

1. (WHICH DOES NOT ASSIST THE CROWN TO CONVICT ME EITHER, IF HE CAN'T
 TO USED AS A CROWN CONDUIT TO ACCURATELY REPRESENT DETAILS FROM
 TO CRIME SCENE), CAUNCE FRAUDULENTLY AND ILLEGALLY DECLARED
 THAT HIS MEMORY WAS GOOD STILL, AND PROCEEDED TO PRESENT A
 'BELIEVEABLE LIE', IN THE HOPE THAT HE WOULD NOT BE CAUGHT OUT
 ON HIS DELIBERATE AND CRIMINAL DECEPTION OF THE TRIAL JURY),
 CAUNCE HAD ANCHORED HIS QUALIFICATION OF HIS POLICE WITNESS
 STATEMENT (AS THE TRUE VERSION), AS AN EMPHATIC DECLARATION
 TO THE TRIAL COURT AND TRIAL JURY, OF 'THE TRUE ACCOUNT OF
 10. STATE'S EVIDENCE OF DETAILS SPECIFICALLY PARTICULARISING A PURPORTED
 CONVERSATION BETWEEN ME AND CAUNCE ON THE DATE OF 10-1-1991 AND
 DURING WHICH CAUNCE DECLARED THAT I SAID TO HIM THAT I WENT TO
 TRAIN CARRIAGE TO 'INVESTIGATE A FIRE',
 AND,

ADDITIONAL TO FALSELY CLAIMING (AT ANY TIME, BUT MORESO DURING
 MY OWN CRIMINAL TRIAL, WHERE THERE IS STATUTORY OBLIGATION FOR THE
 STATE TO HONESTLY PRESENT ITS KNOWN PROOFS TO THE COURT OF
 TRIAL, BEFORE ACCUSED CAN BE CALLED TO ANSWER THE CHARGE/S), THAT
 I EVER SAID TO CAUNCE 'TO CLEAN IT', OR 'TO INVESTIGATE A FIRE',
 20. CAUNCE ALSO FALSELY CLAIMED TO THE TRIAL JURY, THAT 'HIS
 POLICE WITNESS STATEMENT DATED AUGUST 1992, MUST BE ACCEPTED
 BY MY TRIAL JURY BECAUSE CAUNCE HAS A GOOD MEMORY, AND
 BECAUSE, AS A POLICE OFFICER, HE IS HONEST, RELIABLE AND
 CREDIBLE, AND BECAUSE THERE IS NO GOVERNMENT DOCUMENTED
 PROOF THAT EXISTS OR IS KNOWN TO THE STATE GOVERNMENT WHICH
 COULD CHALLENGE THE ACCURACY OF MATERIAL DETAILS WHICH
 CAUNCE DISCLOSED WITHIN HIS POLICE WITNESS STATEMENT,
 AND

AS A CONSEQUENCE OF MY TRIAL JURY BEING TOLD BY CAUNCE, AND
 30. BEING TOLD BY TRIAL PROSECUTOR, THAT 'THE CROWN PROSECUTOR'S

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EVIDENCE AGAINST ME INCLUDES PROOF THAT I SAID⁹ AT SOME POINT THAT 'I WENT TO INVESTIGATE A FIRE' AND THAT 'I WENT TO CLEAN IT', AND THAT 'CAUNCE'S POLICE WITNESS STATEMENT VERSION 'TO INVESTIGATE A FIRE' IN THE TRUE ACCOUNT OF WHAT I ACTUALLY SAID TO CAUNCE ON 10-1-1991', AND THAT 'MY CLAIM TO JURY THAT I NEVER SAID TO CAUNCE OR ANYONE ELSE 'TO CLEAN IT', OR 'TO INVESTIGATE A FIRE' IS A LIE AND THEREFORE PROOF OF MY GUILT OF ARSON', AND THAT 'MY CLAIM IN ~~MY~~ MY OWN POLICE WITNESS STATEMENT THAT I TOLD CAUNCE ON DATE OF FIRE THAT I WENT TO TRAIN TO INVESTIGATE A LIGHT, MUST BE A LIE BECAUSE IT DOES NOT MATCH WHAT CAUNCE CLAIMS I SAID TO HIM, NEITHER 'TO CLEAN IT' OR 'TO INVESTIGATE A FIRE', AND THEREFORE IS PROOF OF MY GUILT OF ARSON⁶ BECAUSE CAUNCE AND TRIAL PROSECUTOR TOLD THE JURY THAT I DID NOT SAY TO CAUNCE ON 10-1-1991 THAT I WENT TO TRAIN TO 'INVESTIGATE A LIGHT', PLUS THE FACT THAT THERE IS NO CORROBORATING EVIDENCE TO SUPPORT MY TESTIMONY RE 'TO INVESTIGATE A LIGHT', THAT,

