

Case Summary
Office of the Judge Advocate General

DEFENDANT: PTE James

TYPE OF PROCEEDING: General Court Martial

DATE OF TRIAL: 28 July – 04 August 2025

VENUE: Court Martial Facility, Fyshwick, ACT

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 20(1) Recklessly inflicting grievous bodily harm	Not Guilty
Alternative to Charge 1	DFDA, s. 33A Assault occasioning actual bodily harm	Not Guilty
Second and alternate alternative to Charge 1	DFDA, s. 33(a) Assaulting another person in a public place	Not Guilty

Pre-Trial: Closed hearing and non-publication orders

Application made:	No
Determination:	N/A

Trial: Facts and legal principles

The defendant pleaded not guilty before a General Court Martial to recklessly inflicting grievous bodily harm on another private soldier. Captured on CCTV, whilst outside a public house in Singleton, the accused assaulted the other member by punching him repeatedly to the face, the last blow struck after the complainant had been knocked to the ground. The victim sustained fractures to his nose and eye socket which required a titanium plate fixed into his orbital floor to prevent long term double vision.

The defendant had just finished his basic training and was out celebrating the impending start of his infantry training. He was intoxicated when the offence took place, as was the complainant. The defendant claimed he acted in self-defence which was rejected by the panel.

Findings

	Finding
Charge 1	Guilty
Statutory alternative to Charge 1	Not proceeded with
Alternative to Charge 1	Not proceeded with

- *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.*

Second and alternate alternative to Charge 1	Not proceeded with
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Sentencing: Facts and legal principles

As this was a General Court Martial the panel did not give reasons for the sentence. It was however a serious offence which carried a maximum penalty of 13 years imprisonment. The defendant had a young family and had ceased drinking alcohol since the offence. He had apologised immediately and sought to render first aid to the complainant. He had good prospects of rehabilitation.

Punishments and orders

Charge 1	Detention for 24 months (20 months suspended).
Statutory alternative to Charge 1	Not Applicable
Alternative to Charge 1	Not Applicable
Second and alternate alternative to Charge 1	Not Applicable

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 10 September 2025.

	Conviction	Punishments / Orders
Charge 1	Upheld	Upheld
Statutory alternative to Charge 1	Not Applicable	Not Applicable
Alternative to Charge 1	Not Applicable	Not Applicable
Second and alternate alternative to Charge 1	Not Applicable	Not Applicable

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