



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 24 Jul 2025 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: S92/2025
File Title: WHS v. The King
Registry: Sydney
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
Date filed: 24 Jul 2025

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.

Form 27B – Appellant’s chronology

Note: see rule 44.02.3.

S92/2025

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

BETWEEN:

WHS
Appellant

and

The King
Respondent

APPELLANT’S CHRONOLOGY

Part I: This chronology is in a form suitable for publication on the internet.

Part II: Chronology

DATE	EVENT	REFERENCE
22 November 1957	Appellant born	
17 February 2003	MW born	ABFM 107, ABFM 737
13 April 2005	JW born (half sibling of MW)	
21 April 2005	MW assumed into the care of the Minister, aged 2.	ABFM 457
17 November 2005 – 5 May 2008	MW and JW placed into the full-time care of DB in a foster arrangement.	ABFM 458
2008	DB and Appellant commence relationship – MW and JW not in DB’s care	
10 October 2009	Marriage of DB and Appellant Begin residing together at Cameron Park	ABFM 467

14 November 2009 – November 2012	MW and JW placed (for a second time) into the foster care of DB	ABFM 365
1 January 2010 – 10 November 2012	Count 6 allegation date range at Edgeworth	CAB 10
27 January 2010 – 17 February 2011	Count 1 allegation date range at Edgeworth	CAB 9
12 August 2010	Allegation by MW that Appellant had hit her with a cricket bat – investigated by DOCS and found to be unsubstantiated	ABFM 295
September 2010	Appellant moved out of the Cameron Park address to his previous residence at Edgeworth	ABFM 367
12 February 2011 – 17 February 2012	Count 7 allegation date range at Edgeworth	CAB 10
May 2011	Allegation by MW that Appellant smacked her when on holiday at Nelsons Bay	ABFM 374
31 December 2011 -1 September 2012	Counts 4 and 5 allegation date range at Cameron Park	CAB 10
31 July 2012 – 10 November 2012	Count 2 allegation date range at Edgeworth	CAB 9
17 October 2012	Count 3 allegation date at Edgeworth	CAB 9
November 2012	The relationship between DB and Appellant ended	
10 November 2012	Initial complaint by MW made to DB.	CAB 88, 120
11 November 2012	MW made ‘disclosures’ to DB relating to the allegations. Police investigation commenced.	CAB 120
13 November 2012	MW made her first complaint and Record of Interview with police.	CAB 120, ABFM 105
14 November 2012	MW made a second Record of Interview with police.	CAB 120, ABFM 156
16 November 2012	The Appellant was arrested and charged with 8 counts of sexual impropriety against MW.	CAB 89

4 August 2014 – 15 August 2014	First Trial at Newcastle District Court before Judge King with Jury returning verdicts of Guilty on Counts 1, 2, 3, 4, 5, 6 & 8; Not guilty on Count 7	CAB 91
17 October 2014	Appellant goes into custody	
13 February 2015	The Appellant convicted and sentenced to an aggregate term of imprisonment for 14 years and 6 months with a non-parole period of 10 years 10 months commencing 9 October 2014.	CAB 91
11 March 2020	Appeal heard and upheld: Court of Criminal Appeal New South Wales delivered judgment. The appeal was allowed on the basis of a miscarriage of justice: Appellant's convictions and sentence quashed, new trial ordered.	<i>APPELLANT v R</i> [2020] NSWCCA 31, ABFM 5
24 September 2020	Re-Trial commences: Appellant arraigned on 7 counts before Judge Traill at Newcastle DC	CAB 9
28 July 2021	Pre-trial argument heard before Traill DCJ including application pursuant to s 293 <i>Criminal Procedure Act</i> (1986) NSW	ABFM 24
12 August 2021	Traill DCJ ruled against the Appellant on the pre-trial application	ABFM 60
2 September 2021	Second pre-trial application including pursuant to section 293 <i>Criminal Procedure Act</i> (1986) NSW and a Stay Application made	ABFM 649
5 April 2022	Traill DCJ refused the further applications, ruling none of the evidence sought to be adduced, was admissible in the re- trial	ABFM 664
3, 4 & 5 April 2022	The complainant, MW, recalled and further evidence adduced by pre-recording.	ABFM 737-874
13 February 2023 – 2 March 2023	Second Trial conducted at Newcastle District Court before His Honour Judge Whitford SC presiding	CAB 115

24, 27 February 2023	Summing up by trial judge, Judge Whitford SC Jury retired to consider its verdict	CAB 13
2 March 2023	Jury returned not guilty verdicts to Count 3 and Count 6 on the indictment	CAB 70, 79
2 March 2023	Jury returned to Court: Majority verdict Direction given. Jury returned with a majority verdict (11-1) of guilty to Count 1 and Count 4.	CAB 76, 77
2 March 2023	Jury returned with a guilty verdict to Count 2 and Count 5.	CAB 80
2 March 2023	Judge Whitford SC DCJ discharged the jury from verdict in respect of Count 7 as a result of the jury's inability to agree.	CAB 80 -81
28 July 2023	The Appellant was sentenced by Whitford SC DCJ to an aggregate term of imprisonment of 12 years and 6 months imprisonment commencing 4 March 2018 with a non-parole period of 6 years and 3 months. The earliest release date being 3 June 2024.	CAB 106
3 June 2024	Appellant released to parole	
4 November 2024	Second Appeal: the Appellant's appeal heard in the New South Wales Court of Criminal Appeal	CAB 113
20 December 2024	The NSW Court of Criminal Appeal handed down judgment – <i>WHS v R [2024] NSWCCA 242</i> upholding Ground 5 and quashing counts 1 and 4	CAB 113
12 June 2025	High Court Appeal: Special leave to appeal from the decision of the Court of Criminal Appeal of New South Wales granted.	CAB 161

Dated: 24 July 2025

A handwritten signature in black ink, appearing to read 'S. Odgers', with a stylized flourish at the end.

Stephen Odgers SC

Counsel for the Appellant

Forbes Chambers

Telephone: (02) 9390 7777

Email: odgers@forberschambers.com.au