

**10.26am: Mr Byrne said the accused was presumed to be innocent and could only be convicted if the prosecution established that he was guilty of the offence charged.**

He said the standard of proof was beyond reasonable doubt.

He told the jury if they were left with a reasonable doubt about guilt, it was the jury's duty to acquit: that is find Baden-Clay not guilty.

Mr Byrne said the accused did not have to give evidence but elected to do so, reliving various matters and exposing himself to cross-examination by experienced Crown prosecutor Todd Fuller QC.

"He attacked Gerard Baden-Clay and you have seen that attack and the responses given," he said.

Mr Byrne said Baden-Clay told the jury he would never leave his children home alone, let alone in the middle of the night for up to 40 minutes.

"You might think the lapses that Gerard Baden-Clay admitted were in respect to women and keeping quiet about such liaisons. You might think as a member of the community and using common-sense is that the very nature of a secret liaison is not something shared with others," he said.

He said Baden-Clay's only deception was not broadcasting his straying from his wife and conducting a lengthy affair

"What you draw from that at least is this: Gerard Baden-Clay is not a person who would cold-bloodedly kill his wife, the mother of his children," he said.

"Nor is he... someone who would explode in a rage of temper... no history of that whatsoever in his life."

Mr Byrne said apart from the possibility of Ms Baden-Clay experiencing worsening depression and the birth of a baby boy in the family, life was mostly the same around the time of April 19, 2012.

He said there were details the jury should take into account when assessing who the accused was and what was going on in his mind on April 20, 2012 when his wife disappeared.

"Think of that scenario in your own lives, if your wife, partner, husband... was simply not there in the morning," he said.

"You work through a process and the process he went through was laid bare in the phone calls he made... his need to search and his calls, not once, not twice, but three times to police... That does not in my submission betray to you someone who is hiding something or someone who has violently killed their wife."

Mr Byrne said Baden-Clay told Ms McHugh to just tell the truth.

He said that was not the usual response of a man who had just violently killed his wife.

Mr Byrne said Baden-Clay told the jury in evidence he was worried his wife would walk in the door or had slipped and injured herself on the day she went missing.

“As you are acutely aware from listening carefully in this trial, your role is to dispassionately assess the evidence to determine whether you can reach a verdict in this case,” he said.

He said the verdict had to be unanimous.

“Your task is to make that decision on the evidence. I mentioned yesterday and I don’t shirk from this, that there has been sensationalist media coverage, coverage which some may say... was for the lowest common denominator and had the effect of salacious gossip at times,” he said.

Mr Byrne said the jury had to decide the verdict on the evidence.

“It is my submission to you in closing that once you have dispassionately, objectively assessed the whole of the evidence you could not and would not find Gerard Baden-Clay guilty of the murder of his wife,” he said.

He said there was no cause of death, no motive able to withstand scrutiny and no realistic means by which it was done.

**10.48am: Crown prosecutor Todd Fuller QC commenced his closing address to the jury.**

He said it was not unknown for a person of previous good character to step outside of it and do something they would not have done before.

Mr Fuller said humankind was programmed to have an expectation as to how a person should behave.

He said Gerard Baden-Clay stood accused of murdering his wife and over the past four weeks, the jury had a window into the lives of the Baden-Clay family.

Mr Fuller said the jury had to be satisfied beyond a reasonable doubt whether he killed his wife, and if so, with an intention to do her grievous bodily harm or cause her death.

He said the court room was an artificial environment.

“At the start of this trial you were challenged about your knowledge about this case for the simple reason that your knowledge was to come from within these four walls over the coming weeks,” he said.

He said the jury was told to put aside relationships with witnesses in the trial.

“On the surface to so many of these witnesses, the Baden-Clay’s seem like the perfect couple,” he said.

“But it was just a façade. A façade which had been carried on for a long period of time.”

He said inwardly the couple was different and they were two desperately unhappy people. Defence barrister Michael Byrne QC has given his closing address in the Supreme Court.

Mr Fuller said Ms Baden-Clay had battled for years to keep the marriage together after being told by her husband that he no longer loved her.

He said Baden-Clay was living a double life and posited that he was looking for a way out.

Mr Fuller said the accused was deceptive and had “bravado and confidence” in what he could carry out and carry off.

