

STATE OF TASMANIA v WILLEM DAWKINS AND LG

25 OCTOBER 2021

COMMENTS ON PASSING SENTENCE

PEARCE J

Willem Dawkins and LG, you have pleaded guilty to aggravated burglary and three counts of assault. At about 1.00 am on 6 June 2020 you both broke into a home in Bridgenorth where Brendon Sheffield and his two daughters lived. One was Holly Sheffield-Turan. For some complicated family reasons you were both unhappy with her boyfriend who was, LG, your brother, H. You both knew he was there having phoned about an hour earlier and your joint aim was to find him and assault him. You forced a panel in the carport door and entered the home. Everyone was in bed asleep. Mr Dawkins you assaulted Holly Sheffield-Turan when she met you at the doorway of the bedroom. You pulled her by the arm to get at her boyfriend inside. The force of the pull caused her to hit the hallway wall. That is the first assault. When H came out he tried to push you out of the house but you punched him to his cheek and nose. Mr Sheffield came out after being woken by the noise and then you, LG, set upon him. You punched his head from behind and knocked him to the ground. You then repeatedly kicked his face and body.

When H tried to go to Mr Sheffield's aid you, Mr Dawkins, assaulted him by repeatedly punching the back of his head and his face. You both then ran off as the police were being called.

H suffered bruised eyes, a swollen lip and a bloody nose. Miss Sheffield-Turan had a sore left shoulder and upper arm and a bruised shin. Both of those people recovered. However the injuries suffered by Mr Sheffield were much more severe. Five of his teeth were dislodged. He had eight fractured ribs. Air was found in the chest wall and in the chest around his lungs. He had other bruising to his ribs, leg, arms and back. He did not require surgery but he spent four days in hospital. None of the victims have made a victim impact statement but that does not mean that there is no ongoing effect, especially for Mr Sheffield. It can only be assumed that he required a lot of dental work and that his recovery was painful. Injuries like that take a long time to get over. The psychological impact of home invasions like this can be very significant.

I accept that, as young men, you are likely to make stupid decisions and lack self-control. This is a very good example of that. I also think that you may not fully understand how serious your actions were. For those reasons judges usually take a lenient course with people of your age. Sending you to prison is likely to expose you to very bad influences. It will be much better for everyone if you can get your life back in order and not commit further offences. LG, at the moment the signs are good that that can happen. You admitted some of what you had done to the police. You have had to put up with some difficult family circumstances, especially from your father, and despite that you have not been in serious trouble before. In the months leading up to this you did some other stupid things which meant that you had to appear before a magistrate in February this year, but you have not been in any more trouble in the 15 months or so since this happened, and during that period you have been working hard, holding down two jobs. A pre-sentence report suggests that you pose a low level of future risk and supervision in the community is not recommended. On the other hand you committed serious crimes. You are responsible for all of the criminal conduct because you and Mr Dawkins were acting together, but you were directly responsible for the most serious assault. The extent of the violence you inflicted on Mr Sheffield is very worrying. The serious injuries he suffered could only have resulted from repeated forceful blows. Part of my responsibility is to make you understand that conduct like that is completely unacceptable and that there will be

consequences for it. You were drunk at the time. That may have led you to act in a way you normally would not have, but it is not an excuse. I have decided that the nature and extent of the violence you were directly responsible for is so serious that a detention order is the only appropriate sentence. That is, that I will make an order that you will be detained in custody. However I will give you a chance to avoid having to serve that period of detention if you do not commit another serious offence during the next year and you comply with the other conditions which will apply. To emphasise the point I am also going to require that you perform community service. That will mean, for you, that you will have to fit that in with the jobs you are doing, but you will have to suffer that penalty.

Mr Dawkins, you are also still a young man and you have the support of your parents. Since this happened you have found full time employment, meaning that you have been busy and you have met new people who hopefully are a better influence on you. There are however some important differences between you and LG. It was you who made the phone calls to the house looking for H which was the motivation for the later crimes. You were directly responsible for the attack on him and his girlfriend. You are more than a year older than LG and thus you are to be sentenced as an adult. Also, unlike him, you have a record for committing other offences both before and since these crimes. In January 2020 you were fined for punching another one of LG's brothers as well as some cannabis offences. In October 2020 you were fined and disqualified from driving for a series of offences including driving with illicit drugs in your body, offences directed at police and other anti-social offending, all committed before the crimes I am now dealing with. That also suggests that you were on bail when you broke into Mr Sheffield's house. Still you did not learn your lesson. You committed some very serious driving offences at the end of 2020 as a result of which you were sentenced to prison for four months. You were required to serve one month of that term and you are still subject to a three month suspended sentence. I am told that alcohol was a big factor in your behaviour over the last couple of years and you are now seeking to address that. Your counsel informs me that the time you spent in prison was an eye-opener for you. I hope that is the case because it should now be perfectly clear to you that any further offending will almost certainly see you back in prison and for a much longer period. For you, a requirement to complete community service will mean that you will likely lose your job. At the moment it is in the community interest that this does not occur because the chances of your rehabilitation are much greater if you can maintain your employment.

LVG, you are convicted on each count. I impose one sentence. I make a detention order for six months but wholly suspend that order for 12 months from today. I make an order requiring that you perform 42 hours of community service.

Willem Dawkins, you are convicted on each count. I impose one sentence. You are sentenced to imprisonment for nine months, wholly suspended for 18 months from today.

For each defendant I make a compensation order in favour of Mr Sheffield and adjourn the further terms of that order to a date to be fixed.