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MY TRIAL JURY WAS BOMBARDED WITH CRIMINALLY FALSE CLAIMS BY CAUNCE (AGAINST ME), AND BY PROSECUTOR (AGAINST ME), IN SUCH CONFLICT WITH KNOWN STATE'S DOCUMENTED PROOFS, EXCEPT THAT SUCH DOCUMENTED PROOFS WERE NEVER PRESENTED TO TRIAL COURT OR MY TRIAL JURY, THAT SAID JURY WERE UNLAWFULLY DENIED KNOWLEDGE OF TRUE STATE GOVERNMENT KNOWN EVIDENCE WHICH ACTUALLY PROVED, EVIDENTIALLY, SPECIFIC CLAIMS BY ME, EVEN THOUGH PROSECUTOR CLAIMED NO SUCH PROOF EXISTS BECAUSE I WAS CLAIMING FALSE PROOFS, AND⁶ THAT EQUATED TO ME ATTEMPTING TO COVER-UP MY CRIME OF ARSON⁹.

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A TRIAL JURY SO DECEIVED BY TRIAL PROSECUTOR, WHO CONTINUED TO ACCUSE ME ^{OF} SAYING⁶ TO CAUNCE, THAT I DID TELL CAUNCE THAT

I WENT TO TRAIN TO CLEAN IT" (DURING MY XXN TESTIMONY),
 EVEN ~~■~~ AFTER CAUNCE STATED THAT "THAT SPECIFIC CLAIM BY CAUNCE IS
 ACTUALLY NOT TRUE", IS A JURY WHO ARE NO LONGER FIT OR
COMPETENT TO SIT AS A TRIAL JURY, BECAUSE THEY WERE
 CONTAMINATED, ILLEGALLY, BY HEARING FALSE TESTIMONY
 FROM CAUNCE, FALSE DECLARATIONS FROM CAUNCE, AND
 MALICIOUS CONTINUING FALSE CLAIMS BY PROSECUTOR,
 ESPECIALLY ~~CONSIDER~~ CONSIDERING ALSO, THAT NOT A SINGLE ALLEGED
 PRIOR INCONSISTENT STATEMENT, DOCUMENT, PIECE
 OF ~~PAPER~~ PAPER, WAS EVER PLACED IN FRONT OF ME
 BY PROSECUTOR, WHILE I WAS IN WITNESS BOX, ANSWERING
 QUESTIONS, AS ANY ALLEGED PROOF (AS PROSECUTOR
 CLAIMED TO HAVE - BECAUSE NONE EVER
EXISTED), OF ANY STATEMENT EVER MADE BY ME.

WHEREIN I EVER SAID ANYTHING EVEN REMOTELY SIMILAR TO
 'TO CLEAN IT', OR, 'TO INVESTIGATE A FIRE'. THE EFFECT UPON
 THE TRIAL JURY, WHO CONTINUES TO ^{HEAR} ~~■~~ PROSECUTOR REPEATEDLY
 ACCUSE ME OF MAKING CONTRADICTORY / CONFLICTING CLAIMS,
 'TO PEOPLE', ABOUT WHY I SAY I WENT TO TRAIN CARRIAGE,
 CANNOT HAVE A NEUTRAL ~~■~~ IMPACT UPON SUCH JURY,
 NOR AN IMPACT WHICH IS POSITIVE TOWARDS ME AS THE ACCUSED,
 THEREFORE, SUCH AN IMPACT CAN ONLY BE UNFAIR TO ME IF SUCH
ACCUSATIONS AGAINST ME FROM PROSECUTOR, ARE NOT TRUE, ARE
NOT ACCURATE, ARE NOT SUPPORTED BY AN ACTUAL 'PRIOR ^{EXISTING}
WRITTEN/TYPED DOCUMENT', SOMETHING TANGIBLE TO SHOW THE COURT
 OF TRIAL, AND MOST IMPORTANTLY, TO SHOW THE TRIAL JURY AS
 PROOF. IT IS AN OBLIGATION AGAINST THE CROWN PROSECUTOR, TO
~~■~~ PRESENT AS A PROSECUTION EXHIBIT, PHYSICAL PROOF