“He simply presented a number of faces to a number of people, right up to the evidence in this trial, the anguished husband,” he said.

Mr Fuller said the pressures on Allison Baden-Clay had not changed for a number of years and she had been coping quite well.

He asked what had changed in the life of Baden-Clay and what pressures were brought to bear by his wife, Mistress Toni McHugh and the dramas in his business.

“The Crown says the killing was a particular reaction to a set of circumstances that accumulated over time,” he said.

Mr Fuller said Baden-Clay was a man who prided himself on his achievements.

He said Ms Baden-Clay told Relationships Australia counsellor Carmel Ritchie she was a wife and a mother, while her husband said he was a chamber of commerce president and listed other community ties.

“At the end of the day you don’t have to actually decide what he did to her, other than that he killed her with that intention,” he said.

Mr Fuller said the jury needed to decide whether the accused killed his wife, whether he did it unlawfully and did so with intent.

He touched on the circumstantial evidence heard in the trial.

“No one has confessed to her killing so the case before you is a circumstantial one,” he said.

Mr Fuller said a circumstantial case could still be powerful, although it did not rely on a confession, and its strength lay in the accumulation of the objective facts.

“Those facts lead to an inevitable conclusion and that’s what the case is here, it’s not about isolating witnesses and discrediting them, it’s a question of what they say to you collectively,” he said.

He told the jury it should look at the evidence as a whole.

“There is a superficial attraction at looking at a piece of evidence in isolation... but it’s all about the context. We could all take a question and answer out of the pages of the evidence a witness gave... but it’s the context of everything that is said that is important,” he said.

Mr Fuller said that for the defence to suggest Ms Baden-Clay was sullen at the hairdressers was to cherry pick a piece of the evidence when she had been there the week before to get her colour fixed and planned to go to a conference the next day.

He said the hairdresser told the jury Ms Baden-Clay had been sick the previous week.

Mr Fuller said a phone call that Ms Baden-Clay made to the hairdresser at 4.38pm was perhaps consistent with her saying she was running late because there was a traffic crash.

He said the jury had to be careful about being “led astray” when looking at evidence that was not in context.

“It shows the care you need to take with respect to circumstantial evidence,” he said.

Mr Fuller said a scientific officer confirmed the blood found in the Holden Captiva had a statistically 1:5600 billion chance of belonging to Ms Baden-Clay.

He said the jury had to apply the same logic to all the evidence placed before them.

**11.45pm: Mr Fuller told the jury to look at the evidence through the eyes of Gerard Baden-Clay.**

He said it had been six years since Ms Baden-Clay had her last child when Baden-Clay’s brother had a son on April 18, 2012.

Mr Fuller said Dr Tom George gave evidence that she was disappointed upon discovering her last child was not a boy, but mostly because she thought it was what her husband wanted.

He said the bridge was more than 13km away from the family home at Brookfield.

Mr Fuller said the Baden-Clay cars were at home, so she either had to walk there or was taken there by someone else.

He said the jury knew Ms Baden-Clay was a reluctant exerciser who had battled with her weight, according to a friend, “all her life”.

Mr Fuller said it was not misadventure and she had not walked there to die or deliberately negotiated her way down the mud bank.

He said no one saw Ms Baden-Clay on the morning of April 20, 2012.

Mr Fuller said that the Kholo Creek Bridge was remote, situated in bushland and even for kayakers, was not easy to access.

He said nearby houses were some distance away.

“We know there is room to stop a vehicle, it doesn’t need to be on the roadway, in my submission to you,” he said.

He showed the jury two photographs of the Kholo Creek Bridge from Mt Crosby Rd at Anstead.

Mr Fuller asked the jury if a dark-coloured Holden Captiva that did not have personalised plates or was coloured white, as Baden-Clay’s Prado was, would have been less likely to have attracted attention late on April 19, 2012 or in the early hours of the morning on April 20, 2012.

He said there had been significant changes to the area around the Kholo Creek Bridge since 2012.

Mr Fuller said there was rainfall on April 27 until April 28, 2012.

He asked the jury where the mud was that would have been present on April 19, 2012.

Mr Fuller said the area leading down to the creek was vegetated.

He showed the jury a photo of underneath the Kholo Creek Bridge, a concrete arc and a steep, red earth embankment.

