

1 TO THE GOVERNOR OF SOUTH AUSTRALIA.
GOVERNMENT HOUSE, NORTH TERRACE, ADELAIDE
C/ GPO Box 2373
ADELAIDE SA 5001

22-1-2019,

FROM DAVID P JARRETT
(DCS No. 69405)
MOUNT GAMBIER PRISON
C/ PO Box 1498
10 MOUNT GAMBIER SA 5240

RE FORMAL PETITION TO GOVERNOR (AGAINST ARSON CONVICTION).

DEAR GOVERNOR FOR AND OF SOUTH AUSTRALIA

I RESPECTFULLY REQUEST YOUR ASSISTANCE AND FORMAL CONSIDERATION, PURSUANT
TO WHAT I UNDERSTAND IS NOW IDENTIFIED AS SECTION 173 OF THE RECENTLY AMENDED/
CREATED "CRIMINAL PROCEDURE ACT, OF SOUTH AUSTRALIA", FORMERLY IDENTIFIED
20 AS SECTION 369 OF CRIMINAL LAW CONSOLIDATION ACT 1935, SA, "DIVISION 5 - REFERENCES
ON PETITION FOR MERCY, S. 369 - REFERENCES BY ATTORNEY-GENERAL",
TO PERMIT MY COMPLAINT AGAINST MY 1993 ARSON CONVICTION, TO RECEIVE
FAIR CH. III COURT HEARING (SUCH AS THE FULL COURT OF SOUTH AUSTRALIA),
OF MY COMPLAINT AGAINST SAID 1993 CONVICTION, NOT ONLY DUE TO/CONSEQUENTIAL
TO ACTIONS OF STATE PRIOR TO 1993 TRIAL, PLUS ACTIONS OF STATE DURING THE 1993
TRIAL IN ADELAIDE DISTRICT COURT, BUT NOW ALSO THE ACTIONS OF STATE AFTER
TRIAL 'SO AS TO PREVENT ME FROM RECEIVING HONEST INVESTIGATION OF THE
ARSON CONVICTION COMPLAINT', OR AT THE VERY LEAST, 'TO CREATE SUCH AN
IMPEDEMENT TO ME RECEIVING HONEST AND FAIR JUDICIAL CONSIDERATION OF MY PETITION
30 (BY A-G ADVICE CLAIMING "NO MERIT"), THAT I WOULD GIVE UP AND STOP COMPLAINING'.

1. IT HAS TAKEN ME MANY YEARS TO LEARN, UNDERSTAND, INVESTIGATE, OBTAIN NOT ONLY THE EVIDENCE TO SUPPORT MY COMPLAINT, BUT ALSO THE ABILITY TO MANAGE WHAT I WAS TRYING TO OBTAIN, WHICH WAS A COURT'S HEARING OF NOT JUST MY COMPLAINT ABOUT 'A MISCARRIAGE OF JUSTICE RE FRAUDULENT CONVICTION, TO THE ILLEGALLY OBTAINED BENEFIT OF STATE', BUT ALSO TO 'SEE THE ACTUAL DOCUMENTATION TO SUPPORT/PROVE/QUALIFY MY COMPLAINT', TO THEN CONSIDER (JUDICIALLY), WHAT 'WAS DONE' BY STATE WHICH WAS 'IMPROPERLY/ILLEGALLY DONE', WHAT 'WAS NOT DONE' BY STATE WHICH WAS PROCEDURALLY/LAWFULLY OBLIGATED TO BE DONE, ~~THE~~ WHAT CONSEQUENCE BORNE FROM SAME, AND THE LINK BETWEEN 'STATE'S CONDUCT (THAT WHICH
10. WAS IMPROPER/ILLEGAL, RATHER THAN/INSTEAD OF, WHAT WAS STATUTE/COMMON LAW OBLIGATED), AND THE 'GUILTY VERDICT (OF THE JURY)', AND THE CLAIMED 'PERFECTED JUDGMENT (OF THE TRIAL JUDGE, OF GUILTY)'.

I AM ALL TOO AWARE THAT THE STATE GOVERNMENT OF SOUTH AUSTRALIA, IS NOW A LIBERAL GOVERNMENT. I ATTENTION THIS POINT BECAUSE I HAVE HAD CONSIDERABLE CONFLICT WITH SA. GOVERNMENT, SINCE APPROXIMATELY 2006, RELATING TO DIFFERENT MATTERS (INCLUDING MY CURRENT SENTENCE INTERPRETATION (NPP, 2002 JUDGMENT), 2008 ASSAULT BY PRISON OFFICER (PRISON VIDEO WAS 'MISSING'), AND FALSE D.C.S. RECORDS), AND EVEN WHEN I PRODUCED 'GOVERNMENT CREATED DOCUMENTATION' TO SUPPORT, SUSTAIN

20. AND QUALIFY MY COMPLAINTS, I WAS MET BY A WELL-MANAGED SYSTEM OF GOVERNMENT PROTECTIONISM (CORRUPTION COVERUP). I DO NOT STATE THIS WITHOUT TANGIBLE PROOF, AND I DO NOT MAKE FALSE COMPLAINTS, WHAT WOULD BE THE POINT IF I DID NOT HAVE CREDIBLE, TANGIBLE, VALID AND QUALIFIABLE PROOF/DOCUMENTATION AS EVIDENCE IN SUPPORT.

I DO NOT LIKE CONFLICT, THEREFORE, I ALSO DO NOT ~~DO NOT~~ LIKE COMPLAINING. HOWEVER, THE ARSON CONVICTION AGAINST ME, WAS THE DIRECT CONSEQUENCE OF CRIMINAL ACTS BY SA. GOVERNMENT EMPLOYEES (TRIAL PROSECUTOR PAUL RICE, NOW A DISTRICT COURT JUDGE, 'THEN' POLICE CONSTABLE CAUNCE, ARE BUT TWO).

I APOLOGISE THAT THIS MATTER AGAIN ATTENDS THE GOVERNOR, AND THE MANNER OF

30. EVENTS, COMMUNICATION AND COMPLAINTS BY ME WHICH EVENTUALLY ARRIVED AT 'THIS

1. POINT? I WOULD HAVE APPRECIATED RECEIVING AN HONEST PROSECUTION OF THE 'ARSON CHARGE' AGAINST ME, DURING 1993 TRIAL, BUT, FOR SOME REASON THE TRIAL PROSECUTOR CHOSE TO ACT WITH CRIMINAL DISREGARD TOWARDS HIS OWN PROFESSIONAL INTEGRITY, LIED, ON BEHALF OF THE DPP (THE STATE), IN TRIAL PRESENTATION OF SOME STATE'S EVIDENCE, MADE CRIMINALLY FALSE ACCUSATIONS AGAINST ME, ON BEHALF OF THE DPP (THE STATE), IN TRIAL PRESENTATION OF STATE'S ARGUMENT, AS AN ILLEGAL DEFLECTION FROM 'PERJURY' COMMITTED BY STATE'S WITNESS, POLICE OFFICER CAUNCE, CRIMINAL MANIPULATION OF 'CRIMES OF STATE AGAINST ME', TO ILLEGALLY INFECT AND TAINT THE TRIAL JURY AND TRIAL JUDGE WITH CRIMINALLY FALSE STATE'S EVIDENCE (ESPECIALLY BY POLICE OFFICER CAUNCE), AND OTHER MATTERS, FOR WHAT APPEARS TO BE 'JUST SO THE PROSECUTOR COULD WIN THE CASE AGAINST ME'.

I AM FULLY PREPARED TO ANSWER ANY ACCUSATION AGAINST ME OF 'CRIMINAL DEFAMATION', AGAINST PAUL RICE (THEN PROSECUTOR), AGAINST DETECTIVE BROWN (THEN HOLDEN HILL ~~DEPT~~ DETECTIVE), AGAINST CONSTABLE CAUNCE (AT TIME OF 10-1-1991), AND ANY OTHERS I ACCUSE OF CRIMES AGAINST ME ON BEHALF OF SOUTH AUSTRALIAN GOVERNMENT.

- I AM NOT A PRISONER WHO 'SITS IN A PRISON CELL THINKING OF WAYS TO COMPLAIN'
20. ABOUT/AGAINST THE STATE GOVERNMENT, NOR THINK IT IS A SMART THING TO DO TO MAKE COMPLAINTS AGAINST/ABOUT THE STATE GOVERNMENT (BECAUSE OF THE ILLEGAL BACKLASH AS A CONSEQUENCE OF DOING SO). I ADMIT THAT THE ACTIONS OF STATE TO COVER-UP THEIR CRIMES AGAINST ME, HAS CAUSED ME SERIOUS AND SIGNIFICANT PSYCHOLOGICAL HARM/INJURY, OVER MANY YEARS, ESPECIALLY WHEN GOVERNMENT DOCUMENTATION HAS EXISTED THE ENTIRE TIME, WHICH PROVIDES THE ABSOLUTE QUALIFICATION IN SUPPORT OF SUCH COMPLAINTS. SOCIETY WANTS PEOPLE TO 'STAND UP TO CORRUPTION AND GOVERNMENT COVERUP OF GOVERNMENT EMPLOYEE CRIMES', WHICH I HAVE TRIED TO DO, JUST TO BE
29. PUSHED-OVER AND TOLD TO GO AWAY BY GOVERNMENT CORRUPTION PROTECTIONISM.

1. I ALSO POINT OUT THE SPAN OF TIME SINCE CONVICTION IN 1993, AND ASK THAT NO DETRIMENT BE SUFFERED BY ME OR THIS PETITION NOW SUBMITTED, CONSEQUENTIAL TO SUCH LENGTH OF TIME. To ADVANCE THIS REQUEST, I DRAW ATTENTION TO R v MCVITIE [2005] NSWCCA 267 (1. AUGUST 2005), AND R v RIX [2005] NSWCCA 31 (18. FEBRUARY 2005), BOTH APPLICANTS HAD EVIDENCE FROM ANTI-CORRUPTION INVESTIGATIONS WHICH WAS GENERATED MANY YEARS AFTER SENTENCES WERE IMPOSED UPON EACH APPLICANT RESPECTIVELY.

- WHEN I ASKED, BY WRITTEN REQUEST, TO RECEIVE LEGITIMATE INVESTIGATION OF MY
10. ACCUSATIONS 'OF IMPROPER/CRIMINAL/CORRUPT BEHAVIOUR, BY SAPOL EMPLOYEE/S, AND TRIAL PROSECUTOR', THROUGH SAPOL ANTI-CORRUPTION DIVISION, AND ICAC, RESPECTIVELY, I, UNLIKE RIX AND MCVITIE, DID NOT RECEIVE HONEST OR COMPETENT INVESTIGATION OF MY COMPLAINTS. I SHOULD ALSO POINT OUT THAT I HAVE NOT BREACHED ICAC ACT BY DISCLOSING MY COMPLAINT TO THEM (I THINK THE OPI REF. No. RE ARSON MATTER, MAY BE 2013/000326), AS MY COMPLAINT AGAINST THE STATE OF SOUTH AUSTRALIA, REGARDING MATTERS RELATING TO PROTECTIONISM OF CRIMES OF STATE (ARSON CONVICTION ILLEGALLY OBTAINED), AGAINST ME, NOW INCORPORATES/INCLUDES DECISIONS/ACTIONS OF OPI/ICAC COMMISSIONER, TO THE EXTENT THAT 'MY OPI COMPLAINT WAS MIS-STATED, BY 'THEM'
 10. THEREBY MIS-CONCLUDED DUE TO WRONG DECISIONS, AND TO ME (A CIVILIAN IN PRISON), WHAT LOOKS LIKE MORE GOVERNMENT BRUSHOFFS.

- I BRING THE ABOVE MATTERS TO THE FORE SO THE NEW, LIBERAL GOVERNMENT ATTORNEY-GENERAL, HON. V. CHAPMAN, HAS OPPORTUNITY, PURSUANT TO 'ATTORNEY-GENERAL'S ADVICE TO THE GOVERNOR', TO AT LEAST BE AWARE OF MY ACTIONS TO DATE, RELATING TO COMPLAINT AGAINST MY 1993 ARSON CONVICTION, AS A BACKGROUND TO WHY I AM STILL COMPLAINING ABOUT SAID ARSON CONVICTION. I HAVE NO REASON AT ALL TO DOUBT THE INTEGRITY OF A-G. HON. V. CHAPMAN, OR THE PRESENT LIBERAL GOVERNMENT, AND IT IS ENTIRELY AT THE ATTORNEY-GENERAL'S DISCRETION TO
30. DETERMINE WHAT MATTERS ARE LAWFULLY INVESTIGATED BY THE SOUTH AUSTRALIAN

1. GOVERNMENT, AS PART OF PREPARING ADVICE TO THE GOVERNOR, IN DUE PROCESS RELATION TO MY PETITION AGAINST 1993 ARSON CONVICTION.

