

1 presentment was filed in respect of those matters with this  
2 court, charging the respective accused referred to with the  
3 murders of Michael Marshall, Jason Moran and Pasquale  
4 Barbaro.

5 I have no information as to when, or the manner in  
6 which, Carl Williams was charged with the Mark Moran  
7 murder.

8 As a result of an order of Gillard, J made on 14  
9 December 2004, a committal proceeding was held in respect  
10 of the Moran/Barbaro murders and the Marshall murder  
11 between 1 and 10 March 2005. A subsequent committal was  
12 held in respect of the Mark Moran murder on 23 to 26 May  
13 2005, that date being obtained through the auspices of  
14 Cummins, J and the Chief Magistrate.

15 This application to stay the current presentment  
16 before the court as an abuse of process arises from the  
17 defence submission that the appropriate case to proceed  
18 with first is that of the murder of Mark Moran. The  
19 defence put forward a number of matters that, in my view,  
20 have no real relevance to an application of this nature,  
21 being, that the murder occurred first in chronological  
22 time; secondly, that there is only one accused; third,  
23 that the estimated duration is two weeks with some 51  
24 witnesses; and, finally, that the trial which the Crown  
25 wish to proceed with first was the last in time  
26 chronologically.

27 The defence have brought the application to stay the  
28 Michael Marshall proceeding and to proceed with the Mark  
29 Moran hearing and thus bear the onus of satisfying the  
30 court that such a stay should be granted. As Gillard, J  
31 stated in his ruling in *Williams*, <sup>Mr Andrews</sup> & <sup>Mr Thomas</sup> v.