

STATE OF TASMANIA v KAYNE PETER DIXON
COMMENTS ON PASSING SENTENCE

6 FEBRUARY 2025
PEARCE J

Kayne Dixon, you plead guilty to aggravated armed robbery. At about 10.50 pm on 13 August 2024, when you were 18, you went into the Domino's pizza store in Kings Meadows with another young man. You were carrying a machete and were wearing black clothing, gloves, and your face was covered with a balaclava and a beanie. Your companion was wearing a hat and gloves and a shirt which covered his face and he carried a claw hammer. You went to the male staff member standing at the counter, held up the machete, pointed it at him, told him to put his hands up and demanded money. While you did that your associate approached a customer, backed him against the wall to prevent him from leaving and told him not to say anything or do anything silly. The staff member removed notes and coins from the safe box behind the counter. Your associate grabbed money from the counter. The staff member then went to the till and removed the cash which you grabbed. You and your associate then left. In all about \$580 was stolen.

You were intercepted very soon afterwards near a car you had parked some distance away. The hammer and machete, your clothing and the notes and coins were all in the car. You were arrested. When you were interviewed you admitted what you had done and said that, although you did not intend to hurt anyone, you had the machete to cause fear and to keep things moving. You also admitted that this was a planned robbery and you were motivated by a need for money to pay bills.

Your personal circumstances were described to me by your lawyer and in a pre-sentence report prepared by a probation officer. It is a positive report. You have been sentenced in the last year or so for some other relatively minor anti-social offending but nothing remotely as serious as this. It is in your favour that you quickly admitted what you had done and entered a very early plea of guilty. You are still 18. You grew up in a stable and supportive family with whom you maintain a close relationship. After completing year 10 you commenced training as a chef and you expect, if things go well, to complete your apprenticeship later this year. You are well regarded in your employment and your prospects are generally good. You have used cannabis but you no longer do so. I accept that you are genuinely sorry for what you did and now realise the gravity of it.

The crime of aggravated armed robbery is very serious and should generally lead to a sentence of imprisonment. This was not a spontaneous crime. You had planned where to park your car, prepared disguises and weapons and driven past a couple of times before going in. Your crime was committed against people who were in the type of business which is an easy target. The staff and customers of such businesses are entitled to the protection of the law. The fear that the staff member and customer experienced was very likely added to by your use of disguises. The weapons you and your companion took with you carried an implied threat of violence and you used the machete in an intentionally threatening way. Although you told the police that you had no intention of using the weapon or being violent, your victims did not know that. Money was stolen, but the seriousness of crimes like this arises principally because of the highly damaging effect that they can have on victims like the people you and your associate threatened. They are frequently traumatised and suffer from long term psychological symptoms. I do not have any information in this case about impact on the customer but the victim impact statement I have received from the employee describes the type of effects that you would expect from a crime of this nature. He was frightened and he continues to suffer both financial and psychological impact as a result. The employee was separated from you and your co-offender by the counter but that was not the case with the customer.

Your associate was 17 and was to be sentenced as a youth. Despite that, you are roughly the same age as him and so most of the same principles apply. Despite the fact that you were technically an adult and he was a youth, parity of sentence has a part to play here. I will say much the same to you as I said to him when he was sentenced. Because of your youth, your rehabilitation and long term welfare are very important. I think it very likely that you were too immature to fully understand how serious your actions were. You are still at a stage where hopefully your behaviour and attitude might be turned around for the better. Actual imprisonment may have a seriously corrupting and damaging effect on you. A crime as serious as this requires imposition of a sentence of imprisonment. Because of your early plea of guilty, your lack of relevant prior matters, what I accept is genuine remorse and your personal circumstances, I have decided to wholly suspended the period of imprisonment but with an additional condition that you perform community service. That may be difficult to fit around your employment but it is a necessary part of the sentence. The intention of the orders I make is to impose punishment and provide incentive for you to not re-offend, but at the same time encourage your rehabilitation.

You are convicted on the indictment. You are sentenced to imprisonment for 18 months, wholly suspended for two years from today. It is a condition of that order that while it is in force you do not commit any offence punishable by imprisonment. If you breach that condition then a court must order that you serve the term as well as any additional sentence unless that is unjust. I impose a further condition that, within the two year period that the order is in operation you perform 140 hours of community service. The conditions which the law imposes on that order include that you must report to a probation officer at 111-113 Cameron Street, Launceston on or before 5.00 pm on Friday 7 February 2025, you must, during the operational period of the order, report to a probation officer as required by the probation officer and comply with the reasonable and lawful directions of a probation officer or a supervisor, you must not, during the operational period of the order, leave, or remain outside, Tasmania without the permission of a probation officer and you must, during the operational period of the order, give notice to a probation officer of any change of address or employment before, or within 2 working days after, the change. If you breach any of those conditions you may be brought back to court and re-sentenced.