

STATE OF TASMANIA v LEVI RANDY DOBSON
COMMENTS ON PASSING SENTENCE

30 OCTOBER 2025
WOOD J

The defendant, Levi Randy Dobson, has been found guilty of one count of wounding and one count of assault. The complainant in relation both crimes was his neighbour Adam Pettman.

He is to be sentenced for these crimes which arose out of an altercation on 3 December 2016. Additionally, the State has made an oral application to activate two suspended sentences of imprisonment, suspended on condition that he not reoffend for a period of time, and which the defendant breached when he committed the wounding and assault.

The background to the crimes is that both men lived in the same street in Gagebrook. There had been conflict about burnouts in the street. Mr Pettman regarded the defendant as the driver responsible but, whether he was or was not, is immaterial for the purpose of sentencing. The point of significance is that a level of hostility had built up between the men. There had been two previous confrontations when the complainant displayed frustration, anger and aggression. On one occasion approximately two weeks before the incident, Mr Pettman had called at the defendant's house, with a baseball bat. He did not speak with anyone but swore and yelled out to stop doing burnouts in the street. Approximately a week before the incident, he was in the street, again he had a baseball bat; he was in the presence of another person and he spoke to the defendant who pulled up in a car. Mr Pettman again told the defendant in abusive terms to stop doing burnouts in the street. The defendant denied being responsible. The complainant swung the baseball bat, to keep the defendant at arm's length. The defendant was aware that the other male had a nail gun.

There was a dispute at the trial regarding the events of 3 December 2016 and the details of the altercation, particularly between the evidence given by Mr and Mrs Pettman and evidence given by the defendant. For the jury to have found the defendant guilty they must have rejected at least some of the evidence he gave and been satisfied beyond reasonable doubt that he was not acting in lawful self defence. It is now necessary for me in sentencing Mr Dobson to make findings of fact consistent with the jury's verdict. In reaching these findings, I found Mr Pettman and his wife were honest and reliable witnesses who gave a truthful account of the incident. I find the events occurred in accordance with their accounts and I reject the defendant's account where inconsistent with their evidence and the jury's verdict. I am satisfied beyond reasonable doubt of the following facts.

On the morning of 3 December, Mr Pettman was awoken at approximately 7 am by a driver doing a burnout in the street outside his house. He got dressed and went outside and spoke to a female neighbour who was in her car out the front of the defendant's house. While Mr Pettman was speaking with her at the driver's side window standing on the roadway, the defendant approached on foot from his house nearby. He was in the company of two men who stopped some distance away and did not become involved in what then happened.

The defendant crossed the street and walked towards the complainant in an aggressive fashion. He was holding a metal tool handle or similar object. The complainant asked, "Is that you Levi?" The defendant then responded, "How did you like your burnout?" Mr Pettman then swore at Mr Dobson and called him an idiot.

The defendant moved towards Mr Pettman and stood right in front of him. His words and actions were openly aggressive. Mr Pettman felt sure Mr Dobson was about to strike him and

Mr Pettman punched Mr Dobson. Almost instantaneously, Mr Dobson struck Mr Pettman forcefully with the metal object he was holding. The two men exchanged blows, Mr Pettman punched Mr Dobson and Mr Dobson struck Mr Pettman with the metal object.

Mr Dobson struck Mr Pettman to the head multiple times with the metal object, approximately 5 or 6 times. Mr Pettman was bleeding from a number of wounds, and blood from one of the wounds to his forehead was running down into his eyes. The men were wrestling at this point and he could not see Mr Dobson. Mr Pettman called out to his wife to come and help him.

Other findings of fact are as follows. I find the defendant approached Mr Pettman intending at least an aggressive altercation. However, I accept that he did not plan violence and take the metal object with the purpose of inflicting violence with it.

I reject the defendant's evidence that when he struck Mr Pettman with the tool handle he was acting to defend himself. When he struck Mr Pettman, he was retaliating because of the punch he had received and engaging in a fight which he intended to participate in. I also find he intended to dominate and when striking Mr Pettman he did so with that purpose. I note that Mr Pettman was then in his early 50s and the defendant was a bulkier build and in his early 30s.

Further, I reject the defendant's evidence that when he first struck Mr Pettman, he had forgotten he had the metal object in his hand. I also reject the defendant's account that after striking the complainant once with the tool handle he then dropped it, and thereafter punched Mr Pettman with his fist and did so in self defence.

