

**Case Summary**  
**Office of the Judge Advocate General**

**DEFENDANT:** SGT Campbell  
**TYPE OF PROCEEDING:** Defence Force Magistrate  
**DATE OF TRIAL:** 12 December 2022  
**VENUE:** Gallipoli Barracks, QLD

**Charges and plea**

	<b>Statement of Offence</b>	<b>Plea</b>
Charge 1	DFDA, s. 33A, Assault occasioning actual bodily harm	Guilty
Alternate to Charge 1	DFDA, s. 34, Assaulting a subordinate	Not proceeded with due to guilty plea to charge 1

**Pre-Trial: Closed hearing and non-publication orders**

Application made:	No
Determination:	N/A

**Trial: Facts and legal principles**

Nil, as the case proceeded by way of a guilty plea.

**Findings**

	<b>Finding</b>
Charge 1	Guilty
Alternate to Charge 1	N/A

**Sentencing: Facts and legal principles**

The defendant was on a course at Bandiana. He has been consuming alcohol and outside the junior ranks club he mistakenly thought some members were bullying a private soldier by drinking beer from her slouch hat without her permission. The defendant identified himself and intervened. Without warning or provocation he head-butted the male private soldier complainant on the nose. This caused bleeding and swelling. In mitigation he submitted he showed immediate concern for the private. The complainant spent a night in hospital and was found after x-ray to have sustained a 'minimally displaced nasal fracture'. He was given pain relief and suffered no long term consequences. The defendant admitted head butting the other member to the WO1 course instructor that night.

He pleaded guilty to the offence.

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He was of prior good character. He was a mature SGT with three years in the rank. He tendered two character reports.

The DFM reduced him in rank to CPL due to the use of his head, the rank difference and the fact of breaking a nasal bone. The accused received credit for his guilty plea.

### **Punishments and orders**

Charge 1	To be reduced in rank of Corporal with seniority in that rank to date from 01 January 2011
Alternate to Charge 1	N/A

### **Outcome on automatic review**

The automatic review was completed on 01 February 2023

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Upheld	Upheld
Alternate to Charge 2	N/A	N/A

### **Outcome on petition**

The Reviewing Authority's decision on petition was finalised on 14 April 2023.

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Upheld	Upheld
Alternate to Charge 2	N/A	N/A

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