

BETWEEN:



**BRIAN WILLIAM ACHURCH**  
Appellant

and

**The Queen**  
Respondent

APPELLANT'S CHRONOLOGY

**Part I:**

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

**Part II:**

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|------------------|---|
| 30 May 2006      | Appellant supplies large commercial quantity of a prohibited drug (2.6 kilograms of methylamphetamine) Count 4 on the Indictment  |
| 7 March 2006     | Appellant supplies a prohibited drug (108.7 grams of MDMA) Count 1 on the Indictment  |
| 7 March 2006     | Appellant supplies a commercial quantity of a prohibited drug (270 grams of MDMA) Count 2 on the Indictment   |
| 24 June 2008     | Appellant convicted of above offences after a trial in the NSW District Court before Woods DCJ  |
| 6 August 2010    | Appellant sentenced by Woods DCJ to serve:<br><br>Count 1: 2 years 3 months imprisonment from 16 August 2006.<br><br>Count 2: 4 years imprisonment from 16 August 2006<br><br>Count 4: A non-parole period of 5 years from 16 August 2007 with a further period of 8 years imprisonment commencing 16 August 2012 and expiring on 15 August 2020.<br><br>Total term: 14 years imprisonment with a non-parole period of 6 years. |
| 6 September 2010 | Notice of Appeal against the inadequacy of the sentences signed by Deputy Director of Public Prosecutions.  |

- 29 April 2011 Grounds of Appeal filed by the Director of Public Prosecutions.
- 27 May 2011 Hearing of the Crown Appeal before the NSW Court of Criminal Appeal. (Mcfarlan JA, Johnson, Garling JJ)
- 16 August 2011 Judgment in the Crown appeal: *R v Achurch* [2011] NSWCCA 186
- Orders:
1. Crown appeal allowed
  2. Sentences imposed on the Respondent in the District Court on 6 August 2010 quashed.
  3. In their place, the respondent is sentenced as follows:
    - (i) on the first count sentenced to a fixed term of imprisonment of two years and three months commencing on 16 August 2006 and expiring on 15 November 2008,
    - (ii) on the second count, sentenced to a non-parole period of six years commencing on 16 August 2007 and expiring on 15 August 2013 with a balance of term of two years commencing on 16 August 2013 and expiring on 15 August 2015,
    - (iii) on the fourth count, sentenced to imprisonment by way of a non-parole period of 11 years commencing on 16 August 2008 and expiring on 15 August 2019, with a balance of term of five years commencing on 16 August 2019 and expiring on 15 August 2024.
  4. The Respondent will be eligible for release on parole on 16 August 2019.
- 5 October 2011 Decision of this Court in *Muldock and The Queen* (2011) 244 CLR 120
- 22 March 2012 Application under s43 of the *Crimes (Sentencing Procedure) Act 1999* made on the appellant's behalf to the NSW Court of Criminal Appeal.
- 24 October 2012  
and  
4 December 2012 Hearing of the application before the NSWCCA (Bathurst CJ, McClellan JA, Johnson J, Garling J and Bellew J)
- 22 May 2013 Judgment of the NSWCCA. Orders:
1. The application made by the applicant under s43 of the *Crimes (Sentencing Procedure) Act 1999* on 22 March 2012 be dismissed.

2. The Notice of Motion filed by the applicant on 28 March 2012 be dismissed.

9 July 2013

Amended application for special leave to appeal filed on the appellant's behalf.

8 November 2013

Special leave to appeal granted to the applicant to appeal from the whole of the judgment of the NSWCCA on 22 May 2013

Dated 13 December 2013



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