He said the area had changed, and been raised higher, when the jury went to look at it during the trial.

Mr Fuller said a police officer fell while walking down to retrieve Ms Baden-Clay's body on April 30, 2012, not underneath the bridge but along the watermark below.

He showed the jury a photo of the place where the police officer fell into soft silt on the water's edge.

"Don't be distracted by that," he told the jury.

Mr Fuller said Ms Baden-Clay's body was pushed off a concrete ledge beneath the bridge and fell to where it was found.

He said there were a number of things that might help the jury come to that conclusion, including the position of her arms and legs, consistent with her being rolled or pushed off that concrete ledge above.

Mr Fuller said an indentation on the bank was left in the bank where Ms Baden-Clay's body was left and still visible months later.

He said, like the police officer who sank in the silt, Ms Baden-Clay's body had also.

He said the jury could be satisfied she did not fall or jump from the bridge, but was "thrown down there".

"So if she didn't fall down there or negotiate her own way down there, is there a prospect of her having drowned or died from some other cause?" he said.

"You will safely conclude she was not suicidal or in some drug-induced delirium caused by sertraline."

Mr Fuller said forensic pathologist Dr Nathan Milne who said she would have sustained substantial injuries if she jumped from the bridge.

He said Ms Baden-Clay's body was not submerged in water when it was found or recovered, and at best it may have lapped against her.

Mr Fuller showed the jury a projection by police which showed Ms Baden-Clay's body was positioned beneath the bridge.

He said she could not have fallen to end up in such a position, unless the water had carried her.

Mr Fuller said Dr Milne said Ms Baden-Clay's body did not show any signs of injury caused by debris in the water.

He said the only injury to her was one to her leg and one to her chest.

He said the defence counsel's time-lapse video showed debris appeared to be moving a lot faster than in actual life.

"I'd ask you to look at how things float up and float down in that footage, not this constant forceful stream of flowing backwards and forwards," he said.

Mr Fuller said Dr Milne said there were post-mortem changes in Ms Baden-Clay's body consistent with it being in that position soon after death.

The defence has claimed Allison Baden-Clay may have died during a late-night walk she too

He said the pathologist found the top half of Ms Baden-Clay's body was mummified, from dry air, while the bottom half, touching the mud bank, had putrefied.

He took the jury to a map of Kholo Creek which showed that even if she fell into a creek that ran into where the bridge was, she would have had to have travelled a significant distance.

Mr Fuller showed the jury the high and low tides at Kholo Creek in April, 2012.

He said the evidence of hydrologist Martin Giles was that the tide height at the time would have fallen below the 1.5m mark.

Mr Fuller argued Ms Baden-Clay's body was found on that mark.

He said Mr Giles projected the most extreme projection following rainfall showed the water mark only just went over the 1.5m mark at the relevant time.

Mr Fuller told the jury to look closely at the foliage line around Ms Baden-Clay's body, which he said was consistent with the tide lapping around her body on the bank of Kholo Creek.

He said Dr Milne found the decomposition of the body was so significant if affected his examination.

Mr Fuller said Dr Milne had no evidence to exclude that Ms Baden-Clay drowned, given that she was found on a bank of water.

He said if Ms Baden-Clay's body was not so decomposed, he may have been able to exclude it as a possibility.

**1.01pm: Mr Fuller told the jury dumping Ms Baden-Clay's body, where it was exposed to the elements, may have increased the likelihood of injuries being impossible to determine and less likely evidence would be found linking her to her killer.**

He said pathologist Dr Nathan Milne found that decomposition made it impossible to determine if there were injuries to the face or head.

Mr Fuller asked the jury if they knew anyone who was able to cover their tracks, who was good at hiding things or who had lived a lie.

He said Baden-Clay told the jury he gave his phone to his wife so she could keep track of him.

He said the accused subverted that by deleting the phone calls he did not want his wife to know of.

Mr Fuller asked whether it was possible for the tide to have moved her jumper up and around her neck, trapping her arms within it.

He said she had no identification, no money and no phone.

He said Ms Baden-Clay's phone was triangulated to within a 4km radius from the backyard of the Baden-Clay home at Brookfield.

Mr Fuller said the injuries found on Ms Baden-Clay were a possible bruise and a chipped tooth. Defence barrister Michael Byrne QC has given his closing address in the Supreme Court.

