



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

(These findings have been de-identified in relation to the name of the deceased's family by direction of the Coroner pursuant to s57(1)(c) of the *Coroners Act 1995*)

I, Olivia McTaggart, Coroner, having investigated the death of Jodi Michelle Eaton

Find, pursuant to Section 28(1) of the Coroners Act 1995, that:

- (a) The identity of the deceased is Jodi Michelle Eaton;
- (b) Ms Eaton died as a result of homicide in the circumstances set out in this finding;
- (c) The cause of death was asphyxia; and
- (d) Ms Eaton died on 1 February 2014 at Bridgewater, in Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Ms Eaton's death. The evidence comprises the police report of death; an opinion of the forensic pathologist who conducted the autopsy; police and witness affidavits; medical records and reports; forensic evidence; and documents relating to the criminal proceedings against Darren Dobson, Maxwell Morrison, Gavin Hornberg and Johnathon Pearce.

I make the following further findings.

Jodi Michelle Eaton was born in Hobart, Tasmania on 3 July 1985 to parents Margaret Ann Pickrell and Peter Darren Eaton. She was aged 28 years. She had two siblings: a half-brother, Michael Grimsey, and a sister, Sandra Eaton. Ms Eaton was particularly close to her sister and mother. Her parents separated many years before her death and she had limited contact with her father.

Ms Eaton had never been married but had been involved in significant relationships, including with the respective fathers of her two daughters. She remained the primary carer of the two girls until her death, but both girls had regular contact with their fathers. The evidence in the investigation indicates that Ms Eaton was a loving and dedicated mother to her children.

Ms Eaton held irregular employment working in hotels. She also undertook training and work placement in the aged care sector. She was not in paid employment at the time of her

death.

Ms Eaton was in good general health, with no known medical issues or incapacities. She had experienced periods of depression in the past but was not seeking treatment at the time of her death.

In 2013 Ms Eaton met Bozidar Jelenic, who later relocated from his home town of Geelong, Victoria, to Tasmania. They commenced a de-facto relationship, living together in Sorell.

At approximately 6.30pm on Sunday 2 February 2014, police were contacted by Mrs Pickrell who had concerns for the welfare of her daughter after Ms Eaton did not return home in time for one of her daughters to be returned to her as part of normal custody arrangements. Mrs Pickrell told police that Ms Eaton had never before failed to meet custody arrangements.

Initial enquiries by Bridgewater uniform police officers established that on the evening of Friday 31 January 2014, Ms Eaton had been at a gathering at 3 Sage Court, Bridgewater with Mr Jelenic. This was the residence of Peter Vernon and Donna Browning. Mr Vernon's dog had recently died, which had upset him and prompted a 'binge' session lasting several days, and led to the gathering at his home. All of those in attendance were drinking alcohol and some smoked cannabis during the evening. Mr Vernon retired to bed at about 9.30pm.

During the night Ms Eaton and Mr Jelenic had an argument, after which Mr Jelenic left, leaving Ms Eaton at the address. A short time after leaving, Mr Jelenic was intercepted by police and breath-tested. He returned a positive reading and was taken to Hobart Police Station where he was charged with driving a motor vehicle whilst exceeding the prescribed alcohol limit and then bailed.

At 7.30pm on 2 February 2014, police officers attended 3 Sage Court, Bridgewater and spoke with Mr Vernon along with another male at the address, Darren Michael Dobson. Mr Dobson told the officers that he had not seen Ms Eaton since about 2.30am on Saturday 1 February when she had 'walked away' from the residence. Mr Vernon told police he had not seen Ms Eaton since Friday night, when he left her (and others) in his lounge room to go to bed early. Mr Vernon told police that he awoke the following morning and Ms Eaton was not there.

Police officers obtained details of further contacts in Bridgewater, none of which resulted in any information to assist in the whereabouts of Ms Eaton. Family members had also failed to establish any contact with Ms Eaton.

Checks were conducted with local hospitals and a triangulation of Ms Eaton's mobile telephone was established which resulted in Telstra advising that the phone was switched off and that, when it was last used, it was located between Cove Hill Road and Old Beach Road in Bridgewater on 1 February 2014. Bank record checks were requested for Ms Eaton which showed a small balance with no recent activity on the account.