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OF SUCH PRIOR INCONSISTENT STATEMENTS, WHICH PROSECUTOR ACCUSES ME OF MAKING.... NOT HEARSAY FROM SOMEONE ELSE, WHO ONLY ALLEGES I SAID 'TO CLEAN IT', 'TO INVESTIGATE A FIRE', BUT AN ACTUAL STATEMENT OF RECORD OF MY ACTUAL WORDS, EXCEPT THAT NO SUCH RECORDS EXIST BECAUSE I NEVER, EVER, MADE SUCH REMARKS / CLAIMS, ONLY CAUNCE DIRECTLY MADE THOSE TWO VERSIONS OF PARTICULARISATIONS ('CLEAN IT', 'INVESTIGATE FIRE'), BECAUSE CAUNCE, WHEN

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MAKING HIS POLICE WITNESS STATEMENT, WAS TOO LAZY TO CHECK SAPOL FIRE REPORT WHICH HE FILLED-IN, AS CAUNCE FORGOT WHAT HE WROTE IN FIRE REPORT ('LIGHT IN TRAIN'), AND IN TRIAL, CAUNCE WAS JUST AN ABSOLUTE LIAR WHO DID NOT GIVE A CRAP ABOUT ACTUAL TRUTH, ACTUAL ACCURACY, BECAUSE HE IS OBVIOUSLY SO CRIMINALLY CORRUPT THAT HE ALSO CARED NOTHING FOR HIS OATH TAKING, START OF HIS TRIAL TESTIMONY, ETC, THAT CAUNCE LIED TO JURY (IN XXN), WAS

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ILLEGALLY ASSISTED WITH THAT LIE BY TRIAL PROSECUTOR, AND SO MADE UP HIS STORY ABOUT ME ALLEGING THAT I WENT TO TRAIN TO CLEAN IT, THEN EVENTUALLY, IN HIS XXN TESTIMONY, LIED AGAIN WHEN STATING HIS OTHER INCONSISTENT VERSION, 'TO INVESTIGATE A FIRE', IN HIS POLICE WITNESS STATEMENT, WAS ACTUALLY WHAT CAUNCE CLAIMS I SAID, AND THE WHOLE TIME IN TRIAL, PROSECUTOR CONTINUED TO ASSIST CAUNCE'S CRIMINALLY FALSE ASSERTIONS 'TO CLEAN IT' AND 'TO INVESTIGATE A FIRE',

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1. EVEN WHEN I WAS IN XXN TESTIMONY, TRIAL PROSECUTOR WAS STILL ACCUSING ME OF SAYING 'TO CLEAN IT', USING THE WORDS FOR THE BENEFIT ~~AND~~ OF DECEIVING THE JURY, 'WHY YOU TOLD HIM'.

10. THE TRIAL JURY WERE NOT INFORMED OF THE 'LEGAL OBLIGATION UPON THE PROSECUTOR THAT THE PROSECUTOR IS FORCED BY LAW, TO PRESENT TO ME IN TRIAL, AND TO PRESENT TO THE JURY FOR THEIR VIEWING, ALL PROOFS OF ALLEGED PRIOR INCONSISTENT/CONFLICTING STATEMENTS, WHICH I WAS ACCUSED OF MAKING'. AS A CONSEQUENCE OF THE TRIAL JURY NOT BEING PROPERLY INFORMED OF SUCH LEGAL OBLIGATIONS/BURDENS UPON CROWN PROSECUTOR, MY TRIAL JURY HAD NO WAY OF KNOWING THAT THEY WERE BEING ILLEGALLY MANIPULATED BY TRIAL