Defence barrister Michael Byrne at the trial of Gerard Baden-Clay.

"They don't prove she was assaulted, but they are consistent," he said.

He turned to the issue of sertraline found in Ms Baden-Clay's body.

He said the blood sample came from the liver and it was highly likely the drug was diffused, raising its concentration.

Mr Fuller said forensic pharmacologist Dr Olaf Drummer was of the view the drug sertraline, sold as Zoloft, did not contribute to her death.

He added Dr Drummer said death from sertraline overdose itself was uncommon and usually only occurred in combination with other drugs.

Mr Fuller said Ms Baden-Clay was a long-term user of Zoloft since first prescribed it in 2003.

He said her dosage had fluctuated between nothing, to 50mg to sometimes 100mg, depending on stressors in her life.

Mr Fuller said there was evidence Ms Baden-Clay visited her GP in September, 2011 and asked for her dosage of Zoloft to be increased to 100mg.

He said that meant she had been on an increased dose of Zoloft for seven months before her death.

Mr Fuller said Ms Baden-Clay had a consultation with her GP where she asked for a prescription of 100mg of Zoloft to deal with mood swings in her menstrual cycle.

"She had nothing to hide from her GP and of course, that's simply consistent with what, one of the uses that we heard about from Dr Tom George, who told her to increase her dosage a couple of days before her mood swings," he said.

"It seems once you have a diagnosis... people are entitled to use that diagnosis against you..."

He showed the jury a photograph of a box of Zoloft found in the centre console of the Holden Captiva.

Mr Fuller said the packet of Zoloft, prescribed to Ms Baden-Clay and dispensed on March 13, 2012, was empty.

“Does that scream of an overdose or misuse? Why do you keep tablets in your car ladies and gentlemen? Is it because it’s part of your routine to remind yourself each morning to pop the pill?” he said.

He said maybe Ms Baden-Clay’s busy lifestyle meant she had yet to get the script filled from the doctor’s consultation on March 19, 2012.

“You might think she has taken that tablet close to the 19th of April,” he said.

Mr Fuller said there was no sudden change in her prescription dosage from 50mg to 100mg.

He said Ms Baden-Clay was a regular user of Zoloft who did not experience sertraline syndrome brought on by a change in her medication dose.

“There’s no other drugs present in her system. The alcohol is simply consistent with her decomposition,” he said.

“Is there any evidence at all that she went on a bender after he’s retired and gone to bed?”

He said the jury could exclude drowning, jumping, falling or drug toxicity.

Mr Fuller said Ms Baden-Clay once expressed harbouring thoughts that she would want to harm herself in 2003. He said she was retested a month later and found not to be.

He said Dr Tom George was asked if Ms Baden-Clay was suicidal, and he responded that over a six year period, she was a woman with insight, who got on with her life and responded well to medication.

He said Ms Baden-Clay’s friend, Kerry-Anne Walker, said she was “fantastic” in 2012.

“The night before she puts her children to bed, she sings one of them to sleep. She’s engaged in building the business... we know that she was excited about the prospects of the business and was making plans for the future,” he said.

He said Ms Baden-Clay had “survived” the disclosure of her husband’s affair.

“When she thought he was being open and honest in counselling he was doing anything but,” he said.

The defence has claimed Allison Baden-Clay may have died during a late-night walk she too

Mr Fuller said Ms Baden-Clay took her husband to two counsellors by April, 2012.

He used the evidence of Relationships Australia counsellor Carmel Ritchie who said Ms Baden-Clay was “overjoyed” her husband had been willing to engage.

He said it spoke of the effort Ms Baden-Clay had made to saving their marriage.

“She’s not depressed, she’s not suicidal, she’s not going to wander off as a result of some impact from a drug, there is no trigger,” he said.

He said if Ms Baden-Clay did not take her own life or die from misadventure, then they should find she was dumped at Kholo Creek by the person who killed her.

“Was she strangled, was she smothered? We know she wasn’t shot or stabbed... but whatever method was employed it was two things: it was efficient and effective,” he said.

Mr Fuller said Ms Baden-Clay was last seen alive by her children at home at 7pm.

He said she texted her friend at 7.50pm and spoke to Olivia Walton on the phone.

Mr Fuller said Baden-Clay was sending out group texts and operating as “business as usual”.