His act of wielding a tool handle and striking Mr Pettman with force was unlawful, not only because it was an act of retaliation, but because it was not reasonable given the circumstances he was in. So, even if the blows had been inflicted with the purpose of defending himself, it was a completely disproportionate response to being punched with a fist.

Mrs Pettman saw her husband being struck with what she thought was a bat. She went out to the altercation and as she left the house she grabbed a golf club and baseball bat, she did not know why, other than that she was fearful about her husband. She made her way through the garden, dropping the golf club on her way. She had the baseball bat in her hand and confronted Mr Dobson telling him to "fuck off". There was a struggle and he tried to wrest the baseball from her, but she hung on tight and did not release her grip; she was terrified that Mr Dobson would use the baseball bat to strike her husband. The momentum of the struggle caused her to fall backwards on to the ground but she still had hold of the baseball bat.

Mr Dobson picked up the golf club which she had earlier dropped in the garden and approached Mr Pettman.

The defendant struck Mr Pettman with the golf club, striking him to the area of the arms and shoulders. Mr Pettman put his arm up at head height to block the blow. The golf club struck his arm and broke. Mr Pettman fell into the garden.

The assault with the golf club left bruises and welt marks on Mr Pettman's arm.

The incident ended after a neighbour, who arrived at the scene told the defendant that was enough and Mr Dobson left.

It is evident from the facts as I find them to be that I reject the defendant's account that he did not strike Mr Pettman with the golf club. I also reject his account of Mr Pettman having the

baseball bat and when he swung it at Mr Dobson, Mr Dobson then lunged and took Mr Pettman to the ground to stop Mr Pettman hitting him with the baseball bat.

An ambulance was called and Mr Pettman was taken to the Royal Hobart Hospital. The wound to his forehead was approximately 3 cm in length and there were two small wounds to his scalp over his left ear. He received treatment involving wound cleaning and repair. He was expected to make a full recovery and while he did, the complainant considers the scar to his forehead is still noticeable.

A victim impact statement has been provided on his behalf. He had at the time, a condition of anxiety and depression which was well managed and settled. The incident caused a significant exacerbation of his symptoms including physical symptoms. For a time, Mr Pettman and his wife would not leave the house unless for appointments and they lost contact with family.

In noting the impact of these crimes, I also mention Mrs Pettman. It was apparent from her evidence that she was very fearful during the incident both for herself and her husband.

The defendant is aged 39 and has prior convictions. He was aged 31 at the time of these crimes which occurred almost nine years ago.

He has prior convictions for offences of violence, disturb the peace by fighting, and intimidating a police officer. He has a conviction for Criminal Code assault and related summary offences of dangerous driving and drive while disqualified, arising from the same incident. The assault was particularly serious. When 19 years of age after engaging in an altercation he assaulted a woman by deliberately driving at her and colliding with her. He was sentenced to five months' imprisonment for the assault and an additional term of imprisonment for the dangerous driving. He has extensive prior convictions for driving offences including a later conviction for dangerous driving committed in 2008 which attracted three months imprisonment, and offences of dishonesty.

On 11 March 2015 he received 6 months' imprisonment, 3 months suspended for a period of two years for drive while disqualified.

Then on 11 May 2016 the defendant was sentenced to 4 months' imprisonment wholly suspended for three years on condition he not commit an offence punishable by imprisonment. This sentence was imposed for an offence of unlawful possession of property and possess ammunition when not the holder of an appropriate firearm licence. That offending breached the earlier suspended sentence and he was dealt with and given a second chance with no order made.

He breached both sentences of suspended imprisonment by committing the crimes of wounding and assault before the Court today.

After these crimes were committed in December 2016, he has not reoffended, other than by committing a traffic offence as a learner driver on 9 January 2017 and since then, no offences at all. This represents a dramatic improvement.

This dramatic improvement is reflected in other aspects of his life.

