

FEBRUARY 3 2016

## Man found guilty of raping fellow ADFA cadet sentenced to prison

Alexandra Back

A former Australian Defence Force Academy cadet found guilty of raping a fellow cadet in her room at the academy's Canberra campus has been sentenced to prison.

Harlan Agresti was 18 in April 2013 when, after a Saturday night out in Civic with other cadets, he escorted the woman in a taxi back to their quarters at ADFA.



Under guard: Harlan Agresti is escorted from the ACT Magistrates Court. *Photo: Karleen Minney*

The court was told how the woman, also 18, had vomited when staggering back to her room, and then fallen in and out of consciousness while Agresti raped her.

When leaving the room he told the victim the incident was "our little secret", the court heard.



Harlan Agresti has been sentenced to a minimum of 10 months in jail. *Photo: Max Mason-Hubers*

Agresti, now 21, maintained his innocence throughout the court process, and had pleaded not guilty before a jury found him guilty of rape last September.

He said the woman had initiated and consented to sex.

Agresti's lawyer Greg Walsh told the court on Wednesday the charge had "destroyed" his client, and was a tragedy not only for the victim but also for Agresti.

He was "destroyed in the sense of his own perspective and understanding [of himself]", and his ambitions of serving his country and community, Mr Walsh said.

The court heard how Agresti was captain at his Newcastle high school, had done charity work overseas and entered ADFA because he wanted to be a leader.

Mr Walsh said the culture of drinking at ADFA was a "very risky environment for people to be exposed to", while agreeing the academy could not be blamed for the rape.

"He made a terrible, terrible error of judgment," Mr Walsh said.

Bryan Dunn, a mental health social worker, gave evidence that Agresti measured himself on the strength of his public achievements, and hoped "to be a contributor" to society.

The court heard of his humiliation and embarrassment following the charge, which was exacerbated by that measure of himself, and how his mental health declined.

Agresti became anxious and agoraphobic, confining himself to his room at his parent's house in Newcastle, the court heard.

Psychiatrist Olav Nielsen gave evidence of Agresti developing depression.

Agresti was suspended from ADFA following the charge in 2014.

Crown prosecutor Katrina Mackenzie told the court Agresti had breached the trust not only of his victim, but of the group of cadets who were training to be deployed in combat together.

The fact he later told a group of fellow cadets about the "conquest", showed a "complete disrespect for the victim and disrespect afterwards thinking he could get away with it".

She told the court ADFA does training around the issue of consent and that Agresti was by all accounts an intelligent person in a position where maturity was expected.

When sentencing Agresti, Chief Justice Helen Murrell accepted the rape could be characterised as opportunistic and not premeditated.

However, she said rape was a very serious form of violence and he had taken advantage of her vulnerability. The fact it happened in the victim's room, in effect her home, contributed to the seriousness of the offence, she said.

Chief Justice Murrell said while there was no victim impact statement, there was no doubt the rape would have had a significant effect on the female cadet.

The fact she was in and out of consciousness during the rape would not ameliorate the impact, and could make it more frightening, she said.

"She was not in a position to give consent," Chief Justice Murrell said.

Chief Justice Murrell agreed the situation was a tragedy for both parties.

She noted Agresti's previous excellent character, the fact it was his first offence and that he still had potential to make a significant contribution to society.

She ruled he had excellent prospects of rehabilitation and was unlikely to reoffend, especially with the backing of a stable and supportive family environment.

However, she said the rape showed a lack of insight, self-control and judgment normally associated with an adult, and an "inappropriate attitude to women".

She also said incidences of young men going out drinking and committing violent offences were of increasing public concern.

Two court officers led Agresti away in handcuffs.

His father and mother, along with several other members of his family had travelled from Newcastle to hear the sentence and some wept on hearing the result.

Chief Justice Murrell sentenced Agresti in the ACT Supreme Court to at least 10 months' full time imprisonment, suspending the remainder of the two year and four month sentence.

Agresti is due to be released on a good behaviour order on December 2.

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