I AM CURRENTLY REPRESENTED BY CRIMINAL DEFENCE LAWYER, MR ROCKY PERROTTA, OF 32 ST. HELENA PLACE, ADELAIDE S.A. 5000, P.O. Box 268, KENSINGTON PARK S.A. 5068, PHONE: 08 8224 0394. MR PERROTTA IS MY LEGAL REPRESENTATIVE FOR THIS MATTER, THOUGH ONLY UNDER STRICT CIRCUMSTANCE, WHICH IS DUE TO CONTENTS OF THIS DOCUMENT AND EARLIER DOCUMENTS ALREADY FORWARDED TO GOVERNOR / STATE GOVERNMENT.

10.

FOR PROFESSIONAL CLARIFICATION, I MUST INFORM THE GOVERNOR AS FOLLOWS:

- I PRODUCED MY ORIGINAL PETITION TO GOVERNOR (DATED 20-4-2008, GOVERNOR'S REFERENCE No. IS 01/03/039).
- I PRODUCED ALL FLOW-ON DOCUMENTS FROM MY ORIGINAL PETITION, INCLUDING SAPOL CORRUPTION SUBMISSION AND 'THIS' DOCUMENT, AND OPI/ICAC CORRUPTION SUBMISSION.

20.

- I WAS NOT PROFESSIONALLY REPRESENTED BY ANY LEGAL PRACTITIONER WHILST PREPARING ANY OF SAID DOCUMENTS, INCLUDING THIS DOCUMENT, IN ANY FORM OR MANNER WHEREBY 'ANY DIRECT ACCUSATION BY ME AGAINST ANY GOVERNMENT EMPLOYEE, IS IN ANY WAY A REPRESENTATION OF A SUGGESTION OR PURPORTMENT BY OR OF ANY LEGAL PRACTITIONER WHOM I SPOKE TO', SO THAT ALL SUCH ACCUSATIONS BY ME, AGAINST ANY GOVERNMENT EMPLOYEE (OR FORMER GOVERNMENT EMPLOYEE), ARE STRICTLY MY ACCUSATION, AND AS SUCH I TAKE ABSOLUTE RESPONSIBILITY FOR ALL SUCH ACCUSATIONS OF IMPROPRIETY, WHICH I DIRECT ACCORDINGLY (TO RESPECTIVE GOVERNMENT / FORMER GOVERNMENT EMPLOYEES).

30.

- I HAVE REQUESTED MR PERROTTA REPRESENT ME IN THIS MATTER, ACTIVELY, FROM THE MOMENT THE GOVERNOR 'RECEIVES' THIS FORMAL DOCUMENT, AND, THAT HE INFORM THE GOVERNOR OF SAME, SO THAT ALL CORRESPONDENCE PERTAINING TO THIS DOCUMENT, SHOULD NOW BE FORWARDED TO MR ROCKY

1. PERROTTA, BUT NOT TO ME.

- I ALONE, ^{AM} ~~ARE~~ RESPONSIBLE FOR ALL PREPARATIONS OF THIS FORMAL DOCUMENT, AND NO LAWYER HAS ASSISTED ~~ME~~ / ADVISED ME IN RELATION TO ITS CONTENTS, MY DOCUMENT, MY RESPONSIBILITY.

THIS PETITION WAS ORIGINALLY SUBMITTED TO THE GOVERNOR IN 2008, DATED 20 APRIL 2008, WHICH THEREAFTER RECEIVED OFFICIAL REFERENCE NO. 01/03/039.

I WILL CONTINUE TO REFER TO SAID 2008 SUBMISSION AS THE ORIGINAL PETITION,

10. TO THE ORIGINAL PETITION, WAS ADDED MY SUBMISSION DATED 10 JUNE 2008, 26 JUNE 2008, AND FURTHER DOCUMENT DATED 23-11-2008.

TO THE ORIGINAL PETITION (AND LATER, ADDITIONAL DOCUMENTS), I FORMALLY REQUESTED RE-CONSIDERATION OF SAME, BY DATED WRITTEN REQUEST OF APPROXIMATELY 18-1-2011 (REFER LETTER FROM GOVERNOR TO ME DATED 15-4-2011, REF. 01/03/039).

THREE OTHER OFFICIAL DOCUMENTS I WILL ATTENTION SPECIFICALLY, AS PART OF THIS PETITION, BEING,

LETTER FROM GOVERNOR (OFFICIAL SECRETARY TO), TO ME, DATED 26 MAY 2009, REF. 01/03/039, AND,

20. LETTER FROM GOVERNOR (OFFICIAL SECRETARY TO), TO ME, DATED 15 APRIL 2011, REF. 01/03/039, AND,

LETTER FROM ATTORNEY-GENERAL J. RAU, TO ME, DATED 23 FEBRUARY 2013, REF. 12AGO2308.

- IN EFFECT, THIS PETITION (THIS DOCUMENT PROPER), IS AN UPDATED/AMENDED FORMAL SUBMISSION TO THE GOVERNOR, REQUESTING THE GOVERNOR EXERCISE THEIR PREROGATIVE OF MERCY, RELATING TO MY 1993 CONVICTION FOR ARSON, AND TO ACQUIT/QUASH SAID CONVICTION, OR TO REFER MY COMPLAINT AGAINST SAID 1993 CONVICTION, TO THE FULL COURT OF SOUTH AUSTRALIA FOR JUDICIAL INVESTIGATION,
30. AND JUDGMENT, AFTER CONSIDERATION OF MY CONVICTION COMPLAINT.

1. EVEN THOUGH I INITIATED CORRUPTION COMPLAINTS, AFTER TRIAL, AGAINST THE PROSECUTOR OF THE 1993 ARSON TRIAL (FOR HIS CONDUCT/ACTIONS PRIOR TO AND DURING TRIAL), AGAINST SAPOL EMPLOYER (OR FORMER EMPLOYEE/EMPLOYER), AND SAPOL ~~BE~~ EMPLOYEE (FOR THEIR CONDUCT/ACTIONS PRIOR TO AND DURING 1993 TRIAL), THEY WERE ALL COMPLAINTS LODGED AFTER TRIAL, AGAINST THE CONDUCT/ACTIONS OF SA GOVERNMENT EMPLOYEES, AND GOVERNMENT WITNESSES (PART OF STATE'S EVIDENCE PRESENTED TO TRIAL COURT AND TRIAL JURY AND TRIAL JUDGE), WHEREIN I COMPLAINED ABOUT IMPROPER, FALSE, FRAUDULENT, ILLEGAL, TAINTED, CORRUPT, CRIMINAL, NEGLIGENT, INCOMPETENT THINGS DONE BY, AND ON ^{BEHALF} ~~THEIR~~ OF, THE STATE OF SOUTH AUSTRALIA, ~~FORM~~ FORMING
10. THE STATE'S PROSECUTION OF ME FOR ARSON.

IF, PER STATUTE, DUE PROCESS, COMMON LAW OBLIGATION UPON STATE, I HAD BEEN LAWFULLY PROSECUTED, THEN, NOT ONLY WOULD I HAVE NO LEGAL CAUSE TO COMPLAIN, I ALSO WOULD NOT COMPLAIN ABOUT SOMETHING WHICH I DO NOT BELIEVE TO BE TRUE, THAT IS, I DO NOT AND I WILL NOT, AND, I HAVE NOT, COMPLAINED FRAUDULENTLY/FALSELY.

- FOR ME TO BE 'FORCED' TO BRING THIS PETITION FORWARD, ABOUT THINGS THAT THE STATE WAS PROHIBITED FROM DOING, PLACES A FALSE BURDEN AND ONUS UPON ME (THE ACCUSED), SO AS TO FORCE ME TO PROVE THAT I AM NOT GUILTY (OF THE CRIME CHARGED AGAINST ME - ARSON), WHICH, THROUGH MORE RECENT APPEAL COURT JUDGMENTS, IS A TERMED EFFECT DESCRIBED AS 'REVERSAL OF BURDEN OF PROOF/REVERSAL OF ONUS OF PROOF', OR EVEN, 'REVERSAL OF BURDEN AND/OR ONUS OF PROOF'. IRONICALLY THOUGH, THE 'BURDEN', AND THE 'ONUS' OF PROOF, SITS 100% AS A SUBSTANTIVE OBLIGATION UPON THE TRIAL PROSECUTOR, WHO IS THE STATE GOVERNMENT'S REPRESENTATIVE OF THE STATE'S CRIMINAL CHARGE AGAINST ME. FURTHER TO THAT 100% OBLIGATION UPON THE STATE'S TRIAL PROSECUTOR, THERE IS, BY LAW, NO OBLIGATION UPON THE ACCUSED (ME), TO PROVE 'THAT THEY (ME), ARE NOT GUILTY', OR, TO PROVE 'THAT THEY (ME), ARE INNOCENT OF THE ACCUSATION (BY, FROM, THE STATE), AGAINST THEM (ME).

30. I DRAW PARTICULAR ATTENTION TO THIS POINT OF 'PROOF', BECAUSE THE SOUTH AUSTRALIAN

1. GOVERNMENT DID NOT JUST 'PRESENT CRIMINALLY DECEPTIVE, CRIMINALLY FRAUDULENT, CRIMINALLY FALSE EVIDENCE DURING TRIAL AGAINST ME, FOR THE CHARGE OF ARSON', THE 'STATE THEN ILLEGALLY RELIED UPON SUCH UNLAWFULLY PRESENTED STATES' EVIDENCE, SO AS TO CREATE ITS BURDEN AND ONUS OF PROOF FOUNDATION OF CENTRAL PILLARS OF PURPORTED FACT' (IN SUCH A WAY THAT NO MATTER WHAT THE 'TRUTH' ACTUALLY WAS, AND IRRESPECTIVE OF WHETHER OR NOT I GAVE TRIAL TESTIMONY, THE CROWN'S CASE WAS SO UNLAWFULLY WEIGHTED TO 'MATERIAL EVIDENCE IRREGULARITIES AND CONTRADICTIONS', THAT IT WAS IMPOSSIBLE FOR THE TRIAL JURY TO KNOW WHAT THE TRUTH IN MATERIAL FACTS ACTUALLY WAS, UNLESS MY TRIAL LAWYER, MICHAEL BARNETT, WHO RECEIVED ME AS CLIENT (IMPROPERLY BY SOLICITOR
10. DAVID STOKES, ON 19-5-1993 [SEE ORIGINAL PETITION, 20-4-2008, NUMBERED PARAGRAPH "15)"], ONLY DAYS PRIOR TO TRIAL, ACTUALLY SHOWED THE TRIAL JURY AND TRIAL JUDGE EXACTLY THE EVIDENCE IN PROOF, AGAINST INDIVIDUAL CROWN WITNESSES WHO DID PRESENT FALSE/FRAUDULENT EVIDENCE, IN TESTIMONY, COMPARED TO WHAT EACH RESPECTIVELY STATED/DECLARED IN A PRIOR WRITTEN OFFICIAL DOCUMENT, WHICH THE STATE GOVERNMENT WAS ALSO THEREFORE PRIOR AWARE OF, AND, SUCH AN OBLIGATION UPON ME TO NOT ONLY PROVE THAT I AM NOT GUILTY, BUT ALSO, PROVE THE FALSE/FRAUDULENT EVIDENCE OF THE STATE GOVERNMENT, IS AN ILLEGAL EXPECTATION BURDENED UPON ME (THE ACCUSED)).
20. WHERE A PROSECUTION WITNESS PRODUCES A STATEMENT/REPORT PRIOR TO TRIAL, WHICH IS, PER RULES OF DISCLOSURE, DISCLOSED TANGIBLY TO THE ACCUSED (IN TACTILE FORM), AND MATERIAL PARTICULARS, RELIED UPON BY CROWN, DO NOT MARRY TO TRIAL TESTIMONY OF SUCH CROWN WITNESS, THE STATE IS OBLIGATED TO PROMPTLY INFORM COURT OF TRIAL, OF SUCH INCONSISTENCY/EVIDENCE IRREGULARITY, AND OBLIGATED TO SEEK CLARIFICATION, IN COURT OF TRIAL, FROM AND OF THEIR OWN WITNESS, AND IF REQUIRED, SUCH WITNESS MUST SELECT WHICH VERSION OF THEIR EVIDENCE THEY WISH TO 'RELY UPON' (REPLY B, NOT SAME AS REPLY A. (PREVIOUSLY GIVEN BY SAME PERSON, TO ESSENTIALLY THE SAME QUESTION), THEN, AT A LATER TIME ANOTHER ANSWER IS GIVEN BY SAME PERSON, REPLY C, AND, ALL THREE ANSWERS, REPLIES A, B, C, ARE SO VERY DIFFERENT IN
30. MATERIAL PARTICULARISATION, THAT THERE IS ABSOLUTELY NO WAY OF MARRYING 'REPLY A.'

