

**IN THE HIGH COURT OF AUSTRALIA
ADELAIDE REGISTRY**

No. A24 of 2014

BETWEEN:



MICHAEL JOSEPH LINDSAY
Appellant

and

THE QUEEN
Respondent

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APPELLANT'S CHRONOLOGY

PART I PUBLICATION

1. This chronology is in a form suitable for publication on the Internet.

PART II CHRONOLOGY

Date / Time	Event / Evidence	Reference
Thurs 31 Mar 2011	<u>Movements of appellant and others</u>	
[Afternoon]	<ul style="list-style-type: none"> Tahlia Clarke (appellant's 26 year old sister) meets with appellant, his partner (Melissa Glover), their mother, their sister (Ashleigh Lindsay), the appellant's cousin (also Michael Lindsay), Nick Hayes (acquaintance of appellant, Aboriginal male), and Tahlia's children in the city 	T372
[3.00 pm]	<ul style="list-style-type: none"> This was probably about 3 pm according to Ashleigh Lindsay According to Hayes, he and the appellant and Glover and the cousin (Michael) had been at a city hotel and had a couple of drinks 	T441 T541
[Early evening]	<ul style="list-style-type: none"> The group returns to appellant's house at Qualio Avenue by bus during the daylight hours Present at the house were also the co-accused Luke Hutchings and his partner Brigitte Mildwaters The group order pizza for dinner and eat in the lounge room, and then later sit on the patio / pergola, while kids swim in the pool. According to Hayes the group start drinking again after the pizzas 	T373 T373 T374 T442 T543
[9.00 pm]	<ul style="list-style-type: none"> Appellant's mother departs in tax with children, possibly at 9.00 pm At some point, a group goes and purchases a large bottle of bourbon and mixed bourbon and colas and/or vodkas At some point the appellant, Glover and Hayes, go out 	T375 T445 T376 T545 T379

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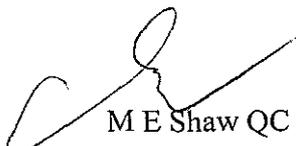
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		T446
[5.00 pm]	<p><u>Movements of deceased and his partner Fiona Ninos:</u></p> <ul style="list-style-type: none"> Ninos finished work about 5.00 pm and returns to home she was then sharing with the deceased 	T111
[6.30 pm]	<ul style="list-style-type: none"> attend Harvey Norman on Marion Road to purchase vacuum cleaner 	T112
[9.00 pm]	<ul style="list-style-type: none"> drove to Marion Hotel at about 6.30 pm where they consumed approximately 4-5 beers and stayed until about 9.00 pm 	T113
[11.00 pm]	<ul style="list-style-type: none"> Ninos wanted to go home, the deceased wanted to go to Hungry Jack's, but they ended up going to the Hallett Cove Tavern next to Hungry Jacks Ninos stayed until about 11.00 pm or 11.30 pm, during which time she and the deceased had 3-4 more beers, after, following a heated discussion in which Ninos asked the deceased to come home and he declined, she left, leaving the deceased at the bar 	T113 T117-118
Friday 1 Apr 2011 [Late night / early morning]	<p><u>Appellant and deceased meet at Hallett Cove Tavern:</u></p> <ul style="list-style-type: none"> Deceased meets and speaks with two aboriginal men and a woman (the appellant, Nick Hayes, and the appellant's partner) 	T546
[2.00 am]	<ul style="list-style-type: none"> Hayes had about eight vodkas at the pub Employee of Hallett Cove Tavern calls taxi at request of deceased around 2.00 pm 	T545 T168
	<p><u>Appellant and deceased, Glover and Hayes return home</u></p> <ul style="list-style-type: none"> Deceased came back to Qualio Avenue with appellant, Glover and Hayes in a taxi The group resumes drinking 	T379 T447 T546
[2.00 am]	<p><u>Subsequent movements of Fiona Ninos</u></p> <ul style="list-style-type: none"> Ninos returned home, had 1-2 more drinks, and went to bed about 12.30 am Ninos woke around 1.30 am – 2.00 am and rang the deceased's mobile, and heard a mention of the Emu Tavern, Morphett Vale, following which she ordered a taxi to go to the Emu Tavern Ninos took a taxi to Emu Tavern but found it was closed Ninos rang deceased's mobile again and phone was answered by someone other than deceased who told her deceased was with him and gave her the address 51 Qualio Avenue Hallett Cove 	T118 T121 T121 T122
	<p><u>Ninos attends 51 Qualio Avenue</u></p> <ul style="list-style-type: none"> Ninos locates deceased in kitchen area and got mad at 	

