

IN THE HIGH COURT OF AUSTRALIA
ADELAIDE REGISTRY



No A16 of 2016

BETWEEN

DAVID ZEFI

Appellant

and

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

APPELLANT'S CHRONOLOGY

Part I: Certification

1 These submissions are in a form suitable for publication on the internet.

Part II: Chronology

2 In the chronology the following abbreviations are used:

- (a) AF — Statement of Agreed Facts
- (b) SU — Summing Up
- (c) Tr — Transcript

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No	Date	Time	Event	Reference
1	7 Aug 2014		Jury empanelled.	AF [2]
2	17 Sep 2014	11:11am	Jury retires to consider its verdict.	AF [3]
3	22 Sep 2014	2:27pm	Jury returns and delivers verdicts of not guilty of murder and guilty of manslaughter in respect of each Defendant. No member of the jury indicates any dissent from or dissatisfaction with any of the verdicts.	AF [5]-[6] SU 175-6
4	22 Sep 2014	2:34pm	Vanstone J discharges the jury. Jury leaves court room and disperses. <i>Allocutus</i> read to each accused in relation to manslaughter.	AF [7] SU 177
5	22 Sep 2014	2:55pm	Vanstone orders the Court adjourned. Court rises.	AF [7]

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No	Date	Time	Event	Reference
6	22 Sep 2014	About 4:00pm	The person who had acted as the foreperson of the jury, acting alone and not with or in consultation with any of the other jurors, telephones Allen Eggen, Jury Support Officer and advises that he is coming to see Michael Moro, Acting Jury Manager, about an undisclosed issue.	AF [8]
8	22 Sep 2014	4:50pm	The foreperson, acting alone and not with or in consultation with any of the other jurors, meets with the Acting Jury Manager.	AF [9]
9	22 Sep 2014	5:10pm	Acting Jury Manager informs Steve Ferguson, Acting Sheriff, of "an issue in relation to the verdicts".	AF [10]
10	23 Sep 2014	Morning	Acting Sheriff attempts to contact Vanstone J "to seek direction" but her Honour is unavailable. Acting Sheriff contacts the Chief Justice, who advises him to request that the foreperson attend the Acting Sheriff's Office and to provide a signed statement. Acting Sheriff does so.	AF [11]
11	23-29 Sep 2014		Acting Sheriff meets with and speaks to all other jurors and obtains signed statements in the form of interrogatories asking seven questions (some with sub-parts) of each juror.	AF [12]
12	29 Sep 2014		Acting Sheriff prepares Memorandum to Vanstone J.	AF [13]
13	30 Sep 2014		Ms Bonnie Russell, Vanstone J's associate, affirms affidavit.	AF [13]
14	30 Sep 2014	3:00pm	Vanstone J's associate advises parties by email enclosing Memorandum of Acting Sheriff prepared dated 29 th September 2014 and affidavit sworn by Vanstone J's associate on 30 th September 2014.	AF [13]

No	Date	Time	Event	Reference
15	2 Oct 2014	10:05am	<p>Submissions made to Vanstone J in closed court relating to the provision of Memorandum of Acting Sheriff affidavit sworn by Vanstone J's associate. Senior Counsel for the defendant Jakaj (Mr Boucaut QC) seeks prosecution's indication that it will not apply to have verdicts set aside or varied, before proceeding to sentencing submissions. Senior Counsel for the prosecution (Mr Pearce QC) says that he needs to take instructions as to what the prosecution might do. Vanstone J states that "the matter is really out of my hands". Senior Counsel for the prosecution (Mr Pearce QC) states that he has come to the view that "the jury is probably <i>functus officio</i>" and that Vanstone J "no longer has a residual discretion to try and remedy any such defect". Vanstone J indicates that she proposes to proceed to hear sentencing submissions and to sentence. Mr Pearce QC agrees to that course.</p> <p>Sentencing submissions are made in open court.</p>	AF [14] Tr 3-7
16	7 Oct 2014	12:03pm	Vanstone J sentences Defendants. No submissions made in relation to the issue raised by the foreperson.	AF [15] Sentencing Remarks Reports of Prisoners Tried
17	7-10 Oct 2014		Vanstone J and Clerk of Arraignment sign Report of Prisoner Tried in respect of each defendant	AF [16] Reports of Prisoner Tried

No	Date	Time	Event	Reference
18	7 and 13 Oct 2014		The defendants HN and Stakaj respectively file appeals against their convictions for manslaughter.	Notices of Appeal
19	16 Jan 2015		Director of Public Prosecutions files application to set aside the verdicts, and supporting affidavit of Ryan Michael Williams, junior counsel for the prosecution at trial.	Application
20	11 Feb 2015		In the face of opposition from the appellant Zefi, Sulan J orders the Registrar of the Supreme Court to obtain affidavits from each of the persons who acted as jurors.	Judgment of Gray and Sulan JJ at [70]
21	24 Feb – 3 Mar 2015		Affidavits are obtained from each person who acted as a juror.	Jurors' Affidavits
22	5 Mar 2015		Director of Public Prosecutions files application for Full Court to require trial judge to reserve questions of law for the consideration of the Full Court pursuant to s 350(6) of the <i>Criminal Law Consolidation Act 1935</i> (SA) and consequential orders that the judgments of acquittal in respect of the charge of murder be set aside.	Application Judgment of Gray and Sulan JJ at [54]
23	6 Mar 2015		The affidavits obtained from jurors are provided to counsel.	Judgment of Gray and Sulan JJ at [70]

15 April 2016



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