

CORRUPTION  
IN  
SOUTH AUSTRALIAN GOVERNMENT  
( AUSTRALIA )

SERIOUS PERJURY BY POLICE  
OFFICER, KNOWINGLY USED  
BY CORRUPT CROWN  
PROSECUTOR WHO IS NOW  
A JUDGE, TO FORCE AN  
ARSON CONVICTION.  
STATE GOVERNMENT  
CORRUPTION COVER-UP.

SUGGESTED BEST METHOD  
FOR VIEWING THIS FILE  
INFORMATION IS TO  
DOWNLOAD FILE, THEN  
VIEW EACH PAGE AT  
YOUR OWN SPEED OR  
PRINT INDIVIDUAL PAGES.

SD-1

MR 28  
0802

# STATUTORY DECLARATION

I, DAVID PETER JARRETT

(Full Name)

of PORT AUGUSTA PRISON, c/- P.O. Box 6, PORT AUGUSTA 5700

(Address)

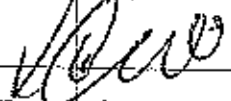
in the State of South Australia, PRISONER

(Occupation)

do solemnly and sincerely declare that:

REGARDING MY APRIL 20, 2008 PETITION FOR MERCY PERTAINING TO MY 1993 ARSON CONVICTION, AND EVENTS RESULTING IN SAID CONVICTION, PURSUANT TO S. 369 CRIMINAL LAW CONSOLIDATION ACT, S.A. 1935, IN PARTICULAR GOVERNOR'S RESPONSE LETTER OF 26 MAY, 2009, I FORMALLY ACCUSE S.A. PREMIER M. RANN AND S.A. ATTORNEY-GENERAL M. ATKINSON OF CRIMINAL ABUSE OF OFFICE AND PROVIDING FALSE AND CRIMINALLY MISLEADING LEGAL ADVICE TO THE S.A. GOVERNOR, AND PROFESSIONAL NEGLIGENCE, AND COMPLICITY IN THE CRIMINAL ACTS OF R. CAUNCE BY ATTEMPTING TO COVER-UP SUCH ACTS, AND MINISTERIAL CORRUPTION. I'M HAPPY TO BACK THIS ALL UP IN CRIMINAL COURTS WITH DOCUMENT PROOF.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1936-1969.

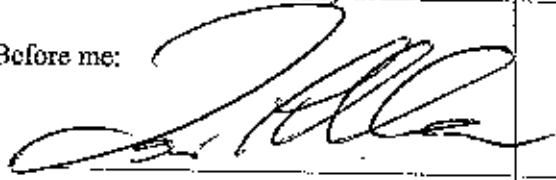
Signature (D. P. JARRETT) 

Declared and subscribed at PORT AUGUSTA PRISON

in the said State by the said D. JARRETT

this 03 day of NOVEMBER, 2009

Before me:



**RONALD DAVID ELLEM**  
A Justice of the Peace in and  
for the State of South Australia  
J.P. (23195)

NOTE—This Declaration must be signed before a Justice of the Peace, a Commissioner for Taking Affidavits, or a Notary Public.  
Any alteration made must be initialled by both the applicant and the Justice of the Peace.

# STATUTORY DECLARATION

SOUTH



AUSTRALIA

I, **DAVID PETER JARRETT**

of **PORT AUGUSTA PRISON, SOUTH AUSTRALIA**, do solemnly and sincerely declare  
that

REGARDING MY APRIL 20, 2008 PETITION FOR MERCY PERTAINING TO MY 1993 ARSON CONVICTION, AND EVENTS RESULTING IN SAID CONVICTION, PURSUANT TO SECTION 369 OF CRIMINAL LAW CONSOLIDATION ACT, SOUTH AUSTRALIA 1935, IN PARTICULAR GOVERNOR'S RESPONSE LETTER OF 26 MAY 2009, I FORMALLY ACCUSE SOUTH AUSTRALIAN PREMIER MIKE RANN AND (FORMER) SOUTH AUSTRALIAN ATTORNEY-GENERAL MIKE ATKINSON OF CRIMINAL ABUSE OF OFFICE AND PROVIDING FALSE AND CRIMINALLY MISLEADING LEGAL ADVICE TO THE SOUTH AUSTRALIAN GOVERNOR, AND PROFESSIONAL NEGLIGENCE, AND COMPLICITY IN THE CRIMINAL ACTS OF POLICE OFFICER RICHARD A. CAUNCE BY ATTEMPTING TO COVER-UP SUCH CRIMINAL ACTS, AND MINISTERIAL CORRUPTION. FORMER CROWN PROSECUTOR PAUL RICE (NOW A JUDGE), ACTED UNLAWFULLY AND WITH BLATENT CRIMINAL DISREGARD OF KNOWN FACTS WHEN PROSECUTING ME FOR THE ARSON CHARGE, HE ENGAGED IN PROSECUTORIAL MISCONDUCT ACTS AND IS CORRUPT. ALL QUALIFIED EVIDENCE IS IN DOCUMENT FORM AND PROVES EVERY ACCUSATION HEREIN DESCRIBED. I DARE THE CROWN TO TRY AND DIS-PROVE ME, IN A COURT.

And I make this solemn declaration conscientiously believing the same to be true, and  
by virtue of the provisions of the Oaths Act, 1936, as amended.

Declared and subscribed at

PORT AUGUSTA PRISON, SOUTH AUSTRALIA

This 22<sup>nd</sup> day of July

two thousand and ten

Before me ---

A Justice of the Peace for South Australia

**KAREN SUE DeCOSTA**  
A Justice of the Peace in and  
for the State of South Australia  
(23251)

EVIDENCE SHOWN HEREIN  
CONSISTS OF PUBLIC TRIAL /  
APPEAL TRANSCRIPT AND  
TEXT FROM DOCUMENTS  
GENERALLY PROTECTED UNDER  
MY LEGAL CONFIDENTIALITY  
RIGHT NOT TO REVEAL, BUT  
WHICH I CHOOSE TO REVEAL  
VIA THIS METHOD TO PROVE  
MY SERIOUS AND LEGALLY  
JUSTIFIABLE COMPLAINTS AND  
ACCUSATIONS. GOVERNMENT  
CORRUPTION, IMPROPRIETY  
AND CRIMINAL ABUSE OF  
DEPARTMENTAL AUTHORITY.  
ANTI-CORRUPTION INVESTIGATION  
IS URGENTLY REQUIRED IN THIS  
STATE.



This file will include copies of actual evidence documents which I will refer to specifically, each such document will have a circled reference number usually located in the upper portion of the document.

Example:

SD - 1

TR - 120

### My Complaint in brief

ITEM  
No.

