



## HIGH COURT OF AUSTRALIA

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#### Details of Filing

File Number: S149/2021  
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IN THE HIGH COURT OF AUSTRALIA  
 SYDNEY REGISTRY

BETWEEN:

**QUY HUY HOANG**

Appellant

and

**THE QUEEN**

Respondent

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### APPELLANT'S CHRONOLOGY

**Part I:** These submissions are in a form suitable for publication on the internet.

**Part II:** This chronology is filed in respect of the appeal from the whole of the judgment of the Court of Criminal Appeal given on 3 August 2018: *Hoang v Regina* (2018) 98 NSWLR 406, File No 2014/332309; High Court Number S149/2021.

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**1 January 2007 to 31 July 2014** Offences were allegedly committed by the appellant whilst the appellant was alone with each child tutoring him or her in maths (CCA at [27] Core Appeal Book ("CAB") 379).

**9 September 2015** The appellant's trial before a jury of 12 in the District Court on 12 sexual assault counts commenced (CCA at [25] CAB 378-379).

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The trial judge warned the jury orally and in writing not to make certain inquiries, including any inquiries on the internet concerning the trial or law in relation to the trial (CCA at [29]-[31] CAB 379-380).

**7 October 2015** The trial judge discharged a juror for reasons of ill-health pursuant to s 53B of the *Jury Act*. The trial judge ordered that the trial continue with the remaining 11 jurors (CCA at [44] CAB 383).

**14 October 2015** Detective Senior Constable Darren Paul gave evidence that he had made an inquiry with the State Office of the Children’s Guardian to ascertain whether the appellant had had a “Working with Children Check” conducted (CCA at [32] CAB 380).

10 **16 October 2015** David Nguyen gave evidence that he was an English tutor and did not have a “Working with Children Certificate”, and that a lot of his friends were tutors and none of them had a “Working with Children Certificate” (CCA at [33] CAB 380-381).

**23 October 2015** The jury of 11 retired to consider its verdicts (CCA at [45] CAB 383).

20 **5 November 2015** In the afternoon, the jury of 11 provided a note (MFI 97) stating that agreement had been reached with respect to eight counts and seeking further directions on the meaning of “indecenty”, “delay” and as to examination in chief and cross-examination (CCA at [46] CAB 383).

At 3:21pm, the trial judge directed the jury in relation to the matters raised and the jury continued to deliberate until 4pm at which time the jurors were sent home (CCA at [47] CAB 384).

In the evening, Juror A searched the internet for the requirements for a working with children check (CCA at [5] CAB 375, [133] CAB 404).

30 **6 November 2015** In the morning, Juror A shared the results of her inquiry and the reasons for making it with the rest of the jury (CCA at [5] CAB 375).

Prior to court convening at 12:30pm, the trial judge was provided with a note written by the foreperson (MFI 99) which stated that a juror had conducted internet inquiries into the requirements for a working with children check (CCA at [48] CAB 384).

The trial judge engaged in discussion with counsel about how best to deal with the note and it was conceded and agreed there had been a breach of the requirements of the *Jury Act* such as to invoke mandatory discharge (CCA at [50]-[56] CAB 384-386).

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The trial judge determined to take verdicts over the objection of both parties and brought the jury of 11 back to court so that they could nominate which counts they had reached agreement on so as to take those verdicts (CCA at [57] CAB 386).

At 2:42pm, the jury of 11 returned verdicts convicting the appellant on counts 4, 6, 7, 8, 9, 10, 11 and 12 and acquitting him on counts 2 and 3 (CCA at [58] CAB 386).

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After the verdicts were taken, the trial judge questioned the foreperson and discharged Juror A (CCA at [63] CAB 388).

The jury of 10 then continued to deliberate in respect of the remaining two counts (counts 1 and 5). At 3:54pm, the jury of 10 returned a unanimous verdict of guilty in respect to count 5 (CCA at [65] CAB 388).

**11 November 2015** The jury of 10 returned a unanimous guilty verdict in respect of count 1 (CCA at [65] CAB 388).

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The trial concluded (CCA at [25] CAB 378-379).

**27 November 2015** The trial judge provided written reasons regarding her approach to the discharge of Juror A (CCA at [66] CAB 388-389).

**15 April 2016** The appellant received an aggregate sentence of 24 years' imprisonment to commence on 19 October 2015 and to expire on 18 October 2039 with an aggregate non-parole period of 18 years' imprisonment to expire on 18 October 2033 (CCA at [26] CAB 379).

10 **3 April 2018** The New South Court of Criminal Appeal dismissed the appellant's appeal against conviction.

**10 September 2021** Special leave to appeal to the High Court was granted by Kiefel CJ and Keane J (CAB 415, 420, 425, 430).

**18 October 2033** The earliest date of expiry of the non-parole period imposed on the appellant.

**18 October 2039** The aggregate sentence imposed on the appellant expires.

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Dated 29 October 2021



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