

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

**DEFENDANT:** PTE Cogan  
**TYPE OF PROCEEDING:** Defence Force Magistrate  
**DATE OF TRIAL:** 13 March 2024  
**VENUE:** Lone Pine Barracks, Singleton NSW

**Charges and plea**

	<b>Statement of Offence</b>	<b>Plea</b>
Charge 1	DFDA, s. 61(3) and Prohibited Weapons Act 1996 (ACT), s. 5 Engaging in conduct outside the Jervis Bay Territory that is a Territory Offence, namely Unauthorised possession or use of a prohibited weapon	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**

	<b>Finding</b>
Charge 1	Guilty

**Sentencing: Facts and legal principles**

On 28 Aug 2023, the day before the defendant was due to pass out of his infantry training course at Singleton he was caught in possession of a taser. Whilst at the smoking pit he produced the taser and operated it in front of his mates. Some Corporals heard the ‘crack’ and went to investigate. As a consequence of his possession of this prohibited weapon, whilst he passed out of his infantry course and his cohort were posted to their respective battalions, he was held at Singleton pending the outcome of the charge for 7 months.

Taking into account particularly his youth, guilty plea, and the consequences above, whilst the offence is a serious one and can carry up to 5 years civilian imprisonment, a period of detention was awarded which was wholly suspended.

**Punishments and orders**

Charge 1	To undergo detention for a period of 40 days. Pursuant to DFDA s78 the Court orders that the whole of the sentence of detention is suspended.
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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 25 March 2024.

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Upheld	Upheld

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