

Case Summary
Office of the Judge Advocate General

DEFENDANT: CPL Sloane #2
TYPE OF PROCEEDING: Defence Force Magistrate
DATE OF TRIAL: 17 September 2024
VENUE: RAAF Base Townsville, QLD

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 60(1) Prejudicial conduct	Guilty
Charge 2	DFDA, s. 31(1) Obstructing a police member	Withdrawn
Alternative to Charge 2	DFDA, s. 60(1) Prejudicial conduct	Withdrawn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	Guilty
Charge 2	Not Applicable
Alternative to Charge 2	Not Applicable

Sentencing: Facts and legal principles

This summary has to be read in context with the summary following conviction on a separate charge sheet against this member for events occurring an hour earlier on the same evening. After a battalion dinner, he was seen by service police, who were in a marked vehicle, staggering along the path. The military police Corporal asked him to stop and produce his identification, which was met with profanity and a one fingered gesture. The defendant left the scene. The context of this offence had to be considered in conjunction with the other charge sheet where he had pleaded guilty to earlier directing abuse at another military police member in a persistent gendered way.

The defendant had an exemplary record and excellent character references. He was due to be posted to an instructional position at the school of Infantry. Despite this the offending in context was serious which warranted reduction in rank by two ranks to meet the requirements of maintaining service discipline and general deterrence.

- *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.*

Punishments and orders

Charge 1	To be reduced to the rank of Private
Charge 2	Not Applicable
Alternative to Charge 2	Not Applicable

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 22 October 2024.

	Conviction	Punishments / Orders
Charge 1	Upheld	Upheld
Charge 2	Not Applicable	Not Applicable
Alternative to Charge 2	Not Applicable	Not Applicable

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