1. My initial lawyer for my defence to the charge was Adelaide lawyer David F Stokes. Shortly prior to trial (which started on 24-05-1993), David Stokes passed-off my trial representation to Adelaide based lawyer Michael Barnett, without even speaking to me prior to Stokes off-loading me for my trial representation. Due to the degree of professional negligence by David Stokes, including failing to adequately investigate significant material details from statements he had received from the Crown prosecutor, then negligently fail to provide all Crown witness statements to me, or adequately instruct Michael Barnett as to the significance of certain exculpatory evidence, contained within statements Stokes received from the Crown, I was denied fair opportunity to receive even adequate trial representation by Michael Barnett. I do not doubt that had Michael Barnett been given even four weeks prior to trial, to prepare my trial representation including reading all Crown witness statements himself, not only would the jury verdict be different, but certain Government employees would be investigated for acts of Impropriety and Professional Misconduct. Unfortunately for me though, David Stokes was still directing Michael Barnett what to and not to do.
2. Police officer Richard Caunce committed criminal acts as a police officer, including making false police statement and committing serious perjury during his trial testimony as a Crown witness. His deliberate actions denied me fair opportunity to prove my innocence of the charge.
3. Police officer Richard Caunce during his trial testimony, admitted to misleading the jury about significant material evidence he relied upon, which was against my truthfulness, with the intention of tainting and seriously misleading the jury about the reliability of his evidence.
4. Crown prosecutor Paul Rice deliberately misled the jury with trial testimony from Crown witnesses, about significant material evidence which he personally knew to be false, in particular by Crown witnesses Richard Caunce and Doctor Raymond Behrens, with the intention of relying on those witnesses' acts of perjury to taint and seriously mislead the jury about the integrity and reliability of evidence from both Crown witnesses.
5. Crown prosecutor Paul Rice improperly tailored his questioning of some Crown witnesses during witness testimony, in particular Police officer Richard Caunce, Police officer Brian Kitto, Police officer Kym Modra and Doctor Raymond Behrens by not informing jury of specific and significant material evidence known to respective Crown witnesses, which if disclosed to the jury would not only support the reliability of defendant's testimony as being accurate and true, but also facilitate a different verdict by the jury if full disclosure of such material facts had been revealed by those Crown witnesses, during their trial testimony.
6. Crown prosecutor Paul Rice improperly misled the jury whilst questioning me during defendant cross-examination, when relying upon the Crown witness evidence of Police officer Richard Caunce, and accused me of providing three significantly different reasons as to why I actually attended the train carriage. However, the only evidence supporting proof of exactly who made the significantly different claims as to what reason/s allegedly given by me, proves Richard Caunce on behalf of The State Government, has been the only person not only as source of the different reasons alleged to have been given by me, but document evidence identifies the Government employees who Richard Caunce provided his criminally false information to. Police officer Richard Caunce first claimed I told him, 'I attended the train carriage to investigate a rear light', second claimed (in police statement), I told him 'I went to train carriage to investigate a fire', third claimed (in trial testimony), I told him 'I went to train carriage to clean it'. Prosecutor Paul Rice had material evidence prior to trial which proved statements

by Richard Caunce were professionally unreliable, criminally misleading and false, yet improperly used such false information to continue to prosecute me, even with Paul Rice's knowledge of such criminal acts of impropriety by his own Crown witnesses.

7. Crown witness Doctor Raymond Behrens committed perjury during his trial testimony, which was known by Prosecutor Paul Rice, and improperly used by Prosecutor Paul Rice to taint and seriously mislead the jury about the reliability and integrity of my own trial testimony, thereby denying me a fair trial and a fair opportunity to prove my innocence of the charge. Doctor Raymond Behrens criminally misled the jury during his trial testimony, and made allegations against me about significant material events, even though his allegations were contradictory to and most certainly not supported by his prior statements to police.
8. Crime Scene Investigator, Police officer Mark Pollard negligently failed to investigate crime scene evidence, particularly relating to train carriage interior lights and an obviously 'damaged train carriage window', which was located at the south-western area of the train. Professionally negligent investigation by Mark Pollard involved lack of any physical evidence such as crime scene photographs, to support his Evidentiary Claims about specific and materially significant aspects of the train carriage light switches, train carriage interior lights, their light covers and globe filaments or the dis-placed 'damaged train carriage window'. Photographs of the dis-placed window taken by Mark Pollard do however prove his assessment of the window to be seriously flawed, to the extent of improperly mis-representing, totally disregarding and seriously misleading in suggesting how and when said window was actually dis-placed, by whom and for what reason. Crime scene photograph Number 9 (of the Crown's trial Exhibits), visually proves no smoke or soot exited the train carriage interior via said dis-placed train carriage window, therefore any damage to said window which resulted in breaking the silicone seal of the window frame, could only have been caused after the 'thick black smoke which emanated from both ends of the train' was subdued, which was after I had been put in the care of the St. John's Ambulance medical staff, proving I did not effect the dis-placement of said window. Seriously misleading trial testimony by Mark Pollard denied me fair opportunity to prove my innocence of the charge of arson.
9. Crown Prosecutor Paul Rice knowingly purported evidence by some Crown witnesses as fact, even though he had document proof that such purported facts were in fact false, thereby deliberately 'causing me harm' and denying me a fair trial.
10. Repeated formal complaints by me to the South Australian Police Complaints Authority since 2007, about the acts of criminal impropriety by police officer Richard Caunce, have been repeatedly dismissed by that Agency as not important enough to investigate.
11. I have twice since 2002, Petitioned the South Australian Governor to overturn my arson conviction as it was obtained as a result of Professional Misconduct, Perjury, Abuse of Public Office and being denied a fair trial. Governor denied both Petitions. However, my second Petition, dated 20-04-2008, the Governor's refusal to act on disclosures therein, and my formal complaints about the Legal Advice the Governor received from the Government Ministers, gave me legal Cause to make serious accusations against (then) Ministers Mike Rann (South Australian Premier), and Michael Atkinson (South Australian Attorney-General), of impropriety.
12. Governor's letter dated 23-10-208, notified me of the Governor's dismissal of my 20-04-2008 Petition. I then sought a copy of the Legal Advice the Governor relied upon from the respective Ministers, and to this day have still not received a copy of that Advice. As a direct result of believing I was being dealt with improperly by the Governor, including being 'brushed-off', considering the seriousness of the complaints I was making, I deliberately engaged in abusive letter writing to the Governor to force the Governor to Formally Direct Police, who until then had repeatedly refused to attend me in prison to formalise my 'victim complaint', to attend me in prison and formally interview me regarding my accusations of criminal improprieties by State Government employees. The direct result of such Formal Interview, on 7-01-2010, was the involvement of the South Australian Police Anti-Corruption Branch, who as of March 2010 commenced their formal investigation. I hope that for their sake, they too do not try and cover-up the criminal actions of the police officer or the Ministers. I have warned the Government not to cover-up this matter because I will use every legal means available to me to make public, name and shame every person who acts improperly in relation to not only my arson conviction, but also my attempts to rectify this complaint via the Governor.
13. Since State Government Elections in South Australia, March 2010, I have written to the newly elected Attorney-General offering an opportunity to remedy my complaints as above described, in a non-public manner. As at September 2010 I have still not received any reply from the Attorney-General.



