

IN THE HIGH COURT OF AUSTRALIA
ADELAIDE REGISTRY



No. A9 of 2017

BETWEEN:

MARCO CHIRO
Appellant

and

THE QUEEN
Respondent

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APPELLANT'S CHRONOLOGY

Part I:

I certify that this chronology is in a form suitable for publication on the internet.

20 Part II:

Date	Event	AB reference
19 November 1993	V born	Exhibit P16
2007 (year 8)	V commences at Norwood Morialta middle school campus, Rostrevor Appellant is V's Japanese teacher during the first semester	Tr 61, 83
	According to V she and another student, FC, would give the appellant hugs V gave evidence that V and FC started to leave class early to avoid giving appellant hugs and that notes were passed in class between V and appellant making V feel guilty resulting in her hugging appellant again	Tr 98, 100, 101
End of 2007	Room 13 on the plan P3 ceased to be the office for the Japanese consultancy	Exhibit P17
2008 (year 9)	V did not have face-to-face contact with appellant from the end of first semester 2007 until the second half of year 8 when the appellant was her Italian teacher	SU21, Tr 120, 422, 579
	V gave evidence that the appellant kissed her for the first time (quick peck on the lips) in the office adjacent to LOTE6	SU21, Tr123
	Another open mouth kiss occurred in that office	SU22, Tr124

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Date	Event	AB reference
	V gave evidence of further touching during Year 9 in the Italian class in LOTE5	Tr 125, 128, SU122,
27 March 2008	12 computers were ordered by the school for room 13 on plan P3 and were installed in the 2008 Term 1 holidays	Exhibit P17
2009 (year 10)	V was the appellant's supervisor for a major school project	Tr 83, 84, 455, 456, CCA [3]
	V gave evidence of serious sexual touching in the computer room adjacent to the LOTE3 classroom	Tr133-139, 143
	Alleged conduct commenced with kissing and became progressively more intimate	CCA [4], Tr 62
	V thought her "lucy.black" email address was set up year 10 although had previously given a statement to the police that it was early 2009	D18; Tr 594-596; P6; Tr151,
Middle 2009	The 'rumour' occurs regarding V and appellant relationship	P17, SU23, Tr 147
October 2009	Installation of CCTV cameras in Room 13 and other areas on the Middle School commence and was completed during term in November 2009	P17
2010 (year 11)	V moves to senior school campus, Magill and would only see the appellant when she went back to the middle-school campus for help with Italian	Tr 152, 468, 469, CCA [3]; SU25
By 2010	The school has introduced CCTV in the computer room	SU25, Tr597
By 2011	Appellant has a sexual interest in, and was flirting with, V with the possibility of sexual contact once V had turned 18	Tr 574-575, SU33
About April 2012	V reports conduct to police	CCA [4]
4 - 12 June 2014	District Court trial before Judge Stretton Appellant was initially charged with 4 counts of separate offending	
13 June 2014	The appellant convicted by the jury of count 1 alone (quick peck on the lips). The jury was hung on the remaining counts	
September 2014	Appellant appeals conviction to the Supreme Court Full Court	
30 October 2014	Appeal allowed – the conviction on count 1 is set aside and count 1 is to be re-tried	<i>R v C, M</i> [2014] SASFC 116
4 May 2015	On the morning of the retrial, the DPP file a fresh information laying one count of persistent sexual exploitation, which was amended later that day	Application for Special Leave to Appeal [16]

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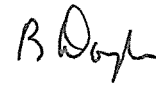
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Date	Event	AB reference
4 -6 May, 8 May, 11 May, 12 May 2015	Jury trial before Judge Davison	
14 May 2015	Summing up by Judge Davison	
	Jury twice directed that if they were satisfied of the kissing indecent assault, then that alone would be sufficient to prove actus reus Jury retires at 1.15 pm	SU13, SU17
14 May 2015, 5.50pm	Jury question the definition of "touching" in relation to particulars 2 and 3. The effect was whether touching would be satisfied by rubbing groin or groin contact or required touching by hand	SU41-42
14 May 2015, 7.58pm	Jury reach an impasse and need further directions. A ' <i>Black</i> ' direction is given	SU 42-43
14 May 2015, 8.19pm	Jury released and resume deliberations following morning	SU 45
15 May 2015, 11.54am	Jury raise a further question whether they were to be asked for a verdict on indecent assault and a verdict on unlawful sexual intercourse. Judge Davison responds advising there are no special verdicts	SU45-46
15 May 2015, 12.08pm	Jury deliver a majority guilty verdict	SU46
4 June 2015	Appellant appeals against conviction	
31 July 2015	Appellant sentenced to 10 years imprisonment, 6 years non-parole	Sentencing Remarks
4 August 2015	Appellant appeals against sentence	
30 September 2015	CCA dismiss appellant's appeal against conviction and sentence	CCA
10 February 2017	Appellant granted special leave to appeal by Nettle and Edelman JJ	Order

Dated: 17 March 2017



M E Shaw



B J Doyle

Counsel for the appellant