1. TO 'REPLY B.', OR, 'REPLY A.' TO 'REPLY C.', WHICH MUST THEN BE MATERIALLY QUALIFIED BY NON-PERFUNCTORY DIRECT QUESTIONING, OF ALL THREE VERSIONS OF CLAIMED/PURPORTED FACT, AND THE MULTIPLE 'REPLIES' MUST THEN BE RESOLVED TO A 'SINGLE REPLY/VERSION' (EITHER A, B. OR C.), THEN, THAT 'SINGLE VERSION' FROM THE RESPECTIVE CROWN WITNESS, IS NOT JUST THE 'NOW QUALIFIED' VERSION OF PARTICULARS FROM SAID RESPECTIVE CROWN WITNESS ONLY, AS SUCH EVIDENCE, NOW QUALIFIED IN FORM, AUTOMATICALLY BECOMES THE 'SINGLE VERSION ON BEHALF OF THE CROWN ALSO (FROM THAT SPECIFIC CROWN WITNESS, AND, IF THE RESPECTIVE CROWN WITNESS IS THE ONLY ALLEGED/PURPORTED WITNESS RELATING TO A PARTICULAR 'CLAIMED EVENT', THEN, SAID
10. 'QUALIFIED SINGLE VERSION OF MATERIAL PARTICULARS' HOLDS PROOF IN EVIDENCE, THAT, SUCH CROWN WITNESS MATERIALLY CHANGED THEIR EVIDENCE AT DIFFERENT TIMES, SO AS TO PRESENT FALSE EVIDENCE ON BEHALF OF THEIR EMPLOYER, THE SOUTH AUSTRALIAN GOVERNMENT)').

- THE WHOLE POINT OF THE DPP 'PROOFING' THEIR TRIAL WITNESSES, IS TO WEED-OUT ANY DISCREPANCIES IN EVIDENCE FROM SAME RESPECTIVE INTENDED WITNESS, AND TO EFFECT AND CLARIFY A SINGLE VERSION OF 'PARTICULARISED CLAIMED EVIDENCE FROM RESPECTIVE CROWN WITNESSES, PRIOR TO TRIAL' (OTHERWISE, THE DPP MIGHT AS WELL PRODUCE 10. DIFFERENT ANSWERS TO EVERY SINGLE QUESTION ASKED OF EVERY DPP WITNESS, THEN, FIT ALL THE
20. FALSE ANSWERS, THE LIES, TOGETHER TO MAKE UP ANY VERSION OF CLAIMED FACT 'THEY' WANT, JUST SO THEY ACHIEVE CONVICTION OF THE ACCUSED, AND IF THE GOVERNOR THINKS THAT DOES NOT HAPPEN IS SOUTH AUSTRALIA, YOU ONLY NEED READ A DOCUMENT (OF APPROXIMATELY THIRTY FIVE PAGES IN LENGTH), WHICH I ARRANGED TO BE EMAILED TO STATE GOVERNMENT MINISTER IN SEPTEMBER 2012 [REFER ATTORNEY-GENERAL, J. RAD, LETTER TO ME DATED 23 FEBRUARY 2013, REF: 12A602308, PARAGRAPH THEREIN CONSISTING OF 7. LINES OF TEXT, NOTE LAST THREE LINES], SPECIFICALLY SHOWING THREE MATERIALLY DIFFERENT ANSWERS/PURPORTMENTS TO THE SAME FEATURE QUESTION, OF 'WHAT I SAID WAS REASON FOR ATTENDING TRAIN CARRIAGE ON MORNING OF 10-1-1991?'), THAT WAY, IN TRIAL, SUCH WITNESS OF AND
 30. FOR THE DPP, CONTINUES WITH 'SAME, PROOFED VERSION OF PARTICULARISED EVIDENCE'.

1. THE FRAUD BY THE DPP, BORNE FROM CARRYING 'MULTIPLE DIFFERENT VERSIONS OF MATERIAL PARTICULARISATION, INTO TRIAL', IS, NOT ONLY ILLEGAL, WHEN THE STATE, PURSUANT TO 'ARRESTING PARTICULARS' (AS AN EXAMPLE), CLAIMS A AS PART OF ARREST, THEN DIVORCES EVIDENCE A AND MARRIES TO THE NEW EVIDENCE B, AND IN FACT DISPLACES A WITH B, THEN, IN TRIAL TESTIMONY, ~~WHILST~~ WHILST CLAIMING 'TO BE SPEAKING HONESTLY, WITH INTEGRITY, AND CREDIBILITY', CLAIMS EVIDENCE C IS THE TRUTH, WHICH, BY DEFAULT DISPLACES EVIDENCE B WITH THE NEW EVIDENCE C (BECAUSE THE TELLER OF LIES, THE CROWN WITNESS IN WITNESS BOX, GIVING TESTIMONY, HAD FORGOTTEN HIS PREVIOUS LIE/LIES), BUT THEN, WHEN CHALLENGED ABOUT EVIDENCE C, COMPARED TO HIS PRIOR
10. EVIDENCE B, NOT ONLY DOES HE QUALIFY VERSION B, THEREBY DISSOLVING AND NULLIFYING VERSION C, BUT IN SO QUALIFYING VERSION B, HAS IN MATERIAL QUALIFICATION, ADMITTED UNDER OATH, ON BEHALF OF THE STATE OF SOUTH AUSTRALIA, IN THEIR PROSECUTION OF ME, A CRIMINALLY FALSE VERSION OF CLAIMED/PURPORTED MATERIALLY PARTICULARISED SPECIFIC DETAILS (IN SO DOING, COMMITTING PERJURY), WHEN ALL THE CROWN WITNESS HAD TO DO WAS SPEAK THE MATERIAL TRUTH, AND REFER TO THE FACTS OF THEIR ORIGINAL EVIDENCE, AS EVIDENCE A.

- CRIMINAL MISREPRESENTATION OF KNOWN STATE'S EVIDENCE, TO ILLEGALLY GAIN THE BENEFIT, ON BEHALF OF SOUTH AUSTRALIAN GOVERNMENT, OF THE CONVICTION OF ME FOR THE
10. CRIME CHARGED, OF ARSON. HAS THE STATE OF SOUTH AUSTRALIA FALLEN TO SUCH A DISGUSTINGLY LOW POINT, THAT THE TRIAL PROSECUTOR (WHOM I UNDERSTAND HAS BEEN A DISTRICT COURT JUDGE FOR A FEW YEARS NOW), ILLEGALLY USED HIS GOVERNMENT POSITION OF EMPLOYMENT (THEN, CLCA s. 251), TO SECURE THE FALSE EVIDENCE OF ANOTHER GOVERNMENT EMPLOYEE, CONSTABLE CAUNCE (THEN, CLCA ss 242, 243, 244, 131, 140, 238, 256, 267.), TO ILLEGALLY EXPLOIT MY CIRCUMSTANCE OF BEING CHARGED WITH ARSON AND REMANDED INTO CUSTODY (THEN, CLCA s. 142), THEREBY CONSEQUENTING AN ILLEGALLY OBTAINED JURY VERDICT OF GUILTY? THE ANSWER IS 'YES'.

- SUCH A FRAUDULENT/ILLEGAL USE OF GOVERNMENT EMPLOYMENT, WAS DONE ON
30. BEHALF OF THE SOUTH AUSTRALIAN GOVERNMENT, THEIR EMPLOYER, AND THEIR CRIMES

1. WERE NOT JUST AGAINST ME, THEY WERE BY DEFAULT ALSO AGAINST SOCIETY, AND, THEY EFFECTED CRIMINAL MANIPULATION OF COURT OF TRIAL AND PROCESSES OF SAME COURT OF TRIAL, CRIMINALLY MISLED TRIAL JURY AND TRIAL JUDGE, [SEE R. v DRUMMOND (No. 2) [2015] SASCF 82, PARAGRAPH 174:

"PEEK J

OF COURSE, THE PRESENT APPLICATION IS MADE PURSUANT TO S. 353 A OF THE ACT AND THE QUESTION OF WHETHER THE EVIDENCE IS FRESH REMAINS TO BE ANSWERED.

10. HOWEVER, THE ABOVE AUTHORITIES ARE RELEVANT TO THAT QUESTION BECAUSE, WHEN ASSESSING WHETHER DEFENCE COUNSEL USED REASONABLE DILIGENCE, ONE MUST TAKE INTO ACCOUNT THAT COUNSEL IS ENTITLED TO ASSUME THAT THE PROSECUTION WILL DISCLOSE TO THE DEFENCE RELEVANT EVIDENCE AND MATERIAL, AND, A FORTIORI, THAT THE PROSECUTION WILL NOT LEAD FALSE OR MISLEADING EVIDENCE AS PART OF ITS CASE. FURTHER, WHEN MAKING AN ASSESSMENT OF [REDACTED] WHETHER THERE [REDACTED] WAS REASONABLE DILIGENCE, THE COURT WILL EXTEND TO AN ACCUSED GREAT LATITUDE. 41 "].

- IN MY 1993 ARSON TRIAL, PERJURY COUNTS AS "FALSE" AND "MISLEADING" EVIDENCE BEING KNOWINGLY USED BY TRIAL PROSECUTOR, THEREBY CONSTITUTING SUCH A "FUNDAMENTAL" AND "RADICAL" CIRCUMSTANCE AND SITUATION THAT ABSOLUTELY DESTROYED THE INTEGRITY OF THE TRIAL PROPER, AND, 'THE PERJURY AND USE/RELIANCE ON A PRIOR CRIMINALLY FALSE AND CRIMINALLY DECEPTIVE POLICE WITNESS STATEMENT', ALSO DRAWS IN ACTIONS/CONDUCT/CRIMES/ABUSES, ETC., WHICH HAPPEN AS AN ILLEGAL/IMPROPER ACTION BY CROWN WITNESS (WHO, AS A POLICE OFFICER, IS SO INTERTWINED IN THE STATE'S CRIME INVESTIGATION OF THE MATTER CHARGED AGAINST ME, THAT, ALL 'OFFICIAL' ACTIONS BY 'CONSTABLE CAUNCE', INCLUDING MAKING HIS OWN POLICE WITNESS STATEMENT, ARE, FOR OFFICIAL PURPOSES, PERFORMED FOR AND ON BEHALF OF THE STATE GOVERNMENT OF SOUTH AUSTRALIA, WHO, IS ALSO THE EMPLOYER OF THE DEPARTMENT OF/FOR PUBLIC PROSECUTIONS), PRIOR TO TRIAL ALSO, WHICH, THEN INVITES, IN PROOF BY ACTION AND CONSEQUENCE OF ACTION (WHERE 'ACTION' = UNFAIRNESS), [SEE R. v WILLIAMS [2016] SASC 67, THEREIN AT PARAGRAPH 93:

30. "VANSTONE J

1. THE APPLICANT RELIES UPON *JAGO V DISTRICT COURT OF NSW* (1989) 168 CLR 23 AS AUTHORITY FOR THE PROPOSITION THAT THE RIGHT TO A FAIR TRIAL EXTENDS TO THE WHOLE COURSE OF THE CRIMINAL PROCESS, INCLUDING THE PRELIMINARY PROCEEDINGS. IN THAT CASE, MASON CJ STATED, AT P. 30:

IN ESSENCE THEN, THE POWER TO PREVENT AN ABUSE OF PROCESS IN THIS CONTEXT IS DERIVED FROM THE PUBLIC INTEREST, FIRST THAT TRIALS AND THE PROCESSES PRECEDING THEM ARE CONDUCTED FAIRLY, AND, SECONDLY, THAT, SO FAR AS POSSIBLE, PERSONS CHARGED WITH CRIMINAL OFFENCES ARE BOTH TRIED ~~AND~~ AND TRIED WITHOUT UNREASONABLE DELAY.

10.

DEANE J ALSO STATED, AT P. 57:

THUS, IT CAN BE SAID, AS A GENERAL PROPOSITION, THAT DEFAULT OR IMPROPRIETY ON THE PART OF THE PROSECUTION IN PRETRIAL PROCEDURES CAN, DEPENDING ON THE CIRCUMSTANCES, BE SO PREJUDICIAL TO AN ACCUSED THAT THE TRIAL ITSELF IS MADE AN UNFAIR ONE. "] .