14. All I asked of the Governor was to either quash said arson conviction themselves, or refer my complaint to the Full Court, as per Procedural requirement and entitlement. My request of the Governor was not unreasonable, it was supported by qualified document evidence, so I am curious about their off-the-cuff dismissal of my complaints and wonder, how extensive is the level of corruption within the Crown Prosecutor's Department, the South Australian Police Department and the South Australian Judiciary? At least one South Australian Judge, Paul Rice, was a corrupt Crown Prosecutor before becoming a Judge. It is a reasonable question that I must ask, is Paul Rice also a corrupt Judge? Only a Royal Commission style investigation in South Australia, against the South Australian Judiciary, South Australian Police Department, South Australian Public Prosecutions Department, and individuals Paul Rice (former Crown prosecutor), Mike Rann (State Premier), Michael Atkinson (former Attorney-General), Richard A. Cawce (police officer), Raymond Behrens (doctor), Mervyn Allen (doctor), Brian Kitto (police officer), Alan M. Brown (police officer), Kym Modra (police officer), Mark Pollard (former police forensic investigator), and the conduct of the South Australian Governor, will properly weed out the extensive corruption perpetrated by South Australian (taxpayer funded), Government employees.
15. There are more items of complaint regarding my arson conviction, with qualified document support, which are not described within this public notification method. They will be described in Criminal Appeal documents.
16. Recent highly significant Criminal Judgments in Australia, and Australian Case Law since at least the 1970's, as long standing support, gives serious weight to my complaint about not only my conviction for arson, but also events relating to the manner in which it was achieved.

CASE LAW includes:

The Queen v. Attard and Mifsud [1970] 1 NSWLR 750 per Walsh JA at p. 756.  
 The Queen v. Gessing (1985) 38 SASR 226 per King CJ at p. 232.  
 R v. Lawford and Van de Wiel, Judgment No. 2929 of 1991, SASR.  
 Ratten v. The Queen (1974) 131 CLR 510.  
 Mallard v. The Queen [2003] WASCA 296.  
 Mallard v. R [2005] HCA 68.  
 R v. Stafford [2009] QCA 407.

17. Due to funding limitations I was forced to effect this public complaint against my arson conviction, I therefore take sole responsibility for all accusations I describe herein against any person and Department / Agency. I simply ask for an opportunity to have such accusations of impropriety properly assessed by the Criminal Court Jurisdiction.

I am in the process of arranging for my legal representation of my complaints to be conducted by South Australian Lawyer:

Nic Kernahan  
 (Director of)  
 Johnston Withers and Associates Pty Ltd  
 Barristers and Solicitors  
 17 Sturt Street  
 Adelaide, South Australia (Australia) 5000  
 telephone (08) 8231 1110

## Evidence and Support

FOR  
ITEM  
No.

IF INDICATING AN ATTACHED DOCUMENT, A DOCUMENT  
REFERENCE CODE / NUMBER WILL BE INDICATED.

2. Attached F 1 F 2 TR-120 TR-121

Extract from Police Statement of Richard Counce, dated 7-08-1992:

"... assaulted by persons unknown receiving a heavy blow to the back of his head resulting in him being knocked unconscious, this assault had taken place when JARRETT had gone to investigate a fire inside then railway carriage."

Extract from Trial Testimony of Accused (XXN):

"Q: You recall Constable Counce giving basically two versions or accounts of why you said you were in the carriage?

Q: You recall him saying initially, in his evidence today, that you had gone out to clean the carriage. When he was answering questions to me, and I asked him 'Did he say why he had gone there?', and the answer by you to him, clean the carriage. Now, I want to ask you about both versions.

Q: And then, in cross-examination, he was asked about whether he had earlier given a statement to the effect that you were going to investigate a fire, that was inside the railway carriage."

3. Attached TR-120 TR-121

Extract from Police Statement of Richard Counce, dated 7-08-1992:

"... this assault had taken place when JARRETT had gone to investigate a fire inside the railway carriage."

Extract of Trial Testimony of Richard Counce (XXN):

Defendant's lawyer.

"Q: You have told the jury about the conversation you had with Jarrett, and you are relying now on your memory of what he said to you.

A: Yes.

Q: You didn't make notes at that time.

A: No.

Q: Or at some time later.

A: No.

Q: Is there any reason for that.

A: Due to the brevity of the conversation I had with him, it was only regarding his injuries...

Q: He didn't only tell you about his injury, he told you about -

A: An assault.

Q: What he had done.

A: Yes.

Q: How good do you say your memory now is about that conversation, what he told you.

A: Fairly good.

Q: When was it that you came to prepare a statement for use in these proceedings, setting out details of that conversation as best you can remember them - how long after the fire.

A: Be a year, probably.

Q: What was your memory like at that stage, of that conversation.

A: Fairly good.

Q: I suggest to you you put in your statement that Mr Jarrett had told you that the assault had taken place when he had gone to investigate the fire inside the railway carriage.

A: It could be -

Q: The same as it is, the sequence and the detail you have recorded in your statement, is it the same as you have told the jury about.

A: Yes.

Q: You told the jury that Mr Jarrett told you that he had gone to the carriage to clean it.  
 A: Yes.  
 Q: Would you like to have a look at the statement you made.  
 Q: Do you agree with me that you have recorded in (your) statement ... when Jarrett had gone to investigate a fire inside the railway carriage.  
 A: Yes.  
 Q: Nothing about him having gone to the carriage to clean it.  
 A: No.  
 Q: You appreciate there is a difference between what you have told the jury and what you have recorded in (your) statement.  
 A: Yes.  
 Q: Does that refresh in your memory what he said to you.  
 A: Yes, it would be."

4. **Attached** F 1 F 2 TR-120 TR-121

Extract from Police Fire Report by Richard Caunce:

"... located the cleaner who stated that he observed a light in the carriage and upon investigating was ..."

Extract from Police Statement of Richard Caunce, dated 7-08-1992:

"... assault had taken place when Jarrett had gone to investigate a fire inside the railway carriage..."

Extract of Trial Testimony of Richard Caunce (XN):

Prosecutor.

"Q: ... did he tell you where he was assaulted.

A: In the train carriage.

Q: Did he say why he had gone there.

A: To clean it."

Extract of Police Statement of Dr Raymond Behrens, dated 20-08-1992:

"Jarrett's behaviour during examination indicated to me that he was agitated and upset."

Extract of Trial Testimony of Dr Raymond Behrens (XN):

"A: He was remarkably calm and self-possessed, and didn't seem at all agitated or concerned."

5. **Attached** F 1 F 2 TR-120 TR-121

Extract of Police Statement of Detective Kym Modra, dated 7-08-1992:

"... he advised that he had seen a light in the railway carriage, he had gone into the carriage and... assaulted."

6. **Attached** F 1 F 2 TR-120 TR-121

9. **Attached** F 1 F 2 TR-120 TR-121

10. **Attached** PC-1 PC-2 PC-3 PC-4

11. **Attached** PG-1 PG-2 PG-3 PG-4 PG-5 PG-6 PG-7 SD-1  
 GL-1 GL-2 GL-41 GL-42 GL-5 GL-6 GL-7

12. **Attached** GL-1 GL-41 GL-42 GL-5 GL-6 GL-7 PC-5

**ATTACHED DOCUMENTS****LIST**

SD-1  
F 1  
F 2  
TR-120  
TR-121  
PC-1  
PC-2  
PC-3  
PC-4  
PC-5  
PG-1  
PG-2  
PG-3  
PG-4  
PG-5  
PG-6  
PG-7  
GL-1  
GL-2  
GL-41  
GL-42  
GL-5  
GL-6  
GL-7

P.D. 191

South Australia Police

FIRE REPORT

13.  
C  
FI

Time of Fire: 5.15 a.m.

