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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

30th day of July 2026

in the case of

REX

V

30310485 Corporal Daniel Lawrence James BARTON-KENNEDY

1st Battalion, The Duke of Lancaster's Regiment

JUDGE ADVOCATE

Judge Mitchell

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Corporal Daniel Barton-Kennedy. You are 28 years old and you have served in His Majesty's Armed Forces for 7 years and 185 days. You are divorced with one dependent child and with another child shortly to be born to your new partner.

You have no previous convictions and no adverse entries on your JPA. You pleaded guilty at the first opportunity to the offence of disobeying a lawful command and, for that plea, you will receive the full third reduction on your sentence.

In January 2026, you took part in Exercise Eastern Warrior in Tapa, Estonia. Prior to your arrival on 7th January 2026, you and others were briefed on your unit's personal electronic device policy. You were required to remove SIM cards, switch off location settings and used a trusted virtual private network on all personal electronic devices. This policy was reiterated during in theatre briefs on 10th January and 15th January 2026 and you were present for those briefings.

On 19th January 2026, you informed your Platoon Commander that you had received messages from an unknown party on 19th January via the Telegram app. That unknown party had acquired nude photographs of you from your camera roll and had identified you on social media. By the time you told all, the unknown party had already blackmailed you to the extent that they had extorted £100 out of you. That unknown party was looking for another £250. No doubt you, at least, believed that that would not be the end of it.

This Court is well aware that criminal groups, hostile forces and nations ill-disposed to our nation and His Majesty use such means for financial gain, but also to gain a hold on others and extort information from them. You and all personnel working in areas where electronical devices can be compromised are told to remove your SIM cards to combat this very risk.

The harm you suffered from the extortion attempt was not personal to you. It risked further, far more serious harm to your family, your friends, anyone else whose details were in your phone and ultimately to the safety of your comrades and His Majesty's Armed Forces. As a Corporal you knew this, and you would be expected to enforce this policy amongst those you led.

To be clear and to end a submission that has been advanced on your behalf, albeit ably, by Ms Magill: this court is a specialist tribunal, and this offence was in no way or at all remotely equivalent to falling asleep on duty. Henceforth in the age of drone, electronic and cyber warfare any such analogy should be considered unhelpful to the extent that it should not be said again by those whose task it is to promote and reinforce such a policy.

We have considered Version VII of the Judge Advocate General's Sentencing Guidance. That is the guidance relevant to sentence for this offence. In terms of culpability, that is blameworthiness, this is a category A case. As is conceded you had some medical issues at the time you committed this

offence, but you knew what you were doing. To that extent, clouded as your mind no doubt was, by personal concerns for your family, your disobedience was nonetheless both deliberate and intentional. It was prolonged because it lasted 12 days and long enough for your phone to be compromised, and for you to be blackmailed. As already observed, it was committed in an operational environment.

On harm this is a category 1 case. Again, for reasons we have already identified, you caused a security risk that put the safety of others at risk at least.

The starting point on sentence after trial for a soldier with no previous convictions would be 12 months imprisonment. The sentencing range is 12 months service detention to 18 months' worth of imprisonment. We looked to the other factors that both increase and decrease the seriousness of this offence. Those that both aggravate and mitigate. The fact that you held the leadership position of Corporal is a serious aggravating feature that more than offsets the mitigating features of your previous good character, your solid professional record and your obvious remorse.

We have to also consider how you came to commit these offences in the first place. You were receiving medical help for depression. Your new partner was and is receiving ongoing medical help for her pregnancy. At the time you were deployed, you were not, in fairness to you, fully suited to your deployment but you knew what was expected of you. You knew what you did and you did what you did to aid yourself rather than to harm others. It was no doubt very much out of character. The problem is that you risked great harm to others.

All told, we are not minded to dismiss you but we do think that for an offence as serious as this you will lose one rank and so you will be demoted from Corporal to Lance Corporal. Bearing in mind the core sentencing aims and particularly in a case such as this, the need for both punishment and deterrence, having considered all relevant features, the appropriate sentence at trial would be 15 months' service detention, even bearing in mind the fact that you confessed your offending yourself. With full credit for plea that resolves to 10 months' service detention.

We have carefully considered all personal relevant factors including your family's circumstances, the help you could give to your expecting partner and the legal implications that follow from the same. We have also considered all other relevant factors dealing with the possibility of suspending this sentence. You have an otherwise good disciplinary record; there has been little delay in these proceedings. You have shown genuine remorse; this offence is an isolated incident. The offence does,

to some extent, however, have a highly corrosive effect on service discipline. Your offending is now, as it turns out, the example that is set to others.

You are not a young or inexperienced soldier. There is no suggestion that you are required immediately for operational duties and beyond being the example, this is not a case where you really can make voluntary reparations. Those are all factors that we are bound to consider.

Overall, we find that this case is not a borderline case. It is far too serious to consider suspending a sentence of service detention. Only an immediate sentence of service detention will do.

To accede to such a submission would, in the minds again of this specialist tribunal, fundamentally undermine the sentencing aims of both punishment and indeed deterrence. It would also encourage others to risk doing the same and our enemies to exploit our people. That cannot be. So, this sentence will be served immediately. Mr President, please pronounce the sentence.

SENTENCE

PRESIDENT OF THE BOARD: Corporal Daniel Barton-Kennedy, for the offence of disobeying a lawful command you are sentenced to 10 months' service detention. Further you are reduced in rank from Corporal to Lance Corporal.