At the time of offending the defendant had spent a significant portion of his adult life in prison. His offending was linked to excessive alcohol consumption which had become an entrenched problem. He had significant family responsibilities with four young children and the couple

struggled financially as he was mostly unemployed. He did not have good prospects. Then in approximately mid 2017 he was fortunate to secure employment with a fencing contractor. He had a high expectation of his employees and in exchange for an employment opportunity demanded a strong work ethic. This gave the defendant excellent skills and a sense of responsibility which equipped him for other skilled employment. Ultimately, he secured a very sought after position with a mining services contractor who supply their employees for the two mines on the west coast. He has held that position for approximately three years. He works 12 hour days, 7 days on and 7 days off as a diamond driller. He lives in the area during his working week.

For a number of years he has held this employment. He is hard working, diligent and not only well paid but highly valued by his employer and described as "a great asset to the business". He is able to improve his family's circumstances and about to renovate his house. He spends his spare time with his son working on old cars and is teaching him skills that will be useful for earning an income.

These crimes were committed in 2016. The defendant failed to appear at Court. He chose not to appear in court because he had employment and was concerned not to lose that position which he valued. A warrant was issued by the Court but for some reason it was not executed. It is not a case where the individual actively avoided execution of the warrant or absconded the jurisdiction. Typically, if a person commits offences the police would be alerted to the warrant but because of his non-offending that did not happen.

The defendant cannot claim the delay as a mitigatory factor for the purpose of sentencing. He is responsible for the delay, it was in his hands and he could have surrendered himself to the authorities at any point.

However, it is appropriate to take into account what has happened in the interim. Since offending in 2016, the defendant has turned his back on his former chaotic and irresponsible lifestyle and has become a productive, hard working and responsible member of the community. As his counsel has pointed out, because it is such a lengthy time, almost nine years, the Court can have confidence that he has rehabilitated.

So, the defendant must now be punished for his criminal conduct a long time ago but I take into account the positive changes he has made to the extent that he has reformed.

There is still a need for punishment and still a need for general deterrence. Other people in the community need to be deterred from resolving neighbourhood grievances with violence and resorting to weapons.

I am conscious that this crime was not planned but erupted from a background of hostility and aggression. I am also conscious that there was an exchange of violence; while you had the upper hand it was not completely one-sided. However, the crimes are serious, made particularly so by your use of weapons. The metal object was used by you to inflict multiple blows to the complainant's head. These blows were inflicted either with the intention of wounding Mr Pettman or at least with foresight that it was a probable consequence that he would be wounded. In this case the prospect of a wound was particularly obvious. You struck him to the head multiple times and were not deterred by the sight of him obviously injured and bleeding. In fact, when he was in that condition you took up another weapon, a golf club, and struck him with that.

In all the circumstances, a term of imprisonment of ten months which is backdated and the balance from today suspended reflects the gravity of the crimes, the need for general deterrence, denunciation but also does not undermine the steps you have taken towards your reform. You are assessed as suitable to undertake community service and it is appropriate you should put something back into your community.

I record convictions for the crimes of wounding and assault. I impose a global sentence of ten months' imprisonment backdated to 25 September 2025. The balance from today is suspended on conditions that you not commit any offences punishable by imprisonment for a period of 2 years from today and you are to perform 56 hours of community service within that period as directed by a probation officer. Further conditions of the suspended sentence are that you must report to a probation officer at 75 Liverpool Street no later than 5 pm tomorrow; you must comply with all the reasonable and lawful directions of a probation officer or supervisor; you must not leave or remain outside Tasmania without the permission of a probation officer and you must give notice to a probation officer of any change of address or employment before or within 2 working days of the change

In terms of the application regarding the breaches of the terms of suspended imprisonment, I consider it would be unjust to activate the prison terms, in light of your reform. However, there should be consequences. A degree of punishment remains appropriate, particularly given the need to reinforce the importance of compliance with suspended terms of imprisonment. I order substituted sentences of community service. In relation to the offence of driving whilst disqualified, complaint no 2079/15, I impose 21 hours of unpaid community work. In relation to the offence of unlawful possession of property and ammunition, complaint no 1596/16, I impose a substituted sentence of 42 hours of community service.

23 December 2025

Pursuant to s 94 of the *Sentencing Act* and in view of s 27Y of the same Act, the substituted sentences of 21 hours of community service and 42 hours of community service imposed as a result of an application regarding the breaches of terms of suspended imprisonment are corrected. The corrected sentences are a Community Correction Order in each instance with an obligation to perform the same number of community service hours as previously stipulated ie community service for 21 hours and 42 hours.