Date of Fire: 10/1/91

OWNER OF DAMAGED PROPERTY:

Name: Hungry Jacks Restuarant Pty Ltd

Occupation:

Age: Address: 209 Main North Road NAILSWORTH

OCCUPIER / CUSTODIAN OF DAMAGED PROPERTY:

Name: As above

Occupation:

Age: Address: As above

Location (address) at which fire occurred: 209 Main North Road NAILSWORTH

Nature of fire: railway carriage converted to restuarant  
*(e.g. shed, house, factory, scrub, rubbish, vehicle, etc.)*

Probable cause of fire: kerosene accelorant

Name and address of person first observing fire: David Peter JARRETT  
20 Roopena Street INGLE FARM

Estimated value of property damaged: \$2,000.00

Name of Insurance Company involved (if any): S.G.I.C.

Did Fire Service attend?

YES / NO

Who attended?

S.A.F.B.

C.F.S.

Name and Station of Senior Fire Officer present at fire:

Maxwell Lincoln HAMMILL of North Adelaide fire station

Number of appliances attending: 2

Number of men: 6

Particulars of offender (if any):

C14.  
Brief description of circumstances of fire, including details of property damaged, where fire first started, extent of damage caused by fire, etc.

Police patrol D 30 drove past the premises at approx 5.15.a.m. and noticed smoke emanating from the railway carriage adjacent to the hungry jacks restuarant, upon investigation located the cleaner who stated that he observed a light in the carriage and upon investigating was confronted by 3 men who assaulted him and knocked him unconscious, upon reviving he noticed that the carriage was on fire and the men had decamped he then returned to the main restuarant to phone the fire brigade and at this time the Police arrived. The cleaner Peter David JARRETT was taken to the R.A.H. for treatment. the M.F.S. attended and extinguished the fire and when they examined the carriage 2 incendiary devices were located inside the carriage.

MULTIPLE  
PERSONS

Any suspicious circumstances?

YES / NO

Any breach of law disclosed?

YES / NO

If answer to either question is 'YES', submit full statements vide General Order 537.

I certify that notebook statements have been obtained and full enquiries have been made concerning this fire.

Signature:

Rank Constable

No. 584/1

Date: 10/ 1 / 91

Station/Branch/Section

HOLDEN HILL Division

Checked by:

Secretary / O/C, Station

Coroner's endorsement:

SMALL SPACE SO WHY  
WOULD 1. PERSON USE MULTIPLE  
DEVICES?

F2

- A. I couldn't see what he was doing. He was behind the counter. 1
- Q. Did yourself and Kitto gain access to the main restaurant. 2
- A. Yes, we did. 3
- Q. How did you do that. 4
- A. Jarrett opened the door. 5
- Q. Does that mean the door was locked. 6
- A. Yes, it was. 7
- Q. You had a conversation with Jarrett, did you. 8
- A. Yes, I did. 9
- Q. Whereabouts did that take place. 10
- A. In the main area of the restaurant, by the front door. 11
- Q. Just so far as the main restaurant part is concerned, what lighting was on at the time that you attended. 12
- A. The main roof lighting. 13
- Q. You mean the interior lights. 14
- A. Yes. 15
- Q. What about the external lights. 16
- A. No. 17
- Q. Were you able to tell, so far as the carriage was concerned, whether or not there were any lights on inside that. 18
- A. There were not. 19
- Q. Can you just tell the jury of your conversation with Mr Jarrett, and perhaps I should ask you first of all whether you made notes of that conversation. 20
- A. No, I did not. 21
- Q. You made a statement for use in these proceedings at some stage, did you. 22
- A. Yes, I did. 23
- Q. What is your memory about your conversation with Jarrett. 24
- A. Fairly good. 25
- Q. Would you just relate that to the jury. 26
- A. He stated that he had been struck on the back of the head by an unknown person, and rendered unconscious. 27
- When he awoke the carriage was on fire. He ran to the 28

restaurant, to phone the fire brigade. 1

Q. It may have been implicit in what you have said, but did 2  
he tell you whereabouts he was assaulted. 3

A. In the train carriage. 4

Q. Did he say why he had gone there. 5

A. To clean it. 6

Q. What else, if anything, can you remember about that 7  
conversation with him. 8

A. I asked him if he was injured. He said he wasn't, but 9  
he wasn't feeling well. So I called for the ambulance. 10

Q. Did you do that by police radio or - 11

A. Yes, I did, by police radio. 12

Q. Did you see, or feel for, any signs of injury upon him. 13

A. I looked for signs, yes, I did. 14

Q. What did you do. 15

A. I looked at the back of his head, and felt for any 16  
lumps, abrasions at the back of his head. 17

Q. Why did you do that. 18

A. To determine the extent of his injuries. 19

Q. Why did you look at the back of his head, as distinct 20  
from the forehead. 21

A. Jarrett said it was the back of his head he was struck. 22

Q. Did he physically indicate on his head whereabouts it 23  
was that he had been struck. 24

A. Yes, to the back. 25

Q. What did you do, by way of trying to find out 26  
whether there was, in fact, any injury to the back of 27  
his head. 28

A. I felt his head, parted the hair and looked. 29

Q. Could you see any sign of injury or lump. 30

A. No, I could not. 31

Q. The M.F.S. I think attended the fire presumably. 32

A. Yes, they did. 33

Q. Extinguished the fire you had seen there a little 34  
earlier. 35

A. Yes, they did. 36

Q. And St John's ambulance, they turned up. 37

A. Yes, they did. 38



**POLICE COMPLAINTS AUTHORITY**

---

Reference:  
C23337

PC-1

5th Floor  
50 Grenfell Street  
ADELAIDE SA 5000

Correspondence to:  
Box 464 GPO  
ADELAIDE 5001

Telephone:  
(08) 8228 8677  
Facsimile:  
(08) 8228 8674

15 April 2009

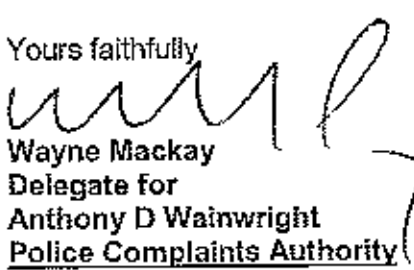
Mr D P Jarrett  
Port Augusta Prison  
BB U4 Division  
PO Box 6  
PORT AUGUSTA SA 5700

Dear Mr Jarrett

I refer to your correspondence received by this office on 9 April 2009. I note the issues you have raised in your correspondence were previously addressed in your prior complaint received by this office on 30 December 2007.

I do not propose to refer your allegations for investigation as previously stated. In any event at least 14 years has elapsed since the alleged conduct. I have the discretion not to refer matters for investigation if a complaint is made more than six months after the conduct complained of. In this case I have made a determination pursuant to S21(1)(a) of the Police (Complaints & Disciplinary Proceedings) Act not to refer your complaint for investigation for this reason.

Yours faithfully

  
Wayne Mackay  
Delegate for  
Anthony D Wainwright  
Police Complaints Authority

# POLICE COMPLAINTS AUTHORITY

---

5th Floor  
50 Grenfell Street  
ADELAIDE SA 5000

Correspondence to:  
Box 464 GPO  
ADELAIDE 5001

Telephone:  
(08) 8226 8677

Facsimile:  
(08) 8226 8674

PC-2

If calling please ask for:  
Angie Attard

Reference:  
C23337

1 September 2009


Mr David Jarrett  
Port Augusta Prison  
BB U4 Division  
PO Box 6  
PORT AUGUSTA SA 5700

Dear Mr Jarrett

I refer to your correspondence received by this office on 28 August 2009. I note the issues you have raised in your correspondence were previously addressed in your prior complaint received by this office on 30 December 2007.

