

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

**DEFENDANT:** CFN Fleetwood

**TYPE OF PROCEEDING:** Defence Force Magistrate

**DATE OF TRIAL:** 28 October 2025

**VENUE:** HMAS *Moreton*, QLD

**Charges and plea**

|          | Statement of Offence                                                                                      | Plea      |
|----------|-----------------------------------------------------------------------------------------------------------|-----------|
| Charge 1 | DFDA, s. 60(1)<br>Prejudicial conduct                                                                     | Guilty    |
| Charge 2 | DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61B(1)<br>Intimate observations or capturing visual data etc | Guilty    |
| Charge 3 | DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 72C<br>Non-consensual distribution of intimate images        | Guilty    |
| Charge 4 | DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61B(1)<br>Intimate observations or capturing visual data etc | Withdrawn |
| Charge 5 | DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61B(1)<br>Intimate observations or capturing visual data etc | Withdrawn |

**Pre-Trial: Closed hearing and non-publication orders<sup>1</sup>**

|                   |                                                                                                                                                                                                   |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 Evidence (Miscellaneous) Provisions Act 1991 (ACT). |

**Trial: Facts and legal principles**

Nil, as the case proceeded by way of a guilty plea.

**Findings**

|          | Finding             |
|----------|---------------------|
| Charge 1 | Guilty              |
| Charge 2 | Guilty              |
| Charge 3 | Guilty              |
| Charge 4 | No finding required |
| Charge 5 | No finding required |

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<sup>1</sup> *Defence Force Discipline Act 1982*, sections 140 and 148.

- *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.*

### **Sentencing: Facts and legal principles**

The prosecution withdrew two charges and the accused pleaded guilty to the remaining three. Charge 1 concerned showing another defence member an intimate image on his phone of a female the defendant identified as a serving defence member.

Charge 2 concerned a separate incident to charge 1. The defendant took an intimate photograph of the complainant using his mobile phone without her knowledge or consent.

Charge 3 concerned sending the image he had taken in Charge 2 to another defence member. It was unclear if this other defence member saw the image.

All images were recovered from the defendant's mobile phone seized and examined under a warrant issued after the defence member who was shown the image in Charge 1 reported the defendant to Command.

Charge 2 was a sex offences as it fell within Chapter 3 of the *Crimes Act 1900* ACT. All charges involved an egregious breach of trust, particularly Charge 2 and 3, and were so serious dismissal was the only appropriate punishment.

### **Punishments and orders**

|          |                |
|----------|----------------|
| Charge 1 | Dismissal      |
| Charge 2 | Dismissal      |
| Charge 3 | Dismissal      |
| Charge 4 | Not Applicable |
| Charge 5 | Not Applicable |

### **Outcome on automatic review**

The Reviewing Authority's decision on automatic review was handed down on 25 November 2025.

|          | <b>Conviction</b> | <b>Punishments / Orders</b> |
|----------|-------------------|-----------------------------|
| Charge 1 | Upheld            | Upheld                      |
| Charge 2 | Upheld            | Upheld                      |
| Charge 3 | Upheld            | Upheld                      |
| Charge 4 | Not Applicable    | Not Applicable              |
| Charge 5 | Not Applicable    | Not Applicable              |

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