20. PROSECUTOR. HOW IS THE TRIAL JURY TO KNOW THAT TRIAL PROSECUTOR WAS ILLEGALLY CLAIMING THAT 'I MADE MULTIPLE INCONSISTENT/CONFLICTING REASONS, IN STATEMENT FORM, FOR WHY I CLAIM I WENT TO TRAIN CARRIAGE', WHEN IN TRUTH, I ONLY EVER PROVIDED ONE REASON FOR WHY I WENT TO TRAIN CARRIAGE, WHICH WAS 'TO INVESTIGATE A LIGHT', AND THAT I FIRST STATED 'THAT' ON 10-1-1991, TO CAUNCE, THEN TO THE DOCTORS LATER THAT MORNING, AND TO DETECTIVE BROWN EIGHTEEN MONTHS LATER, WHEN I WAS FIRST OFFICIALLY QUESTIONED AS A SUSPECT IN THE MATTER, AND THEN IN THE 1993 TRIAL OF THE CHARGE, MY ONE AND ONLY REASON WAS CONSISTENT BECAUSE IT WAS THE TRUTH, AND YET, THE ONLY PERSON WHO PROVIDED MULTIPLE AND INCONSISTENT/CONFLICTING VERSIONS OF THE ALLEGED REASON OF 'WHY' I SAID I WENT TO TRAIN CARRIAGE, WAS CAUNCE HIMSELF?

30. FOR THE CROWN LAW OFFICERS, IN PREVIOUS PETITION AND RESUB-

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MISSION OF PETITION, TO CLAIM ^{THAT} ~~THAT~~ THIS MATTER OF ME ONLY STATING ONE REASON (LIGHT), BUT CAUNCE 'THE LIAR' IS THE CONFLICTING STATEMENT MAKER, STATING 'LIGHT - ON 10-1-1991', 'FIRE - IN AUGUST 1992', AND 'CLEAN IT - IN TRIAL 1993', THEN REVERTING BACK TO 'FIRE' BY CLOVE OF CAUNCE'S XXN TESTIMONY, IS EITHER NOT SIGNIFICANT, OR, ~~NO~~ NOT ENOUGH TO HAVE AFFECTED JURY VERDICT, ETC, ETC, ETC.... HOW CAN I EVER KNOW BECAUSE YOUR GOVERNMENT LAWYER PROSECUTOR, CRIMINALLY CORRUPT AGENT FOR THE STATE GOVERNMENT WHO NOW SITS AS A DISTRICT COURT JUDGE, ILLEGALLY DENIED THE JURY THE TRUTH ABOUT

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ALL OF CAUNCE'S
3X VERSIONS LIGHT/FIRE/CLEAN IT

20.

AND INSTEAD COMMITTED CRIMINAL DECEPTION OF MY TRIAL JURY BY ALSO NOT INFORMING JURY VIA MODRA'S XXN TESTIMONY, OF THE CONTENTS OF MODRA'S STATEMENT OF AUGUST 1992, WHEREIN MODRA STATES AS A MATERIAL FACT THAT CAUNCE'S CO-CONSTABLE, ON 10-1-1991, TOLD MODRA WHAT 'HE'D BEEN TOLD BY CAUNCE', WHICH WAS ONLY A REFERENCE TO ME 'INVESTIGATING A LIGHT'... NO MENTION OF 'TO CLEAN IT', OR 'TO INVESTIGATE A FIRE', BECAUSE MODRA'S STATEMENT (1992), AND THE SAPOL FIRE REPORT OF 10-1-1991, AND MY OWN STATEMENT (MID 1992), ARE THE ONLY TRUE GOVERNMENT DOCUMENT REPRESENTATIONS OF WHAT I DID

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ACTUALLY SAY TO CAUNCE ON 10-1-1991, AS MY REASON FOR GOING TO TRAIN, 'TO INVESTIGATE A LIGHT', AND YET, THE JURY WERE ONLY TOLD 'THAT TRUTH' BY ME ALONE, NOT BY CAUNCE AND CERTAINLY NOT BY TRIAL PROSECUTOR (SEE ABOVE ON PAGE 11, IBID, R V DRUMMOND (No. 2) [2015] SASFC 82, PARAGRAPH 174.).

10.