I do not propose to refer your allegations for investigation as previously stated. In any event at least 14 years has elapsed since the alleged conduct. I have the discretion not to refer matters for investigation if a complaint is made more than six months after the conduct complained of. In this case I have made a determination pursuant to S21(1)(a) of the Police (Complaints & Disciplinary Proceedings) Act not to refer your complaint for investigation for this reason.

Yours faithfully,



Helen Lines  
Delegate for  
Anthony D Wainwright  
Acting Police Complaints Authority

aw:axatt



PC-3

Your Ref  
Our Ref  
Enquiries  
Telephone  
Facsimile

22 September 2009

Mr D Jarrett  
Port Augusta Prison  
PO Box 6  
Port Augusta SA 5700

Dear Mr Jarrett,

On behalf of the Commissioner of Police I acknowledge receipt of your letter dated 15 September 2009, concerning a complaint against a member of the South Australia Police.

I note this matter has been previously registered with the Police Complaints Authority as a formal complaint and has been finalised.

Notwithstanding this, I am sending your letter to the Internal Investigation Section for further assessment.

If you require any further information please contact the Internal Investigations Section on phone 8204 2649.

Yours sincerely

*A. F. Gordon*

Ashley Gordon  
Chief Inspector  
STAFF OFFICER - COMMISSIONER



Government  
of South Australia

## POLICE COMPLAINTS AUTHORITY

Reference:  
C23337

PC-4

5th Floor  
50 Grenfell Street  
ADELAIDE SA 5000

Correspondence to:  
Box 464 GPO  
ADELAIDE 5001

Telephone:  
(08) 8226 8677  
Facsimile:  
(08) 8226 8674

29 September 2009

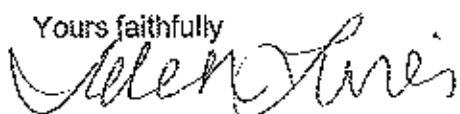
Mr D P Jarrett  
Port Augusta Prison  
BB U4 Division  
PO Box 6  
PORT AUGUSTA SA 5700

Dear Mr Jarrett

I refer to your correspondence received by this office 25 September 2009. I note the issues you have raised in your correspondence were previously addressed in your prior complaint received by this office on 30 December 2007.

I do not propose to refer your allegations for investigation as previously stated. In any event at least 14 years has elapsed since the alleged conduct. I have the discretion not to refer matters for investigation if a complaint is made more than six months after the conduct complained of. In this case I have made a determination pursuant to S21(1)(a) of the Police (Complaints & Disciplinary Proceedings) Act not to refer your complaint for investigation for this reason.

Yours faithfully



Helen Lines  
Delegate for  
Anthony D Wainwright  
Acting Police Complaints Authority



**SOUTH AUSTRALIA POLICE**  
KEEPING SA SAFE

Your Ref  
Our Ref  
Enquiries  
Telephone  
Facsimile

Wednesday 10 March 2010

PC-5

Mr David Jarrett  
Port Augusta Prison  
PO Box 6  
PORT AUGUSTA SA 5700.

Dear Mr Jarrett,

Further to our conversation of 4 March 2010, I confirm that the Anti-Corruption Branch is in receipt of documentation you provided to the Port Augusta CIB on 7 January 2010 relative to your conviction for the crime of arson in 1993.

I further confirm we are in receipt of a transcript of the conversation that you had with Port Augusta C.I.B. Detectives on that same date concerning this conviction.

Would you please advise in writing if there is any other material that you wish us to consider when assessing this matter. Address any correspondence to the Officer in Charge, Anti-Corruption Branch, GPO Box 1539 ADELAIDE SA 5001

Yours Sincerely

Paul Martin  
Detective Sergeant 4134  
Anti-Corruption Branch



PG-1

## LEGAL MATERIAL

To: The Governor of South Australia  
Government House, North Terrace, Adelaide  
c/- GPO Box 2373  
Adelaide SA 5001

From: David P Jarrett  
(DCS No. 69405)  
Yatala Prison  
c/- 1 Peter Brown Drive  
Northfield SA 5085

re: Formal Petition to State's Governor to rectify miscarriage of justice.

20 APRIL 2008

Dear Governor for and of South Australia

I respectfully request your assistance, pursuant to the provisions of Section 369 of the Criminal Law Consolidation Act, 1935 South Australia, to rectify a judicial conviction of guilt, via jury finding, for the crime of arson.

It has taken me many attempts over several years to learn about, then obtain the proof I needed to qualify my complaint of miscarriage of justice and wrongful conviction.

Such evidence includes police statements, trial transcript, witness statements and crime scene photographs (Crown Exhibit).

If at all possible, that you exercise your legal powers to formally direct said arson conviction be quashed, after investigating this matter, or that you might direct the matter to the Attorney General for South Australia and/or State's DPP for Reference to Judicial Determination with your request for said conviction to be overturned.

Thank you

## LEGAL MATERIAL

PG-2

To: The Governor of South Australia  
Government House, North Terrace, Adelaide  
c/- GPO Box 2373  
Adelaide SA 5001

From: David P Jarrett  
(DCS No. 69405)  
Yatala Prison  
c/- 1 Peter Brown Drive  
Northfield SA 5085

20 APRIL 2008

## PETITION FOR MERCY

Pursuant to the provisions of the Criminal Law Consolidation Act 1935, Section 369, I submit this Formal Petition to the Governor of South Australia, and respectfully ask the Governor's legal powers be exercised to in effect quash, or at the very least set aside my current criminal conviction for 'arson', dating as at mid 1993 trial and conviction.

I ask the Governor's appreciation for my lack of legal knowledge and attempt to write in legalese.

My complaint of 'wrongful conviction' and 'serious miscarriage of justice' relates to my 1993 arson conviction:

Before- Judge Lee (Adelaide District Court)  
Numbers- 2142/92, 876/93  
Sentencing- 16 June 1993  
CLCA- Section 85(1) arson

This complaint will qualify my claims of police officer 'perjury', police officer 'tailoring of evidence', crime scene photographer 'negligence' and 'misleading reporting of crime scene evidence', prosecutor presenting 'false and seriously misleading evidence' to jury, prosecution 'failure to present facts' rather than tailored and fraudulent evidence to jury, prosecution 'failure to present all known material facts/evidence' to jury, defacto 'non-disclosure of material facts and evidence' to jury thereby 'tailoring prosecution's case to deny me a fair and just trial', and 'real chance to prove innocent of crime and receive "not guilty" verdict'.

