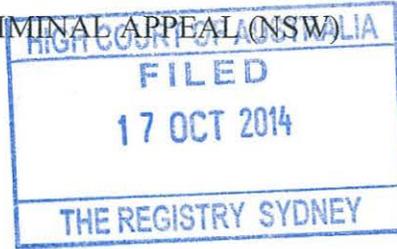


ON APPEAL FROM THE COURT OF CRIMINAL APPEAL (NSW)

BETWEEN:



**CMB**  
Appellant

and

**THE ATTORNEY GENERAL FOR NEW SOUTH WALES**  
Respondent

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### APPELLANT'S CHRONOLOGY

#### Part I: Certification

20 1 I certify that this chronology is in a form suitable for publication on the internet.

#### Part II: Principal Events

24.05.11 Appellant's daughter (the complainant) made allegations of sexual and indecent assault against the appellant.

27.10.11 Appellant charged with a number of offences ("the initial charges").

30 9.08.12 DPP applied to have the initial charges remitted from the District Court to the Local Court for referral to the Pre-Trial Diversion of Offenders Program (the Program) established under the *Pre-Trial Diversion of Offenders Act 1985* (the Act).

23.08.12 DPP referred appellant for assessment for suitability for the Program.

24.08.12 Program director advised that there was a place available for the appellant in the Program.

40 The appellant commenced an eight week assessment for the Program.

1.09.12 *Pre-Trial Diversion of Offenders Regulation 2005* was repealed.

5.10.12 Appellant disclosed previously unknown offending against the complainant during assessment for the Program.

- 9.10.12 Appellant resolved to disclose the previously unknown offending to the police.
- 10.10.12 Appellant called his solicitor for advice.
- 31.10.12 Appellant contacted his solicitor and arranged to go to the police.
- 10 2.11.12 Appellant reported his previously unknown offending to the police, was arrested, participated in an ERISP in relation to this conduct and was subsequently charged with the subject offences.
- 7.11.12 Program Director advised that the appellant was suitable for the Program.
- 14.11.12 Appellant entered into a Treatment Agreement and commenced the Program.
- 23.11.12 Appellant pleaded guilty to the “first set” of offences and the subject offences in the NSW Local Court and was committed for sentence.
- 20 31.01.13 Appellant entered, for the first set of offences, into an Undertaking before Ellis SC DCJ pursuant to the Act to participate in the Program for 2 years from 14 November 2012.
- Ellis DCJ heard submissions on sentence for the subject offences and adjourned to 4 April 2013. DPP supported good behavior bonds being imposed.
- 30 4.04.13 Ellis DCJ sentenced the appellant for the subject offences to concurrent good behaviour bonds pursuant to s9 *Crimes (Sentencing Procedure) Act* 1999, conditioned on the completion of the Program. The good behaviour bonds imposed on the four s61J offences were 3 years in length and for the s61M offences were 2 years in length.
- 17.07.13 DPP determined and advised that he would not appeal the sentence imposed on the appellant for the subject offences.
- 18.07.13 Crown Solicitor wrote to appellant informing him that the Attorney General was considering whether or not to appeal against his sentence.
- 40 26.07.13 Respondent filed a notice of application for leave to appeal to the NSW Court of Criminal Appeal.
- 6.08.13 Respondent filed a notice of appeal to NSW Court of Criminal Appeal.

- 10.12.13 NSW Court of Criminal Appeal heard the respondent's appeal against the appellant's sentence. Judgment was reserved.
- 19.03.14 NSW Court of Criminal Appeal delivered judgment *R v CMB* [2014] NSWCCA 5. Proper sentences said to be 9 mths imprisonment with a non parole period of 6mths for the s61M offence and for each s61J offence, 3 years with a non parole period of 2 years. The s61M offence was said to have appropriately run concurrently with one of the s61J offences and the remainder said to require some accumulation: CCA [101]. Appellant resented to an aggregate sentence of 5 years and 6 months imprisonment commencing on 19 March 2014 with a non-parole period of 3 years: CCA [111]
- Appellant taken into custody and commences serving sentence of imprisonment.
- 29.04.14 Appellant filed application for special leave to appeal to the High Court.
- 12.09.14 High Court constituted by French CJ and Gaegler J granted special leave to appeal.
- 13.11.14 Date the appellant would have completed the Program.
- 3.04.15 Date the original sentence imposed on appellant for the s61M offence would have expired.
- 3.04.16 Date the original sentence imposed on the appellant for the s61J offences would have expired.
- 19.03.17 Date the appellant is first eligible for parole under the aggregate sentence imposed by the NSW Court of Criminal Appeal.
- 18.09.19 Date the aggregate sentence imposed on the appellant by the NSW Court of Criminal Appeal expires.

Dated: 17 October 2014



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