



HIGH COURT OF AUSTRALIA

Public Information Officer

6 October 2005

GLORIA JEANETTE YORK v THE QUEEN

The Queensland Court of Appeal was not justified in overruling a primary judge's decision to suspend a prison sentence imposed on Ms York, the High Court of Australia held today.

Ms York, 59, pleaded guilty to drugs charges in June 2004. She had an extensive criminal history. Justice Roslyn Atkinson sentenced her to five years' imprisonment but suspended the sentence for five years. Justice Atkinson said a head sentence of 10 to 12 years was appropriate but she discounted this by 60 per cent as Ms York had not offended since her arrest in April 2001 and, more importantly, had given extensive assistance to the police resulting in the conviction of a major drug dealer, Alan John Lace, for an execution-style murder in 1999. Her conduct, throughout Mr Lace's original trial and a subsequent retrial, was described by Justice Atkinson as very brave. She said Ms York, who had received death threats, faced a high risk of violent retribution in prison, but that she would have no compunction in sending Ms York to prison if she re-offended within five years. Threats included a visit after Mr Lace's committal from a masked and armed former prisoner who told her she would be shot if she testified against Mr Lace. Further threats were made after the first trial and after his appeal. Ms York refused witness protection.

The Crown appealed on the ground that the sentence was manifestly inadequate. In the Court of Appeal, the Attorney-General submitted information from the Department of Corrective Services that options to be considered for Ms York were a protection unit at the Brisbane Women's Correctional Centre or the Townsville jail. The Court of Appeal, by majority, held that, despite the uncontradicted findings about the risks to Ms York's safety, it could not bow to pressure from criminals, and that jail was the only appropriate penalty, despite her cooperation with authorities and her guilty plea. It sentenced her to five years' imprisonment to be suspended after she served two years. That sentence has not taken effect, pending the outcome of her appeal to the High Court.

The Court unanimously allowed her appeal. It held that Justice Atkinson was entitled to take Ms York's safety in prison into account and that it was within the scope of her discretion to sentence her as she did.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*