

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
B E T W E E N :

CLAIM: AC-LON-2025-000781

THE KING
on the application of
SEX MATTERS Claimant
and
DIRECTOR OF PUBLIC PROSECUTIONS Defendant

EXHIBIT TCG/3 TO
WITNESS STATEMENT OF THOMAS CHARLES GUEST

This is the exhibit to the Witness Statement of THOMAS CHARLES GUEST
dated 20 February 2026 **TCG/3**

IN THE CROWN COURT AT [REDACTED]

REGINA

-V-

[REDACTED] **H**



SENTENCING OPENING NOTE


1. On the 14th June 2021 the defendant pleaded guilty to 2 counts of sexual assault and 1 count of assault by penetration. The case was adjourned for sentence and for the preparation on behalf of the defendant of a Psychiatric Report (uploaded on the DCS Section T Item 1) Probation Report (awaited) and a Victim Impact Statement (uploaded on the DCS Section T Item 2).

The Facts

2. On the 21st May 2018, the victim [REDACTED] (GF) contacted the Police in Birmingham to report that she was ‘living in fear’ because of the breakdown of a relationship with a [REDACTED] (JH). GF alleged that since the end of the relationship JH had been acting strangely and kept contacting GF despite GF blocking her and changing her number and contact details. Arrangements were made for GF to be spoken to by an Officer and on the 3rd June 2018 she provided a detailed account to the Police.
1. In February 2017 GF and JH met in a club/bar in [REDACTED] called [REDACTED]. It is commonly known as a “gay bar” but according to GF it is a bar that many

people frequent, whatever their sexuality. GF describes herself as having been drinking and not recalling much of the meeting but they exchanged social media contact details and during the following year JH would occasionally “comment” on a Facebook post or Instagram update, but there was in truth little contact between the pair.

3. GF made plain to the Police that she was heterosexual and had never been in a relationship with a female.
4. On or around the 10th April 2018 a more direct communication between the pair began, first via social media and then text and telephone conversations. JH sent the first message to which GF responded “Hellow....is this  GF used the name “Missus” on her messages – JH’s messages were signed off as 
5. In due course the Police would recover many of the messages that passed between the pair. During the first fortnight the messages recovered rapidly depict a very intense relationship developing between the pair. There are hundreds, if not thousands, of messages via various social media apps as well as texts and phone calls. Early within these messages GF queries why Jo’s social media profile did not contain a photograph, questioning whether this was because “he” was cheating/planning an affair, but JH responded he was not and sent a photo of himself. A number of photos were sent during that couple of weeks, all of which show JH dressed in a manner most would understand to be male in appearance.

6. The early messages made enquiries as to where each lived and when GF responded she was in  JH responded “I have two house up there”. JH goes on to say she owns three houses and is in the process of buying a fourth. This was the first of many lies, the defendant does not own any property.
7. The messages rapidly became sexualized and included further photographs showing what JH clearly intended to suggest were images of JH in boxer shorts showing an erect penis shape through the material.
8. Early within the exchanges, JH had asked GF how she felt about “F2M”. GF did not know what this meant and so “googled” it discovering it meant a ‘female to male’ sex change. This resulted in GF asking JH a number of questions about the process, including whether JH had a “real penis”, whether they got to choose the size, could it become erect, when the operation had been done and where? JH provided what GF describes as “believable responses” and clearly those responses were intended to and indeed did convince GF that JH was no longer a female but a post-operative male. JH explained that the operation had been conducted 2 years before in Thailand. That skin grafts had been used from her back and bottom to “construct” the penis and that other than having ongoing injections to make her voice deeper in all other respects her transition to a male was complete. GF states she didn’t have a problem with the fact of the sex-change and they were getting on well and that as far as GF was concerned when she was talking to JH she was talking to a man.
9. The pair first met up during a lunch break and GF describes that JH “looked like a man, smelt like a man as she was wearing aftershave”. GF made reference


to the photos that JH sent of her in boxer shorts showing an apparent penis but she explains JH said she wouldn't send a picture of her naked genitalia because she was self-conscious about "post-operative scars". Plainly another lie given there had been no operation.

