

# Army captain who violated colleague in 'tomfoolery gone wrong' found guilty of rape

By [Elizabeth Byrne](#) Updated yesterday at 7:13pm 4 December 2018



**Photo:** [The officer had been drinking at a work function when the assault occurred. \(Reuters: Hugh Gentry\)](#)

An Australian Army captain who violated a male colleague with a beer bottle — in what his lawyer described as "tomfoolery gone wrong" during a work function— has been found guilty of rape.

## Key points:

- Assault happened in the men's toilets during a work social function
- The victim says he experiences ongoing trauma and anxiety
- Prosecutors say the accused has not apologised and showed "no contrition"

Rhiley Boyson, 26, is expected to be sentenced by a court martial panel in Canberra on Wednesday.

On Tuesday the court heard the assault happened in the men's toilets during a work social event last year.

Prosecutor Sarah Robin said there had been a certain amount of low-brow humour in the toilets, which spiralled out of control.

She said the victim had been on the floor trying to stop his pants being removed at the time of the incident.

Ms Robin read a statement from the victim in which he outlined the trauma and anxiety he had since suffered.

He said he carried a sense of shame for the impact it had on his young family.

The man said he had also had a great deal of difficulty because social events triggered his anxiety.

"I know this is as a result of this incident — at a work function, with my work colleagues — where I thought I was safe," his statement said.

## **'Momentary lapse' with lifelong consequences**

Ms Robin questioned whether Boyson had shown remorse.

"There has been no contrition," she said.

"There is also no apology before you.

"A message needs to be sent to him that pranks that result in a violation of the person will not be tolerated."

But Boyson's lawyer, Flight Lieutenant Sophie Callan, told the court the actions of her client were an aberration.

"This conduct was an act of tomfoolery gone wrong," she said.

"There was no aggravating features like violence or restraint.

"This was a momentary lapse, which will have life long consequences for him."

Flight Lieutenant Callan also claimed the attack was not done for sexual gratification.

"This was an instance of momentary penetration, a few seconds long," she said.

The panel of five officers, who found Boyson guilty, will now consider what sentence it should impose.

The options include a term of imprisonment, dismissal and a financial penalty.

Source:

<https://www.abc.net.au/news/2018-12-04/army-officer-guilty-rape-beer-bottle-prank/10582462>

# Army captain sentenced to three months in jail over beer bottle rape 'prank'

By [Elizabeth Byrne](#) Updated 31 minutes ago 5 December 2018



[Photo: Rhiley Boyson, 26, was demoted and dismissed from the Army as well as being jailed. \(Facebook\)](#)

[Related Story: 'Tomfoolery gone wrong': Army captain guilty of rape over beer bottle 'prank'](#)

A former Australian Army officer who sexually assaulted a colleague with a beer bottle during "hijinks" at a work function will spend three months in jail, be demoted from his rank as captain, and be kicked out of the Army.

## Key points:

- Assault happened during "hijinks" in the men's toilets at a work function
- Boyson is dismissed from the Army and jailed for three months
- Victim suffers "ongoing anxiety" over the rape

Rhiley Boyson, 26, assaulted the man in the men's toilets at the social event last year — in what his lawyer described as ["tomfoolery gone wrong"](#).

While all parties conceded the attack did not have a sexual motivation, Boyson was found guilty of raping the man earlier this week.

The court martial panel that sentenced Boyson today heard the victim had been lying on the ground, trying to prevent his pants from being removed when Boyson violated him with a beer bottle.

Boyson has been taken to Holsworthy Barracks to be detained, pending an automatic review, before any transfer to a civilian jail would occur.

Judge Advocate Brigadier Michael Cowen said the sentencing from a court martial panel was similar to the civilian courts, but must also take into account the maintenance of Australian Defence Force discipline.

He said the assault occurred against the backdrop of a push to change military culture.

"There were some hijinks going on in the toilets at the time," he said.

The court heard the victim suffers ongoing anxiety and trauma over the attack.

Yesterday prosecutor Sarah Robin told the court martial panel a strong message needed to be sent over the assault.

"A message needs to be sent to him that pranks that result in a violation of the person will not be tolerated," she said.

Boyson's lawyer Flight Lieutenant Sophie Callan said his actions were a "momentary lapse" that would have lifelong consequences.

"This was an instance of momentary penetration, a few seconds long," she said.

Boyson has the option to appeal the court martial's decision.

Source:

<https://www.abc.net.au/news/2018-12-05/army-captain-sentenced-to-three-months-jail-for-beer-bottle-rape/10585516>