“No one had contact with her after that time,” he said.

Mr Fuller said no one heard anything, including the children in the house, on the night of April 19, 2012.

He showed the jury a photo of the children’s bedrooms situated above the front steps of the Baden-Clay home and directly above and adjacent to the car port where the Holden Captiva was kept.

Mr Fuller showed the jury a baby monitor on the bedside table and queried why it was there when Baden-Clay said noise in the house travelled so well.

He said neighbours who lived around Brookfield heard a noise that night.

Mr Fuller said the Baden-Clay’s eldest daughter told police April 19, 2012 was like any other night.

He said the girl told police her mum was up watching television.

Mr Fuller said the child, aged 10, told police she could not remember what her mum was wearing when she last saw her.

He said the girl then told police she thought she might have been wearing a white sloppy jacket and pyjama pants.

He said the girl told police her mum was not dressed in work clothes.

Mr Fuller asked whether it was inconceivable Ms Baden-Clay had put on the clothes in which she was found in when she got home from the hairdressers on April 19, 2012.

He said the killer had either removed her from the house or taken her from outside it.

“Her body tells us one more thing: and that’s the leaves,” he said.

Mr Fuller said six plant species were recovered from Ms Baden-Clay’s hair and jumper.

“They inextricably link Allison Baden-Clay to her house and inextricably link her death to the house,” he said.

He asked what the possibility was that all six samples would eddy around and end up in her hair in such a combination in water.

“If that theory is right, what’s going to be in the creek? All of the plants around the creek as well as perhaps things around the creek... but this man is so unlucky that none of those other plants around the creek end up in her hair and the only plants police recover are these six,” he said.

Mr Fuller said there was another more plausible explanation.

He said seven crepe myrtle leaves were found entangled in Ms Baden-Clay’s hair, all fallen leaves. He said there was no Crepe Myrtle in the vicinity of Kholo Creek, though.

He said it was found at the Baden-Clay home, next to the drive way, at the back of the car port and in front and next to the car port.

Mr Fuller showed the jury a photo of fallen dry leaves at the back of the house and compared them to the sample retrieved from Ms Baden-Clay’s hair.

He took the jury to the Cat’s Claw Creeper plant, which the botanist said had come from a live plant.

Mr Fuller said there was no Cat’s Claw Creeper in the vicinity of Kholo Creek but it was found in the Baden-Clay yard, near to the carport and among the ferns at the rear of the house.

He showed the jury photos where the plant hung off the carport and Crepe Myrtle plant.

***The trial will resume at 2.30pm***

**3.30pm: Crown prosecutor Todd Fuller QC is continuing his closing address to the jury.**

He said there were eucalypt leaves found on Allison Baden-Clay’s body, while trees that may have shed their leaves were found at the back and on the next door property of the Brookfield home where she lived.

He said a Chinese Elm leaf was found on Ms Baden-Clay’s body, and there was one plant at the back of the family home off Brookfield Rd.

He said a Lillypilly leaf found in her hair may have come from the plant in the front yard.

Mr Fuller said only a eucalypt and a Chinese Elm tree were found near to Kholo Creek.

“A woman who has just had her hair done, who is attending a conference the following day, missed a parent teacher interview to get her hair done. Nothing good can come of that but it speaks of what happened to her,” he said.

Mr Fuller took the jury to the blood in the Holden Captiva.

He said the car had three rows of seats in it. Mr Fuller said items were placed into the back of the car and the back row of seats was folded down.

He reminded the jury of the evidence of a scientific officer who first looked for blood in the car.

He said a number of police looked at the car without noticing any blood in the back of the car.

“That’s explicable by the location of where it was found,” Mr Fuller said.

He took the jury to the foot well behind the passenger seats of the car and said it would not have been seen unless the seat was lifted up.

Mr Fuller said police described the mark did not really look like blood but was tested and found to have Ms Baden-Clay’s DNA in it.

He said the area where the blood was found was hidden from view unless the seats were folded upwards.

“We know from the photograph I showed you just a moment ago, it appears to have trickled down the side of the car towards the foot well. It’s gone unnoticed because of the amount and the place it was. If you didn’t know it was there, would you see it?” he said.

Defence barrister Michael Byrne QC has given his closing address in the Supreme Court.

