

Case Summary
Office of the Judge Advocate General

DEFENDANT: GNR Jones
TYPE OF PROCEEDING: Defence Force Magistrate
DATE OF TRIAL: 25 May 2023
VENUE: Robertson Barracks, NT

Charges and plea

	Statement of Offence	Plea
Charge 1	Defence Force Discipline Act 1982, s. 61(3) and Criminal Code 1995, s. 474.17(1) Using a carriage service to menace, harass or cause offence	Withdrawn
Charge 2	Defence Force Discipline Act 1982, s. 61(3) and Criminal Code 1995, s. 474.17(1) Using a carriage service to menace, harass or cause offence	Withdrawn
Charge 3	Defence Force Discipline Act 1982, paragraph 33(b) Creating a disturbance on service land	Guilty
Charge 4	Defence Force Discipline Act 1982, s. 60(1) Prejudicial conduct	Withdrawn

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

	Finding
Charge 1	No finding required
Charge 2	No finding required
Charge 3	Guilty
Charge 4	No finding required

Sentencing: Facts and legal principles

Between June 2021 and May 2022 the complainant and defendant were in a relationship with each other. The complainant ended that relationship at the beginning of May 2022. On 25 June 2022 the defendant entered the complainant's room without permission. He had been drinking alcohol. The complainant was watching a movie with a male colleague. The defendant started yelling profanities at the complainant and caused a significant disturbance. He refused to leave and punched a TV screen whilst in a highly agitated state. Military Police eventually arrived and directed the

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defendant to leave. On 4 July 2022 and 12 August 2022 the defendant participated in digital records of interview and made various admissions.

The prosecution withdrew three charges. The DFM found that there were a number of mitigating features in his favour including: the entry of a plea of guilty at the earliest opportunity, his expression of genuine remorse, his relative youth, the delay of about 11 months between offending and sentence that was not attributable to the defendant, co-operation with investigative authorities and a number of very positive character references tendered on his behalf. In all of the circumstances, the DFM considered that there were good prospects for rehabilitation.

Ultimately, the DFM was satisfied that a period of suspended detention adequately fulfilled the requirements of specific and general deterrence and ensured the proper maintenance of good order and discipline.

Punishments and orders

Charge 1	N/A
Charge 2	N/A
Charge 3	To undergo detention for 40 days. Pursuant to DFDA's 78 , the tribunal orders that the whole of the sentence of detention is suspended
Charge 4	N/A

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 23 June 2023.

	Conviction	Punishments / Orders
Charge 1	Not Applicable	Not Applicable
Charge 2	Not Applicable	Not Applicable
Charge 3	Upheld	Upheld
Charge 4	Not Applicable	Not Applicable

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