

ADELAIDE OFFICE OF THE REGISTRY

ON APPEAL FROM THE FULL COURT OF THE SUPREME COURT OF SOUTH AUSTRALIA

10 BETWEEN:



ALEX ALLEN

Appellant

- and -

DANIELLE LOUISE CHADWICK

Respondent

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RESPONDENT'S RESPONSE TO THE APPELLANT'S CHRONOLOGY

The respondent's alternative propositions are set out in italics within the table below

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Date	Event	Reference
9 March 1979	Mr Allen born.	T3118.7
4 August 1985	Ms Chadwick born.	T59.5
28 January 2002	Ms Chadwick's daughter Hope born.	T97.3
Early 2003	Ms Chadwick and Mr Allen meet and form a relationship.	T88.38-T89.1 T3119.28
10 March 2007	Ms Chadwick, Mr Allen and Hope depart their home in Stirling in the Adelaide Hills for a holiday on the Yorke Peninsula. They spend their first night in a car park in Port Pirie.	FC [76]
11 March 2007 (mid-morning)	Allen makes contact with his school friend Mr Martlew and the parties travel to the outskirts of Port Pirie to visit him. Mr Allen, Ms Chadwick, Hope, Mr Martlew and Mr Martlew's two children leave Port Pirie in Mr Martlew's car and head towards the Yorke Peninsula. Mr Martlew is driving.	P61 Martlew police statement [FC] 77

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10	<p>At some stage after their departure from Port Pirie, Mr Allen commences consuming pre-mixed alcoholic drinks contained in an esky in the rear cargo area of the car. Allen and Mr Martlew continue to [<i>drink</i>] steadily thereafter during the course of the journey to Kadina via Port Broughton, Wallaroo and Port Victoria. For some of the journey, Ms Chadwick passes cans of drink to Mr Allen from the esky in the car.</p> <p><i>Mr Allen's memory of the day overall was patchy, with no recollection at all after they visit the playground. He conceded in cross examination that his evidence was the subject of reconstruction.</i></p> <p><i>Mr Allen and Mr Martlew did not begin drinking until they arrived at Kadina.</i></p> <p><i>Ms Chadwick denied that she passed drinks to Mr Allen or Mr Martlew whilst they were in the car and the trial judge made no finding on that issue.</i></p>	<p>T3162.7-17 T4547.1, T3168.20, T3168.4 T3169.13, T3169.24 T4554.17-31</p> <p>TJ [6] FC [6]</p> <p>T3550.9-10, T3558.6-7, T3561.28-32 (Allen)</p> <p>T4551.12-14(Martlew)</p> <p>T1361.32-34(Chadwick)</p>
20	<p>At Kadina, the group attend a Field Day together. Mr Allen and Mr Martlew continue to drink pre-mixed cans from the esky.</p> <p><i>At the Field Day, Mr Allen and Mr Martlew did their own thing whilst Ms Chadwick was with the children.</i></p>	<p>T3171.17-30 T3172.36 T4551.20 T4551.29 T4551.37 P26 Lovell police statement (containing interview with Allen)</p> <p>T1361.15-20 (Chadwick) T 4586.38-4587.3 (Martlew)</p>
30	<p>The group spend approximately one hour at the Field Day in Kadina before departing for Wallaroo. Mr Allen consumes another can of pre-mixed alcohol. Ms Chadwick assumes the role of driver due the men having been drinking.</p>	<p>P26 Chadwick police statement T3171.33 T4551.15 TJ [7]</p>
40	<p>Upon arriving in Wallaroo, they all go to the beach and play with the children as a group. Both Mr Allen and Mr Martlew continue drinking.</p> <p><i>On the beach Ms Chadwick was building sandcastles and looking for shells with the children whilst Mr Allen and Mr Martlew were some distance away.</i></p>	<p>P61 Martlew police statement T3173.32 T4552.25 TJ [5]</p> <p>T1361.10-14, 1361.37-1362.3 T1366.26-38, T1367 (Chadwick) T4584.13-4585.6 (Martlew)</p>
50	<p>Approximately mid afternoon, the group moves on to the pub in Wallaroo where Mr Allen orders spirit mixers at the front bar. They are together as a group with the children.</p> <p><i>Ms Chadwick was 'in and out' of the bar, playing arcade games with the children and ordering food and drinks for</i></p>	<p>P61 T3174.32-34 T4553.2-7 T3176.12-15 T4552.21</p> <p>T 130.27- T1367 (Chadwick)</p>