On Monday 3 February, the missing person enquiry regarding Ms Eaton was handed over to Glenorchy CIB whose investigation focused upon the persons present at 3 Sage Court on the evening of 31 January 2014. As a result of the evidence gained in the investigation, Darren Dobson was charged and convicted of Ms Eaton's murder.

Although not witnessed, the evidence enabled police to conclude that Mr Dobson had killed Ms Eaton in the living area of 3 Sage Court at a time shortly after 5.22am on 1 February 2014 and placed her body in an area underneath the house. He then left the premises.

The evidence of the events after Ms Eaton's attendance at 3 Sage Court on 31 January 2014 until the discovery of her body on 21 February 2014 was gathered using thorough investigative avenues.

I now set out the events during this period.

Mr Vernon had known Ms Eaton for about five years, having met her when she worked at the Derwent Tavern in Bridgewater. Ms Eaton and her then partner would visit regularly. Mr Vernon lost contact with Ms Eaton until she started visiting again in the four to six months prior to her death. Ms Eaton introduced Mr Vernon to her new partner, Mr Jelenic. Mr Jelenic had visited 3 Sage Court previously, and had met Mr Dobson on one prior occasion close to Christmas 2013.

During the evening of the gathering, Mr Jelenic, in the hope of obtaining work, exchanged phone numbers with Mr Dobson. Mr Jelenic, being new to the state, was trying to source employment.

At the time Mr Jelenic left as a result of arguing with Ms Eaton, the only persons present and awake at Sage Court were Ms Eaton, Mr Dobson, his mother Cheryl Dobson, and Gavin Hornberg. Mr Dobson drove his mother home and returned shortly afterward. Mr Hornberg left the residence sometime after midnight. When he left Sage Court, Ms Eaton was in the living area with her head down on the table and Mr Dobson was seated near her. No one else was left at the house, apart from Mr Vernon who was asleep.

Mr Jelenic had been bailed upon the drink driving charge in the early hours of the morning but stayed for some time in the area of Hobart Police Station before eventually walking to Glenorchy and there meeting Mr Paul Curwood.

Mr Vernon woke in the morning to find no one left at his house. He noticed Ms Eaton's shoes were left under his table and that Mr Dobson had left his crutches behind (Mr Dobson was recovering from a broken leg). Mr Vernon went about his normal morning routine until Mr Jelenic and Mr Curwood arrived at his home looking for Ms Eaton. Mr Vernon made some phone calls, including to Mr Dobson, to see if anyone knew where she was. Mr Dobson told Mr Vernon that he had not seen Ms Eaton since he left Sage Court the previous night, and had no idea where she was.

Later that day, Mr Jelenic arranged for his car to be collected, at which time he found his phone inside the car and discovered multiple missed calls from Ms Eaton. He also found a missed call from Mr Dobson's phone which had gone to message bank. The message bank voice mail was registered at 5.22am and on the recorded message he could hear Ms

Eaton's voice, seemingly distressed and distant, saying words to the effect of 'leave me alone' or 'get off me'.

The following day Mr Jelenic played the recording to Mrs Pickrell, who recognised her daughter's voice, before he accidentally deleted the message when trying to replay it again. The voice message left at 5.22am on Saturday 1 February 2014 signifies the last time Ms Eaton was known to be alive.

Shortly after 5.22am, a violent altercation occurred during which Ms Eaton sustained blunt force trauma to the left side of the head, she was then restrained and over-powered before being strangled. Mr Dobson placed her body in an area underneath the house at 3 Sage Court, then left the house.

As Mr Dobson walked away from the house, he made several phone calls to mobile phone numbers linked to his uncle, Maxwell Morrison. He then rang Mr Morrison's landline number at his Pelham property and had a conversation with him. He then continued walking home to Oakwood Court and went to bed.

The following afternoon, being Sunday 2 February, Mr Dobson spent a large amount of time at 3 Sage Court, including in the rear yard. He was present at the premises in the evening when police visited in response to the missing person report as discussed.

After the police officers' visit, Mr Dobson waited until Mr Vernon went back to bed and contacted Mr Hornberg and asked him to bring his car to Sage Court. He also went to Beech Court where he berated Mr Curwood for bringing police attention to Sage Court. He then rang Mr Jelenic and also argued with him about sending police to Sage Court.

At some stage while he was at Sage Court on that Sunday evening, Mr Dobson retrieved the body of Ms Eaton from under the house and wrapped her firstly in a purple blanket he had taken from inside the residence, then wrapped her in a deflated child's wading pool. He secured the pool liner around her by the use of silver duct tape.

