

Australian soldier Lane Muller jailed for raping female colleague in Darwin

Updated 14 Dec 2015, 6:45pm



Photo: [Australian Army soldier Lane Muller has been sentenced to five years in prison. \(ABC News: Felicity James \)](#)

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An Australian Army soldier has been sentenced to five years in prison, suspended after 21 months, for raping a female colleague.

Lane Muller, 23, raped the woman at Darwin's Robertson Barracks in 2013, after a military function.

A jury found Muller guilty of rape last month.

During the hearing the court heard that Muller was at the event where his victim had been "highly intoxicated" and was vomiting over a balcony.

Muller had been accused of raping the soldier in her room after an event known as "dining-in" at the barracks, where alcohol was freely available.

"The Private (Muller) literally carried her up to her room," prosecutor Stephen Geary told the court.

Jurors were told the woman was overheard saying to Muller: "Don't come in ... get out of my room" and that he responded: "I'm not getting out".

At today's hearing, Justice Graham Hiley told Muller: "You said you wanted to have sex with her and she said no. She said you pulled her pants down and she had no recollection of what happened [after that].

"Once she said no, at that point it should have been clear to you that sex was not on."

Justice Hiley said Muller did not "seem to have expressed any concern for your victim."

Justice Hiley criticised the ADF, stating "had she had better care and attention from her employers, she may not have reached such an emotional state".

Defence counsel Louise Bennett told the court once Muller was sentenced "he will lose his job, in all likelihood".

Prosecutor Stephen Geary said "the victim said 'no'. It's an old cliché but no means no".

"There is a need to send the community, and frankly the army, a message that treating women with respect at all times is frankly not negotiable.

"How the army treated the victim after the matter was known is nothing short of appalling," Mr Geary said.

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First posted 14 Dec 2015, 6:34pm

Soldier accused of raping 'intoxicated' female colleague after event at Robertson Barracks in Darwin

By Felicity James

Updated 19 Nov 2015, 2:43pm



Photo: [Australian Army soldier Lane Muller leaves the NT Supreme Court during his trial. \(ABC News: Felicity James \)](#)

The trial of a soldier accused of raping a female colleague at an Army barracks in Darwin has heard alcohol was "freely available to soldiers of any rank" at an event, after which the alleged rape occurred.

Lane Muller, 23, is charged with having sexual intercourse with the woman without her consent, after an event at Robertson Barracks in September 2013.

Crown prosecutor Stephen Geary told the court during his opening statement alcohol was "freely available to soldiers of any rank" at the event and the woman was "highly intoxicated".

Mr Geary said the woman had been vomiting over a balcony and had to be carried to her room by another soldier.

"The Private literally carried her up to her room," Mr Geary said.

He told the court a witness will give evidence the woman was overheard saying to Muller "don't come in ... get out of my room" and that he responded "I'm not getting out".

Defence counsel Matthew Hubber asked the jury to closely scrutinise the alleged victim's actions before, during and after the incident.

"They are incompatible with a claim of rape," Mr Hubber said.

"This is a case about two young people having sex, both under the influence of alcohol."

The trial is expected to finish on Friday.

<http://www.abc.net.au/news/2015-11-16/lane-muller-army-soldier-rape-trial-begins-in-darwin/6945254>

Army failed in duty of care to female soldier allegedly raped after military function, court hears

By [Felicity James](#)

Updated 19 Nov 2015, 3:54pm



[Photo: Lane Muller leaves the NT Supreme Court with his girlfriend. \(ABC News: Felicity James \)](#)

The Army failed in its duty of care to a female soldier, who was allegedly raped by another soldier after a military function, a prosecutor has told a Darwin court.

Lane Muller, 23, is accused of raping a female soldier in her room after an event known as "dining-in" at Robertson Barracks in Darwin in September 2013.

In his closing statement prosecutor Stephen Geary told the NT Supreme Court jury Muller knew the woman was "highly intoxicated" and said she had been carried to bed by a sober colleague.

"She has been driven home by a sober private ... he takes her upstairs and puts her in her room.

"He had a duty of care to [the victim] that was sadly not given to her by her supervisors."

The court heard Muller went into the woman's room after she had been taken there by her colleague and started kissing her.

"He decided to have sexual intercourse with her anyway, knowing she said 'no', knowing she was highly intoxicated," Mr Geary said.

Defence counsel Matthew Hubber told the court there was "no doubt" the woman was drunk but there was "more than enough evidence" to show she was capable of consenting.

"She wasn't passed out ... She simply wasn't at that level of drunkenness," he said.

"People can be drunk. People can be vomiting ... They can still be capable of having conversations.

"There's no evidence to say Mr Muller must have had direct knowledge of her drunkenness at the dine-in," he said.

During the trial Mr Geary said alcohol had been "freely available to soldiers of any rank" at the event.

"It's about a young woman, new to the Army, trying to fit in, drinking in uniform.

"She was being supervised, there was no duty of care given to her that night."

The jury has retired to consider its verdict.