THE 'MATERIALLY FALSE STATEMENT (PD166), BY CONSTABLE CAUNCE', DATED APPROXIMATELY 7-8-1992, WASN'T ONLY 'FALSE' IN RELATION TO CERTAIN MATERIAL DETAILS, IT WAS IN FACT A CRIMINALLY FALSE DOCUMENT, DUE TO STATED PARTICULARS THEREIN, BEING

20. CRIMINALLY MISREPRESENTATIVE OF PRIOR KNOWN FACTS, WHICH WERE KNOWN TO CAUNCE PERSONALLY, AND, SUCH CRIMINALLY FALSE DOCUMENT ALSO BECAME KNOWN TO THE SOUTH AUSTRALIAN STATE INSTRUMENTALITY, THE DEPARTMENT OF/FOR PUBLIC PROSECUTIONS, WHO THEN, AS PART OF THE FORMAL COMMITTAL HEARING PROCESS, THEN SUBMITTED SAID CRIMINALLY FALSE DOCUMENT (AS PART OF STATE'S EVIDENCE BEING RELIED UPON BY THE DPP, TO PROSECUTE ME FOR THE CRIME OF ARSON), AND ATTACHED SIGNIFICANT PROSECUTORIAL WEIGHT TO SAID DOCUMENT, EVEN THOUGH SAID PROSECUTORIAL WEIGHT IS ~~FALSELY~~ FALSELY APPLIED (AS THE DOCUMENT TO WHICH IT IS APPLIED, IS A CRIMINALLY FALSE DOCUMENT), THEREBY CREATING SUCH A 'FUNDAMENTAL' PROSECUTORIAL FRAUD UPON MY 1993 TRIAL COURT, THAT IT WAS IMPOSSIBLE TO EVER RECEIVE AN HONEST OR FAIR TRIAL

30. ACCORDING TO LAW, AND THAT, EVEN IF CONSTABLE CAUNCE, OR HIS SAID CRIMINALLY

1. FALSE POLICE WITNESS STATEMENT, WERE NOT ACTUALLY PRESENTED IN TRIAL PROPER, THROUGH VOIR DIRE, OR, EVIDENCE IN CHIEF (FOR THE CROWN), SAID FALSE WITNESS STATEMENT (OF CAUNCE), WAS UNLAWFULLY USED/RELIED UP BY DPP, TO EFFECT THE COMMITTAL HEARING MAGISTRATE'S RULING IN FAVOUR OF THE STATE GOVERNMENT, BEING, COMMITTING ME TO STAND TRIAL FOR ARSON. THEREFORE, SAID COMMITTAL HEARING RULING WAS ACHIEVED ONLY VIA ABUSE OF PROCESS, BY THE CROWN, FOR FRAUDULENT MANIPULATION OF A CRIMINAL JURISDICTION JUDICIAL PROCESS, OF SUCH A KIND, AND TO SUCH A DEGREE, THAT NO 'PROVISO' COULD EVER BE OPEN TO USE/APPLICABILITY, DUE TO THE ILLEGAL
10. PRESENTATION OF A CRIMINALLY FALSE POLICE WITNESS STATEMENT, TO THE COURT, ON BEHALF OF STATE PROSECUTION, IRRESPECTIVE OF THE PROSECUTOR KNOWING OR NOT KNOWING OF THE FALSE PARTICULARS WITHIN SAID WITNESS STATEMENT, THE FACT IN ISSUE WAS THE 'COMMITTAL TO TRIAL', AS A RULING OF A COURT, WHICH WAS FUNDAMENTALLY DETERMINED ON THE FACE OF A CRIMINALLY FALSE OFFICIAL POLICE WITNESS STATEMENT, THEREFORE, UPON THE PRESENT REVIEW OF EVENTS THAT TRANSPIRED BETWEEN TIME OF ARSON (CRIME DATE), 10-1-1991, AND, TIME OF DELIVERY OF JURY VERDICT (OF 'GUILTY'), THE COMMITTED TRIAL COULD NEVER BE HONEST OR FAIR FROM MY PERSPECTIVE, AS A FUNDAMENTAL PRE-REQUISITE OF ANY CRIMINAL JURISDICTION TRIAL, IS 'THAT ALL ACTIONS,
20. CONDUCT, DOCUMENTATION (RELIED UPON), AND PURPORTMENTS OF STATE'S EVIDENCE, MUST BE LAWFULLY PRODUCED, GENERATED, CREATED AND RELIED UPON', AND THAT ANY INFRINGEMENT UPON SAID FUNDAMENTAL PRE-REQUISITE, BY ANY EMPLOYEE/REPRESENTATIVE OF THE STATE GOVERNMENT OF SOUTH AUSTRALIA, INCLUDING BY WAY OF PRESENTMENT OF ANY FALSE DOCUMENTS AT ANY STAGE OF, AND/OR, FOR ANY PURPOSE WITHIN THE CRIMINAL JURISDICTION OF JUDICIAL PROCESSES, MUST INVALIDATE ANY AND EVERY ASPECT OF ANY TRIAL WHICH FOLLOWS, BECAUSE NO FAIR OR VALID OR PROPER TRIAL CAN EXIST IF BORNE FROM FRAUDULENT EFFECT (COMMITTAL TO TRIAL, ON BACK OF ILLEGAL AND FALSE WEIGHT, WHEN CAUNCE'S WITNESS STATEMENT BEING TABLED AS A VALID, TRUE ACCOUNT, AND ACCURATE REPRESENTATION OF PRIOR KNOWN STATE'S EVIDENCE),
30. ["FRAUD" , SEE WATSON V. THE STATE OF SOUTH AUSTRALIA [2010] SASCF 69, PARAGRAPH 64:

1. "DOYLE CJ

IN HOT HOLDINGS PTY LIMITED v CREASY [2002] HCA 51; (2002) 210 CLR 438 GAUDRON, GUMMOW AND HAYNE JJ MADE SOME OBSERVATIONS ABOUT THE ROLE OF POLICY IN A DECISION WHEN THE DECISION MAKER IS A MINISTER, THEY SAID AT:

....

[51]

THIS IS NOT TO DENY, OF COURSE, THE IMPORTANCE OR APPLICATION OF THE WELL-ESTABLISHED GROUND FOR THE GRANT OF CERTIORARI FOR "FRAUD" (CRAIG v. SOUTH AUSTRALIA (1995) 184 CLR 163 AT 175-176), A GROUND IN WHICH "FRAUD" IS TO BE UNDERSTOOD IN A BROAD SENSE AND AS ENCOMPASSING MATTERS SUCH AS ACTING FOR AN IMPROPER PURPOSE. IT IS EVIDENT THAT THERE WILL BE CASES IN WHICH THAT, RATHER THAN "BIAS" OR APPREHENSION OF BIAS, WILL BE THE BETTER CHARACTERISATION OF WHY CERTIORARI WILL LIE. "]

WHERE THERE IS AN 'ACT', 'ACTION', 'EVENT', 'A THING CREATED, MADE, ~~OR EVEN~~, OR EVEN, THE RELIANCE UPON SUCH ACT, ACTION, EVENT AND/OR THING CREATED/MADE', IS IN ANY MANNER OR FORM THE RESULT, CONSEQUENCE AND/OR EFFECT, OF IMPROPRIETY, ILLEGALITY AND/OR

20. FALSIFICATION AND/OR FALSE REPRESENTATION AND/OR MISREPRESENTATION, THEN, THE EFFECT BORNE FROM 'IT' IS OBTAINED (WHEN SAID 'EFFECT' IS TO THE BENEFIT OF THE SOUTH AUSTRALIAN GOVERNMENT DEPARTMENT OF/FOR PUBLIC PROSECUTIONS, IN ITS PROSECUTION OF ME FOR THE 1991 CRIME OF ARSON, WHICH WENT TO TRIAL MID 1993, AND WHICH I WAS CONVICTED OF MID 1993), BY MEANS WHICH ARE CONTRARY TO 'STATUTE COMPLIANCE' (IN 1993 THE RELEVANT STATUTES WHICH WERE BREACHED/VIOLATED BY THE STATE OF SOUTH AUSTRALIA, THROUGH CONDUCT OF AND BY SPECIFIC SOUTH AUSTRALIAN GOVERNMENT EMPLOYEES, INCLUDED, SUMMARY OFFENCES ACT, POLICE PROCEDURES ACT, EVIDENCE ACT, CRIMINAL LAW CONSOLIDATION ACT, DEPARTMENT OF PUBLIC PROSECUTIONS ACT), AND, THE SIGNIFICANCE OF SUCH 'NON-COMPLIANCE WITH RESPECTIVE STATUTES BY SAID SPECIFIC GOVERNMENT EMPLOYEES', IS THAT, 'THE THING THAT

30. WAS DONE CONTRARY TO STATUTORY MANDATE/OBLIGATION, WAS THEREBY AND THEREFORE DONE

1. WITHOUT LEGAL AUTHORITY AND/OR LEGAL JURISDICTION AND/OR LEGAL COMPETENCE, AND, FOR THOSE REASONS WAS, AT THE TIME/S WAS DONE, UNLAWFULLY EFFECTED, AND ALSO, WHERE THOSE THINGS DONE UNLAWFULLY, WERE THEN USED/RELIED UPON BY THOSE PERSONS' EMPLOYER (STATE GOVERNMENT OF SOUTH AUSTRALIA), TO CONTRIBUTE TO AND THEREBY FORM PART OF THE STATE GOVERNMENT'S PROSECUTION EVIDENCE 'IT' (DEPARTMENT OF PUBLIC PROSECUTIONS, ON BEHALF OF THE STATE GOVERNMENT OF SOUTH AUSTRALIA), INTENDED TO USE AGAINST ME AS 'CREDIBLE STATE'S EVIDENCE', 'RELIABLE STATE'S EVIDENCE', 'LAWFULLY PRODUCED/CREATED STATE'S EVIDENCE', 'LAWFULLY RELIED UPON STATE'S EVIDENCE', EXCEPT THAT, NOT ONLY WAS SUCH 'CLAIMED/PURPORTED STATE'S EVIDENCE UNLAWFULLY CREATED IN THE FIRST INSTANCE', THEREBY, AND
10. ADDITIONALLY, CONSEQUENTIALLY, MAKING SUCH EVIDENCE 'FALSE STATE'S EVIDENCE BY ITS VERY EXISTENCE', BUT ALSO, ITS EXISTENCE WAS THEN, BY IMPROPER MEANS (COMMITTED BY STATE GOVERNMENT EMPLOYEES), FRAUDULENTLY USED/RELIED UPON BY THE SOUTH AUSTRALIAN GOVERNMENT, TO THEN GENERATE/CREATE MORE STATE'S EVIDENCE WHICH WAS THEN ALSO INTRINSICALLY CORRUPTED/TAINTED BY ITS USE/RELIANCE/REFERENCE TO SAID INITIAL FALSE STATE'S EVIDENCE'. FURTHER TO THE CREATION OF THE 'ORIGINAL/PRIMARY FALSE STATE'S EVIDENCE', AND THE CONSEQUENTIAL CREATION OF THE 'SECONDARY FALSE STATE'S EVIDENCE', WAS THE 'JUDICIAL USE OF SAID FALSE STATE'S EVIDENCE', BY THE STATE GOVERNMENT OF SOUTH AUSTRALIA AS WELL AS ON ~~THE~~ BEHALF OF SAME STATE GOVERNMENT, 'TO BUILD A PROSECUTION FRAMEWORK AGAINST ME DURING COURT PROCESSES AND PROCEEDINGS PRIOR TO A
20. CRIMINAL TRIAL', AND, TO THEN MAKE USE OF SAID PROSECUTION FRAMEWORK (AND IF THE SITUATION/ CIRCUMSTANCE ARISES DURING TRIAL, TO CONTINUE TO ~~THE~~ BUILD FROM AND GENERATE NEWLY CREATED PROSECUTION EVIDENCE, TO MANIPULATIVELY USE/RELY UPON TO INCREASE AMOUNT OF PROSECUTION'S 'ALLEGED TRUE EVIDENCE', FOR THE SOLE PURPOSE AND INTENTION OF HAVING ME CONVICTED OF THE CRIME CHARGED), TO FRAUDULENTLY IMPOSE UPON MY TRIAL JUDGE AND TRIAL JURY, A 'FALSE AND FAKE REPRESENTATION OF ACCURATE AND TRUE STATE'S PROSECUTORIAL EVIDENCE' (STATE'S EVIDENCE WHICH IS CLAIMED/PURPORTED BY SOUTH AUSTRALIAN POLICE AND/OR SOUTH AUSTRALIAN STATE PROSECUTIONS DEPARTMENT, TO BE LAWFULLY CREATED, HONESTLY CREATED BY STATE GOVERNMENT EMPLOYEES, CREATED BY PROPER DUE PROCESS OBSERVANCE AND APPLICATION OF ALL RELEVANT AND RESPECTIVE STATUTES, BUT, WHICH IS IN FACT NOT ACCURATE AS A REPRESENTATION OF
30. TRUTH, NOT LAWFULLY CREATED, NOT CREATED BY MEANS OR METHOD WHICH COMPLY TO STATUTE MANDATE,

