

STATE OF TASMANIA v LEO GREGORY
COMMENTS ON PASSING SENTENCE

1 APRIL 2026
JAGO J

Leo Gregory you have pleaded guilty to assault contrary to s 184 of the *Criminal Code*. The victim of your crime is a 13-year-old boy. On 5 September 2025 the complainant was in the carpark at a shopping centre. You were working in a supermarket located within the same shopping centre. The complainant and his friend were playing with nerf guns on the top floor of the carpark. You went to that area to collect trolleys. The complainant shot you with a nerf gun dart in the back. You told the complainant to stop. He did not but instead shot you with another dart. You walked away.

The complainant and his friend continued to play with the nerf guns in the carpark area. A short time later you returned to the area to undertake a work task. The complainant was, by this time, sitting on the roof of a stairwell. He said something to you, which I accept was aggressive. You grabbed hold of him and dragged him off the roof and onto the ground. You placed one foot on his chest, pinning him to the ground. You then used your other foot to stomp on the complainant whilst he was on the ground. You raised your foot and slammed it into the complainant's head on about four occasions. The complainant's friend, who was also a young boy told you to stop and tried to push you away. You did not stop but rather stomped on the child's head a further 4 four times. Throughout the assault, the complainant's head impacted the ground and a nearby wall. He was left with a deep laceration to the left side of his head and a partial detachment of his ear. His ear required a number of stitches. He also received bruising to his neck area and experienced significant headaches and pain to the left side of his jaw. Whilst I accept that the complainant and his friend were behaving in an annoying manner by shooting nerf gun darts in a public carpark area, and they made some aggressive comments directed towards you, your response was extreme to say the least. You were a 37-year-old adult. They were children. Your reaction was entirely unjustified. You inflicted drastic and gratuitous violence on the child. Stomping on a person's head, particularly whilst they are lying on a hard surface is an obviously dangerous thing to do. The child could very easily have sustained more serious injury. It is fortunate that his injuries were relatively limited and have apparently resolved without long term consequence. He was however subjected to a traumatic experience that undoubtedly has caused him stress and apprehension.

You are now 38 years of age. You have a relevant prior conviction. In March 2021 you were convicted and fined for the offence of common assault. I am told that at the time of this incident you were experiencing a number of stressors. There had been several issues at your workplace surrounding the behaviour of youths in the shopping centre and carpark area. You had been called upon to intervene in some of those incidents and had then been required to give evidence in court in respect to the incidents. I accept your tolerance for ongoing youth disturbances in the shopping centre may have been exhausted, but that in no way justifies the use of extreme violence in response. Additionally, I note you were experiencing some difficulties at home with your young son who was being investigated for possible autism. In the two years leading up to the incident you had also experienced episodes of depression, most likely flowing from a difficult childhood in which you had experienced physical abuse at the hands of your father and had also been subject to significant bullying from a family friend. At the time of this crime, you had not received any formal mental health assistance for your depression. You have since rectified that. Following this incident, you recognised you needed assistance and you are now regularly engaging in psychological counselling. I have a letter from your counsellor which indicates your engagement has been positive. You are also now prescribed medication to manage your mental health concerns.

I accept you are remorseful for your conduct. You have expressed the same to your counsellor. You pleaded guilty at an early opportunity, reflective of that remorse and indicative of a preparedness to accept responsibility for your conduct.

This assault occurred against a background of you being stressed and frustrated by some of the ongoing difficulties that had been occurring with youths in the shopping centre. You behaved in a manner that was entirely unacceptable, but this is a case I accept of someone who made a terrible decision when in a heightened emotional state. I consider that you have learnt a salutary lesson and, in my view, given the work you are now undertaking in respect to your mental health, you are unlikely to reoffend. You have recently commenced your own business, and I accept you are motivated to become a productive and law-abiding member of society. In sentencing, it is appropriate to give significant weight to your rehabilitation but it is also necessary to impose a sentence which will be affective as a general deterrent and reflect the egregious nature of your conduct and the potential for serious harm being occasioned to the young complainant. I have a report from Community Corrections indicating that you are suitable for a home detention order. Home detention is a punitive sentence effectively involving you being detained in your home and deprived of ordinary freedoms. There will be strict conditions and if they are breached you will be brought back to Court, and an actual term of imprisonment may be substituted.

I am satisfied that it is appropriate to deal with this matter by an imposition of such an order. If not for the availability of home detention a term of actual imprisonment would be warranted.

I make the following orders. You are convicted of the crime of assault and sentenced to a home detention order of nine months. I impose the core conditions in s 42AD(1) of the *Sentencing Act* and this includes an obligation that you are not to commit an offence punishable by imprisonment for a period of twelve months. I further order:

- you must reside at the home detention premises [address redacted] and at all times, be present at those premises unless your absence is approved by a probation officer;
- you must for the duration of the operational period of the order, submit to electronic monitoring and have any electronic monitoring device fitted and comply with all reasonable and lawful directions given to you with respect to the operation and monitoring ~~from~~ of such device.

I also impose the following special conditions.:

- 1 You must permit a probation officer, a police officer, or other prescribed officer to enter the home detention premises.
- 2 You must permit a police officer to conduct a search of the premises, conduct a frisk search of you and take a sample of any substance that may be found on the premises or on your person.
- 3 You must submit to electronic monitoring, including the wearing or carrying of an electronic monitoring device.
- 4 You must not remove, tamper with, damage, disable or interfere with the proper functioning of that device or equipment used for the purpose of electronic monitoring.
- 5 You must not allow anyone else to remove, tamper with, damage, disable or interfere with the proper functioning of that device or equipment.
- 6 You must comply with all reasonable and lawful directions given to you in relation to the electronic monitoring device.

- 7 You must maintain in operating condition an active mobile phone service, provide the contact details to Community Corrections and be accessible for contact through that device at all times.
- 8 You must not consume any illicit or prohibited substances.
- 9 You must not take any prescribed medication unless you provide written evidence from your medical practitioner that you have been prescribed that medication.
- 10 You must not during the operational period of the order consume alcohol and you must, if directed to do so by a probation officer, police officer, or community corrections officer, submit to a breath test, urine test or other test for the presence of alcohol.
- 11 You must submit to the supervision of a Community Corrections Officer as and when required by that officer.

I further order that you present to Community Corrections Burnie by close of business today for induction into this order.