

Case Summary
Office of the Judge Advocate General

DEFENDANT: GNR Woof
TYPE OF PROCEEDING: Defence Force Magistrate
DATE OF TRIAL: 04 April 2023
VENUE: Robertson Barracks, NT

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 61(3) and Crimes Act 1900 (ACT), paragraph 27(3)(a) Acts endangering life etc	Guilty

Pre-Trial: Closed hearing and non-publication orders

Application made:	No
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Trial: Facts and legal principles

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

Findings

	Finding
Charge 1	Guilty

Sentencing: Facts and legal principles

The offence carried a maximum sentence of 10 years imprisonment and was therefore a serious one. The defendant whilst intoxicated at an informal function in the accommodation block applied a choke hold to another member for 15 seconds and rendered him unconscious for 15 seconds. There was no suggestion of malice or an intent to actually render him unconscious but the defendant used his training for a highly irresponsible and unlawful purpose. He apologised shortly after and made a full and frank confession to service police.

The defendant had stressful personal circumstances and acknowledged he had developed an unhealthy use of alcohol. He was also a very young member. Despite his youth and guilty plea, in all of the circumstances a sentence of detention was the minimum sentence which could be imposed to acknowledge the seriousness of the offence, general deterrence and the need to maintain good order and discipline.

Punishments and orders

Charge 1	To undergo detention for a period of 30 days.
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Outcome on automatic review

- *This summary is not intended to be a substitute for the reasons of the Service tribunal or to be used in any later consideration of the tribunal's reasons.*

The Reviewing Authority's decision on automatic review was handed down on 24 April 2023.

	Conviction	Punishments / Orders
Charge 1	Upheld	Upheld

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