

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

No. S 144 of 2012

BETWEEN:

ROSEANNE BECKETT
Applicant

AND:



THE STATE OF NEW SOUTH WALES
Respondent

APPLICANT'S CHRONOLOGY

Filed on behalf of the Applicant by
Turner Freeman
Lawyers
Level 13
39 Martin Place
SYDNEY NSW 2000

Dated: 26 October 2012
Tel: (02) 8222 3333
Fax: (02) 8222 3349
Ref: Terence Goldberg:126985
Email: tlg@turnerfreeman.com.au

Part I: Internet Publication

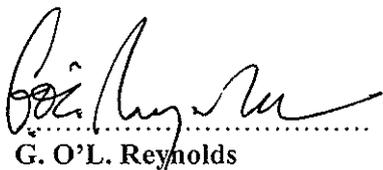
This chronology is suitable for publication on the Internet.

Part II: List of Principal Events

| Date | Event | Reference |
|-------------------|---|-----------------------------|
| 24 August 1989 | The applicant ("Beckett") was arrested and charged with various offences. | [2011] NSWSC 818 at [4] |
| 14 May 1990 | Committal proceedings commenced in Taree Local Court in relation to the indictable offences. | [2011] NSWSC 818 at [4] |
| 27 July 1990 | Magistrate Evans ordered Beckett to stand trial in the NSW Supreme Court in relation to a number of matters which subsequently formed 9 counts in an indictment. | [2011] NSWSC 818 at [5]-[6] |
| 7 May 1991 | Beckett stood trial in relation to the 9 counts above before her Honour Justice Mathews and a jury in the Supreme Court of New South Wales. | [2011] NSWSC 818 at [7] |
| 11 September 1991 | The jury returned verdicts of guilty in relation to counts 1, 2, 3, 4, 6, 7 and 9 and an alternative guilty verdict in relation to count 5. The jury returned a verdict of not guilty in relation to count 8. | [2011] NSWSC 818 at [7] |
| 18 October 1991 | Beckett was sentenced to a total term of imprisonment of 12 years 3 months with a non-parole period of 10 years 3 months. | [2011] NSWSC 818 at [7] |
| 10 June 1993 | The New South Wales Court of Criminal Appeal dismissed Beckett's appeal from her convictions and sentence: (1993) 68 A Crim R 189 | [2011] NSWSC 818 at [8] |
| Early 2001 | Beckett petitioned the Governor, pursuant to s.474B of the <i>Crimes Act</i> 1900 (NSW), seeking a review of her convictions on the eight counts on which she had been found guilty. | [2011] NSWSC 818 at [9] |
| 24 July 2001 | The Attorney General referred the matter to the Court of Criminal Appeal pursuant to s.474C(1)(b) of the <i>Crimes Act</i> 1900 (NSW). | [2011] NSWSC 818 at [9] |
| 7 December 2001 | Beckett filed a notice of appeal in the Court of Criminal Appeal. | [2011] NSWSC 818 at [10] |
| 12 July 2002 | The Court of Criminal Appeal ordered that the factual issues in the appeal be remitted to a judge pursuant to s.12(2) of the <i>Criminal Appeal Act</i> 1912 (NSW). The matter was allocated to Davidson ADCJ for the determination of factual matters. | [2011] NSWSC 818 at [10] |

