



HIGH COURT OF AUSTRALIA

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Details of Filing

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Registry: Brisbane
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Filing party: Respondent
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Important Information

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IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

No. 57 of 2022

BETWEEN:

THOMAS CHRIS LANG
Appellant

and

THE QUEEN
Respondent

RESPONDENT'S OUTLINE OF ORAL SUBMISSIONS

Part I: Certification

1. The respondent certifies that this submission is in a form suitable for publication on the internet.

Part II: Outline of propositions to be advanced in oral argument

Ground One

2. The terms of the Court of Appeal's judgement demonstrate it independently assessed the evidence in this circumstantial case and, after weighing all the circumstances, concluded it did not entertain a reasonable doubt. Consequently, it was open to the jury to find the applicant guilty beyond reasonable doubt of murder. There is no significant risk an innocent person has been convicted.
3. The correctness of the Court of Appeal decision is illustrated by the following aspects of the evidence:
 - A reliable body of evidence that demonstrated Mrs Boyce's personal circumstances on the night of her death were typical, which included planning for her future.
 - A reliable body of evidence concluding that her long-standing mental health issues had been navigated by her without suicidal intention at any time proximate to her death.
 - The physical health (arthritis) and attributes of Mrs Boyce (being right-handed) being inconsistent with her use of the knife to kill herself.
 - That the injuries occasioned to Mrs Boyce were unlikely the result of self-infliction;
 - The appellant's narrative of events sought to impugn the behaviour of Mrs

Boyce on the night of her death such that it made it more likely that she could commit suicide. His interview demonstrated lies and discrepancies as to credit, which served to undermine his narrative of the events.

- The powerful motive advanced in the trial, that of resultant jealousy after viewing messages on Mrs Boyce's phone shortly before her death, supported the appellant's intention to kill Mrs Boyce.
4. The Court of Appeal was correct to conclude that the lies told by the appellant with respect to the conduct and disposal of the phone demonstrated a consciousness of guilt to the offence of murder, such that he would seek to conceal his motivation for the killing.
 5. The circumstantial evidence identified, in conjunction with the lies demonstrating a consciousness of guilt, was sufficient to exclude the alternative hypothesis that Mrs Boyce committed suicide.

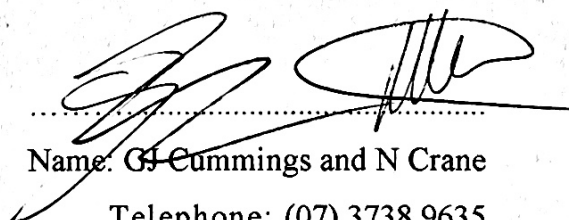
Ground Two

6. Dr Ong's opinion was a relatively small part of the prosecution's case. Nonetheless, he opined (based on his experience), it was more probable the wound was inflicted by a second person. Notably, the jury were alive to the assertion within that opinion that he *could not* exclude self-infliction.
7. Dr Ong's opinion was formulated on the basis of his expertise as a pathologist, which included experience in stab wounds, occurring both as a result of infliction by a second person and self-inflicted.
8. In formulating his opinion, Dr Ong explained the foundational facts in forming that opinion. The jury were capable of analysing the strength or weakness of those foundational facts in their assessment of his opinion.
9. The factors raised by the appellant go to the weight of that evidence and not admissibility.

Correction of Written Submission

10. Footnote 23 on page 3, substitute: "184.3" for "959.3".
11. Footnote 31 on page 4, substitute "171.53" for "940.53".

Dated: 12 May 2023



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