

*MA*  
v  
*THE KING*

*AD*  
v  
*THE KING*  
[2024] HCASL 306  
S115/2024  
S116/2024

- 1       The applicants require an extension of time within which to seek special leave to appeal from part of a judgment of the Court of Criminal Appeal of New South Wales (Stern JA, Rothman and Button JJ agreeing) which allowed an appeal and set aside the order of the District Court of New South Wales (Ingram SC DCJ) granting a stay of the applicants' pending criminal trial, conditional upon a Crown witness being made available for cross-examination.
- 2       On the state of the evidence, an appeal and potential further delay to the trial would not be in the interests of justice, including in the circumstances in which the Crown has advised that should the trial unfold in such a manner that it becomes clear that the witness's evidence is necessary for a fair trial then the Crown may reconsider its refusal to call her to give evidence. Accordingly, it would be futile to grant the extension of time.
- 3       Special leave to appeal is refused.

Gageler CJ  
Gordon J  
Edelman J  
Steward J  
Gleeson J  
Jagot J  
Beech-Jones J

7 November 2024