



IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S 313& 314 of 2013

BETWEEN:

JASON LEE (A.K.A DO YOUNG) LEE

First Appellant

SEONG WON LEE

Second Appellant

10 AND

AND

THE QUEEN

Respondent

THE QUEEN

Respondent

JOINT CHRONOLOGY

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

20 **Part II:**

25 February 2009 First appellant charged with two offences contrary to s193B(2) *Crimes Act* (“the first money laundering charge”); two offences contrary to s10 *Drug Misuse and Trafficking Act* (possess prohibited drug) and one offence contrary to s527C (1)(c) *Crimes Act* 1900 (goods in custody) and other offences. First appellant remanded in custody.

16 March 2009 First appellant granted conditional bail.

30 24 August 2009 Management Committee of the New South Wales Crime Commission (NSWCC) referred to the Commission for investigation the ‘*Swansea reference*’, which was an investigation into the drug trafficking and money laundering activities of the appellants and Brendan Pak, who were referred to as the ‘*Swansea POIs*’.

26 November 2009 First appellant compulsorily examined under the *New South Wales Crime Commission Act* (NSWCC Act) and compelled to produce documents.

Filed on behalf of the First and Second Appellants
THE FIRST AND SECOND APPELLANTS’ SOLICITOR IS: Nyman Gibson Stewart
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Dated: 7/2/2014

- 1 December 2009 First appellant compulsorily examined under NSWCC Act and produced compelled documents ("the compelled documents").
- 7 December 2009 Police executed a search warrant at 1501/6 Lachlan Street Waterloo NSW and found in the laundry area firearms and a quantity of white powder in a box labelled 'washing powder'. All items were seized by police. The second appellant was arrested and charged with firearm offences contrary to s7(1) *Firearms Act* 1996 (NSW) and s7(1) of the *Weapons Prohibition Act* 1998 (NSW). The second appellant was remanded in custody.
- 10 Police also discovered in the main bedroom of the premises another weapon, a quantity of white powder, some papers and \$1.147 million cash.
- 14 December 2009 The first appellant was charged with two offences contrary to s7(1) *Firearms Act* 1996 and a further offence of goods in custody contrary to s527C (1)(c) *Crimes Act* ("the second money laundering charge"), relating to \$1.147 million cash. The first appellant was remanded in custody.
- 16 December 2009 Second appellant compulsorily examined under the NSWCC Act.
- 20 24 December 2009 Second appellant granted bail in relation to firearms offences.
- 4 May 2010 Commissioner purportedly approved dissemination of the appellants' transcripts from their compulsory examinations to the NSW police "*so that the police can review them for the Swansea brief*".
- 12 May 2010 All charges against the first appellant, laid on 25 February 2009, except possession of drugs, withdrawn and dismissed, following representations to the DPP (although see 14 March 2011 entry).
- 30 13 May 2010 First appellant charged with two counts of supply prohibited drugs contrary to s25(2) *Drug Misuse and Trafficking Act* 1985 (NSW), in relation to powder found in the laundry and the main bedroom at the Waterloo premises on 7 December 2009.
- 17 May 2010 Second appellant charged with one count of supply prohibited drugs contrary to s25(2) *Drug Misuse and Trafficking Act* 1985 (NSW), in relation to powder found in the laundry. Second appellant remanded in custody.
- 40 1 July 2010 Solicitor with the ODPP, Ms Garrity, emailed the officer in charge of the criminal investigation, Detective Plummer, requesting the transcripts of the NSWCC compulsory hearings concerning the appellants stating, "*If it is possible - I would like to see those transcripts - especially if it is*

something that the defence are going to try to rely on – specifically that they had no knowledge that the washing powder was actually drugs”.