1. OR COMPLY WITH STATUTE MANDATE/OBLIGATIONS). The 'END GOAL' OF THE SOUTH AUSTRALIAN GOVERNMENT, RELATING TO THE CRIMINAL CHARGE AGAINST ME OF 'ARSON', WAS TO ENSURE THAT I WAS CONVICTED OF SAID CRIME, BY ANY MEANS THEY FELT THEY COULD GET AWAY WITH, INCLUDING BY MEANS WHICH WERE UNLAWFUL/ILLEGAL. I STATE THIS POINT AS A KNOWN FACT, FROM AND BY ME, AGAINST THE STATE OF SOUTH AUSTRALIA AND RESPECTIVE STATE GOVERNMENT EMPLOYEES WHO WERE 'DIRECTLY INVOLVED IN THE CREATION OF FALSE/FAKE STATE'S EVIDENCE', 'DIRECTLY INVOLVED IN THE USE OF SUCH FALSE/FAKE STATE'S EVIDENCE', AND, 'DIRECTLY INVOLVED IN THE PROTECTION/IMPROPER CONTINUITY OF SUCH FALSE/FAKE STATE'S EVIDENCE', AND, 'DIRECT INVOLVEMENT IN THE CRIMINAL/ILLEGAL USE OF RESPECTIVE PERSON'S STATE GOVERNMENT POSITION OF EMPLOYMENT TO ENABLE,
10. ASSIST, EFFECT THE ILLEGALLY OBTAINED JURY VERDICT OF 'GUILTY', AND THE ILLEGALLY OBTAINED TRIAL JUDGE'S PERFECTED VERDICT (OF AND FROM THE TRIAL JURY), OF 'GUILTY OF THE CRIME OF ARSON', AND THEN THE ILLEGALLY ~~OBTAINED~~ OBTAINED 'SENTENCE TO INCARCERATION', CONSEQUENTIAL TO THE ILLEGALLY OBTAINED JURY VERDICT OF 'GUILTY'.

- UNLIKE THE ORIGINAL PETITION OF 2008, THIS PETITION WILL HIGHLIGHT NOT JUST THE IMPROPER AND/OR FRAUDULENT AND/OR ILLEGAL THING THAT WAS DONE AND/OR USED BY THE STATE GOVERNMENT EMPLOYEE/S, BUT ALSO, HOW ITS USE (AND ITS VERY EXISTENCE), NOT ONLY DENIED ME A 'FAIR AND HONEST TRIAL ACCORDING TO LAW', DENIED ME A 'FAIR AND HONEST OPPORTUNITY OF ACQUITTAL BY TRIAL VERDICT', BUT ALSO, 'CREATED A CIRCUMSTANCE THAT WAS ~~SO~~ SO ILLEGALLY
20. DAMAGING AND PREJUDICIAL TO THE TRIAL PROCESS AND TRIAL PROPER, THAT THE SAID TRIAL CANNOT ITSELF STAND AS A PROPERLY CONDUCTED TRIAL, AS THE VERY FOUNDATION OF SAID TRIAL WAS SO INFECTED AND TAINTED BY IMPROPRIETY (BY STATE GOVERNMENT EMPLOYEES), THAT NO TRIAL VERDICT OF 'GUILTY' COULD EVER BE LAWFULLY OBTAINED, SO MUCH SO, THAT THE ACTUAL GUILTY VERDICT OBTAINED, WAS DIRECTLY CONSEQUENTIAL TO CRIMINAL ACTS COMMITTED BY TRIAL PROSECUTOR AND TRIAL PROSECUTION WITNESS WHO GAVE TESTIMONY, POLICE OFFICER CAUNCE.

- IN THE ABOVE CITATION FOR JAGO (PAGE 12. IBID), THE KEY POINT IS MADE THAT 'THE RIGHT TO A FAIR TRIAL EXTENDS TO THE WHOLE COURSE OF THE CRIMINAL PROCESS, INCLUDING THE
30. PRELIMINARY PROCEEDINGS', AND IT IS BY THAT STANDARD THAT QUALIFICATION OF AND FOR MY

1. COMPLAINT, THAT 'MY 1993 ARSON TRIAL WAS NOT EVEN A PROPER TRIAL, NOR COULD IT EVER BE A PROPER OR 'FAIR TRIAL', DUE TO ACTIONS OF STATE WHICH WERE IMPROPER/ILLEGAL/FRAUDULENT AND/OR UNLAWFULLY DECEPTIVE', FUNDAMENTALLY EXITS, TO THE JUDICIAL STANDARD OF AND IN PROOF, IN THIS INSTANCE, ANY PURPORTED TRIAL (MY 1993 ARSON TRIAL), MUST BE FRAUDULENT IN ITS CHARACTER AND FORM, CONSEQUENTIAL TO THE EXISTENCE AND USE OF TAINTED STATE'S EVIDENCE, BY TRIAL PROSECUTOR LEADING UP TO TRIAL, AND, THEN USE OF TAINTED STATE'S EVIDENCE WITHIN TRIAL PROCESS, THEREBY EFFECTING A SIGNIFICANT AND SUBSTANTIAL BLEMISH IN THE CONDUCT OF THE TRIAL.
10. IRONICALLY, THE SOUTH AUSTRALIAN GOVERNMENT NOT ONLY PERMITTED SUCH FRAUDULENT AND CRIMINAL ACTS TO BE COMMITTED AGAINST ME 'FROM THE DATE OF CRIME (10-1-1991), LEADING UP TO 1993 TRIAL, AND, THE 1993 TRIAL ALSO', AND, YEARS LATER FOLLOWING MY ORIGINAL PETITION (2008), THE 'LAW OFFICERS OF THE CROWN'; AS PART OF ATTORNEY-GENERAL'S ADVICE, 'CONTINUE TO IMPROPERLY PROTECT THE CRIMES OF STATE WHICH WERE COMMITTED AGAINST ME 'PRIOR TO ARSON TRIAL, AND THEN, RELIED UPON WITHIN ARSON TRIAL''. MY ORIGINAL (2008), PETITION AND RE-SUBMISSION OF (2011), SAME, WERE WRITTEN BY ME, NOT A LAWYER, AND POINTS THEREIN WHICH I HIGHLIGHTED, INCLUDING 'FAILURE TO CAUTION ME', AND, 'PERJURY COMMITTED BY CAUNCE', WERE SUFFICIENTLY IDENTIFIED, AND WHICH, IRRESPECTIVE OF WHETHER OR NOT 'THEY WERE MENTIONED IN THE TRIAL', ARE SERIOUS ENOUGH
20. AS TO ATTACK THE VERY FOUNDATION OF THE TRIAL ITSELF, THEREBY CONSEQUENTING AN EFFECT WHICH EFFECTIVELY STOLE FROM ME MY RIGHT TO A 'FAIR TRIAL ACCORDING TO LAW', BUT, WITHIN CROWN LAW OFFICERS' REPORTS TO ATTORNEY-GENERAL, 'THEY' ILLEGALLY PLACE UPON ME NOW, AN EXPECTATION OF BURDEN AND ONUS OF PROOF, 'THAT I WAS EXPECTED TO CLEARLY ARGUE IN TRIAL, AND PROVE THE PERJURY BY CAUNCE, AND PROVE THE CRIMINAL DECEPTION BY CAUNCE, AND USE OF IT BY TRIAL PROSECUTOR, AND PROVE THE CONTENTS OF THE SAPOL FIRE REPORT WHICH WAS PARTICULARISED BY CAUNCE, THEN CONTRADICTED BY CAUNCE IN HIS 1992 WITNESS STATEMENT, AND THEN BOTH WERE AGAIN CONTRADICTED BY CAUNCE IN THE 1993 ARSON TRIAL, PLUS, MALICIOUSLY/CRIMINALLY USED BY TRIAL PROSECUTOR'. THERE MUST NOT BE ANY BURDEN OR ONUS OF PROOF PLACED UPON ME DURING MY 1993 ARSON TRIAL,
30. WHEREBY IN ORDER TO ~~SAVE~~ SAVE MYSELF FROM A CRIMINALLY FALSE CONVICTION,

1. I MUST FIRST DISPROVE THE 'STATE'S PURPORTED TRUE EVIDENCE BY CAUNCE', AND SHOW CAUNCE FOR THE CRIMINAL DECEIVER HE WAS. REVERSAL OF 'ONUS AND BURDEN OF PROOF', IS SUFFICIENT, BY ITSELF, TO QUALIFY THAT MY SAID 1993 ARSON TRIAL, MISCARRIED, AS THE STATE MUST HONESTLY CONDUCT ITS 'STATE OF AFFAIRS WHEN PROSECUTING ME DURING CRIMINAL TRIAL PROCESS' (REFER TO ABOVE CITATION FOR DRUMMOND (No.2) (PAGE 11. IBID)), YET, FAILED AND NEGLECTED TO SO ACT 'HONESTLY', AND EVEN MORE IMPORTANTLY, FAILED AND NEGLECTED TO ACT 'LAWFULLY', THEREBY DISSOLVING THE FUNDAMENTAL PRE-REQUISITE OF A 'LAWFULLY CONDUCTED TRIAL', BEING THAT ALL CROWN'S WITNESSES, AND THE TRIAL PROSECUTOR TOO, MUST ACT LAWFULLY WITHIN THE CRIMINAL TRIAL ITSELF, AS WELL AS ACTING LAWFULLY REGARDING
10. RESPECTIVE MATTERS LEADING UP TO THE CRIMINAL TRIAL. WHERE TRIAL TESTIMONY BY SAPOL EMPLOYEE CAUNCE, WAS A FABRICATION, A LIE, CRIMINALLY DECEPTIVE AS A PURPORTED TRUTH, ■ EVEN THOUGH CAUNCE KNEW HIS TESTIMONY WAS A LIE, AND MORESO, WHEN CAUNCE QUALIFIED HIS ANSWER, AND SAID QUALIFIED ANSWER THEN EQUATES TO PERJURY, WHICH IS THEN ALSO KNOWN BY TRIAL PROSECUTOR, ~~WHICH~~ THEN, PLEASE IDENTIFY BY EXACTLY WHAT SECTION NUMBER OF WHAT STATUTE, I AM THEN LAWFULLY ONUSSED AND BURDENED WITH OBLIGATION/EXPECTATION TO INFORM MY TRIAL COURT (IN 1993), OF THE PERJURY BY CAUNCE, OR USE OF THAT PERJURY BY THE CRIMINALLY CORRUPT TRIAL PROSECUTOR? THIS IS A VALID QUESTION CONSIDERING IT WAS PART OF THE 'BRUSH-OFF' BY ATTORNEY-GENERAL'S ADVICE IN 2009
20. (REFER TO LETTER FROM GOVERNOR REFERENCE ON ABOVE PAGE 6. ■ IBID, LETTER DATED 26-5-2009), IN PARTICULAR:
 - 66 ... 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. 77.

THIS IS FURTHER A VALID QUESTION CONSIDERING IT WAS PART OF THE 'BRUSH-OFF' BY ATTORNEY-GENERAL'S ADVICE IN 2011 (REFER TO LETTER FROM GOVERNOR REFERENCE ON ABOVE PAGE 6. IBID,

1. LETTER DATED 15-4-2011),

IN PARTICULAR :

"... MR JARRETT'S LETTER OF 18TH JANUARY 2011 SEEKING RECONSIDERATION OF HIS PETITION DOES NOT ADVANCE MATTERS ANY FURTHER AND IN PARTICULAR, DOES NOT ~~■~~ PROVIDE ANY BASIS FOR CONCLUDING THAT A MISCARRIAGE OF JUSTICE HAS OCCURRED."