## BRIEF BACKGROUND

- 1) Date of arson : 10-01-1991 at Hungry Jacks Restaurant (railway carriage).
- 2) Date of Official Fire Report :  
10-01-1991, by Constable Caunce.
- 3) Initial Responding Uniforms :  
Constables Caunce and Kitto.
- 4) Mid July 1992 : Jarrett arrested for murder (unrelated matter).
- 5) Late July 1992 : 1st. time Jarrett 'questioned' by police about said arson.
- 6) December 1992 : Committal Hearing, arson charge.
- 7) 25 May 1993 : Arson Trial.
- 8) 16 June 1993 : Arson Sentencing.
- 9) Mid 1994 : Murder Trial.
- 10) approx. 2002 : Jarrett obtains archive files re arson and murder, from original solicitor's files (David Stokes), after Stokes sold his Legal Firm.
- 11) After obtaining evidence I needed, from David Stokes' office files, which I had been trying to obtain for a long time, I sighted some evidence for the first time, including fire reports, officer statements, hospital records, crime scene photos (had only seen specific photos directed to look at whilst in trial witness box).

## LEGAL MATERIAL.

PG-3

- 12) Repeated written requests to David Stokes over several months prior to trial, for all fire, police, medical etc. statements and reports, got me Stokes' response 'not received from Crown yet'. I later proved (via 2002 archive file), that Stokes received most of that shortly after Committal Hearing but kept denying such to me. I can prove this via my 'original' hand-written letters to Stokes which his office 'stamped' as "received" with date, which I obtained from 2002 archive file. Also, Stokes' letters to me that Crown had not provided material yet. If required I would gladly show such documents to your investigator.
- 13) What this means is that I went to trial not even knowing or ever seeing much of the official State's evidence.
- 14) After reading, trying to understand, try to investigate and try to obtain legal meanings and processes about such evidence, I then applied for Legal Aid Funding. Their Funding Refusal stated 'my representation was adequate by David Stokes and properly dealt with by David Stokes', thereby shutting the door on me. After Judicially complaining about Legal Services' treatment of me (relating to my 1994 murder trial and prior to trial), a few years ago I have had significant problems even trying to see a duty solicitor, the LSC Director "instructed" duty solicitors "not to visit me". I was then forced to conduct a full investigation as far as I could re arson matter.
- 15) Aside from David Stokes' conduct prior to arson trial, my trial lawyer was Michael Barnett. David Stokes dumped my trial representation on M. Barnett on 19-05-1993, only days before trial. M. Barnett wrote a letter to DPP's trial prosecutor stating that he'd just been given my trial work.
- 16) This is significant because of document facts I have now seen. I suspect some of the document evidence I will indicate later, were not even seen by M. Barnett prior to or during trial. Additionally, though conduct by David Stokes denied me adequate or competent trial representation, that does not excuse the actions of State Government employees including trial prosecutor, some police officers and a Royal Adelaide Hospital Doctor.
- 17) Cite: H.C. of Australia  
Dietrich v The Queen  
[1992 177 C.L.R.]  
page 299  
"RIGHT TO A FAIR TRIAL  
The right of an accused to receive a fair trial according to law is a fundamental element of our criminal justice system (33)."

## THE EVIDENCE

- 18) Crown's case based substantially around a) "staged crime scene" claim re broken train carriage window, and b) "told different reasons when questioned" about why I went to investigate train carriage.
- 19) On day of fire told police [1] 'to investigate light on in train'. During trial I reiterated [2] 'went to investigate light in carriage'. That is the only answer I've given for why went to train.
- 20) PROOF of my initial answer [1] above, is clearly written on Police Fire Report dated 10-01-1991 by officer Caunce, page 2 at top portion:  
[3] "located cleaner who stated that he observed a light in the train carriage and upon investigation was confronted..."
- 21) PROOF of my initial answer [1] above, is clearly written on Statement by Police Officer K. Modra (CB), dated 07-08-1992:  
[4] "...he advised that he had seen a light in the railway carriage..."
- 22) But neither Police Fire Report document or its contents were presented to jury, nor Statement or its contents by K. Modra (CB), presented to jury. I also did not know they existed and I suspect M. Barnett also did not know they existed.



PG-4

LEGAL MATERIAL

- 23) Police Officer Caunce in his [5] Statement dated 07-08-1992 declared:  
[6] "...this assault had taken place when Jarrett had gone to investigate a fire inside the railway carriage..."
- 24) But then in trial proper Caunce first declared:  
[7] "Q: ... first of all whether you made notes of that conversation.  
A: No, I did not.  
Q: What is your memory about your conversation with Jarrett.  
A: Fairly good.
- Then when questioned by prosecutor Rice:  
[8] "Q: Did he say why he had gone there.  
[9] A: To clean it."
- 25) The prosecutor failed to inform the court and the jury that its significant material witness, a police officer (no less), had lied to the court and seriously misled the jury. Perjury at [7] above "fairly good", and a lie at [9] above.
- 26) Caunce has therefore officially provided 3 very different answers to the same question. Answer 1. at [3] above (fact). Answer 2 at [6] above (lie). Answer 3 at [9] above (lie).
- 27) The prosecutor has an absolute legal obligation to inform the court and jury of any such differences between its witness' Police Statement and trial answers, yet the prosecutor failed to do so. Why then is the prosecutor not complicit in the improper conduct of its own witness, especially when the prosecutor did and said nothing to inform the court or jury of said differences?
- 28) Only when Caunce questioned by defence M Barnett did I become aware of such difference in answers (as I still had never seen any statement by Caunce), additionally that's also when jury informed of such different answers by Caunce:  
[10] "Q: The same as it is, the sequence and the detail you have recorded in your statement, it is the same as you have told the jury about?"  
[11] "A: Yes."  
[12] "Q: You told the jury that Mr Jarrett told you that he had gone to the carriage to clean it."  
[13] "A: Yes."  
[14] "Q: I suggest to you you put in your statement that Mr Jarrett had told you that the assault had taken place when he had gone to investigate the fire inside the railway carriage, do you agree that that is in your statement.  
A: It could be."  
[15] "Q: You appreciate there is a difference between what you have told the jury and what you have recorded in the statement about the conversation.  
A: Yes."  
[16] "Q: Does that refresh in your memory what he said to you.  
A: Yes, it would be."
- 29) Caunce continues to mislead the jury at [16] above and in no way tries to tell the truth about my actual reason for going to the train, which is directly known by Caunce re [3] above.
- 30) The prosecutor had obvious knowledge that I was telling the truth about what I did actually say to Caunce on day of fire, re why I went to train carriage.
- 31) Chain of Fact re [1], [2] and [3] above:  
Caunce - in statement and trial said 'he spoke to me'.  
Kitto - in statement dated 07-08-1992 said [17] "Caunce then had conversation", and in trial said [18] 'he did not speak with me'.  
Modra - in statement at [4] above confirms [1] and [3] above.

## LEGAL MATERIAL

To prove from whom Modra received details of [4] above, refer to the following.  
Caunce Statement:

[19] "... Elizabeth CIB arrived then they had a conversation with FCC Kitto".

Kitto Statement:

[20] "...D910 arrived at the scene and I had a conversation with them".

