

5 **IN THE HIGH COURT OF AUSTRALIA**
MELBOURNE OFFICE OF THE REGISTRY

B E T W E E N:

No. M 30 of 2013

10

DANG KHOA NGUYEN



Appellant

and

15

THE QUEEN

Respondent

APPELLANT'S CHRONOLOGY

20

PART I – Certification that the chronology is in a form suitable for publication on the Internet.

25 1.1 The appellant certifies that this chronology is in a form suitable for publication on the Internet.

PART II – List of principal events leading to the litigation.

30 2.1 The crimes of which the appellant was convicted were committed on 8 November 2004.

35 2.2 The appellant and his co-accused Dang Quang Nguyen (“Nguyen”) and Bill Ho (“Ho”) were each charged with having murdered Hie Trung Luu (“Luu”) and having attempted to murder Chau Minh Nguyen (“Minh”).

40 2.3 On 27 November 2006 the first trial of the appellant was adjourned when all three accused withdrew their instructions to their counsel.

2.4 On 24 August 2007 the second trial ended when the jury was discharged without verdict.

45 Filed on behalf of the Appellant Date of Document: 15 April 2013
Victoria Legal Aid DX address: DX 210646 Melbourne
Lawyers Postal address GPO Box 4380, Melbourne
350 Queen St Tel: 03 9269-0472
MELBOURNE VIC 3000 Fax: 9260- 0498
Ref: Max Hume.

50

- 5 2.5 On 12 September 2007 a third trial ended when the jury was discharged without verdict.
- 2.6 The fourth, and present, trial commenced on 17 September 2007. It ended when verdicts were returned by the jury on 13 October 2007. Each accused was found guilty of the murder of Luu and the attempted murder of Minh.
- 10 2.7 The appellant was sentenced on 17 December 2007.
- 15 2.8 On 11 January 2008, the appellant filed an application for leave to appeal against conviction and sentence.
- 2.9 On 27 July 2009, the Court of Appeal (Neave and Bongiorno JJA and Lasry AJA) heard the appellant's and Nguyen's applications for leave to appeal against conviction. Nguyen alleged that his convictions were "unsafe and unsatisfactory". Both Nguyen and the appellant argued that the trial judge had erred in her directions to the jury concerning the alternative verdict of manslaughter.
- 20 2.10 On 18 December 2009, the Court of Appeal upheld Nguyen's "unsafe and unsatisfactory" argument and made orders granting Nguyen's application for leave to appeal against his convictions. His appeal was allowed, convictions quashed and it was directed that judgments and verdicts of acquittal be entered in his case. The Court of Appeal dismissed the appellant's appeal on 23 February 2010. See *R v Nguyen & Nguyen* [2010] VSCA 23.
- 25 2.11 On 30 July 2010, the respondent was granted special leave to appeal to this Court against the orders of the Court of Appeal acquitting Nguyen.
- 30 2.12 On 29 September 2010, this Court heard the respondent's appeal against the orders of the Court of Appeal acquitting Nguyen. This Court also heard argument in support of Nguyen's application for special leave to cross-appeal. The cross-appeal alleged that the trial judge had erred in her directions to the jury as to the alternative verdict of manslaughter.
- 35 2.13 On 3 November 2010, this Court allowed the respondent's appeal against the orders of the Court of Appeal acquitting Nguyen. This Court also upheld Nguyen's cross-appeal. It was ordered that there be a re-trial of Nguyen. See *The Queen v Nguyen* (2010) 242 CLR 491.
- 40 2.14 On 9 November 2010, Nguyen pleaded guilty before Coghlan J in the Supreme Court of Victoria to the offences of manslaughter and
- 45

5 recklessly causing serious injury. Nguyen was sentenced on 9 March 2011.

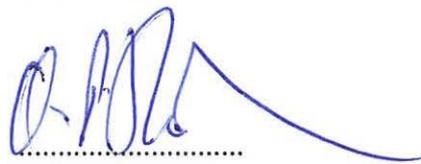
2.15 On 17 September 2012, the appellant filed an application for special
10 leave to appeal against the judgment of the Court of Appeal that was delivered on 23 February 2010 and sought that compliance with the time limit stipulated by Rule 41.02.1 of the *High Court Rules* (2004) (Cth.) be dispensed with.

2.16 On 15 March 2013 special leave to appeal and an extension of time
15 was granted to the appellant by this Court.

20

Dated: 15 April 2013

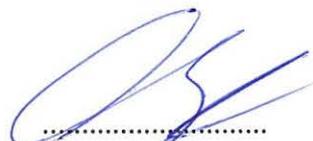
25



O P Holdenson
Counsel for the appellant
Tel: (03) 9225 7777
Fax: (03) 9225 6416
E-mail: ophqc@vicbar.com.au

30

35



C B Boyce
Counsel for the appellant
Tel: (03) 9225 7037
Fax: (03) 9225 6464
E-mail: cboyce@vicbar.com.au

40

45