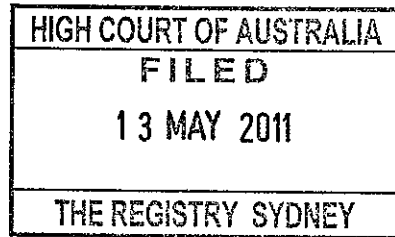


BETWEEN:

**BRETT ANDREW GREEN
Appellant**

and

**THE QUEEN
Respondent**



No. S143 of 2011

BETWEEN:

**SHANE DARRIN QUINN
Appellant**

and

**THE QUEEN
Respondent**

APPELLANTS' JOINT CHRONOLOGY

Part I:

We certify that the chronology is in a form suitable for publication on the Internet.

Part II:

**01.07.07-
08.05.08**

The period of the offence of the appellant Green.

**01.07.07-
01.05.08**

The period of the offence of the appellant Quinn

01.01.08

Commencement of standard non parole period of 10 years for instant offences, with retrospective application.

30.04.08

Date appellants charged with subject offences.
The appellant Quinn remanded in custody, the appellant Green released to bail.

25.05.08

Kodie Taylor arrested and remanded in custody.

14.11.08

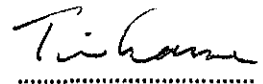
Kodie Taylor released to bail.

- 19.03.09** Kodie Taylor pleaded guilty to one count of supply a commercial quantity of cannabis.
- 01.06.09** Acting Judge Boulton imposed the following sentence on Kodie Taylor: 3 years imprisonment with a non-parole period of 18 months, backdated to commence on 09.12.08.
- 20.07.09** The appellants entered pleas of guilty in the NSW District Court at Port Macquarie to the cultivation of a large commercial quantity of cannabis. The appellant Quinn asked that three further offences be taken into account on his sentence pursuant to s32 *Crimes (Sentencing Procedure Act 1999* (Form One).
- 14.08.09** Acting Judge Boulton imposed the following sentences:
- (1) The appellant Green to serve 4 years imprisonment with a non-parole period of 2 years from 17 May 2009.
- (2) The appellant Quinn to serve 6 years imprisonment with a non-parole period of 3 years from 30 April 2008.
- 18.09.09** Crown filed Notices of Appeal against the inadequacy of the sentences of both Green and Quinn.
- 24.09.09** Commencement of s68A *Crimes (Appeal and Review) Act 2001* (inserted by the *Crimes (Appeal and Review) Amendment (Double Jeopardy) Act 2009*). Section 68A provides that double jeopardy in the respondent being sentenced again is not to be taken into account in prosecution appeals against sentence. Section 16 of Schedule 1 provides that s68A applies to appeals “*commenced but not finally determined before the insertion of the section*”.
- 9.12.09** Hearing of *R v JW* and *R v Carroll* on nature and effect of s.68A on pending appeals. Both matters reserved.
- 17.12.09** First hearing date for the appeals vacated pending delivery of reserved judgments in *JW* and *Carroll*.
- 04.03.10** Second hearing date for the appeals vacated pending delivery of reserved judgments in *JW* and *Carroll* and the hearing of the special leave application in *GSH v The Queen* relating to the transitional provisions for the commencement of standard non parole period provisions and in order to determine whether to sit a five judge bench to resolve the differences between *R v McIvor* (2002) 136 A Crim R 366 and *R v Harmouche* (2005) 158 A Crim R 357 on the issue of the approach to parity considerations in Crown appeals.
- 12.03.10** Special leave refused in *GSH v The Queen* [2010] HCA Trans 64.

- 22.03.10** Judgment delivered in *R v JW* (2010) 199 A Crim R 486.
- 01.04.10** Judgment delivered in *R v Carroll, Carroll v R* (2010) 267 ALR 57.
- 12.07.10** Consequent on judgment in *JW*, Crown Amended Notice of Appeal filed.
- 13.07.10** Appellant Green attained C3 classification.
- 24.07.10** Appellant Green released to first day release.
- 29.07.10** Crown Further Amended Notice of Appeal filed.
- 29.07.10** Appellant Quinn on duties including those outside the main gaol.
- 30.07.10** The Crown appeal against sentences of both appellants heard by Court of Criminal Appeal ('CCA'), judgment reserved.
- 17.12.10** CCA delivered judgment in *R v Green and Quinn* [2010] NSWCCA 313 and ordered:
- In relation to the appellant Green- Crown appeal upheld, a new sentence of imprisonment of 5 years with a non-parole period of 3 years dating from 17 May 2009 imposed;
- In relation to the appellant Quinn- Crown appeal upheld, a new sentence of 8 years imprisonment with a non-parole period of 5 years dating from 30 April 2008 imposed.
- 10.01.11** Special leave application filed by the appellant Green.
- 18.02.11** Special leave application filed by the appellant Quinn.
- 11.03.11** Further hearing before same five judge bench of CCA on question of whether the orders made on 17.12.10 were amenable to being varied or amended and if so, whether they should be varied or otherwise amended.
- 08.04.11** Special leave to appeal granted to both appellants.
- 15.04.11** CCA delivered further judgment and refused to vary or otherwise amend the orders made by it on 17.12.10: *R v Green and Quinn* [2011] NSWCCA 313.
- 29.04.11** The date the appellant Quinn was eligible for parole under the original sentence.
- 16.05.11** The date the appellant Green was first eligible for parole under the original sentence.

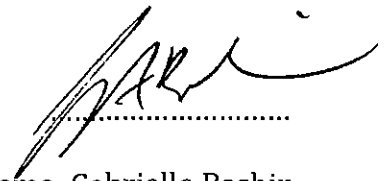
- 16.05.12** The date the appellant Green is currently eligible for parole.
- 29.04.13** The date the appellant Quinn is currently eligible for parole.
- 16.05.13** The date the original sentence imposed on the appellant Green would have expired.
- 29.04.14** The date the original sentence imposed on the appellant Quinn would have expired.
- 16.05.14** The date the sentence imposed on the appellant Green by the CCA expires.
- 29.04.16** The date the sentence imposed on the appellant Quinn by the CCA expires.

Dated 12 May 2011



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