“Rough justice: Zak Grieve sentenced to life in prison for murder … but he wasn't even there.”

Dan Box and Amos Aikman report in “The Weekend Australian”, 26-27 August 2017, page 1.

In 2017 Zak Grieve was almost six years into a life sentence for a murder the judge found he did not physically commit … The judge who sent Grieve to [Berrimah] jail in 2013 described the outcome of this case as an “injustice.

Judge Dean Mildren told “The Weekend Australian” that he wanted to impose sentences that were “just and fair” but was prevented and left “powerless” by the legal regime in place in the Northern Territory, known as mandatory sentencing.

Nothing demonstrates this opinion more stark than the fact the man who did beat [the victim] to death received a shorter minimum sentence – 18 years compared with Grieve's 20 years.

This was despite Justice Mildren finding that Grieve backed out of the killing and was not there when it took place...

Speaking from Darwin Correctional Centre [Berrimah Prison], Grieve said he had been treated as a violent criminal because his case had a “high notoriety”...

Law Council of Australia president Fiona McLeod SC said that mandatory sentencing in which politicians dictated how judges must punish specific crimes was a national issue, with various such laws in place across Australia.

Despite this, she said, there was no evidence the laws reduced offending. “It sounds good for politicians to say they are locking people up because it satisfies our interest for punishment and it gives us a false sense that we are creating a more safe community,” Ms McLeod said.

In a consultation paper released this month, the Law Council said mandatory sentences “increased imprisonment of Aboriginal and Torres Strait Islander people” who are disproportionately convicted of the range of offences for which they are imposed.

End of extract.

Update: In a four-page story titled, “Letters from Zac” (“The Weekend Australian Magazine”, February 16-17, 2019, pp. 24-28), journalist Dan Box reports that the Administrator of the NT has granted a Prerogative of Mercy to reduce the non-parole period of Zac's sentence from 20 years to 12 years, meaning Zac should be released in 2023.

Attorney-General Natasha Fyles was reported as “considering changing the mandatory sentencing legislation as part of wider reform”. Zac's mother, Glenice Grieve, was quoted as saying, “Five more years he's got to stay calm, collected and not do anything for them to take that away from him. I'm trying to keep him strong.”

When Dan Box spoke to Judge Mildren at his home in Queensland, he called mandatory sentencing a “silly nonsense”. Asked how it felt to be forced to jail a man for life when he felt that was an injustice, the judge replied: “I feel very sad and disappointed.”

In 2017, Judge Mildren described Zac's sentence as an injustice. In 2011, when Zac and his murderer co-conspirators were sentenced to 18-20 years in Berrimah prison, Graham X had already served 5 years in the same institution, out of his 7-year sentence on charges from when he was a 15-years-old schoolboy.

No wonder Law Council of Australia reported that Aboriginal and Torres Strait Islander people are disproportionately convicted by a racist legal system. BD