IT IS PERPLEXING, THAT ATTORNEY-GENERAL'S ADVICE TO GOVERNOR, BOTH LETTERS (2009 AND 2011), CLAIM THE COMPLAINT BY ME OF 'PERJURY BY CAUNCE, AND, USE OF SAID ILLEGAL TESTIMONY (CAUNCE'S FALSE AND CRIMINALLY DECEPTIVE TESTIMONY), BY TRIAL PROSECUTOR', WERE 'BEFORE THE JURY', WHEN IN FACT THE TRIAL JURY AND TRIAL JUDGE WERE NEVER TOLD THAT CAUNCE ACTUALLY, OFFICIALLY, PROVIDED THREE DISTINCTLY DIFFERENT VERSIONS OF PURPORTED FACT, THEN IN TRIAL CAUNCE QUALIFIED HIS VERSION OF TRUTH TO HIS PD166 DOCUMENT, HIS POLICE WITNESS STATEMENT, WHICH ITSELF WAS A CRIMINALLY FALSE STATEMENT IN WRITING (PRODUCED IN 1992), BUT, THE ACTUAL ~~THE~~ TRUE VERSION 'BY CAUNCE, WHICH HE OBTAINED FROM ME ON DAY OF FIRE, 10-1-1991, AND WHICH CAUNCE TYPED ONTO THE OFFICIAL SAPOL FIRE REPORT DOCUMENT, AND, NOTIFIED CONSTABLE KITO OF, WHO IN TURN THEN NOTIFIED CIB DETECTIVE MODRA OF, ALL ON THE DAY OF THE FIRE, 10-1-1991, AND, WHICH MODRA THEN DESCRIBED ON A LATER DATE WITHIN MODRA'S ONE PAGE PD166 POLICE WITNESS STATEMENT, THAT ORIGINAL VERSION, CLEARLY PARTICULARISED IN OFFICIAL GOVERNMENT DOCUMENTS, WAS NEVER TOLD TO THE TRIAL JURY BY TRIAL PROSECUTOR, CAUNCE, KITO OR MODRA, THEREBY EFFECTING STATE'S LIE BY OMISSION, AND THE ONLY PERSON IN THE ENTIRE TRIAL WHO DID SAY THE ORIGINAL VERSION WAS ME. THE STATE, DURING TRIAL, AND, WITHIN PREVIOUS ATTORNEY-GENERAL'S ADVICE, ILLEGALLY BURDENS ME, THE ACCUSED (OF THE CRIME OF ARSON), WITH PROVING IM INNOCENT (IMPOSSIBLE WHEN CORRUPT TRIAL PROSECUTOR AND CORRUPT POLICE OFFICER ACTIVELY CRIMINALLY DECEIVE MY TRIAL JURY AND TRIAL JUDGE), AND, PROVING THE CRIMINAL DECEPTION BY CAUNCE AND TRIAL PROSECUTOR.

30. IT HAS NOT BEEN PERFUNCTORY FOR MANY YEARS, SINCE THE ERA OF 'KANGAROO COURTS',

1. TO SAY IN AN AUSTRALIAN CRIMINAL JURISDICTION COURT OF TRIAL, THAT 'THE ONUS AND BURDEN OF PROOF OF THE RESPECTIVE CRIMINAL CHARGE, MUST ONLY LAY AT THE FEET OF TRIAL PROSECUTION AND NEVER AT THE FEET OF THE 'ACCUSED'', BUT THEN, 'EXPECT THE ACCUSED TO PROVE THEY ARE INNOCENT AND PROVE THAT THEY ARE NOT GUILTY'. THAT ERA HAS GONE, AND, PART OF THE FUNDAMENTAL PRE-REQUISITE OF A 'FAIR TRIAL ACCORDING TO LAW', IS THAT, THE 'BURDEN AND ONUS OF PROOF MUST ONLY COME FROM PRESENTATION OF LAWFULLY ACQUIRED AND LAWFULLY PRESENTED STATE'S EVIDENCE, AS PART OF PROSECUTION OF RESPECTIVE CHARGE, OF AND BY THE STATE', AND THAT ANY REMAINING 'STATE'S EVIDENCE', WHICH IS NOT HONESTLY AND LAWFULLY ACQUIRED, AND HONESTLY AND LAWFULLY PRESENTED, AND/OR RELIED UPON BY THE STATE, MUST NOT EXIST OR
10. BE INTRINSIC TO THE BUILDING AND/OR PRESENTATION OF STATE'S EVIDENCE WITHIN 'MY CRIMINAL TRIAL PROCESS', AND, MUST NOT EVER BE RELIED UPON TO CONSEQUENTIALLY RECEIVE A TRIAL VERDICT OF 'GUILTY'.

A 'GUILTY' TRIAL VERDICT MUST BE UNSAFE, IF, THE STATE HAS PRESENTED AND/OR USED, AND THEN RELIED UPON FALSE TESTIMONY AS PART OF 'ITS' CASE (AT TRIAL), AND, NO 'PROVISO' SHALL BE PERMITTED TO SAVE SUCH A VERDICT (WILDE V. THE QUEEN [1988] HCA 6; (1988) 164 CLR 365),

['ONUS AND BURDEN', SEE R V. CHARLES [2016] SADC 158:

"HON. JUDGE MCINTYRE

20. PARAGRAPH 3.

... I DO REMIND MYSELF OF THE FOLLOWING:

- THE PROSECUTION BEARS THE BURDEN OF PROVING A CHARGE BEYOND REASONABLE DOUBT AND THIS REQUIREMENT EXTENDS TO PROOF BEYOND REASONABLE DOUBT OF EACH AND EVERY ELEMENT OF THE OFFENCE. THE ACCUSED DOES NOT CARRY ANY ONUS OF PROOF AND, TO THE EXTENT THAT HE MIGHT PUT FORWARD A DEFENCE, HE DOES NOT HAVE TO PROVE IT. BY WAY OF AMPLIFICATION, IT IS NOT SUFFICIENT FOR THE PROSECUTION TO SHOW SUSPICION OF GUILT OR EVEN TO DEMONSTRATE THAT THE ACCUSED IS PROBABLY GUILTY. ONLY PROOF BEYOND REASONABLE DOUBT CAN GIVE RISE TO A CONVICTION. IT FOLLOWS THAT IF I AM
30. LEFT WITH A REASONABLE DOUBT AS TO ANY ELEMENT OF THE OFFENCE, THEN I MUST GIVE THE

1. ACCUSED THE BENEFIT OF DOUBT AND FIND HIM NOT GUILTY.

PARAGRAPH 4.

....

- I FURTHER NOTE THAT BY ENTERING THE WITNESS BOX THE ACCUSED DOES NOT ASSUME ANY ONUS OF PROOF. THE ONUS REMAINS WITH THE PROSECUTION.

PARAGRAPH 5.

10. I REMIND MYSELF THAT IT IS NOT A QUESTION OF PREFERRING ONE VERSION OVER THE OTHER. THE SOLE TASK BEFORE ME IS TO DETERMINE WHETHER OR NOT THE PROSECUTION HAS PROVED THE ELEMENTS OF THE CHARGES BEYOND REASONABLE DOUBT. IF I AM ^{UNABLE} ~~TO SAY~~ WHERE THE TRUTH LIES THEN NECESSARILY IT MEANS THAT THE PROSECUTION HAS FAILED. ”]

[‘ONUS AND BURDEN’, SEE R v. RICHARDS (No. 2) [2016] SADC 2 :

“ HON. JUDGE MILLSTEED

PARAGRAPH 10.

IN REACHING MY DECISIONS I KEPT IN MIND THE FOLLOWING FUNDAMENTAL PRINCIPLES :

- THE DEFENDANT IS PRESUMED INNOCENT OF EACH OF THE CHARGED OFFENCES AND OF ~~THE~~ UNCHARGED ACTS ALLEGED AGAINST HIM.
 - THE PROSECUTION BEARS THE ONUS OF PROVING BEYOND REASONABLE DOUBT THE DEFENDANT'S GUILT IN RESPECT OF EACH OF THE CHARGED OFFENCES. THIS ONUS OF PROOF ALSO APPLIES TO THE UNCHARGED ACTS. THE DEFENDANT CARRIES NO ONUS. ”] .
- 20.

IT IS IMPORTANT FOR ME TO DESCRIBE ‘CERTAIN EVENTS’, AS WELL AS ‘THINGS DONE’, BY STATE GOVERNMENT OF SOUTH AUSTRALIA, WHICH, ~~CONSEQUENTIALLY~~ CONSEQUENTIALLY, MADE MY 1993 ARSON TRIAL ‘FUNDAMENTALLY FLAWED/BLEMISHED/TAINTED AND BEYOND ANY FORM OF REMEDY AND/OR REPAIR ~~ITSELF~~, DURING THE TRIAL ITSELF’, DUE TO THE NATURE AND CHARACTER OF ACTIONS THAT SAID 1993 TRIAL COURT (WHICH INCLUDES TRIAL JURY), HAD NO KNOWLEDGE OF BECAUSE ‘THE STATE (TRIAL PROSECUTOR), FAILED TO INFORM MY 1993 TRIAL COURT OF’, AND, 30. EVEN IF MY ARSON TRIAL HAD STILL GONE AHEAD, BUT WITH THE CLEAR STATE'S PROPER

1. DISCLOSURES AND NOTIFICATIONS' (TO THE COURT OF TRIAL JURY AND JUDGE, THEREBY PRESENTING THE TRUTH ABOUT THE 'THREE MATERIALLY DIFFERENT VERSIONS OF CAUNCE'S ALLEGED FACTS, PERTAINING TO 'WHAT I WAS RECORDED AS SAYING TO CAUNCE ON DAY OF FIRE, 10-1-1991, AS THE REASON FOR ME ATTENDING THE TRAIN CARRIAGE'), THEN, UNLIKE MY ORIGINAL 1993 ARSON TRIAL 'WHEREIN THE TRIAL JUDGE (DURING JUDGE'S SUMMING-UP TO THE JURY, PRIOR TO JURY DELIBERATION FOR VERDICT), TOLD THE JURY THAT CAUNCE WAS A RELIABLE AND CREDIBLE AND BELIEVEABLE WITNESS FOR THE PROSECUTION, AS WELL AS BEING A SIGNIFICANT CROWN WITNESS FROM WHOM THE JURY ~~■~~ COULD TRUST TO DETERMINE THEIR VERDICT', A PROPERLY AND LAWFULLY CONDUCTED PROSECUTION CASE (WHICH INCLUDED SUCH 'STATE'S PROPER DISCLOSURES AND
10. NOTIFICATIONS', ESPECIALLY ABOUT STATE'S EVIDENCE INVOLVING CAUNCE), WOULD NOT LEAVE ANY TRIAL EVIDENCE OPEN TO THE TRIAL JUDGE, TO PERMIT CAUNCE TO BE CHARACTERISED BY TRIAL JUDGE AS 'HONEST OR RELIABLE OR CREDIBLE OR BELIEVEABLE OR OF GOOD CHARACTER EITHER AS A POLICE OFFICER OR ~~■~~ AS A WITNESS FOR THE CROWN', ADDITIONALLY, CAUNCE COULD BE QUALIFIABLY CHARACTERISED BY TRIAL JUDGE AS 'DISHONEST, UNRELIABLE, DIS-CREDIBLE, ~~UNBELIEVABLE~~ UNBELIEVABLE, OF BAD CHARACTER BOTH AS A POLICE OFFICER AND AS A WITNESS FOR THE CROWN'.

IT WAS FUNDAMENTAL, PRIOR TO START OF THE 1993 ARSON TRIAL, FOR THE PROSECUTOR TO PROOF CAUNCE, SO THAT PRIOR TO THE VOIR DIRE, THE CROWN WOULD BE STATUTE (DEPARTMENT OF PUBLIC PROSECUTIONS ACT, s. 10A), OBLIGATED TO ELECT AND THEN MAINTAIN A SINGLE VERSION

20. OF CAUNCE'S CLAIMS, AS TO 'WHAT REASON (ACCORDING TO POLICE OFFICER CAUNCE), DID I GIVE FOR ME GOING TO THE TRAIN CARRIAGE AT APPROXIMATELY 5.20 AM, ON 10-1-1991, BEING, THE MORNING OF THE FIRE?'. AT THE POINT OF JURY SELECTION FOR MY 1993 ARSON TRIAL, THERE ALREADY EXISTED TWO VERY DIFFERENT VERSIONS, FROM CAUNCE HIMSELF, THE 'ORIGINAL VERSION' WAS PARTICULARISED IN THE SAPOL FIRE REPORT OF 10-1-1991 (FILLED OUT BY CAUNCE AND SIGNED BY CAUNCE TOO), AND THE 'SECOND VERSION' WAS PARTICULARISED IN THE SAPOL WITNESS STATEMENT, PD166, OF CAUNCE, MID 1992 (WRITTEN BY CAUNCE AND SIGNED BY CAUNCE TOO). THE TWO DISTINCTLY AND MATERIALLY DIFFERENT VERSIONS, BOTH BEING PRODUCED BY CAUNCE ALSO, MEANT THAT 'NOT JUST CAUNCE HIMSELF, AS A CROWN WITNESS', BUT IN FACT THE STATE OF SOUTH AUSTRALIA, 'WHOM POLICE OFFICER

30. CAUNCE REPRESENTED IN THE SAID TRIAL, AND, AS A PURPORTED KEY WITNESS FOR THE

1. STATE, KNOWINGLY WENT TO SAID CRIMINAL TRIAL (AGAINST ME), WITH THE DELIBERATE INTENTION OF MAKING IT IMPOSSIBLE FOR ME TO RECEIVE A 'FAIR TRIAL ACCORDING TO LAW', WITH OBVIOUS QUALIFICATION OF THAT ACCUSATION, BEING, SAID TWO VERY DIFFERENT VERSIONS (FIRE REPORT AND CAUNCE WITNESS STATEMENT), MUST EQUATE TO AT LEAST ONE VERSION BEING A LIE, A FALSE VERSION, A FRAUDULENT VERSION, AND WHICH THE STATE GOVERNMENT HAD ALREADY ILLEGALLY USED AND ILLEGALLY RELIED UPON PRIOR TO SAID CRIMINAL TRIAL, TO OBTAIN ILLEGALLY CREATED BENEFIT ON BEHALF OF STATE GOVERNMENT, USING THE 'TWO DISTINCTLY DIFFERENT VERSIONS', DURING THE COMMITAL HEARING, FROM WHICH I WAS COMMITTED TO TRIAL.