Mr Hornberg later attended Sage Court with his car. He went inside and Mr Dobson asked him if he knew what had happened to Ms Eaton. Mr Dobson then disclosed to Mr Hornberg that he had strangled Ms Eaton. He told him that Mr Morrison was the only other person who knew. Mr Dobson asked Mr Hornberg to drive him to Mr Morrison's property at Pelham.

Mr Dobson then went outside and Mr Hornberg joined him. The car was reversed up to the front gate of the residence and the rear hatch open. Mr Hornberg went to the rear yard where he saw that Mr Dobson was standing beside a long object wrapped in a blue plastic liner and bound with grey tape. Mr Hornberg felt the weight with his foot and then placed his hand inside and could feel human hair and scalp.

At this point Mr Hornberg told Mr Dobson to take his car, but he wanted nothing to do with it. Mr Dobson was then faced with trying to dispose of the body with limited physical capacity due to his leg injury. He then contacted his brother-in-law, Jonathon Pearce, asking for assistance. Mr Pearce immediately left his home and walked to Sage Court. The body of Ms

Eaton was lifted into the rear of the Mazda and the pair began the journey to Pelham, with Mr Pearce driving. On route, Mr Dobson sent a text message to Mr Morrison indicating he was on his way. They stopped at the BP service station in Brighton to refuel and Mr Dobson bought a drink and a pie. CCTV from the service station clearly depicts the car arriving, with Mr Pearce refuelling while Mr Dobson went inside and made the transactions. They then continued their journey to Pelham arriving shortly after 12.00am on Monday 3 February 2014.

Mr Morrison's property at 122 Sonners Road, Pelham is a large rural bush block of about 30 hectares, approximately 36 minutes' drive from Bridgewater. Upon arrival, Mr Morrison was waiting and Mr Dobson asked him for the use of a pick and shovel. Mr Morrison gave them verbal directions as to where to go. Mr Pearce and Mr Dobson then continued along the road and turned off onto an overgrown track. Mr Pearce was familiar with the track due to previous wood cutting trips on the property.

Once they reached a point in the gully where a tree had fallen across the track, preventing further travel, they stopped and walked another 20-30 metres where they dug a shallow grave off to the side of the track. Both men then carried and dragged the body of Ms Eaton from the rear of the car and buried her in the prepared grave. They then left the property, dropping the tools back to Mr Morrison on the way. They returned to Bridgewater, arriving after 3.00am on Monday 3 February. They left the car in Ferguson Place, where they walked through the reserve to their homes.

Mr Dobson was formally interviewed later that night by investigators who were continuing the missing person/criminal investigation. Contrary to his initial statement to police, he asserted that he had returned to Sage Court on the evening of the gathering and engaged in consensual sex with Ms Eaton, but denied harming her or having any knowledge of her whereabouts. Following the interview, a decision was made to declare 3 Sage Court a crime scene.

Forensic examination of Sage Court ensued, resulting in evidence indicative of a violent struggle involving Ms Eaton and Mr Dobson. A range of other investigative avenues were pursued to a stage where, on Thursday 20 February 2014, police declared the property of 122 Sonners Road, Pelham a crime scene and mobilised a large number of resources to secure and search the property for a grave. Mr Dobson, Mr Pearce and Mr Hornberg were also taken into custody. Following an interview, Mr Pearce led investigators to the grave site and exhumation later commenced.

Police exhumed the body of Ms Eaton on the morning of Friday 21 February 2014, wrapped exactly as described by Mr Hornberg in a blue and grey plastic pool liner bound with silver duct tape. Her wrapped body was conveyed directly to the Royal Hobart Hospital Mortuary.

A post mortem examination was performed by forensic pathologist, Dr Donald Ritchey. Formal identification occurred by using fingerprinting techniques.

Dr Ritchey noted that Ms Eaton's body was significantly decomposed and partially clothed.

Dr Ritchey observed apparent bruising of the forehead left side of the face, left side of the chin and neck. He did not detect significant natural disease or penetrating injuries of the head, thorax, abdomen or pelvis.

He reported that the apparent bruising on the face strongly suggests that Ms Eaton died as a result of asphyxia due to neck compression or smothering.

Decomposition that had occurred between the time of death and the time of burial, as well as decomposition that occurred within the shallow grave, likely obscured the subtle findings that characterise asphyxia deaths.

