravated to 70 days. The mitigating factors brought it back down to 60 days. Then we have deducted a third for credit. That brings the sentence for Charge 1 to 40 days' service detention.

Charge 2 is the more serious offence. This was a very serious AWOL offence. We disagreed with counsel that this was a category C offence. Category B, high culpability is reserved for cases of intentional absence without leave. Reckless as to whether active service was avoided as a result. It is you yourself who said that you did this to avoid going to Kenya. Therefore, B is the appropriate culpability for this offence. We agree with counsel that it sits in Category 2, harm. That has a starting point of 12 months in custody, with a range from 9 to 24 months. The aggravating features are the length of the absence, which was a very long period of AWOL, 288 days. The deliberate deception used to facilitate it. Although we take care not to double count with the first Charge. I will explain how we have dealt with that in a moment.

The refusal to obey a lawful order to return aggravates your position, as does the impact on operational planning and your rank. We have therefore started at 12 months. For those aggravating factors raise it to 18 months. Your mitigation reduces it; that includes your remorse, your eventual voluntary return and your previous clean record. We reduce it therefore down to 16 months before reducing further for credit. That brings your sentence for this offence down to 10 months and 20 days. Your sentence for the first Charge was 40 days, reducing it for totality it comes down to 30 days' service detention. Charge 2 is aggravated by the fact of Charge 1. We therefore raise Charge 1 to 11 months and 20 days. We make both sentences concurrent – we have taken the view that this was one continuous piece of offending. We have also considered whether or not we can suspend this sentence, but it is too serious. It must be served as a period of immediate service detention.

Your final sentence will therefore be: for Charge 1, 30 days service detention. For Charge 2, 11 months and 20 days service detention to be served concurrently - that means at the same time. We have considered carefully whether or not you should be dismissed. The dishonesty and arrogance displayed in your conduct was severe and utterly inconsistent with continued service. We recognise that in sentencing you to dismissal, we are giving you what you want but it is appropriate in the circumstances to adopt this approach. It is not a reward for your behaviour. It is not being done because you have asked for it to occur.

Lance Bombardier Nasilasila, stand up. You are sentenced to 11 months and 20 days service detention and 30 days service detention concurrent. The focus of your sentence will be on resettlement. You will serve two-thirds of your sentence at MCTC, you will then be released. You may be able to earn time off that release period for any period of detention that extends past 90 days, through complying with what is required of you by the Commandant. You will be reduced to the ranks and dismissed.

Following the handing down of your sentence by the President of the Board you will be marched out by the court orderly. Escort you are to follow. Mr President, please pronounce sentence.

SENTENCE

PRESIDENT OF THE BOARD: Lance Bombardier Nasilasila, you are sentenced to 30 days service detention on Charge 1 and 11 months and 20 days on Charge 2 to be served concurrently.