

BETWEEN:



DARIO STAKAJ
Appellant

and

**THE DIRECTOR OF PUBLIC
PROSECUTIONS**
Respondent

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APPELLANT'S CHRONOLOGY

Part I: Certification

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

Part II: List of principal events leading to the litigation

- 4 August 2012** In the early hours of the morning a fight broke out between a number of males in Light Square, Adelaide. The prosecution case was that the participants included the David Zefi (**Zefi**), Rrok Jakaj (**Jakaj**), the appellant and HN. In the course of the fight Christopher Hatzis (**Hatzis**) was fatally stabbed.
- 30 7 August 2014** Zefi, Jakaj, the appellant and HN were arraigned in the Supreme Court of South Australia before the trial judge, Justice Vanstone on a joint charge alleging they murdered Hatzis. Each of the defendants pleaded not guilty. A jury was empaneled and the trial commenced.
- 16 September 2014** Justice Vanstone commenced her summing up to the jury.
- 17 September 2014** Justice Vanstone completed her summing up and the jury retired to consider its verdicts.
- 40 22 September 2014** The jury returned to court to deliver its verdicts. To do so the jury foreperson answered questions asked by the trial judge's associate.
- In relation to the charge of murder, the foreperson stated that the jury's verdict in respect of each defendant, by a majority of ten or more, was not guilty.
- In relation to the alternative charge of manslaughter, the foreperson stated that the jury's unanimous verdicts in respect of Zefi, Jakaj and the appellant was guilty and in respect of HN was guilty by a majority of ten or more.
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At about 2.34 pm the trial judge discharged the jury.

The *allocatus* was administered to each of the defendants on the charge of manslaughter. At about 2.55 pm the trial judge adjourned the proceedings to a later date for sentencing submissions.

At about 4.50 pm the jury foreperson met with the Acting Jury Manager, Matthew Moro (**Moro**).

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At about 5.10 pm Moro informed the Acting Sheriff, Steven Ferguson (**Ferguson**), of an issue in relation to the jury's verdicts.

23 September 2014 Ferguson spoke to the Chief Justice of the Supreme Court of South Australia about an issue in relation to the jury's verdicts. The Chief Justice advised Ferguson to obtain a signed statement from the foreperson.

24 September 2014

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26 September 2014 Ferguson met with the foreperson and each of the other jurors and obtained signed statements from them in the form of answers to questions drafted by the Court.

30 September 2014 The prosecution and defendants were advised of what had occurred.

2 October 2014 The proceedings were called on before Justice Vanstone for sentencing submissions. Counsel for the respondent did not oppose the judge proceeding to sentence the defendants and the parties made submissions as to sentence.

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7 October 2014 Justice Vanstone sentenced the four defendants for manslaughter. No submissions were made in relation to the issue concerning the verdicts.

7 October 2014

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10 October 2014 A Report of Prisoner Tried was created and printed for each of the defendants, which were certified and signed as correct by Justice Vanstone and a Clerk of Arraignment. This perfected the judgments of not guilty of murder for each defendant.

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13 October 2014 The appellant filed a Notice of Application for Permission to Appeal against Conviction.

14 October 2014 HN filed a Notice of Application for Permission to Appeal against Conviction.

16 January 2015 The respondent filed an Application seeking orders that the verdicts of not guilty of murder for each of the defendants be expunged or

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quashed and that the judgments acquitting each of the defendants of murder entered by Justice Vanstone be expunged or quashed.

The respondent also sought orders that the verdicts of guilty of manslaughter for each of the defendants be expunged or quashed and that the judgments convicting each of the defendants of manslaughter entered by Justice Vanstone be expunged or quashed.

10 **11 February 2015** An order was made that the Registrar obtain affidavits from each of the jurors.

26 March 2015

to

27 March 2015

The respondent's application to expunge or quash the verdicts and judgements, as well as the appeals against conviction by the appellant and HN, were heard by the Full Court of the Supreme Court of South Australia (**the Full Court**).


20 **18 September 2015** The Full Court below delivered its reasons and made orders in relation to the respondent's application to expunge or quash the jury verdicts and judgments of acquittal and conviction.

After hearing counsel on the disposition of the appeals against conviction by the appellant and HN, the Full Court recalled its orders and its reasons.

30 **25 September 2015** The Full Court delivered amended reasons and made orders in relation to the respondent's application to expunge or quash the jury verdicts and judgments of acquittal and conviction - [2015] SASFC 139.

23 February 2016 The Full Court delivered supplementary reasons in relation to the appellant's and HN's appeals against conviction – [2016] SASFC 9.

20 April 2016

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