<p>[4.00 am]</p>	<p>him, asking why he had gone out with people he didn't know and risked their relationship over that</p> <ul style="list-style-type: none"> • Ninos was yelling and swearing • Ninos subsequently was shown around the house by the appellant who was very friendly (and offered her an old entertainment unit) • Ninos was there for about 45 minutes and noticed the others were drinking bourbon • The appellant gave the deceased's mobile back to Ninos and said the deceased had been losing it or dropping it • When Ninos left it is possible she exchanged heated words again with the deceased, and he gave her \$100 to take home for him • According to Tahlia Clarke, Ninos said "<i>don't come home</i>" or something • When she left the appellant said the deceased could sleep on the couch, and the appellant would run him home in the morning • According to the taxi driver, she left at about 3.56 am 	<p>T127 T129-130 T138 T138 T381 T139</p>
	<p><u>Incident on the pergola / patio</u></p> <ul style="list-style-type: none"> • See appellant's submissions at [15] 	
	<p><u>Incident in family room area</u></p> <ul style="list-style-type: none"> • See appellant's submissions at [18] 	
	<p><u>Deceased is killed</u></p> <ul style="list-style-type: none"> • Witnesses describe initial assault by the appellant and Hutchings ultimately slits throat of deceased • According to Dr Gilbert, cause of death likely to have been the wounds to the chest which penetrated the aorta 	<p>T558 T469 T660</p>
<p>[6.45 am] [7.02 am]</p>	<p><u>Subsequent movements</u></p> <ul style="list-style-type: none"> • Hutchings leaves and goes to find a bin • Ashleigh Lindsay describes Hutchings putting deceased's body in bin • Hayes says Hutchings asked for help with disposing of the body • Hutchings wheels bin to a gully and leaves body under a tree and abandons bin nearby • Hayes sees Hutchings mopping the area • Appellant changes and showers • Appellant asks Glover to give Tahlia Clarke money for a taxi and she and Ashleigh catch taxi to their mother's house at Richmond around daylight (6.45 am SU 44) • Hayes, appellant and Glover go to Hayes' mother's house in Hackham (7.02 am SU 56) 	<p>T727 T479 T560 T729 T570 T559 T403 T481 T570</p>

[7.45 am]	<ul style="list-style-type: none">Hutchings and Mildwaters leave around 7.45 am (SU 55) and go to friend's house	T731
[Morning] [10.00 am] [12.30 pm]	<p><u>Ninos returns to 51 Qualio Avenue the following morning</u></p> <ul style="list-style-type: none">Ninos returned at about 10.00 am the following morningNinos returns to the house about 12.30 pm	T140
[Daytime]	<ul style="list-style-type: none">Appellant and Glover leave Hayes' mother's house around afternoon or noon	T570
[Afternoon]	<ul style="list-style-type: none">Appellant calls Hayes and asks him to appellant's sister's house (Tamara)Appellant says "Don't tell anyone what I did"	T571 T572
Sat 2 Apr 2011	Ninos reports deceased missing	
	Ninos returns to 51 Qualio Avenue about 6.00 – 7.00 pm	
8 April 2011	Wheelie bin located by police	
14 April 2011	Co-accused Hutchings arrested by police	
19 April 2011	Appellant is arrested by police	

Dated: 18 December 2014



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