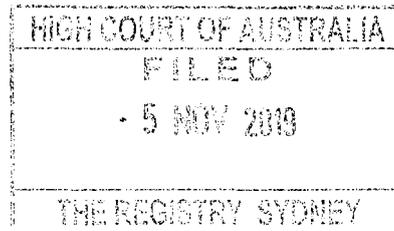


BETWEEN:

rodney
WILLIAM SWAN

Appellant



and

THE QUEEN

Respondent

10

APPELLANT'S CHRONOLOGY

Part I:

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

Part II:

List of principal events leading to the litigation.

| Date | Event | Reference |
|----------------|--|------------------------|
| 15 Apr 2013 | Alexander Kormilets ("the deceased") was assaulted at his unit in the course of a robbery. | CCA [2]; CAB 144. |
| 15 Apr 2013 | The deceased was taken to the Emergency Department of St Vincent's Hospital suffering from multiple traumatic injuries. He remained at St Vincent's Hospital until 1 August 2013. At various stages he was in the intensive care unit ("ICU"). | CCA [11]; CAB 148. |
| Early Jul 2013 | A note indicated the deceased was transferred to ICU at St Vincent's Hospital after an episode of aspiration pneumonia. He was intubated and ventilated for several days before being returned to wards. The note further indicated there was a discussion with the deceased's son that if a similar episode were to occur the deceased would be "not for resuscitation and not for ICU/intubation". | CCA [12]; CAB 148-149. |

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|--------------|--|-------------------------------------|
| 1 Aug 2013 | The deceased was discharged from St Vincent's Hospital to a nursing home after his condition improved. | CCA [11]; CAB 148. |
| 15 Aug 2013 | The deceased was visited at the nursing home by his general practitioner, Dr Alexander Aristoff. | CCA [14]; CAB 149. |
| 24 Sept 2013 | The deceased suffered a fall. | CCA [24]; CAB 152. |
| 18 Oct 2013 | The deceased suffered a fall. | CCA [24]; CAB 152. |
| 30 Nov 2013 | The deceased suffered a fall after getting out of a chair unassisted. | CCA [24]; CAB 152. |
| 5 Dec 2013 | The deceased was found on the floor next to his bed facing downwards and moaning. He was assisted back to his bed and observed to be reluctant to bear his own weight. He was later transferred to Prince of Wales Hospital where he remained until his death. | CCA [25]-[28]; CAB 152-153. |
| 6 Dec 2013 | The deceased was apparently seen by "Cohen – ortho" at Prince of Wales Hospital. Presumably on this date, the note about "[d]ecision re palliative v operative" was made. | Exhibit AG; CCA [28]-[29]; CAB 153. |
| 10 Dec 2013 | Death of deceased. Death certificate signed by Dr Elyse Fyfe. | CCA [30]; CAB 154. |
| 11 Dec 2013 | Dr Kendall Bailey performed autopsy and formed an opinion as to cause of death that differed from Dr Fyfe. | CCA [33]; CAB 156. |
| 3 May 2016 | Appellant's trial commenced in the New South Wales Supreme Court ("NSWSC"). | CAB 6, 138. |
| 20 May 2016 | Jury returned a verdict of guilty to murder. | CAB 105. |
| 13 Dec 2016 | Appellant's sentence hearing. | CAB 108. |
| 16 Dec 2016 | Sentence judgment given by N Adams J in the NSWSC. | CAB 108. |
| 30 Jan 2018 | Notice of Appeal filed in the NSW Court of Criminal Appeal ("CCA"). | CAB 138. |
| 2 May 2018 | Appeal heard in the NSW CCA before Bathurst CJ; Hoeben CJ at CL; R A Hulme J. | CAB 140. |

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|--------------|---|----------|
| 23 Nov 2018 | Appeal dismissed by the NSW CCA. | CAB 140. |
| 23 Sept 2019 | Special leave granted by Bell and Keane JJ. | CAB 187. |

Dated: 1 November 2019


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