



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: S148/2024
File Title: The King v. Batak
Registry: Sydney
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
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Important Information

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Form 27B – Appellant’s chronology

Note: see rule 44.02.3.

S148/2024

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

BETWEEN:

The King
Appellant

and

Cem Batak
Respondent

APPELLANT’S CHRONOLOGY

Part I:

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

Part II:

Date	Event	Reference
16 March 2019	The respondent’s phone number was given to Cengiz Coskun by a mutual acquaintance, the respondent and Coskun having been friends since school.	Core Appeal Book (“CAB”) 160, Judgment of the NSWCCA (“J”) [9]
17 March 2019 – 2 April 2019	Phone records show at least 77 calls between the respondent and Coskun. The respondent and Coskun met on a number of occasions, often in parks and at night.	CAB 160, J [9]
After midnight 2 April 2019	The respondent and Coskun exchanged Whatsapp and text messages, which included Coskun, at	CAB 160 - 161, J [10], [12]

Date	Event	Reference
	<p>I am, asking the respondent to bring two high vis work shirts.</p> <p>Coskun then met the respondent at the respondent's apartment.</p> <p>At the meeting, the respondent supplied Coskun with at least one high vis work shirt and a loaded handgun.</p> <p>Coskun then left the respondent's apartment.</p>	
<p>Around 3.45am 2 April 2019</p>	<p>Cengiz Coskun (wearing the high vis shirt supplied by the respondent) and an unknown male (each armed with a handgun) broke into an apartment to steal drugs and money.</p> <p>Three people were present at the apartment at the time, namely Sargon Odisho (a drug dealer), John Odisho and Ms Larissa Mitchell-Wiszniewski.</p> <p>Ten shots were fired by one of the intruders (the trial judge found it to be Coskun). Shots were also fired by Sargon Odisho.</p> <p>John Odisho was shot in the head by a bullet fired by the intruder (Coskun) and died later that day.</p> <p>In sentencing, the trial judge found that it was Coskun who fired the fatal shot.</p>	<p>CAB 158, 161-162, J [1], [12], [15], [16], [18], [19]</p>
<p>28 June 2019</p>	<p>In a lawfully recorded conversation between the respondent and two males, the respondent made various admissions including "[Coskun] came to my house...I was dead broke. I need money, and he knew it, so he came...I had two at home.</p> <p>Yeah, he asked please can I take one....I gave it to him yeah...You know the one I gave him, extended clip...He's telling me exactly the scenario, like the scene...I gave him my work shirt...I was actually persuading to go with him.</p>	<p>CAB 162 - 164, J [21], AFM 6 - 13</p>

Date	Event	Reference
	Last minute, you know what happened, cuz my stomach turned...He goes, "I'll get something out of it and I'll bring it to ya." He left...I gave him a Glock...It was a mini Glock too...we were gonna go we loaded it up I got my clothes everything, we were gonna go".	
18 July 2019	In a lawfully recorded conversation between the respondent and his wife, the respondent said that the gun had been "wiped down completely" on the days preceding the robbery.	CAB 164, J [23], AFM 51 - 54
2 August 2019	In a lawfully recorded conversation between the respondent and an acquaintance, the respondent said "I gave him my gun, he took that. And he took, ah, I gave him the shirt. There was five of them, I gave him two...About two three days before I gave it to him, my dad cleaned the shit out of that gun."	CAB 164 - 165, J [24], AFM 55 - 60
21 August 2019	The respondent was arrested in relation to the attempted robbery armed with a dangerous weapon and murder of John Odisho.	CAB 140
19 April 2022	The trial of the respondent commenced in the Supreme Court of New South Wales on an indictment which charged one count of attempted robbery armed with a dangerous weapon and one count of murder.	CAB 5
19 May 2022	The jury returned verdicts of guilty to both counts.	CAB 107
16 September 2022	Sentence was imposed in the Supreme Court of New South Wales.	CAB 108
11 September 2023	The respondent's Notice of Appeal was filed in the Court of Criminal Appeal of the Supreme Court of New South Wales.	CAB 143

Date	Event	Reference
10 May 2024	The Court of Criminal Appeal of the Supreme Court of New South Wales gave judgment.	CAB 148
7 November 2024	Special leave to appeal to the High Court of Australia was granted.	CAB 261

Dated 6 February 2025



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S Dowling SC

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