Mr Fuller said the family only had the car since February 26, 2012.

He said there was no reports of injury to a child or to a person since they had the car.

“So is it a small amount of blood that is on something that comes into contact with the side of it, that then doesn’t leave a trail either in or out of this vehicle?” he said.

Mr Fuller said it was interesting Baden-Clay took the Holden Captiva out to look for his wife on April 20, 2012.

He said the vehicles were parked that day so that the Prado was closest to the driveway.

Mr Fuller said Baden-Clay drove up Boscombe Rd and Deerhurst Rd, the same area near where police had triangulated his wife’s phone.

“He tells you he reverses the car out and when he comes back he reverses the car in, around the Prado,” he said.

He said it was unlikely Ms Baden-Clay had put the toys and boxes of clothes in the back of her car the previous night, when she had been at the hairdressers until the early evening.

“At any event there is blood in the car. Blood that is hers. Now how did it get there? How does it sit with the leaves I’ve spoken about? The Crown says to you it’s a piece of circumstantial evidence that supports there was some violence to her, some injury...,” he said.

Mr Fuller took the jury to the scratches on Baden-Clay’s face.

He asked if they were scratches or marks.

Mr Fuller said the Baden-Clay's eldest daughter testified that her father had cut himself shaving, scratching it three times in a row using a blunt razor.

He said the girl also testified that her father usually showered before he shaved.

Mr Fuller reminded the jury of Baden-Clay's evidence to police, in which he told them he got up on April 20, 2012 to "shit, shower and shave".

He said Nigel Baden-Clay told the jury he saw his son had cuts on his face and saw a Band-Aid on his face, so asked him "what is that?"

Mr Fuller said a first response police officer asked the accused about the marks on his face.

He said Baden-Clay told him he cut himself shaving and repeated the answer over and again during interviews with police that day.

Mr Fuller said Priscilla and Geoff Dickie noticed them and so did his wife's friend, Kerry-Anne Walker.

He said photos were first taken on Baden-Clay's injuries around five hours after police first saw them.

Mr Fuller zoomed in on the marks on the right cheek of the accused.

"I suggest you have a closer look at that exhibit," he told the jury.

He asked what possible reason the accused could have for trying to cover up the injuries.

"They show close hand contact and evidence of violence between himself and someone else. Someone striking out... to defend themselves against him. He knows that..." he said.

Mr Fuller said Baden-Clay went to see two doctors on April 21, 2012.

He said the accused made no mention of another set of injuries to his face.

Mr Fuller asked the jury whether a mark on Baden-Clay's armpit may have been consistent with someone pulling at his clothing.

He said the accused used a highlighter when telling them how he shaved and cut himself, adding he stopped and then continued.

Mr Fuller said on the evening of April 22, 2012 a forensic specialist examined Baden-Clay's injuries.

He said Dr Leslie Griffiths described the edges as irregular and thought they were unlikely to have been caused by a disposable safety razor, like the one found at Baden-Clay's home.

Mr Fuller said photographs of the accused taken on June 14, 2012 revealed there was still scarring of the abrasions.

He said three experts examined the injuries by looking at photos of the marks on Baden-Clay's face.

Mr Fuller said all three drew similar conclusions and gave similar evidence.

He said Dr Robert Hoskins found it was extremely implausible the injuries were caused by a razor blade.

“They are fingernail marks, they are on his face, they occurred after his children went to sleep and before his children got up, after the last time before these children saw their mother...,” he said.

Mr Fuller reminded the jury it was possible there was another person’s DNA profile under the fingernails of Ms Baden-Clay’s left hand.

“There was a struggle between the two of them and she left her mark upon him,” he said. The defence has claimed Allison Baden-Clay may have died during a late-night walk she too

“They are damning and link to the act of violence without any doubt.”

He said the finger nail marks showed there had been close-up violence and that the couple was within arm’s reach of each other.

“The only injury she is able to inflict upon him is a scratch to his face while he inflicts upon her, injuries that cause her death,” he said.

He said the lack of injury to the accused spoke to the nature of the violence used on Ms Baden-Clay.

“She is unable to raise the alarm. It has occurred in or around the house, such that she brings her children to her rescue. She is unable to cause any injury to him, other than the face,” he said.

“Does that not speak of the mechanism that was used?”