10.

- WITHOUT THE PROSECUTOR ELECTING WHICH OF THE THEN TWO DIFFERENT VERSIONS OF PURPORTMENT, THE CROWN INTENDED TO STAND BEHIND, MEANT THAT THE TRIAL JURY AND TRIAL JUDGE COULD NEVER LEGITIMATELY HAVE OPEN TO THEM ANY LAWFULLY FOUND OR LAWFULLY HELD JURISDICTION, FROM WHICH TO DETERMINE ANY VERDICT AT ALL, AS THE SAID TRIAL WAS PREJUDICED, ILLEGALLY, BY THE ENTIRE TRIAL TESTIMONY OF CAUNCE (FOR THE CROWN), AND BY ALL REFERENCE TO CAUNCE AND ALL STATEMENTS CAUNCE MADE AND DOCUMENTS CAUNCE PRODUCED, AND NOT ONLY FOR BEING CAUGHT OUT DURING CAUNCE'S TRIAL TESTIMONY, AS AN ESTABLISHED LIAR FOR THE STATE, YET TRIAL PROSECUTOR AND TRIAL JUDGE CONTINUED TO TELL THE TRIAL
20. JURY THAT CAUNCE WAS CREDIBLE, RELIABLE, HONEST AND TRUSTWORTHY, BUT ALSO FOR THE FACT THAT CAUNCE QUALIFIED HIS 'SECOND VERSION' (REFER ABOVE ON PAGE 22, IBID), AS THE TRUE VERSION, WHICH ITSELF WAS A CRIMINALLY FALSE VERSION OF 'PARTICULARS'.

- IF THE COURT OF TRIAL IS PRESENTED WITH A CLEAR MATERIAL LIE (BY CROWN WITNESS, ON BEHALF OF CROWN EVIDENCE), AND SUCH MATERIAL LIE IS THEN ALSO USED BY TRIAL PROSECUTOR TO ~~BE~~ ACCUSE ME OF BEING GUILTY OF ARSON, BECAUSE THE CORRUPT TRIAL PROSECUTOR 'SAID THAT CAUNCE'S CLAIMS ABOUT WHAT I ALLEGEDLY SAID TO CAUNCE ON THE DAY OF FIRE, 10-1-1991, IS SO DIFFERENT TO WHAT I SAY I
30. SAID TO CAUNCE ON DAY OF FIRE, 10-1-1991, THAT I THEREFORE MUST BE

1. AN ARSONIST TOO, DUE TO, AS THE TRIAL PROSECUTOR CLAIMS, 'WHY WOULD I LIE ABOUT WHAT I CLAIM I SAID TO COUNCE IF I WAS NOT GUILTY OF ARSON AND TRYING TO COVER-UP MY GUILT', THEN, SUCH A TRIAL HAS DEPARTED FROM THE FUNDAMENTAL ELEMENTS OF A FAIR TRIAL ACCORDING TO LAW, AND, HAS DEPARTED FROM THE FUNDAMENTAL ELEMENTS OF A PROPERLY CONDUCTED TRIAL AND PROPERLY PRESENTED TRIAL (BY CROWN PROSECUTOR), TO THE EXTENT THAT IT CANNOT EXIST AS A LAWFULLY CONDUCTED TRIAL, AND, ANY GUILTY VERDICT MUST BE UNSAFE AS SAID TRIAL HAS MIS-CARRIED TO A FALSE, FRAUDULENT AND UNLAWFULLY OBTAINED GUILTY VERDICT.

10. THE WILDE JUDGMENT OF 1988, PROVIDES SUPPORTING ARGUMENT IN FAVOUR OF MY COMPLAINT, THAT MY 1993 ARSON TRIAL MISCARRIED, PLUS, THE GUILTY JURY VERDICT WAS UNSAFE AND THE TRIAL WAS UNLAWFULLY TAINTED AND PREJUDICED, ~~BY~~ BY PROSECUTORIAL IMPROPRIETY, WHICH INCORPORATES ALL THE IMPROPER ACTIONS OF AND BY, AND ON BEHALF OF, THE STATE OF SOUTH AUSTRALIA, THOSE LEADING UP TO SAID 1993 CRIMINAL TRIAL, AS WELL AS THOSE IMPROPER ACTIONS WHICH HAPPENED WITHIN SAID 1993 CRIMINAL TRIAL PROCESS.

[SEE WILDE V THE QUEEN [1988] HCA 6; (1988) 164 CLR 365]

* THIS VERSION OF THE JUDGMENT IS SOURCED FROM NETWORKED KNOWLEDGE LAW REPORTS, PREPARED BY MOLES AND SANGHA, ^{PARAGRAPH} ~~THE~~ NUMBERS NOT PROVIDED.

"BRENNAN, DAWSON AND TOOHEY JJ

20. AS THE PROSECUTION CASE WAS SO STRONG AND THE DEFENCE WAS SO WEAK, THE AUTHORITIES WHICH ARE CUSTOMARILY CITED WHEN IT IS SOUGHT TO CHALLENGE THE APPLICATION OF THE PROVISIO WERE INSUFFICIENT TO FOUND AN ATTACK UPON THE JUDGMENT OF THE COURT OF CRIMINAL APPEAL. THOSE AUTHORITIES ESTABLISH THAT WHERE THERE HAS BEEN A DEPARTURE FROM THE REQUIREMENTS OF A PROPERLY CONDUCTED TRIAL, IT CANNOT BE SAID THAT THERE HAS BEEN NO SUBSTANTIAL MISCARRIAGE OF JUSTICE IF W HAS THEREBY LOST "A CHANCE WHICH WAS FAIRLY OPEN TO HIM OF BEING ACQUITTED" TO USE THE PHRASE OF FULLAGER J. IN MRAZ V THE QUEEN 1955 OR "A REAL CHANCE OF ACQUITTAL" TO USE THE PHRASE OF BARWICK CJ IN R.V. STOREY 1978. UNLESS IT CAN BE SAID THAT, HAD THERE BEEN NO BLEMISH IN THE TRIAL, ^{AN} APPROPRIATELY INSTRUCTED JURY, ACTING REASONABLY ON THE EVIDENCE PROPERTY BEFORE THEM

30.

1. AND APPLYING THE CORRECT ONUS AND STANDARD OF PROOF, WOULD INEVITABLY HAVE CONVICTED THE ACCUSED, THE CONVICTION MUST BE SET ASIDE: SEE *DRISCOLL V THE QUEEN* 1977; *REG V STOREY*, *GALLAGHER V THE QUEEN* 1986. UNLESS THAT CAN BE SAID, THE ACCUSED MAY HAVE LOST A FAIR CHANCE OF ACQUITTAL BY THE FAILURE TO AFFORD HIM THE TRIAL TO WHICH HE WAS ENTITLED, THAT IS TO SAY, A TRIAL IN WHICH THE RELEVANT LAW WAS CORRECTLY EXPLAINED TO THE JURY AND THE RULES OF PROCEDURE AND EVIDENCE WERE STRICTLY FOLLOWED: SEE *MRAZ V. THE QUEEN*, AT P. 514. THE LOSS OF SUCH A CHANCE OF ACQUITTAL CANNOT BE ANYTHING BUT A SUBSTANTIAL MISCARRIAGE OF JUSTICE. THE QUESTION WHETHER THE JURY WOULD INEVITABLY HAVE CONVICTED
10. FALLS TO BE DETERMINED BY THE COURT OF CRIMINAL APPEAL. IT IS A QUESTION WHICH THE COURT OF CRIMINAL APPEAL MUST ANSWER ACCORDING TO ITS ASSESSMENT OF THE FACTS OF THE CASE.

♦♦♦♦

HOWEVER ... WHETHER A REASONABLE JURY WOULD INEVITABLY HAVE CONVICTED DOES NOT ARISE WHERE THE ERROR IN THE CONDUCT OF THE TRIAL IS FUNDAMENTAL. IN SUCH A CASE ... IT DOES NOT MATTER WHAT THE STRENGTH OF THE PROSECUTION CASE OR THE WEAKNESS OF THE DEFENCE CASE WAS. RELIANCE WAS PLACED UPON WHAT WAS SAID IN *QUARTERMAINE V.*

THE QUEEN 1980: "ORDINARILY, WHEN THERE HAS BEEN A MISDIRECTION OF LAW, THE PROVISIO WILL BE APPLIED IF THE CROWN ESTABLISHES THAT IF THERE HAD BEEN NO MISDIRECTION THE

20. JURY WOULD (OR MUST) HAVE COME TO THE SAME CONCLUSION. HOWEVER, THE COURT OF CRIMINAL APPEAL ..., RECOGNISED THAT EVEN IF THIS WERE ESTABLISHED⁶ THERE MIGHT STILL BE A SUBSTANTIAL MISCARRIAGE OF JUSTICE IF THE TRIAL WAS SO IRREGULAR THAT NO PROPER TRIAL HAD TAKEN PLACE, IN THAT⁶ THERE HAD BEEN A SERIOUS DEPARTURE FROM THE ESSENTIAL REQUIREMENTS OF THE LAW¹⁷. THE COURT OF CRIMINAL APPEAL WAS RIGHT IN TAKING THAT VIEW OF THE LAW ... "THIS VIEW IS UNDOUBTABLY CORRECT, FOR THE PROVISIO WAS NOT INTENDED TO PROVIDE, IN EFFECT, A RETRIAL BEFORE THE COURT OF CRIMINAL APPEAL WHEN THE PROCEEDINGS BEFORE THE PRIMARY COURT HAVE SO FAR MISCARRIED AS HARDLY TO BE A TRIAL AT ALL. IT IS ONE THING TO APPLY THE PROVISIO TO PREVENT THE ADMINISTRATION OF THE CRIMINAL LAW FROM BEING "PLUNGED INTO OUTWORN TECHNICALITY"
30. (THE PHRASE OF BARWICK C.J. IN *DRISCOLL V. THE QUEEN*) IT IS ANOTHER TO UPHOLD

1. A CONVICTION AFTER A PROCEEDING WHICH IS FUNDAMENTALLY FLAWED, MERELY BECAUSE THE APPEAL COURT IS OF THE OPINION THAT ON A PROPER TRIAL THE APPELLANT WOULD INEVITABLY HAVE BEEN CONVICTED. THE PROVISIO HAS NO APPLICATION WHERE AN IRREGULARITY HAS OCCURRED WHICH IS SUCH A DEPARTURE FROM THE ESSENTIAL REQUIREMENTS OF THE LAW THAT IT GOES TO THE ROOT OF THE PROCEEDINGS. IF THAT HAS OCCURRED, THEN IT CAN BE SAID, WITHOUT CONSIDERING THE EFFECT OF THE IRREGULARITY UPON THE JURY'S VERDICT, THAT THE ACCUSED HAS NOT HAD A PROPER TRIAL AND THAT THERE HAS BEEN A SUBSTANTIAL MISCARRIAGE OF JUSTICE. ERRORS OF THAT KIND MAY BE SO RADICAL OR FUNDAMENTAL THAT BY THEIR VERY NATURE THEY EXCLUDE THE APPLICATION OF THE PROVISIO: SEE R.V. HILDEBRANDT 1963 NSW; R.V. HENDERSON 1966 VICT; R.V. COUPER 1985.
- 10.