10. After that first lunchtime meeting, the messages continued, everything within them suggests that JH was purporting to be a man, referring to the sex change on occasions. The sexual element of the messages included questions from JH as to what GF's favoured sexual position was and again the messages, whilst explicit in sexual terms can also only be interpreted as suggesting a male to female sexual encounter. Just a few of the many examples included GF saying "You're literally the most amazing smelling man I've ever kissed on a lunchbreak", and in the context of not emotionally hurting each other JH wrote "I'm not fake never could be wait I say that my dicks sort of fake but that's about it lol (Made in Thailand) ha! At least I smell nice and not bad haha". There are many more examples of messages that can only be interpreted as JH purporting to be a man.

11. After the meeting at lunch the pair arranged for JH to attend GF's home address. On this first occasion they chatted and kissed but there was no sexual intimacy. The pair began to make plans to go away for a weekend and JH sent GF pictures of the hotel she purported to have booked and it is clear from the messages that both expected that this would lead to their first sexual encounter. However, JH then informed GF that her grandfather had died and, as a consequence the trip had to be cancelled. In fact, when the deception was unearthed, this was another lie, JH's grandfather had not died and all the

messages purporting to relate to being with family and to arranging and attending the funeral were an elaborate lie. However, during the incident GF had asked for JH's parents address so she could send her Mum some flowers as a condolence. JH provided an address. The relevance of this I will return to shortly.


12. Following the cancelled trip, JH visited GF's home address on a second occasion. On this occasion JH performed oral sex upon GF, but would not let GF touch her in any way that was intimate, explaining that it was because "he" was embarrassed by the scars. GF describes that JH was "very convincing and I believed her". In short GF was deceived by JH explanations. This occasion of oral sex is reflected in **Count 1**.

13. There was a further occasion when the pair were to go out together but JH again cancelled informing GF that she had been admitted to the  Hospital with a pulmonary embolism. During this incident GF received what were said to be messages from JH's Mum in relation to JH being in hospital. However, this incident also later transpired to be untrue and the messages were in fact sent by JH and not by her Mum.

14. On the 6th May 2018 GF and JH had been texting each other, in fairness the messages between the pair are almost constant at times, commencing as soon as they wake up and ending as they go to bed. On this date JH asked GF if she wanted him to come round and "tuck her in". The messages quickly became sexual in content and as GF phrases it "we were going to have sex that night and that she, GF, was "really looking forward to it".

15. JH arrived at GF's address and they went into the bedroom. The bedside light was on but JH turned it off. GF describes JH as rigid and nervous and that when she rubbed her back JH told her not to because of her operation scars, however, GF told the police she now believes this was because JH must have feared GF would realise she had used something to strap down her breasts.

16. JH again performed oral sex upon GF but just as with the first occasions would not allow GF to touch her saying it was about body confidence issues. This is reflected in **Count 2**. GF then describes that they had sex. She explains that she was on her hands and knees and that JH was to enter her vagina from behind. GF states that JH kept her clothes on throughout. GF felt something entering her vagina and that this lasted for about 10 minutes before GF said she had had enough. GF describes it as a huge anti-climax and that she didn't enjoy it at all. At the time GF believed she was being penetrated by JH's penis. This is reflected in **Count 3**. As soon as they finished JH left quickly and her manner was such that GF was suspicious about what had just happened. She began to question herself and the nature of the relationship.

17. As a result GF decided to visit JH's parents address, which she had been given at the time of the alleged death of the grandfather. The address she had been given was  but on arriving and glancing at the house next door as she approached, GF immediately recognised some of the furniture and ornaments in the neighbouring property as being exactly the same as those she had seen in some of the "snapchat" conversations the pair had had. As a result, GF knocked on the door and discovered this was the home

address of JH's Mum. The conversation that then took place made it clear that the Mother had no idea who GF was, despite the fact GF was under the impression she had received text messages from Mum in the past. It rapidly became clear those messages had plainly been sent by JH herself as part of the deceptions she had perpetrated.

