

Case Summary
Office of the Judge Advocate General

DEFENDANT: LS Reeve
TYPE OF PROCEEDING: Defence Force Magistrate
DATE OF TRIAL: 22 April 2024
VENUE: HMAS *Stirling*, WA

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 56(1) Knowingly making false or misleading statement in relation to application for benefit	Guilty
Charge 2	DFDA, s. 60(1) Prejudicial conduct	Withdrawn
Charge 3	DFDA, s. 61(3) and Commonwealth Criminal Code Act 1995 s.145(1) Using forged document	Guilty

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 guilty pleas.

Findings

	Finding
Charge 1	Guilty
Charge 2	Not Applicable
Charge 3	Guilty

Sentencing: Facts and legal principles

On 4 Mar 23, the defendant informed her superior that her civilian partner's best friend had passed away following a motorcycle accident. On 21 Mar 23 the defendant requested to travel Brisbane to see her partner. This request was verbally denied due to the ship's operational staffing requirements and the fact that her partner was not recognised by Defence. However, the defendant was allowed local leave to facilitate her partner visiting and staying with her in a hotel. On 25 Mar 23, the defendant submitted a leave request falsely stating that her partner was flying into her location on 1 Apr 23 (Charge 1). Her partner was in fact due to fly in on the evening of 2 Apr 23. On 2 Apr 23, the defendant flew to Brisbane without approval and returned with her partner later that evening. Due to the circumstances, the defendant was allowed to finish her local leave with her partner before returning to the ship on 6 Apr 23.

On 10 Apr 23, a LEUT was appointed to conduct a fact finding into the circumstances surrounding the defendant's absence from the local leave area. During the course of that fact finding, the defendant used a forged flight cancellation email in support of a false story that her partner had

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booked a 1 Apr 23 flight which was cancelled and purporting to explain why she flew to Brisbane and returned on 2 Apr 23 instead (Charge 3).

Despite the objectively serious nature of the conduct, the DFM took into account mitigating features such as the early pleas of guilty, her full co-operation with service investigators, her relatively young age, genuine expressions of remorse and unblemished conduct record. The DFM held that the defendant's prospects for rehabilitation were very promising and the behaviour was otherwise out of character.

In all of the circumstances, the DFM decided that the minimum punishments which would satisfy the principles of general deterrence and maintenance of good order and discipline was a reduction in rank to AB and a requirement to serve 40 days of the 90 day sentence of detention in respect of Charge 3.

Punishments and orders

Charge 1	To be reduced to the rank of AB with seniority in that rank to date from 1 Jan 21.
Charge 2	N/A
Charge 3	To be reduced to the rank of AB with seniority in that rank to date from 1 Jan 21. To undergo detention for a period of 90 days. Pursuant to DFFA s.78, the Tribunal ordered that 50 days of the sentence of detention be suspended.

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 30 May 24.

	Conviction	Punishments / Orders
Charge 1	Upheld	Upheld
Charge 2	N/A	N/A
Charge 3	Upheld	Upheld

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