He said it was an “efficient and effective” killing and argued it was done with intent.

“It’s efficient and effective ladies and gentlemen, what can be going through the mind of a person whose carrying that act out, other than the intended outcome, which in fact took place,” he said.

Mr Fuller said Baden-Clay gave a story to police that was false and lied to try and cover them up to “distance himself” from the scratches.

He argued the phone charger was connected at 1.48am.

“The only evidence we have that Allison had possession of his phone is from him. It’s his lifeblood, the first thing he checks in the morning. You might think it’s the last thing he checks at night,” Mr Fuller said.

**4.30pm: Mr Fuller turned his attention to the pressures Gerard Baden-Clay faced from his wife, his mistress Toni McHugh and his business.**

He queried Baden-Clay’s references to where he was when Princess Dianna died or the “Monopoly” lifestyle he shared with his wife in London early in their marriage.

Mr Fuller said Baden-Clay was in denial he was under any pressure with respect to his wife, his business and his mistress.

He said that despite his apparent level of concern for his wife and her depressive illness the accused never sought out the help of Dr Tom George around the time of her death.

Mr Fuller said Baden-Clay had a good thing with Ms McHugh but the ground rules were changed when his wife discovered the affair.

He said Ms Baden-Clay curtailed her husband's ability to meet with Ms McHugh, joined the business and dragged him to counselling.

Mr Fuller said Baden-Clay told his work colleagues he still loved Ms McHugh, even after his wife discovered the affair, in September, 2011.

"Not quite the man confessing, turning over a new leaf, heading off to repair his marriage. He told you he wasn't a man who wanted to put his family in jeopardy, but that's what he did over those four years," he said.

He said the accused was so supportive of his wife's depression that he had an affair with a colleague, Michelle Hammond.

Mr Fuller said Ms McHugh told the jury she admired his drive and the way he made people feel they had something to contribute.

He said Ms McHugh described their relationship as "up and down" and even when he returned home to put his children in bed, he would go out again to meet her at her unit or the office.

Mr Fuller asked the jury whether there would be times in their own lives when they wouldn't bounce into work or the office like normal.

He asked whether that could be what happened to Ms Baden-Clay.

Mr Fuller showed the jury Ms Baden-Clay's journal.

He said it was unclear when the journal entries commenced, whether it was October 24, 2010. Defence barrister Michael Byrne QC has given his closing address in the Supreme Court.

Mr Fuller read out the list she had written in it: exercise, affirmations and supplements.

I have a loving marriage with a wonderful relationship and great sex.

He read through an entry from April, 2010 which said she was grateful for a loving text from her husband and the fact she could have her hair done and buy a new top.

He turned the page to April 18, 2010. Ms Baden-Clay wrote of being grateful for driving a flash car.

Mr Fuller took the jury to the next day, adding that she was grateful for "G" being a gadget person.

The next one, he said, was dated May 5, 2010 and the last June 1, 2010.

He said the sixth entry said she was grateful for "Snowy, the Prado".

Mr Fuller said Ms Baden-Clay went to see Dr Lawrence Lumsden by December, 2010.

He showed the jury a page from Ms Baden-Clay's journal titled "daily disciplines".

He took the jury to Ms Baden-Clay's thoughts on August 23, 2010.

It was a list which said she was happiest when with her family and friends. The fourth point said she was angry when she felt she was treated unfairly. Another said she hated it when her fat bulged over her pants.

He said the eighth point she wrote was "I would give anything if my partner would make love to me".

Another read she wished her marriage was like it had been before the ceremony.

"If my relationship ends it will be because G has had enough and doesn't love me anymore..." Mr Fuller read out.

Another point she wrote said: "My partner hates it when I sabotage our parenting..."

Mr Fuller read further points from the diary to the jury, adding that she was afraid of losing her marriage, being a single mum, her husband leaving.

He read: "Maybe I am still harbouring regrets about getting marriage and did I make the right decision?"

Mr Fuller read another line from the journal in which Ms Baden-Clay wrote she did not want to go overseas with him and instead wanted to change her career and be famous.

"Gerard stood in my way and I have treated him like shit because I held this belief..." she wrote.

Mr Fuller said the jury might think Allison Baden-Clay's harshest critic was herself.

"She knew he didn't love her. She has had Kerry-Anne Walker suggest to her that maybe he is having an affair," he said.