| | | |
|-------------------|--|--|
| 27 July 2004 | Davidson ADCJ delivered his findings. | [2011] NSWSC 818 at [10] |
| 17 August 2005 | <p>The Court of Criminal Appeal delivered judgment allowing the appeal in part: see <i>R v Catt</i> [2005] NSWCCA 279. The Court made the following orders:</p> <ul style="list-style-type: none"> (i) Uphold the appeal in relation to counts 1, 2, 5, 6, 7 and 9 and quash each conviction. (ii) Enter a verdict of acquittal on count 9. (iii) Order that there be a new trial in relation to counts 1, 2, 5, 6 and 7. (iv) Dismiss the appeal in relation to counts 3 and 4. (v) The Appellant's bail is to continue. (vi) Reserve liberty to apply. | [2011] NSWSC 818 at [10] |
| 22 September 2005 | The Director of Public Prosecutions (DPP) directed that there be no further proceedings against Beckett on all the outstanding charges. | [2011] NSWSC 818 at [13] |
| 26 September 2005 | A form from the office of the DPP headed "Particulars of no further proceedings submission to the Director" was prepared by one Ms Asplet within the Office of the DPP. The document was forwarded to the Court of Criminal Appeal Registry. | [2011] NSWSC 818 at [13] [2012] NSWCA 144 at [18] |
| 26 September 2005 | Ms Asplet wrote to Beckett on the letter head of the Office of the DPP advising that the DPP had decided to proceed no further with the charges of malicious wounding, perjury, attempt to cause noxious thing to be taken and two counts of solicit to murder. | [2011] NSWSC 818 at [13] [2012] NSWCA 144 at [19] |
| 15 August 2008 | Beckett instituted proceedings against the State of New South Wales seeking damages for the tort of malicious prosecution. | |
| 16 May 2011 | <p>The State of New South Wales filed a Notice of Motion seeking a separate determination in relation to the following questions:</p> <ul style="list-style-type: none"> A. With respect to each of the counts 1, 2, 5, 6 and 7, for which the plaintiff was tried: <ul style="list-style-type: none"> i. Accepting that the proceedings terminated in favour of the plaintiff, to the extent that the plaintiff's claim for malicious prosecution is based upon each of these counts, does the plaintiff need to prove her innocence in relation to each count to succeed? B. With respect to count 9 for which the plaintiff was tried: <ul style="list-style-type: none"> i. To the extent that the plaintiff's claim for malicious prosecution is based upon this count, does the plaintiff need to prove her innocence of the charge? | [2011] NSWSC 818 at [2] |

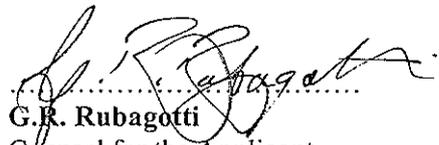
| | | |
|-------------------|---|--------------------------|
| 5 August 2011 | The primary Judge (Davies J) answers the questions for separate determination as follows: A. Yes. B. No. | [2011] NSWSC 818 at [72] |
| 23 August 2011 | Beckett filed a summons seeking leave to appeal against the primary judge's answer to Question A. | [2012] NSWCA 144 at [6] |
| 16 September 2011 | The State of NSW filed a summons seeking leave to cross-appeal against the primary judge's answer to Question B. | [2012] NSWCA 144 at [6] |
| 20 March 2012 | The applications for leave and the appeals were heard concurrently by the NSW Court of Appeal. | [2012] NSWCA 144 at [6] |
| 2 May 2012 | The NSW Court of Appeal granted Beckett leave to appeal, and the State of NSW leave to cross-appeal, and dismissed both the appeal and the cross-appeal, in each case with costs. | [2012] NSWCA 144 at [6] |
| 30 May 2012 | Beckett files application for special leave to appeal to the High Court. | |
| 5 October 2012 | Beckett's application for special leave to appeal was referred to the Full Bench. | |



G. O'L. Reynolds
Counsel for the Applicant
Tel: (02) 9232 5016
Fax: (02) 9233 3902
E: guyreynolds@sixthfloor.com.au



S. Nixon
Counsel for the Applicant
Tel: (02) 9221 0272
Fax: (02) 9233 3902
E: snixon@sixthfloor.com.au



G.R. Rubagotti
Counsel for the Applicant
Tel: (02) 9235 1008
Fax: (02) 9235 2342
E: rubagotti@selbornechambers.com.au

10 Dated: 26 October 2012