



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 08 Aug 2022 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

Details of Filing

File Number: A14/2022
File Title: Mitchell v. The Queen
Registry: Adelaide
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
Date filed: 08 Aug 2022

Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

IN THE HIGH COURT OF AUSTRALIA:

A14 of 2022

ADELAIDE REGISTRY

BETWEEN:

BENJAMIN JOHN MITCHELL

Appellant

10

And

THE QUEEN

Respondent

APPELLANT'S CHRONOLOGY

Part I: Certification

- 20
1. The appellant certifies that the submission is in a form suitable for publication on the internet.

Part II: The Events

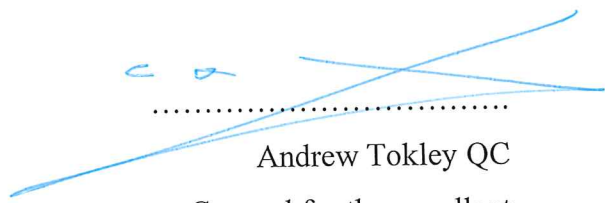
2. On 8 October 2018, Mitchell travelled with others from Murray Bridge to Adelaide around 10.30pm - See JCAB P86 L14-16 (Summing Up P78).
3. Mitchell and the others arrived in Adelaide around 11pm – See JCAB P86 L17-19 (Summing Up P78).
4. At 11.13pm a light-coloured sedan, consistent with the white Commodore driven by Rigney, is seen on CCTV footage driving towards Carousel Street – see JCAB P88 L12 (Summing Up P80).
- 30 5. At approximately 11.30pm, it is shown by telephone tower evidence that, the position of the mobile phones of Howell and each of the appellants (except Tenhoopen) converged to an area near the grow-house – see JCAB P86 L22-25 (Summing Up P78).

6. At approximately 12.06am, CCTV footage shows what appears to be one of five men carrying a stick or bat – see JCAB P92 L5 (Summing Up P84).
7. At 17 Lorraine Avenue, there was an open building site with a number of unsecured bricks which were indistinguishable from a number of half bricks that were left in the grow-house and later found by police – see JCAB P347 L33-35 (Judgment P5).
8. On 9 October 2018, at approximately 12.15am, five persons appear on CCTV footage walking together along Lorraine Avenue, Para Vista in the direction of the grow-house – see JCAB P347 L26-29 (Judgment P5).
- 10 9. At approximately 12.28am, the persons either enter or exit the premises of the grow-house – see JCAB P92 L14 (Summing Up P84).
10. It is alleged that the deceased was violently assaulted by one or more of the appellants. The deceased later died as a result – JCAB P348 L4-6 (Judgment P6).
11. The cannabis was then taken from the grow-house and loaded into two cars, and driven away – see JCAB P93 L10 (Summing Up P85).
12. On 9 October 2018, the deceased's car was abandoned at Gilbert Street, after the cannabis was transferred to Mitchell's car. The police later searched the deceased's car and found remnants of cannabis throughout – see JCAB P348 L19-22 (Judgment P6).
- 20 13. On 9 October 2018 at about 2am, the cars returned to Murray Bridge – see JCAB P87 L6 (Summing Up P79).
14. On 9 October 2018, police later located some of the stolen cannabis which contained pieces of yellow tape. Pieces of this yellow tape was also located at the premises of Carver. A scientist from the Forensic Centre found the two batches of yellow tape to be distinguishable – see JCAB P348 L35-37 and P349 L1-2 (Judgment P6-7).
15. On approximately 15 October 2018, Mitchell travelled by car to Queensland – see JCAB P301 L10 (Sentencing P4).
- 30 16. On 19 November 2018 Mitchell was arrested - see JCAB P301 L14 (Sentencing P4).
17. The Trial was conducted between 14 September 2020 to 22 October 2020 - see Trial Transcript P1 L25; Summing Up P1 L4.

18. The date of conviction was on 29 October 2020 – see JCAB P294-297 L2
(Summing Up P286-P289).

Dated: 5 August 2022

10



Andrew Tokley QC
Counsel for the appellant
Telephone: (08) 8228 0000
Mobile: 0416 054 029
Email: andrew.tokley@5wentworth.com
atokley@anthonymasonchambers.com.au