.... IT IS THE SIGNIFICANCE OF THE EVIDENCE WRONGLY ADMITTED, IN THE CONTEXT OF THE TRIAL, WHICH MUST DETERMINE WHETHER THE ERROR WAS OF A FUNDAMENTAL KIND.

... WHERE THE ERROR IS ONE OF THE WRONGFUL ADMISSION OF EVIDENCE...

ONCE IT IS DETERMINED THAT THE ERROR WAS NOT OF A FUNDAMENTAL KIND, THE QUESTION MUST STILL BE ASKED WHETHER A REASONABLE JURY WOULD INEVITABLY HAVE CONVICTED HAD THE ERROR NOT BEEN MADE.

20.

DEANE J

THE FUNDAMENTAL PRESCRIPT OF THE ADMINISTRATION OF CRIMINAL JUSTICE IN THIS COUNTRY IS THAT NO PERSON SHOULD BE CONVICTED OF A SERIOUS CRIME EXCEPT BY THE VERDICT OF A JURY AFTER A FAIR TRIAL ACCORDING TO LAW. THE PROVISIO ... DOES NOT NEGATE THAT PRINCIPLE. THE REASON WHY THAT IS SO IS THAT IT IS ~~NOT~~ SIMPLY NOT OPEN TO A COURT OF CRIMINAL APPEAL TO DISMISS AN APPEAL, IN RELIANCE ON SUCH A PROVISIO, ON THE GROUND THAT THERE HAS BEEN "NO SUBSTANTIAL MISCARRIAGE OF JUSTICE" IN A CASE WHERE ERROR, IMPROPRIETY OR UNFAIRNESS HAS PERVADED AND AFFECTED THE TRIAL TO AN EXTENT WHERE THE OVERALL TRIAL CEASED TO BE A FAIR TRIAL ACCORDING TO LAW.

30.

1. IN SUCH A CASE, THE VERDICT OF GUILTY IS INTRINSICALLY FLAWED AND IT IS NO PART OF THE FUNCTION OF A COURT OF CRIMINAL APPEAL TO SAY THAT THE ACCUSED IS, IN ITS VIEW, SO OBVIOUSLY GUILTY THAT THE REQUIREMENT OF A FAIR TRIAL ACCORDING TO LAW CAN BE DISPENSED WITH. IF IT WERE OTHERWISE, THE FUNDAMENTAL PRESCRIPT OF THE CRIMINAL LAW COULD BE REDUCED TO A MOCKERY AND THE INJUSTICE OF A CONVICTION WITHOUT A RELEVANTLY FAIR TRIAL ACCORDING TO LAW COULD BE MADE THE OCCASION FOR TRIAL BY APPELLATE JUDGES WHO HAD ~~SEE~~ SEEN NO WITNESSES, HEARD NO EVIDENCE AND HAD NO DIRECT CONTACT WITH THE ATMOSPHERE, THE TENSIONS, THE NUANCES OR THE REALITY OF THE ACTUAL TRIAL. "]

10.

IT WAS CRITICAL FOR THE PROSECUTION CASE DURING MY 1993 ARSON TRIAL, THAT THE TRIAL JURY 'REGARD POLICE OFFICER CAUNCE AS AN HONEST, RELIABLE, CREDIBLE AND BELIEVABLE WITNESS FOR THE CROWN', AS CAUNCE'S EVIDENCE AND TESTIMONY WAS ~~ONE~~ ONE OF THE 'CENTRAL PILLARS OF THE CROWN'S EVIDENTIARY BUILDING BLOCKS, TO PRESENT COGENT SCENARIOS WHEREBY I AM SEEN BY THE TRIAL JURY AS A LIAR, AND THEREFORE MUST BE GUILTY OF ARSON'. IF, HOWEVER, OFFICER CAUNCE WAS 'REGARDED AND/OR CONSIDERED BY SAID TRIAL JURY AS POSSIBLY UNRELIABLE WITH HIS CLAIMED 'GOOD MEMORY', POSSIBLY UNCONVINCING WITH HIS CLAIMED 'GOOD MEMORY', POSSIBLY FALSE/UNTRUE WITH HIS ~~CLAIMED~~ CLAIMED 'GOOD MEMORY', NOT ONLY DOES THAT JURY VIEWPOINT/PERSPECTIVE CAST SIGNIFICANT DOUBT AGAINST CROWN SCENARIOS (AGAINST ME), BUT IT ALSO OPENS THE POSSIBILITY TO THE TRIAL JURY, THAT, 'IF THE CROWN IS PRESENTING ACCUSATION EVIDENCE AGAINST ME IN A CRIMINAL TRIAL, AND SUCH EVIDENCE IS RELIANT UPON JURY ACCEPTING CAUNCE AS A TRUSTED, HONEST, RELIABLE WITNESS, ESPECIALLY DUE TO CAUNCE BEING A POLICE OFFICER, AND 'TRIAL JURY SHOULD THEREFORE PLACE ADDITIONAL INTEGRITY WEIGHT TO CAUNCE'S EVIDENCE BECAUSE HE IS A POLICE OFFICER', BUT, CAUNCE IS IN FACT SHOWN TO PRESENT FALSE EVIDENCE IN TRIAL, LIE IN TRIAL, DECEIVE THE COURT JUDGE AND COURT JURY IN TRIAL, LIE ABOUT HIS CLAIMED 'GOOD MEMORY' IN TRIAL, TAKE OATH TO BE HONEST AND FACTUALLY ACCURATE THEN QUALIFY A LIE

1. AS A MATERIAL FACT IN TRIAL', THEN, 'WHAT OTHER FALSE EVIDENCE BE PRESENTED BY THE CROWN IN ORDER TO SECURE A CONVICTION', AS WELL AS, 'IF CROWN'S SCENARIO FOR PROSECUTION CASE AGAINST ME, IS IN LINE WITH DIRECT TESTIMONY EVIDENCE FROM CAUNCE, WHO IS Outed AS A FALSE/FRAUDULENT CROWN WITNESS, THEN THERE EXISTS IN TRIAL THE SITUATION OF REASONABLE DOUBT AGAINST CROWN SCENARIOS, AND THE JURY MUST NOT CONVICT WHERE REASONABLE DOUBT SITS?'

CONSEQUENTIAL TO CAUNCE, AT THE POINT OF JURY SELECTION FOR MY 1993 ARSON TRIAL, ALREADY PRESENTING MULTIPLE PARTICULARISED VERSIONS OR CRITICAL

10. CROWN'S EVIDENCE (REFER ABOVE ON PAGE 22, IBID, 'ORIGINAL VERSION' CONFLICTING WITH 'SECOND VERSION'), BEING, IN RELATION TO, 'WHAT REASON DID I ALLEGEDLY GIVE TO OFFICER CAUNCE FOR ME ATTENDING TRAIN CARRIAGE AT APPROXIMATELY 5:20AM ON 10-1-1991', THEN, IT MUST ALSO BE TRUE THAT CAUNCE HAD NOT BEEN PROOFED AS A CROWN WITNESS FOR MY SAID TRIAL. THEREFORE, WHEN THE DPP FORWARDED FORMAL NOTIFICATION TO MY REPRESENTING LAWYER, STATING A CLAIMED 'DECLARATION DATE ON WHICH CAUNCE WAS PROOFED', SUCH A DOCUMENT MUST THEREFORE BE A FALSE DECLARATION BY THE DPP (THE STATE GOVERNMENT), AS THE OBJECT OF PROOFING IS TO REMOVE ANY CONFLICTING PARTICULARISATION BY THE SAME PERSON, AND TO QUALIFY ANY AMBIGUITIES INTO STREAMLINED LINEARITY, THEREBY ESTABLISHING A ~~SINGLE~~
10. CLEAR LINE OF WITNESS EVIDENCE, IN RELATION TO 'WHAT CAUNCE WILL GIVE TESTIMONY ABOUT'. IT CANNOT BE AN INTENDED 'HONEST PROSECUTION AGAINST ME', IF TRIAL PROSECUTOR LEAVES BOTH THE 'ORIGINAL VERSION' AND 'SECOND VERSION' STILL UNQUALIFIED GOING INTO TRIAL, ESPECIALLY CONSIDERING CAUNCE WAS BEING PRESENTED TO THE TRIAL JURY AND TRIAL JUDGE (BY STATE PROSECUTOR, AS A STATE'S WITNESS), AS A 'KEY WITNESS' WITH A 'GOOD MEMORY', AS WELL AS BEING HONEST AND OF GOOD CHARACTER. ONE OF THE MAJOR CLAIMS OF THE CROWN, TO CONTRIBUTE TO ITS PROSECUTION OF ME FOR THE CHARGE OF 'ARSON', IS THAT, 'ON THE STATE'S CLAIMED EVIDENCE', I AM ACCUSED ~~AND~~ OF GIVING VARIOUS AND MULTIPLE REASONS, TO DIFFERENT PEOPLE AND AT DIFFERENT TIMES, 'FOR WHY I WENT TO THE
30. TRAIN CARRIAGE IN THE FIRST INSTANCE ON 10-1-1991'. IRONICALLY THOUGH,

1. WHEN I PRESENTED MYSELF TO TRIAL COURT AND SAT IN THE WITNESS BOX, OFFERING MYSELF TO BE QUESTIONED BY TRIAL PROSECUTOR, I RECALL PROSECUTOR 'ACCUSING ME OF TELLING DIFFERENT PEOPLE DIFFERENT REASONS FOR WHY I CLAIMED I WAS GOING TO THE TRAIN CARRIAGE', EVEN THOUGH PROSECUTOR WAS SAYING IT AS A STATEMENT OF ALLEGED FACT (WHICH IS IMPROPER IN ITSELF AS IT EQUATES TO PROSECUTOR ALLEGING FACTS NOT IN EVIDENCE, AND, PROSECUTOR MAKING A STATEMENT RATHER THAN ONLY ASKING ME A QUESTION), TO WHICH I CHALLENGED WITH MY ANSWER, STATING ALSO AS A MATERIAL FACT, THAT THE PROSECUTOR WAS WRONG, AND THAT 'I HAD ONLY EVER GIVEN TWO DISTINCT ANSWERS, BEING, I CAN'T REMEMBER, WHICH I SAID TO DETECTIVE BROWN WHEN I WAS BEING
10. QUESTIONED AT REMAND CENTRE, MID 1992, BUT THEN WHEN I DID RECALL WHAT MY REASON WAS FOR GOING TO THE TRAIN CARRIAGE, I THEN TOLD DETECTIVE BROWN THAT IT WAS BECAUSE OF THE LIGHT IN THE BACK CARRIAGE WHICH MADE ME SUSPICIOUS DUE TO AIR-CONDITIONER UNITS BEING STOLEN A FEW WEEKS PRIOR, AND THAT THEY WERE THE ONLY TWO ANSWERS I HAD EVER TOLD ANYONE. A CURIOUS POINT THOUGH, IS THAT AT NO TIME WHILE I WAS IN TRIAL WITNESS BOX, DID PROSECUTOR EVER PRESENT TO ME ANY DOCUMENTS WHEREBY I ALLEGEDLY GIVE
- ANY DIFFERENT 'REASON', OR NAME ANY PERSON WHOM I AM ALLEGED TO HAVE 'GIVEN A DIFFERENT 'REASON' TO'? PROSECUTOR ACCUSED ME, MADE
20. THE ACCUSATION TO THE TRIAL COURT AND TRIAL JURY, BUT WITH NO INTENSIO OF EVER PRESENTING ANY CLAIMED DOCUMENT EVIDENCE TO BACK UP HIS CRIMINALLY FALSE ACCUSATION, WHICH IN FACT COULD NEVER BE LAWFULLY SUSTAINED ANYWAY, AS THERE WAS NO SUCH EVIDENCE THAT EXISTED. I HAVE NO DOUBT THAT TRIAL PROSECUTOR INTENDED TO LIE TO THE JURY AND MISREPRESENT KNOWN STATE'S EVIDENCE, BY CLAIMING SOMETHING AS A MATERIAL FACT, EVEN THOUGH 'IT' DID NOT ACTUALLY EXIST [R v. DRUMMOND (No. 2) [2015] SASCF 82, PARAGRAPH 174.], AND BY PRESENTING NO SUCH PHYSICAL EVIDENCE TO THE COURT WHILE I'M GIVING WITNESS BOX TESTIMONY, DENYING THE TRIAL JURY THE TRUTH OF THE FACT THAT NO SUCH EVIDENCE ^{EXISTS} ~~EXISTS~~, EQUATES TO FRAUD BY DECEPTION UPON THE JURY,
30. COMMITTED BY TRIAL PROSECUTOR. IT WAS A SIGNIFICANT BLEMISH WITHIN MY 1993