

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

No. M73 of 2012

BETWEEN

**Director of Public Prosecutions
(Cth)**

10

Applicant

JM

Respondent

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RESPONDENT'S CHRONOLOGY ON NOTICE OF CROSS-APPEAL

Part I – Certification

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

Part II – Chronology

Date	Event	Reference
20 April 2011	Proceeding transferred from the County Court of Victoria to the Supreme Court of Victoria	No reference

Date of document: 25 January 2013

on behalf of the respondent

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25 May 2011	Summary of the Prosecution Opening filed	See Summary of Prosecution Opening
30 June 2011	Amended indictment dated 29 June 2011 filed	See amended indictment
30 June 2011	Directions hearing before Coghlan J (as he then was)	<i>Director of Public Prosecutions (Cth) v JM</i> [2011] VSC 527R (<i>J</i>) at [3]
2 September 2011	Accused arraigned before a Judge of the Criminal Division of the Supreme Court of Victoria on the charges in the amended indictment. Accused pleaded not guilty	<i>Director of Public Prosecutions (Cth) v JM</i> (2012) 90 ACSR 96; [2012] VSCA 21 (<i>CA</i>) at [280]
15 July 2011	Defence Response filed	See Defence response
2, 20, 21 September 2011	Argument heard by the Judge as to whether a question of law as to the meaning of “artificial price” could and should be reserved for determination by the Court of Appeal on a case stated pursuant to ss 302 and 305 of the <i>Criminal Procedure Act 2009</i> (Vic) (<i>Criminal Procedure Act</i>)	J at [7]-[9]
21 October 2011	Questions of law reserved on a case stated pursuant to ss 302 and 305 of the <i>Criminal Procedure Act</i>	J at [9], [85], Annexures B and C
8 December 2011	Hearing in the Court of Appeal of the questions reserved on the case stated, together with hearing of an application by accused for leave to appeal the decision by the primary Judge to reserve the questions on the case stated	CA at [1], [3]
14 June 2012	Court of Appeal decided by majority that the questions reserved by the primary Judge were inappropriate to answer in the form in which they had	CA at [369]

	been reserved, but returned the case stated to the primary Judge for amendment of Question 1 pursuant to s 305(3) of the <i>Criminal Procedure Act</i>	
20 June 2012	Primary Judge amended Question 1	See <i>Directors of Public Prosecutions (Cth) v JM (No. 2)</i> (Further Orders) at [2]
28 June 2012	Court of Appeal answered amended Question 1	Notification of result of appeal or application dated 2 July 2012 in Supreme Court of Victoria proceedings S APCR 2011 0260, S APCR 2011 0272, S APCR 2011 0274
20 July 2012	Crown applied for special leave to appeal from the answer to the question given by the Court of Appeal	See application for special leave
14 December 2012	High Court of Australia (Hayne, Heydon and Bell JJ) decided that the application for special leave to appeal and any application for special leave to cross-appeal would be referred for consideration by an enlarged Bench and argument as on appeal	<i>Director of Public Prosecutions (Cth) v JM</i> [2012] HCATrans 347 (14 December 2012)
21 December 2012	Accused filed summons seeking special leave to cross-appeal and affidavit of Vince Annetta dated 21 December 2012 exhibiting proposed notice of cross-appeal	See summons and affidavit

Dated: 25 January 2013



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