Mr Fuller said Ms Baden-Clay did not return to depression on finding out of the affair but instead gave him an ultimatum: "her or me".

He said Ms Baden-Clay returned to the work place to share her husband's passions, goals and energy.

"How did he repay that? By putting an app on his phone..., by deleting his phone calls, by contacting her via an email account his wife didn't know about and of course, telling some staff in his office that he still loved the other woman," he said.

Mr Fuller said Baden-Clay told a counsellor he did not believe depression was an illness and a person could "snap out of it".

He said the accused told Ms McHugh he would be with her unconditionally by July 1, 2012.

Mr Fuller said Baden-Clay's relationship with his mistress was now quite different and they no longer had unfettered access, but instead stole moments together in brief windows.

He showed the jury Baden-Clay's secret email to Ms McHugh on April 3, 2012: "I have given you a commitment and I intent to stick to it – I will be separated by 1 July."

Mr Fuller said Baden-Clay was in love with Ms McHugh but was "straddling the fence" and did not have "the courage to go" or to stay.

"Does that not show the pressure... that this man was in on the 19th of April, 2012?" he said.

He showed the jury another email from the accused to his wife on April 11, 2012.

"This is agony for me too. I love you. I'm sorry you hung up on me. It sounded like you were getting very angry. I love you GG. Leave things to me now. I love you. GM," he read.

Mr Fuller said Baden-Clay could have told Ms McHugh it was over but did not.

"Now, he's under a tighter leash," he said.

He said Ms McHugh told the accused it was okay if he chose his wife.

"You might think she was an intelligent woman... She fell for the Baden-Clay product and she fell hard. She was obviously in love with this man," he said.

The defence has claimed Allison Baden-Clay may have died during a late-night walk she too

The defence has claimed Allison Baden-Clay may have died during a late-night walk she took to clear her head. Picture: Supplied

Mr Fuller said Baden-Clay's business dreams "hadn't come to pass".

He said the accused's friends invested \$90,000 each into the business and the loans were unsecured, while interest was largely unpaid.

"Hardly the hallmarks of due diligence and financial acumen," he said.

Mr Fuller said Baden-Clay paid out his partners just \$1 each for their share in the sales side of the real estate business.

He said that by the end of 2011, Baden-Clay wanted ownership of the rent roll and he needed to raise \$300,000.

He said the jury might think an ambitious contract was entered in November, 2011, to be finalised by December that same year, but it did not come to pass.

Mr Fuller said the accused turned to Moggill MP Bruce Flegg and Century 21 founder Charles Tarby for the money.

He said the contract was amended so that he only had to pay \$30,000, plus interest instalments, with the rest to be paid by September, 2012.

Mr Fuller said Baden-Clay had almost \$200,000 worth of shares as at April, 2012.

He said the accused's friends were saddled with the risk while Baden-Clay's own finances were secured to protect him.

He said Baden-Clay called Sue Heath for money in tears because he feared going bankrupt.

"He even told Toni McHugh they were in trouble. Told Toni McHugh he was thinking of selling the business," he said.

Mr Fuller said Baden-Clay told the police his wife only had access to \$20 and they were "on the bones of our arse" on April 20, 2012.

He said the accused told police he could not even afford to buy new razor blades.

"What happens to those assets if he and his wife split, ladies and gentlemen? His interest isn't all of it, his wife has an interest in it," he said.

"His success has been elusive, you might think. Sure he won awards early on, but there were no awards in 2011 and 2012."

Mr Fuller said those pressures were bearing down on the accused when his wife took him to see Relationships Australia counsellor Carmel Ritchie on April 16, 2012.

He said Baden-Clay was told to listen to his wife so she could discuss the affair but he was reluctant and could not see a benefit.

"She was happy that he had engaged in the process, you might think she had been trying for a long time for him to confront his demons and have a serious conversation," he said.

Mr Fuller said it put into context the list and "sordid detail" Ms Baden-Clay had written down in her journal on April 18, 2012.

"He was resistant to the concept of it. Now why is that, ladies and gentlemen? He doesn't want to confront those demons? Or does he not want to have to think about the times that he might of thought were happier in his life, when he was with Toni McHugh? Being asked to relive each of those?" he said.

***The trial will continue tomorrow from 10am.***