	<p><i>them.</i></p> <p><i>Mr Allen and Mr Martlew spent some time playing the pokies.</i></p>	<p><i>T4584-4585.6 (Martlew)</i></p> <p><i>T1367.14-16</i> <i>T1369.14-16 (Chadwick)</i></p>
	<p>The group departs Wallaroo at approximately 4.00pm. Ms Chadwick drives to Port Victoria.</p>	<p>P61 Martlew police statement P26 Chadwick police statement</p>
10	<p>The group arrives at Port Victoria late in the afternoon and head to the local hotel where they book two adjacent rooms and Mr Allen and Mr Martlew consume more drinks, including shots. They all mingle together over dinner.</p> <p><i>Ms Chadwick took the children to the playground before having dinner at the Hotel. She did not spend any prolonged time just sitting with Mr Allen and Mr Martlew.</i></p>	<p>P61 T3178-T3179 T4555 FC [7]</p> <p><i>T131.14- T132.1(Chadwick) T4585.27-30 T4587.7-9 (Martlew)</i></p>
20	<p>Once it starts getting dark, the adults take the children to a nearby playground. Mr Allen falls off a see-saw which he attributes to his intoxication.</p> <p><i>Ms Chadwick gave evidence that she did not see Mr Allen fall from the see-saw. Mr Martlew gave no evidence on this issue.</i></p>	<p>T3180.6-21 T4585.26 TJ [9] FC [7]</p> <p><i>T1371.28-31 (Chadwick)</i></p>
30	<p>Ms Chadwick returns to the rooms and puts the children to bed. At approximately 9.30 pm or thereabouts, she joins Allen and Martlew who are drinking in the front bar of the hotel.</p> <p><i>Evidence of the time that Ms Chadwick returned to the bar was quite imprecise.</i></p> <p><i>On her return to the bar, Ms Chadwick assisted Ms Kneebone to 'pack up'.</i></p>	<p>P26 Chadwick police statement P26 Kneebone police statement P61 Martlew police statement TJ [9] FC [78]</p> <p><i>TJ [9]</i></p> <p><i>T133.2-8 TJ[11]</i></p>
40	<p>Between 11.40 pm and 12.15 am, the bar manager Ms Karen Kneebone calls "last drinks". Mr Allen and Martlew order one more drink each and Mr Allen skolls his drink in Ms Chadwick's presence.</p> <p><i>Ms Chadwick and Mr Martlew left the bar and waited outside for Mr Allen. They did not observe him skoll his drink.</i></p>	<p>P26 Kneebone police statement TJ [11]</p> <p><i>T1459.23-28 (Chadwick) T4559.31-34 (Martlew)</i></p>
	<p>12 March 2007</p> <p>The adults then return to their rooms and continue socialising. Mr Allen and Mr Martlew engage in loud horseplay.</p>	<p>TJ [12] T133.10-15 T1461.32 T4560.15</p>
50	<p>Between 1.30 am and 2.00 am, the adults decide to go for a drive to look for cigarettes. The three children are left in the hotel room. Ms Chadwick is designated as the driver.</p>	<p>TJ [12] FC [10], [78]</p>

10	<p>Ms Chadwick drives the vehicle around the township and environs before stopping the vehicle on the side of Wauraltee Road at a point 500-600 metres from the Hotel in order to urinate behind some bushes.</p> <p><i>Ms Chadwick drove for some 10-15 minutes leaving the township and ending up in the middle of nowhere. She gave evidence that she drove for some distance in one direction, turning around when directed to by Mr Allen and Mr Martlew then driving for some time before pulling over to the side of the road to urinate.</i></p>	<p>TJ [16] FC [10], [12]</p> <p><i>TJ135.24-33 (Chadwick) T4589.14-24 (Martlew) TJ[14] FC[79],[96],[109]</i></p>
20	<p>Mr Allen subsequently assumes the driver's position and Ms Chadwick enters the back seat. After travelling a distance of approximately 650m, Allen loses control of the vehicle and collides with a tree. Chadwick is ejected from the vehicle in the process.</p> <p><i>Mr Allen drove erratically back into the town (the engine was revving, wheels spinning) performing a 'burnout' at the U turn at Lawhill Street and losing control (gravel spraying) at the curve onto Wauraltee Road.</i></p>	<p>TJ [16] FC [12]-[14], [135]</p> <p><i>TJ[168] FC[156]</i></p>

Dated: 13 August 2015

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