Toxicological testing identified a high alcohol (ethanol) level in Ms Eaton's blood, as well as the metabolite of cannabis. Due to post-mortem decomposition these alcohol results may be much higher than the level of alcohol actually consumed by Ms Eaton.

Dr Ritchey could not determine whether sexual intercourse had occurred.

Darren Michael Dobson was formally charged with the murder of Ms Eaton. He eventually pleaded guilty on the basis that he killed Ms Eaton by means of an unlawful act which he ought to have known to be likely to cause death in the circumstances, pursuant to the second limb of section 157(1)(c) of the *Criminal Code* 1924. This limb involves the lowest degree of moral culpability. On 8 September 2015 Chief Justice Blow sentenced Mr Dobson to life imprisonment with a non-parole period of 14 years.

In his comments on passing sentence, His Honour outlined the considerations which contributed to the sentence, including Mr Dobson's conduct in relation to the hiding and disposal of the body; his involvement of other people; and the devastating impact of both the killing and the unexplained disappearance of Ms Eaton on her family and her partner. His Honour also considered Mr Dobson's prior crimes of violence against women and commented that, at the time of murdering Ms Eaton, he was on bail in relation to a charge of an assault against his then girlfriend for, amongst other particulars, grabbing and squeezing her throat.

Jonathon Paul Pearce was charged with being an accessory after the fact. On 16 March 2016 Justice Tennent sentenced him to five years imprisonment for this crime.

Gavin Daniel Hornberg was charged with being an accessory after the fact, but pleaded guilty to the lesser charge of failing to report a killing. On 25 September 2014 Justice Tennent sentenced him to ten months imprisonment.

Maxwell Morrison was charged with being an accessory after the fact, but pleaded guilty to a lesser charge of failing to report a killing. On 29 May 2015 Justice Wood sentenced him to ten months imprisonment.

Mr Dobson's prior history of violence against women

In his comments on passing sentence, the Chief Justice detailed Mr Dobson's relevant criminal history. In this investigation I have had regard to His Honour's analysis, Mr Dobson's record of prior convictions, the original Magistrate's Court files in respect of Mr Dobson's charges pending at the time of the murder, and an analysis by the investigating officer of assaults by Mr Dobson upon females. The following summary clearly indicates Mr Dobson's propensity to assault females by choking, strangling or holding them to the throat. On 23 August 1997, Mr Dobson assaulted and raped a female neighbour who had allowed him to spend the night in the spare room of her house as he was not getting along well with his mother and uncle who were living at his house. The neighbour went to bed in her room but sometime later woke up on the bedroom floor beside the bed with Mr Dobson sitting on top of her and strangling her. Although she tried to resist, Mr Dobson assaulted her, undressed her and raped her by different means on three occasions. Eventually, she managed to escape through the lounge room window and raise the alarm. On 18 February 1998 he was sentenced to 7 years imprisonment for the crimes.

On 21 October 2006 Mr Dobson assaulted his former partner who he knew to be pregnant at the time, by choking her until she lost consciousness and punching her repeatedly to the left side of the face, being the side where she had had surgery to repair a fractured cheek bone caused by him from a recent assault. On 1 February 2007 Mr Dobson was sentenced to 3 years imprisonment for these assaults.

On 26 August 2012 Mr Dobson assaulted his female partner by grabbing her around the throat, pushing her onto a bed and punching her to the side of the face. He placed his hands around her throat and applied so much pressure that she could not breathe. She decided to go limp and he then released his grip. On 10 May 2013 he was sentenced in the Court of Petty Sessions on a charge of common assault under the *Police Offences Act 1935* to a wholly suspended sentence of two months' imprisonment, suspended for a period of three years on the condition that he be of good behaviour.

On 9 February 2013 Mr Dobson assaulted another partner by grabbing her by the throat, holding her against the wall, preventing her from breathing, and punching her to the side of the face. He was granted bail on the charge of common assault under the *Police Offences Act*. The charges were not resolved before Ms Eaton's homicide.

In January 2014, Mr Dobson was travelling in Mr Hornberg's car when he turned to the back seat and grabbed the female passenger by the throat and pulled her hair out. This occurred about one week before Ms Eaton's murder, although the female did not report the incident before Ms Eaton's homicide and it came to the attention of police after the homicide. The female did not wish to make a complaint.

