

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

**DEFENDANT:** CPL Wielozynski

**TYPE OF PROCEEDING:** Defence Force Magistrate

**DATE OF TRIAL:** 01 – 03 April 2025

**VENUE:** Court Martial Facility, Fyshwick, ACT

**Charges and plea**

	<b>Statement of Offence</b>	<b>Plea</b>
Charge 1	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 72C Non-consensual distribution of intimate images	Guilty
Charge 2	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61B(1) and Criminal Code 2002 (ACT), s. 45(1) Intimate observations or capturing visual data, etc	Guilty
Charge 3	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 72C and Criminal Code 2002 (ACT), s. 45(1) Non-consensual distribution of intimate images	Guilty
Charge 4	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61B(1) and Criminal Code 2002 (ACT), s. 45(1) and s. 44(1) Attempted intimate observations or capturing visual data, etc	Withdrawn

**Pre-Trial: Closed hearing and non-publication orders**

Application made:	No
Determination:	While no orders were made under the DFDA, due to the nature of Charge 2, it is an offence to publish the details of the complainant under the <i>Evidence (Miscellaneous) Provisions Act 1991</i> (ACT).

**Trial: Facts and legal principles**

Nil, as the case proceeded by way of guilty pleas.

**Findings**

	<b>Finding</b>
Charge 1	Guilty
Charge 2	Guilty
Charge 3	Guilty
Charge 4	Not Applicable

**Sentencing: Facts and legal principles**

The defendant pleaded guilty to a charge of distributing one intimate image of another person to his co-accused on one occasion (Charge 1) and two rolled up charges involving counselling his co-accused to record consensual sexual activity with four males on five separate occasions (Charge 2) and counselling his co-accused to distribute intimate imagery of herself and six males engaging

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separately in consensual sexual activity on eight separate occasions (Charge 3). His co-accused was sentenced on 01 Jul 24.

The offending conduct occurred between 2018 and 2021 – a period of approximately two years and nine months. At the beginning of the period, the defendant's co-accused (and principal offender) was an ADF Gap Year member and was eighteen years of age. The defendant was a recruit instructor, ten years older and had spent some nine years in service, including deploying to operational theatres. The defendant manipulated the co-accused into committing the offences.

The DFM held that the offending conduct represented an egregious breach of trust and concerned the defendant using his position, rank and experience for his own sexual gratification.

The minimum sentences which could be imposed to meet the sentencing principles of personal and general deterrence and maintenance of good order and discipline were reduction in rank to PTE (Charge 1), imprisonment for 3 months, dismissal and reduction in rank to PTE (Charge 2) and dismissal and reduction in rank to PTE (Charge 3).

### **Punishments and orders**

Charge 1	Reduction in rank to PTE, seniority to date from 03 Apr 25.
Charge 2	Reduction in rank to PTE, seniority to date from 03 Apr 25; Dismissal; Imprisonment for 3 months.
Charge 3	Reduction in rank to PTE, seniority to date from 03 Apr 25; Dismissal.
Charge 4	Not Applicable

### **Outcome on automatic review**

The Reviewing Authority's decision on automatic review was handed down on 29 May 2025.

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Upheld	Reduction in rank to PTE, seniority to date from 03 Apr 25 quashed. New Punishment: Severe reprimand.
Charge 2	Upheld	Upheld
Charge 3	Upheld	Upheld
Charge 4	Not Applicable	Not Applicable

### **Outcome on petition**

The Reviewing Authority's decision on petition was handed down on 30 July 2025.

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Upheld	Severe reprimand upheld
Charge 2	Upheld	Dismissal upheld.

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		Reduction in rank to PTE, seniority to date from 03 Apr 25 quashed. Imprisonment for three months quashed. New Punishment: Imprisonment for 30 days commencing 03 Apr 25.
Charge 3	Upheld	Reduction in rank to PTE, seniority to date from 03 Apr 25 upheld. Dismissal quashed.
Charge 4	Not Applicable	Not Applicable

### **Final Punishments and orders**

Charge 1	Severe reprimand.
Charge 2	Dismissal; Imprisonment for 30 days, commencing 03 Apr 25.
Charge 3	Reduction in rank to PTE, seniority to date from 03 Apr 25.
Charge 4	Not Applicable

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