

BETWEEN:



ROBERT AGIUS
Appellant

and

THE QUEEN
Respondent

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APPELLANT'S CHRONOLOGY

Part I: Certification

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

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Part II: Chronology

DATE	EVENT	APPEAL BOOK REFERENCE
28.04.08	Appellant arrested in Western Australia on an Arrest Warrant issued by the Local Court of New South Wales on 24 April 2008 for the following offences: 1. Conspire to Defraud the Commonwealth, section 85(2) with s 29D of the <i>Crimes Act 1914</i> (Cth); 2. Conspiracy to Defraud causing a loss Section 135.4(3) of the <i>Criminal Code Act 1995</i> (Cth); 3. Dealing in Proceeds of Crime – money or property worth \$1,000,000 or more, Section 11.5(1) and 400.3(1) of the <i>Criminal Code Act 1995</i> (Cth).	
On or around 29.04.08	Appellant extradited to New South Wales.	
29.05.08	Appellant released on bail. Remained on bail until 31.07.12	
31.08.10	Director of Public Prosecutions of the Commonwealth presented an indictment in the Supreme Court of New South Wales ("Supreme Court") against the appellant and three co-accused Carol Abibadra, Deborah Judith Jandagi and Kevin Zerafa ("the co-accused") alleging two (2) counts of conspiracy:	

	<p>a. between 1/1/1997 and 23/5/2001 contrary to <i>Crimes Act</i> ss.86(1) and 29D;</p> <p>b. between 24/5/2001 and 10/4/2008 contrary to the <i>Criminal Code Act</i> 1995 s.135.4(5) (the Code).</p>	
27.04.11	Appellant and the co-accused made an application to the Supreme Court that the proceedings on count two (2) of the indictment be permanently stayed as an abuse of process because there was neither an allegation nor proof of a second agreement constituting a second conspiracy.	
4.05.11	Primary Judge Simpson J refused the application for a stay: (2011) NSWSC 367.	
6.05.11	Appellant and the co-accused applied to the New South Wales Court of Criminal Appeal (Tobias AJA, Johnson and Hall JJ) ("Court of Criminal Appeal") for leave to appeal against the judgment of Simpson J pursuant to <i>Criminal Appeal Act</i> s.5F.	
24.05.11	Court of Criminal Appeal granted leave to appeal but dismissed the appeal: (2011) NSWCCA 119.	
27.05.11	Bell J ordered that the application be expedited and heard on 6 June 2011.	
30.05.11	Appellant (the co-accused on 26 May 2011) filed an application for special leave to appeal with the High Court of Australia ("High Court") against the judgment of the Court of Criminal Appeal given on 24 May 2011.	
6.06.11	The High Court (Gummow and Bell JJ) refused special leave primarily on the basis the Court was reluctant to intervene in a criminal trial by granting special leave to appeal against interlocutory decisions: <i>Abibadra v The Queen</i> ; <i>Jandagi v The Queen</i> ; <i>Zerafa v The Queen</i> ; <i>Agius v The Queen</i> [2011] HCATrans 171 (15 June 2011).	
5.03.12	Amended indictment presented to the jury. Appellant and the co-accused plead not guilty. The trial commences in the Supreme Court before Simpson J.	
31.06.12	Jury returns a verdict of guilty in respect of each of the two counts against the appellant and one of the other accused Mr Kevin Zerafa. The jury was unable to reach agreement in respect of the other two accused (Carol Abibadra and Deborah Judith Jandagi).	
23.08.12	Appellant was sentenced by Simpson J in the Supreme Court to imprisonment for 8 years and 11 months with a	

	non-parole period of 6 years and 8 months.	
12.09.12	Appellant filed a second application with the High Court for special leave to appeal against the judgment of the Court of Criminal Appeal given on 24 May 2011.	
15.02.13	Special leave to appeal granted by the High Court (Heydon and Bell JJ).	
27.02.13	Notice of intention to appeal filed in the High Court.	

Dated 22 March 2013

I.M Barker QC

P.R Coady



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