On 1 February 2014, Mr Dobson murdered Ms Eaton, an acquaintance, his crime involving strangulation in the circumstances described in this finding. It is to be noted that, at the time of Ms Eaton's murder, Mr Dobson was subject to an order to be of good behaviour as part of his suspended sentence imposed only eight months previously. He was also on bail for the offences that included choking his partner on 9 February 2013.

Comments

This investigation raises issues associated with non-fatal strangulation as a risk factor for subsequent homicide.

There is increasing awareness that non-fatal strangulation, particularly in the domestic violence context, is associated with future serious abuse and fatality and that increased awareness and targeted responses to the issue are necessary from the medical, policing, counselling and law reform sectors.

Ms Eaton was not, and never had been, in a domestic relationship with Mr Dobson. However, the means by which he killed Ms Eaton was characteristic of the means of violence employed by him to assault other women, both partners and non-partners.

In 2017, a literature review of issues concerning non-fatal strangulation was commissioned by the Queensland Government.¹ In that document it is stated:

“There appears to be broad, international consensus that the occurrence of non-lethal strangulation in domestic and family violence (DFV) situations is a serious act of violence, that it can cause psychological and physical harm without any obvious signs on the body, that it is an indication of increasing severity of domestic and family violence, and that it is a significant risk factor for future homicide...

“Within the context of DFV, non-lethal strangulation is different to other forms of physical assault, in a number of important ways. Firstly, there may be few visible symptoms of the injury caused. Secondly, there are few other acts of violence that have potential to create so many health problems for victims. Finally, it is a tool used to demonstrate the perpetrator’s ultimate power to take the life of the victim, an experience likely to cause severe psychological distress.”²

In a major American study examining non-fatal strangulation by an intimate partner as a risk factor for major assault or attempted or completed homicide of women, it was found that prior non-fatal strangulation was associated with greater than six-fold odds of becoming an attempted homicide, and over seven-fold odds of becoming a completed homicide.³ The authors also concluded that the findings indicated that strangulation is a relatively prevalent form of violence towards women who experience physical violence in an abusive relationship and that the results underscored the need to screen for non-fatal strangulation when assessing female victims of family violence in emergency department settings.⁴

The authors also concluded that, based on the health consequences noted by other researchers, and given that all incidents of strangulation could potentially result in death, it would appear logical that strangulation be prosecuted as a more serious crime than simple assault.⁵

¹ Queensland Health – “A Health Response to Non-lethal Strangulation in Domestic and Family Violence” Literature Review June 2017.

² Ibid 1.

³ Glass et al. J Emerg Med.2008 ; October 35 (3): 329-335.

⁴ Ibid 6.

⁵ Ibid 6.

In an article published in 2014 in the *Sydney Law Review* concerning the legal response to strangulation in the domestic violence setting, the authors analysed relevant legislation in the United States, Canada and Australia. They also concluded that a strangulation offence applicable to the domestic violence setting is more likely to ensure that appropriate charges are laid and penalties applied, to assist in highlighting the issue and to help ensure records of strangulation are kept, leading to better risk assessment.⁶

In Australia, four jurisdictions (New South Wales, ACT, South Australia and Queensland) have now enacted the crime of choking, suffocation and strangulation as a separate offence punishable by a maximum term of imprisonment of between 5 and 10 years. The creation of a similar offence is currently under consideration in Western Australia.

It is appropriate that the Tasmanian government give consideration to enacting such an offence. In Tasmania, the indictable offence currently provided by section 168 of the *Criminal Code Act 1924* requires proof that the choking, suffocation or strangulation is done with intent to facilitate the commission of an offence or facilitate the flight of an offender after the commission or attempted commission of an offence. As such, it is likely to be inapplicable to the commission of non-fatal strangulation in a variety of situations, including many in the domestic violence setting.

Recommendation

I **recommend** that the Tasmanian government give consideration to the enactment of an indictable offence of choking, suffocation or strangulation applicable to both the domestic violence situation and generally.

Conclusion

I extend my appreciation to investigating officer Inspector Michael Smith for his investigation and report.

I convey my sincere condolences to the family and loved ones of Jodi Michelle Eaton.

Dated: 3 July 2019 at Hobart in the State of Tasmania

Olivia McTaggart
Coroner

⁶ Douglas and Fitzgerald – *Sydney Law Review* [VOL 36:231 2014] at 254.