



HIGH COURT OF AUSTRALIA

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Details of Filing

File Number: M52/2026
File Title: Edmunds v. The King
Registry: Melbourne
Document filed: Form 27F - Appellant's Outline of oral argument
Filing party: Appellant
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Important Information

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Form 27F – Outline of oral submissions

Note: see rule 44.08.2.

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

BETWEEN:

Biannca EDMUNDS

Appellant

and

The KING
Respondent

APPELLANT'S OUTLINE OF ORAL SUBMISSIONS

Part I: I, Dermot Dann KC, certify that the chronology contained below in Part II, is in a form suitable for publication on the internet.

Part II: Brief Outline of Oral Submissions

1. In light of a series of factual and legal conclusions made by the Court of Appeal, it was not open for the Court of Appeal to refuse to grant leave for the appellant to appeal her conviction and thereafter to allow her appeal against that conviction.
2. Amongst those findings was:
 - a. The acceptance that the appellant had made a request, pursuant to section 12 of the Jury Directions Act 2015, for self-defence to be left for the jury's consideration;

- b. The acceptance that the evidence raised the reasonable possibility that MC had resorted to the use of the knife before GC's gun had been produced and was visible;
 - c. The acceptance that GC was stabbed four times, and fatally, before he fired the gun;
 - d. The acceptance that, for MC's conduct with his knife to be lawful, he had to have had the belief that his use of lethal force was necessary to defend himself from the infliction of death or really serious injury;
 - e. The acceptance that the learned trial judge erred in excluding the availability of self-defence pursuant to s 322L of the Crimes Act 1958.
 - f. The acceptance that for the evidential onus, pursuant to s 322I of the Crimes Act, the evidence may be 'weak' or 'tenuous'; and
 - g. The acceptance that the application for leave to appeal against conviction should be determined on the basis that GC was aware that he was being stabbed by MC.
3. Having reached that position, it was simply not open to the Court of Appeal to go on to conclude that this was a case where self-defence should not have been left to the jury.
4. The appellant does point to what is submitted to be:
- a. A misplaced over-adherence to 'original aggressor' concepts;
 - b. A misplaced factual finding that GC remained impervious to the fact that he was being repeatedly stabbed;
 - c. A misplaced factual finding that GC did not respond to anything that MC did;
5. However, whatever may be the reason the Court of Appeal's analysis ultimately went wrong – it was simply not open to the Court of Appeal to come to a position that, in the circumstances of this case, the issue of self-defence should not have been left to the jury's consideration.
6. Reaching such a position did involve trespassing into the traditional role of the jury when it comes to disputed issues that reasonably arise on the evidence.

Dated: 16 September 2026

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A handwritten signature in dark ink, appearing to read 'Dermot Dann', is written above a dotted line.

.....(signed).....

Name: Dermot Dann

Senior Counsel for the Appellant