P6-5

- 32) Therefore, I told Caunce [1] above. Caunce then informed Kitto of [1] above. Kitto then informed Modra of [1] above.
- 33) Modra was not questioned about [4] above from police statement (by prosecutor), to further discredit Caunce and prove Caunce was continuing to mislead jury. I certainly had not ever seen Modra's statement until 2002 archive file obtained. Jury therefore was still being fundamentally misled and seriously and unfairly prejudiced by not being properly informed about such significant material facts known to the prosecutor as [3] and [4] above.
- 34) Modra's Statement was not shown to jury.
- 35) I was repeatedly badgered by prosecutor during trial questioning, about Caunce's two versions of me going to train carriage, and my trial answer of 'to investigate a light on' resulted in prosecutor's claims and accusations of tailoring my evidence.
- 36) Royal Adelaide Hospital Doctor R. Behrens' Statement dated 20-08-1992 stated:  
[21] "Jarrett's behaviour during examination indicated to me that he was agitated and upset."
- 37) However, during trial questioning stated:  
[22] "Q: How long were you actually with him.  
A: Ten to fifteen minutes, around that time."  
[23] "Q: Would you describe his demeanour, as you were doing that.  
A: He was remarkably calm and self-possessed, and didn't seem at all agitated or concerned."
- 38) Reiterated [23] above by prosecutor when questioning Jarrett during trial:  
[24] "Q: That doctor told us on Tuesday 'he was remarkably calm and self-possessed. He didn't seem at all agitated or concerned.'"
- 39) Not only has the Doctor significantly changed his evidence, comparing [21] above to [23] above, but this fact is also not challenged by prosecutor.
- 40) Prosecutor's professional witness has clearly lied to jury, mis-represented medical file evidence which was also known to said Doctor, it was his own Statement, seriously and significantly misled jury, and yet prosecutor failed to notify or inform court and jury of such differences.
- 41) How can that prosecutor be acting according to Supreme Court Rules (Duty of Prosecutor), when known material facts are hidden from the jury by prosecutor and substituted with 'tailored', 'false', 'misleading' and 'inaccurate' evidence from Crown's own witnesses?
- 42) It is therefore impossible for me to receive a 'fair' trial according to Law.
- 43) Regardless of my trial lawyer M. Barnett's lack of knowledge of the existence of certain Crown evidence (documents), or content of such document evidence, or negligent conduct of my solicitor David Stokes which fundamentally denied me adequate, competent or reasonable legal defence representation prior to and during trial, the conduct by the State's prosecutor Mr Rice and some of State's professional witnesses, was of such a degree of impropriety and abuse of position and agency to suggest 'malicious prosecution' and 'criminal disregard' towards factual evidentiary representation of Crown's evidence to jury in criminal trial proceedings.
- 44) Crime Scene Investigator M. Pollard declared in his Statement dated 10-11-1992:  
[25] "...employed by NZI Insurance...since February 1991."

## LEGAL MATERIAL

PG-6

- [26] "...attached to the Technical Services Division and have been since January 1982."
- [27] "At approximately 6.10am" (attended crime scene).
- [28] "...it was discovered that on the southern side the fourth window from the western end that the perspex window had become loosened on the bottom edge. (photograph 9 refers)."
- [29] "On entering the carriage from the western end (photographs 10, 11 and 12 refer)."
- [30] "In doorway between the western end and the eastern end of the carriage but still in the western end was located a plastic squeeze bottle..."
- [31] "Towards the eastern end of the carriage in the eastern end on the southern side was a round steel container..."

45) M. Pollard declared during trial questioning:

- [32] "Q: Did you make notes of your attendance...  
A: I did."
- [33] "Q: When were those notes made.  
A: Whilst I was examining the scene."
- [34] "Q: Your principal function was to examine the railway carriage...  
A: Yes"
- [35] "Q: Did you examine one or a number of doors to that carriage...  
A: Yes."
- [36] "Q: Did you conduct an examination of that window.  
A: Yes, I did."
- [37] "Q: In a lot of respects, these photographs can speak for themselves."
- [38] "Q: If you would proceed through the balance of these items..."  
"A: The next ... HJ2 ... was a full can..."
- [39] "Q: HF4.  
A: HF4 was a paper sample used as a control."
- [40] "A: ...I actually made an error ... because I took it from the rear section of the truck..."
- [41] "Q: Was that a paper towel.  
A: Yes, from the same source as HF4."
- [42] "Q: So that also has the distinct possibility of having been contaminated by petrol.  
A: That's correct."
- [43] "A: ... And HJ6, which is a pair of shoes from Mr Jarrett.  
Q: At what stage did you collect those from him.  
A: Can't recall.  
A: ... I have not recorded when I actually collected..."
- [44] "Q: In any event they (shoes) were taken from him that morning at Hungry Jacks, upon his return.  
A: Yes."

- 46) Pollard was in last few weeks of job when started investigating crime scene ([25] above).
- 47) After many years in this field should be a professional and know exactly how to perform his duties expertly, and all required procedures ([34] above).
- 48) Claims to have properly examined doors and locks, lights and switches, metal can and lid, match box and window (photograph 9), and yet not a single item was finger print tested. There were no photos of door locks or light switches to support his claims relating to them. With no visual evidence to qualify his claims, how can a Court justify such claims as material evidence/fact? His words are not sufficient, especially when his conduct proves professional negligence and procedural neglect, and investigatory incompetence.
- 49) Claims to have examined 'ajar window' (at [28] and [36] above), and somehow failed basic visual examination. Refer crime scene photograph 9.

## LEGAL MATERIAL

PG-7

- 50) The exterior yellow paint around window frame. There is absolutely no smoke or soot residue on yellow paint. Suggesting that window was not broken at time of fire, and was only broken after smoke had been subdued. Uniform police stated 'thick, black smoke pouring out both end doors', yet this window shows no such signs.
- 51) No residue testing on exterior surface, negligent.
- 52) In photograph 9 look at the 'clean wood' of window frame (unpainted), which would be covered by perspex edge and window putty if window was undamaged. The wood is 'clean', no sooting or evidence of smoke/soot staining, suggesting window not damaged prior to or during fire.
- 53) Suggest crime scene tampering.
- 54) Jarrett in hospital when window was actually damaged and could not have been damaged by me, which is a major point from the Crown that I 'staged crime scene by breaking that window'
- 55) Within Pollard's Official Report there is no indication that Pollard contaminated "HJ4 or HJ5". This was a significant material fact, legally required to be reported Officially, yet not disclosed to defence until trial proper. That is therefore a tailored report improperly not disclosing all investigation notes from crime scene, non-disclosure of 'chain of custody' of all crime scene testing equipment ([39], [40], [41], [42], [43] and [44] above), using contaminated 'controls', no chain of custody for collection of "HJ6" (work boots). From whom were boots collected, who collected boots, what time, what date, at what location, and their is no 'field receipt' for collection of boots. What an absolutely negligent and unprofessional and incompetent crime scene investigation. There is no way correct Police Procedure was complied with, yet such impropriety was still used by The State to wrongfully and unlawfully prosecute me for this charge.
- 56) Constitutional Right of a fair and just trial were denied to me by the Crown during trial, and by The State.
- 57) The Crown, on behalf of The State, had clear evidence of criminal abuse of power by government employees, thereby employing complicity by the trial prosecutor to effect a conviction.
- 58) Trial prosecutor did not comply with Supreme Court Rules whilst prosecuting me, used perjury by some Crown witnesses to taint and mislead jury during trial, and made absolutely no attempt to inform the Court or jury when its own witnesses contradicted/significantly changed evidence from their statements with witness box evidence during trial. That is a requirement of the Crown, yet not performed by trial prosecutor.
- 59) There was also no forensic testing for smoke/soot from "HJ6", or any of my other clothing.
- 60) Impropriety by The State to force a conviction of arson, should not be left to stand, especially when some acts of impropriety are described within Criminal Law Consolidation Act as unlawful (criminal misconduct), eg:
  - Part 5 Div. 6 Sec. 140, Sec. 142
  - Part 7 Div. 1 Sec. 237, Sec. 238
  - Div. 3 Sec. 242, Sec. 243, Sec. 244
  - Div. 4 Sec. 251
  - Div. 6 Sec. 256

I eagerly await your reply to this Petition at your earliest convenience.

