

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

ON APPEAL FROM THE SUPREME COURT OF VICTORIA (COURT OF APPEAL)

10 IN THE MATTER OF:

DIRECTOR OF PUBLIC PROSECUTIONS REFERENCE NO 1 OF 2017

APPELLANT'S CHRONOLOGY



Part I: SUITABILITY FOR PUBLICATION

20 1. I certify that this chronology is in a form suitable for publication on the internet.

Part II: APPELLANT'S CHRONOLOGY

2. The following is a brief chronology of the principal events and proceedings in relation to this appeal:

25 May 2016	Indictment F12622673 filed in the Supreme Court of Victoria charging that GAYLE MICHELE DUNLOP (the "accused") murdered JOHN REED ("the deceased") contrary to common law. CAB 6
15 November 2016	The accused was arraigned in the Supreme Court and entered a plea of not guilty to the relevant charge. The trial commenced before Justice Lasry. CAB 68

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Reference: 1503892 / B. Barby

22 November 2016	<p>After calling a number of witnesses, the Prosecutor closed the case for the Crown.</p> <p>Discussion took place regarding a <i>Prasad</i> direction and a ruling was sought by Counsel for the accused. CAB 11 - 17</p>
23 November 2018	<p>The Learned Trial Judge delivered a ruling in relation to the <i>Prasad</i> direction. His Honour ruled that the jury would be directed as requested by Counsel for the accused. CAB 19 - 22</p> <p>The jury were informed that they had 3 choices:</p> <ol style="list-style-type: none">(1) The right to deliver verdicts of “not guilty” to murder and manslaughter; or(2) The right to deliver a verdict of “not guilty” to murder and an indication they wished to hear more evidence in respect of the charge of manslaughter; or(3) They could indicate that they wished to hear more evidence in respect of both charges. CAB 24 – 25 <p>The jury retired to consider its decision (11.21am). CAB 48</p> <p>The jury were brought back (11.24am). A ballot was conducted and a jury of 12 was selected. The jury retired to consider its decision (11.28am). CAB 51 - 52</p> <p>The jury returned that afternoon and advised the Learned Trial Judge that they would like to hear more evidence in respect of both charges (12.27pm). The 13th juror rejoined the jury. CAB 54</p> <p>The trial continued with the accused calling and giving sworn evidence.</p>

<p>24 November 2016</p>	<p>Counsel closed the case for the accused. CAB 63</p> <p>Immediately after the close of the Defence case (and prior to closing addresses), the Learned Trial Judge reminded the jury of the continuing operation of the <i>Prasad</i> direction and provided them with an opportunity to revisit their earlier decision. A jury of 12 was selected by ballot. The jury retired to consider its decision (4.25pm). CAB 63 – 64</p> <p>The jury returned a verdict of not guilty to the indictment (4.48pm). CAB 66</p>
<p>23 February 2017</p>	<p>The Director of Public Prosecutions referred a point of law to the Court of Appeal under s. 308 of the <i>Criminal Procedure Act 2009</i> (<i>Director of Public Prosecutions Reference No 1 of 2017</i>). CAB 68 - 74</p>
<p>26 October 2017</p>	<p><i>Director of Public Prosecutions Reference No 1 of 2017</i> listed for hearing before Maxwell P, Weinberg and Beach JJA in the Court of Appeal. Judgment reserved.</p>
<p>23 March 2017</p>	<p>Judgment delivered – <i>Director of Public Prosecutions No 1 of 2017</i> [2018] VSCA 69.</p> <p>The point of law raised for the consideration of the Court pursuant to s. 308 of the <i>Criminal Procedure Act 2009</i> was answered as follows: The giving of what is commonly referred as a <i>Prasad</i> direction, in appropriate circumstances, is not contrary to law. CAB 76 - 161</p>
<p>19 April 2018</p>	<p>Application for special leave to appeal with annexures filed.</p>
<p>15 August 2018</p>	<p>Application for leave to appeal granted. CAB 163</p>

29 August 2018	Notice of Appeal filed	CAB 165 - 166
6 November 2018	Appeal listed for hearing	

Dated: 26th day of September 2018



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Name: K E Judd QC

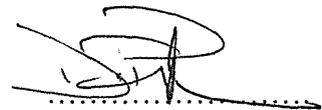
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