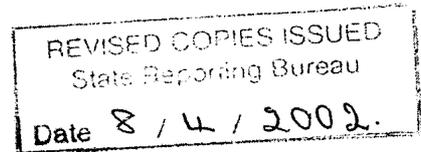




Transcript of Proceedings

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SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Application No 32 of 2002

RE AN APPLICATION FOR BAIL BY DARRYL JOHN LYONS

CAIRNS

..DATE 04/04/2002

JUDGMENT

A handwritten signature in black ink, appearing to be a stylized name or set of initials.

HIS HONOUR: This is an application for bail by Darryl John Lyons who has been charged with a series of drug related offences which occurred between the 31st of December 2001 up to his arrest on 27th of March 2002.

In essence, he is charged with a number of offences which were detected by his providing drugs of different types, but mainly methylamphetamine, to an undercover police officer at various times in places around Cairns. The amount of money exchanged by that single undercover police officer was in excess of \$22,000. 10

A search of the applicant's premises after arrest disclosed the presence of other drugs, and it showed also that he lived in a place which did not have the hallmarks of permanency of residence.

The applicant has been previously convicted of drug offences. In 1998 he was sentenced to three years' imprisonment for the importation of cocaine and was released after serving six months of that term. He has since been found guilty of another drug offence and dealt with in the Magistrates Court, and now finds himself on very serious charges. These charges are so serious that if convicted of the offences he obviously will face a long period of imprisonment, subject to what mitigation arguments might be raised. 20

This gives rise to two concerns: the first is the risk of his fleeing the jurisdiction to avoid a term of imprisonment, 30

confronted as he is with a very strong prosecution case; and the risk of reoffending given that he is a repeat offender and it appears, as much as one can gain from the limited material presently available, that he had a well organised drug supply business.

On behalf of the applicant the risk of flight is said to be not high given the applicant's ties to the area. He has lived here for quite some time. He has a girlfriend who also lives in the area. His parents who formerly lived in Mareeba have recently moved to Proserpine. The applicant's parents are prepared for the applicant to reside with them at Proserpine, and they are prepared also to provide a surety - that situation would greatly reduce the risk of the applicant fleeing the jurisdiction.

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There is a further factor which is somewhat unusual in applications of this type in that the applicant who was a passenger in a motor vehicle involved in an incident in 1999 wherein he sustained quite serious physical injuries. He proposes to pursue a claim for damages in respect of those injuries, and that too would be a factor which would reduce the risk of his fleeing Queensland.

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The risk of reoffending is high given his past record, but it seems to me that if a condition of residency is imposed, namely that he reside with his parents at Proserpine, he would not have ready access to the networks which appear to be at the centre of the allegations now made against him in respect

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of the present charges.

Whilst I accept the force of the Crown's objection, it does seem to me that the risks of flight and of reoffending will be significantly reduced by the imposition of appropriate conditions, and I propose therefore to grant bail subject to the following conditions:

- (1) That the applicant reside with his parents at Proserpine, and that he not change that condition of residency without the prior written consent of the Director of Public Prosecutions. 10
- (2) That he report on every Monday, Wednesday and Friday between the hours of 9 a.m. and 4 p.m. to the officer-in-charge of the Proserpine Police.
- (3) That a surety be provided in the sum of \$10,000, or two sureties of \$5,000 each.

To those I add the further usual conditions:

- (4) That the applicant not leave the State without the prior written permission of the Director of Public Prosecutions.
- (5) That he surrender any passport which he holds, and that he not apply for any passport.

Mr Henry, are you prepared to prepare an order in those terms?

MR HENRY: I shall, your Honour. Does your Honour mind the further incorporation of a condition that allows in advance his travel to Brisbane which would necessarily be - meaning he'd be away from the Proserpine residence for the purpose 30

foreshadowed in the material?

HIS HONOUR: Yes. That didn't seem to me to be a very compelling reason, but if the Director of Prosecutions has no objection to it then that would be fine, but it's a matter for the Director to determine.

MR CONNOLLY: Perhaps just foreshadowing that, your Honour, if some details could be provided as to his proposed address whilst he's undergoing that treatment.

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HIS HONOUR: Details of his flights and things of that order? They're matters that I - I will leave the public - Director of Public Prosecutions to determine, Mr Henry.

MR HENRY: Thank you, your Honour.

HIS HONOUR: I must say it didn't seem to me to be a particularly compelling reason.

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MR CONNOLLY: Save for that journey to Brisbane, would your Honour make a condition that he doesn't approach any airports or-----

HIS HONOUR: Yes. I would expect that usual condition to be imposed. Would you show your draft order to Mr Connolly, and would you initial it before it comes to me for signing, thanks.

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