D P Jarrett



29.  
(6L-1)

GOVERNMENT HOUSE  
ADELAIDE

Our Reference: 01/03/039

Thursday 23<sup>rd</sup> October 2008

Mr D Jarrett  
(DCS No. 69405)  
Yatala Prison  
C/ 1 Peter Brown Drive  
Northfield SA 5085

Dear Mr Jarrett

Further to my letter of the 17<sup>th</sup> June 2008 and more recent correspondence relating to your petition, dated 20<sup>th</sup> April 2008, I am writing to advise that His Excellency the Governor has now received advice from the Attorney-General that your petition be dismissed.

The Governor accepts this advice, and has asked me to convey it to you.

Yours sincerely

Ms Penny Strätmann  
OFFICIAL SECRETARY



GL-2

GOVERNMENT HOUSE  
ADELAIDE

Our Reference: 01/03/039

Tuesday 17<sup>th</sup> February 2009

Mr D Jarrett  
(DCS No 69405)  
Port Augusta Prison  
C/- PO Box 6  
PORT AUGUSTA SA 5700

Dear Mr Jarrett

His Excellency the Governor has asked me to respond to your letter of the 10<sup>th</sup> February 2009 enclosing a copy of your letter of the 23<sup>rd</sup> November 2008.

I regret that I omitted to acknowledge your earlier letter.

The matters you raised are not straightforward, and accordingly further advice is being sought. I will contact you once the Governor has had an opportunity to consider that advice, which has not yet been received.

Please be mindful it is not the Governor's role to provide you with legal advice. You should give consideration to obtaining your own independent legal advice about the matters you raise.

Yours sincerely,

Ms. Penny Stratmann  
OFFICIAL SECRETARY



GOVERNMENT HOUSE  
ADELAIDE

Our reference: 01/03/039

6L-41

26<sup>th</sup> May 2009

Mr D P Jarrett  
(DCS No. 69405)  
Port Augusta Prison  
C/- PO Box 6  
PORT AUGUSTA SA 570

Dear Mr Jarrett

Further to Ms Penny Stratmann's letter dated the 17<sup>th</sup> February 2009, this office has now received further advice from the Attorney-General in relation to your petition for the prerogative of mercy.

His Excellency the Governor has considered this advice, and has requested that I convey the following to you:

*The prerogative of mercy is a power that is vested in the Governor as her Majesty's representative in South Australia. The power is exercised after advice is taken from Her Majesty's Ministers. In your case, therefore, I forwarded your petition to the Premier for the purpose of seeking his advice and that of the Ministers of the Crown if necessary. It is the usual practice that the Premier, in turn, seeks the advice of the Attorney-General and the Law Officers of the Crown in particular as petitions for mercy arise that have invariably been dealt with by the criminal justice system. This was done in your case.*

*Subsequently, I received the advice of the Attorney-General and the Law Officers on your petition through the Premier.*

*The Law Officers had given full consideration to each aspect of your petition and advised on the same. It required that they consider each complaint you have made against the evidence at your trial, the manner in which the trial was conducted, and the verdict. The conclusion was that your complaints did not give rise to an apprehension that a miscarriage of justice had occurred. Essentially the issues you have raised were either before the jury or were not such as could reasonably be expected to affect the verdict.*

*The advice of the Law officers was accepted by the Attorney-General and the Premier, who in turn advised me that it was appropriate to dismiss your petition. I accept that advice and, accordingly, decline to exercise the prerogative of mercy in your case.*

I trust this brings this matter to a conclusion for you Mr Jarrett.

Yours sincerely

*Mark P. H.*

(6L-42)

Mark Horton

ACTING OFFICIAL SECRETARY (Until 9<sup>th</sup> June 2009)





GL-5

GOVERNMENT HOUSE  
ADELAIDE

Our Reference: 01/03/039

Tuesday 10<sup>th</sup> November 2009

Mr D Jarrett  
Port Augusta Prison  
PO Box 6  
PORT AUGUSTA SA 5700

Dear Mr Jarrett

His Excellency the Governor has asked me to respond to your letter of the 15<sup>th</sup> October 2009 and enclosed statutory declaration by yourself dated the 3<sup>rd</sup> November 2009. You have raised allegations of corruption and abuse of office against the Premier and Attorney-General.

As you indicate, these are matters for the criminal justice system. Accordingly you should make a formal complaint to the local police. I understand from the Department of Corrections that the Unit Manager at Port Augusta Prison is the person who could initiate this contact.

Yours sincerely

Ms Penny Stratmann  
OFFICIAL SECRETARY TO THE GOVERNOR



6L-6

GOVERNMENT HOUSE  
ADELAIDE

Our Reference: 01/03/039

Tuesday 15<sup>th</sup> December 2009Mr D Jarrett  
Port Augusta Prison  
PO Box 6  
PORT AUGUSTA SA 5700

Dear Mr Jarrett

His Excellency the Governor has asked me to respond to your letter of the 5<sup>th</sup> of December 2009, where you again raised allegations of corruption and abuse of office against the Premier and Attorney-General.

As stated in previous correspondence from this office, dated the 10<sup>th</sup> of November 2009, these are matters for the criminal justice system. As such, to progress your grievance you must raise these matters with the local Police. Again, your Unit Manager at Port Augusta Prison can facilitate this contact. Please accept this as His Excellency's final position on this matter.

I must add Mr Jarrett, that the tone of your most recent letter was both aggressive and hostile, featuring substantial use of profane and inappropriate language. Correspondence of this nature will not be responded to in the future.

Yours sincerely

Ms Penny Stratmann  
OFFICIAL SECRETARY TO THE GOVERNOR



35  
GL-7

GOVERNMENT HOUSE  
ADELAIDE

Our Reference: 01/03/039

Monday 8<sup>th</sup> February 2010

Mr D Jarrett  
Port Augusta Prison  
PO Box 6  
PORT AUGUSTA SA 5700

Dear Mr Jarrett

His Excellency the Governor has asked me to respond to your letter of the 24<sup>th</sup> December 2009.

In it you complain that the Governor has "refused" to undertake certain actions. This is not the case.

As I explained to you in my letter of the 15<sup>th</sup> December 2009, the allegations you make are not ones that the Governor is empowered to investigate. The complaints must be made to the police.

I have since been advised that Port Augusta CIB members have visited you and interviewed you in response to your complaints, which will be referred to the Anti-Corruption Branch of the South Australia Police for consideration.

Accordingly, all future communications from you in relation to these matters should be directed to the Officer in Charge, Anti-Corruption Branch, SA Police, GPO Box 1539 ADELAIDE SA 5001.

The Governor does not intend to respond to any further communication from you in relation to these matters, which are now in the hands of the police.

Yours sincerely,

Ms Penny Stramann

OFFICIAL SECRETARY TO THE GOVERNOR