

COURT OF APPEAL

McMURDO P
McPHERSON JA
JERRARD JA

CA No 218 of 2004

THE QUEEN

v.

MATTHEW TROY DALY

(Applicant)

BRISBANE

..DATE 03/09/2004

JUDGMENT

MR T MOYNIHAN (instructed by Legal Aid Queensland) for the applicant

MR M R BYRNE (instructed by the Director of Public Prosecutions (Queensland)) for the respondent

THE PRESIDENT: The Court's order is as follows: The application for leave to appeal is granted and the appeal is allowed, only to the extent of instead of the sentence imposed on count 2 of three years imprisonment with a recommendation for post-prison community-based release after 12 months is served, the sentence is three years imprisonment, suspended forthwith, with an operational period of three years.

The Court will publish its reasons later.