- 2 July 2010 Email sent within NSWCC to the Assistant Director, Mr O’Connor stating “*Brendan Plummer has emailed me to advise the DPP dealing with the LEE matter have asked for copies of the hearing transcripts. They want to view them on the basis they need to know whether there is content in them which the defence may rely on – i.e. knowledge of Seong Lee and Jin Ei Jun about the washing powder imports*”.
- 10 Mr O’Connor forwarded the email to the Commissioner. The Commissioner replied, “*Approved*”.
- Shortly thereafter, the transcripts of the compulsory examinations of the appellants were disseminated to the DPP.
- July-September 2010 NSWCC officers took statements from various people who had been shown the compelled documents.
- 20 28 October 2010 Police served Part II of the brief of evidence on both appellants and the prosecution, including the compulsory examinations of both appellants at the NSWCC and the statements addressing the compelled documents.
- 22 November 2010 First and second appellants arraigned in the District Court before his Honour Judge Solomon QC.
- 23 November 2010 Judge Solomon QC granted a separate trial application in relation to the second money laundering charge however his Honour allowed evidence in relation to that same \$1.147 million cash to be used in proof of the drugs and firearms counts. The separate trial for the second money laundering was adjourned to a date to be fixed.
- 30 31 January 2011 Trial of the drugs and firearms counts re-commenced before Judge Solomon and a jury, with evidence of the cash (the subject of the second money laundering charge) led in the trial.
- 14 March 2011 All 25 February 2009 offences previously withdrawn on 12 May 2010, including the first money laundering charge re-instated in the Local Court.
- 40 16 March 2011 Return of verdict in trial. First appellant found not guilty of four firearms offences (Counts 1-4) but guilty of two counts of supply drugs (Counts 6 and 8) and one count of possess firearm (Count 5). Second appellant found not guilty of supply drugs (Count 6) but guilty of alternative count of being knowingly concerned in first appellant’s supply of drugs found in the

laundry (Count 7) and guilty of possession of firearms (Counts 1-4). Criminal proceedings stood over for sentencing.

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- 6 December 2011 First and second appellants convicted and sentenced by Judge Solomon QC for the drugs and firearms offences. The overall sentence for the first appellant was twelve and a half years with a non parole period of eight and a half years to date from 14 December 2009. The overall sentence for the second appellant was eight and a half years with a non parole period of five and a half years to date from 30 April 2010.
- 13 December 2011 First appellant's sentence on Count 5 expired, having been served in full.
- 16 February 2012 Permanent stay of all charges from 25 February 2009 granted in the Local Court by Magistrate Berry, including the first money laundering charge (however, see entry for 18 May 2012).
- 18 April 2012 Appellants lodge conviction appeals in the Court of Criminal Appeal (CCA).
- 20 1 May 2012 Ex officio indictment filed in the Sydney District Court in relation to the first money laundering charges (see above: this charge had been stayed in Local Court on 16 February 2012).
- 18 May 2012 First appellant arraigned on the indictment charging the first money laundering charges.
- 21 August 2012 DPP conceded in the CCA proceedings that the dissemination to the DPP by the NSWCC of the appellants' examination transcripts was unlawful and that the appellants' trial miscarried in respect of the drug charges and that a new trial should be ordered on these counts.
- 30 23 August 2012 Court of Criminal Appeal (Basten JA, Hall and Beech-Jones JJ) commenced hearing the conviction appeals of the first and second appellants. Adjourned to 12-13 November 2012 for further hearing.
- 29 October 2012 Second appellant's sentences for Counts 1-4 expired, having been served in full.
- 40 1 November 2012 DPP advised senior counsel for the appellants that the concession made in the appeal before the CCA was to be withdrawn or qualified.
- 2 November 2012 DPP maintained concession in the CCA proceedings that the dissemination of the transcripts to the DPP for use in the prosecution of the first and second appellants was unlawful, however withdrew concession as to there

being a miscarriage of justice. DPP conceded that the drug and firearms charges were interlinked.

12-13 November 2012 Hearing of appeal before CCA completed. Judgment reserved.

3 April 2013 CCA dismissed conviction appeals: *Lee, Do Young v R; Lee, Seong Won v R* [2013] NSWCCA 68.

10 2 May 2014 First and second money laundering charges listed for mention only pending outcome in the High Court proceedings.

29 October 2015 Second appellant will be eligible for parole in relation to remaining sentence (Count 7).

13 June 2017 First appellant will be eligible for parole in relation to sentence for Count 8.

20 29 October 2018 Second appellant's sentence in relation to Count 7 will expire.

13 June 2019 First appellant will be eligible for parole in relation to sentence for Count 6.

13 June 2021 First appellant's sentence in relation to Count 8 will expire.

13 June 2023 First appellant's sentence in relation to Count 6 will expire.

30 Dated 7/2/2014

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Murugan Thangaraj

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