18. This led to GF and JH's Mum having a conversation in which it rapidly emerged that JH was a female, had never undertaken gender reassignment and was in fact a gay female in a relationship with another female called [REDACTED]. The Mother then called [REDACTED] who came to the house and met with GF as well. The lies about the death of granddad, the alleged properties JH had said "he" owned all began to unravel. [REDACTED] questioned GF asking if JH had used a "strap on" when they had sex. This led GF to conclude that must be what happened having learned JH did not have penis, although she does not know what it was that was used to penetrate her. It is understood by the Crown that the Defendant asserts she used her fingers as opposed to a sex toy.

19. Whilst GF was with the defendant's Mother, efforts were made to contact JH and get her to come to the Mother's address but it rapidly became clear JH had realised her deception had been uncovered and declined to come to the house.

20. Following this there were further social media and text messages between the pair in which JH initially asserted she had fallen out with her family and that everyone was telling lies about her. GF made plain she did not want to hear further from JH but messages continued and it was as a result of this that GF initially contacted the police, because she had become scared by the behaviour

of JH. When GF attended the police in relation to this and described what had happened it became apparent that GF had been fundamentally deceived into believing she was in a relationship with a man called Joe, when in fact JH had always been a female and had never undertaken any operation or gender realignment.

21. GF describes herself as being “devasted” upon learning what had happened. She states she “feels betrayed and violated” and explains that had JH been honest from the outset she has no doubt they would have had a “fantastic friendship” because they got on so well but she GF would never have had a sexual relationship with a woman. A further VPS has been uploaded to the DCS, Section T [GF has asked that it be read on her behalf].

Sentencing Guidelines

22. The Court must have regard to the Sentencing Guidelines published in respect of each of the offences.

i. Assault by penetration:

Culpability A:

The background to this offence and the level of deception practised upon the victim evidences a “significant degree of planning”. It is also plain that the victim had built up considerable trust in the defendant which was wholly misplaced but was the result of the deception that had been perpetrated.

Harm – Category 2:

It is clear from her VPS that the victim has suffered significant psychological harm. Whether this can properly be categorised as “severe” is a matter for the judgement of the court.

The victim undoubtedly feels a substantial sense of “humiliation” because of the deception which may properly be considered to be greater than in many other cases.

The incident was “sustained” to the extent that the penetration lasted for approximately 10 minutes (evidence of GF). This was not a short-lived penetration.

If the above factors are considered in combination the Crown submits that this falls within Category 2.

Starting Point/Range:

If the Court concludes this is a Category 2A offence, the starting point is 8 years’ custody with a range of 5-13 years’.

If the Court concludes this is a Category 3A offence (because the factors identified above do not collectively fairly place the offending in Category 2), then the starting point is 4 years’ custody with a range of 2-6 years’ custody.

The Crown respectfully submit that the point of overlap in the ranges of the two Categories may be an appropriate “starting point”.

ii. Sexual Assault x 2

Culpability A:

As above, the background of deception evidences a “significant degree of planning”.

As above, trust had been established through deception and this was then abused.

Harm – Category 2:

Category 2: Touching of naked genitalia.

See also the same points above regarding “humiliation” and psychological harm set out within the victim impact statement.

Starting Point/Range:

Category 2A – starting point 2 years’ custody with a range of 1-4 years’

23. Aggravating and Mitigating Factors:

[These apply to all three counts]

Aggravating:

None of the statutory aggravating factors are present.

Other aggravating factors: None of those listed appears to apply and matters such as the deception perpetrated would appear to have been taken into account in determining the appropriate starting point.

Mitigating:

No previous convictions.

24. Restraining Order:

Counsel awaits confirmation that a RO is requested and the terms of it.

25. Victim Surcharge applies.

26. The defendant has already signed the Sex Offenders Register and the requirements of this continue to apply.