IF THE TRIAL PROSECUTOR PRESENTS FALSE STATE'S MATERIAL EVIDENCE TO THE TRIAL JURY, AND LABELS SAME AS TRUE STATE'S MATERIAL EVIDENCE, THEN HOW IS THE JURY POSSIBLY EVER GOING TO KNOW THE FALSE EVIDENCE PRESENTED BY THE CROWN, 'IS' ACTUALLY FALSE EVIDENCE? CAN'T EXPECT OR ^{BURDEN} MY TRIAL LAWYER WITH THE RESPONSIBILITY OF SHOWING THE JURY ALL THE COMPARATIVE CONFLICTING STATEMENTS FROM PROSECUTION ~~WITNESSES~~ WITNESSES, ESPECIALLY CONSIDERING MICHAEL BARNETT, MY TRIAL LAWYER, ONLY GOT PUT ON MY TRIAL THE WEEK PRIOR TO TRIAL, BY DAVID STOKES... TO ^{BAD} FOR ME THAT MY TRIAL LAWYER WAS NOT FULLY AWARE OF ALL THE DPP DISCLOSURES WHICH STOKES ALREADY HAD IN HIS OFFICE, AS MAYBE THEN HE MAY HAVE KNOWN ABOUT THE FIRE REPORT CONTENTS, BUT STILL, MODRA'S ONE PAGE STATEMENT WAS NOT HIGHLIGHTED TO JURY IN A WAY WHICH INFORMS THE JURY OF THE REFERENCE TO 'LIGHT IN REAR CARRIAGE OF TRAIN', EVEN THOUGH THERE MUST BE NO ONUS OR BURDEN PLACED ON THE ACCUSED, OR TRIAL LAWYER REPRESENTING ME, TO HIGHLIGHT THE MATERIAL FALSE ~~STATEMENTS~~ STATEMENTS, MATERIAL FALSE DOCUMENTS AND MATERIAL FALSE ACCUSATIONS, WHICH CROWN PRESENTS AS ~~PA~~ STATE'S EVIDENCE AGAINST ME.

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IN FRAUD C. PROSECUTOR IS ~~ACTIVELY~~ ACTIVELY CONTINUING TO ACCUSE ME, IN ~~DELIBERATE VIEW~~ DELIBERATE VIEW OF TRIAL JURY, WITH CLEAR

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INTENTION OF CAUSING JURY TO BELIEVE FALSE STATES²
EVIDENCE, WHILST I AM IN THE WITNESS BOX (XXN TESTIMONY), OF
SAYING SOMETHING WHICH CAUNCE, AT AN EARLIER STAGE DURING
THE SAME TRIAL, ACCUSED ME OF SAYING TO CAUNCE, TOO. THE
PROBLEM BEING THOUGH, IS THAT I HAVE NEVER SPOKEN THE
ALLEGED WORDS TO ANY PERSON, EVER, AND THEREFORE, 'THE
WORDS ALLEGED TO HAVE BEEN SPOKEN BY ME, ACCORDING TO
CAUNCE, AND ACCORDING TO TRIAL PROSECUTOR, HAVE ALWAYS BEEN
FALSELY CLAIMED, BY CAUNCE', AND, WHAT IS EVEN MORE

10.

DISTRESSING BY PROSECUTOR'S REPEATED ACCUSATIONS OF THE
ALLEGED WORDS (SPOKEN BY ME), IS THAT, CAUNCE HIMSELF,
WHEN IT WAS HIS TURN TO SIT IN THE WITNESS BOX AND ANSWER
QUESTIONS, QUALIFIED TO THE JURY THAT CAUNCE'S CLAIM
THAT I, ACCORDING TO CAUNCE, 'SAID TO CAUNCE ON
10-1-1991, THAT I WENT TO THE TRAIN CARRIAGE TO CLEAN IT',
WAS NOT CORRECT, WHICH CAUNCE DECLARED DURING HIS OWN
XXN TESTIMONY, AND THAT, ACTUALLY, ACCORDING TO CAUNCE,
HE HIMSELF WAS DECLARING THAT 'WHAT I ACTUALLY SAID TO

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CAUNCE WAS THAT, ON 10-1-1991, I WENT TO THE TRAIN
CARRIAGE TO INVESTIGATE A FIRE', WHICH CAUNCE ONLY ALLIGNED
HIMSELF TO AFTER BEING CHALLENGED DURING HIS SAME XXN
TESTIMONY, FOR CONFLICTING AND INCONSISTENT
PRIOR STATEMENTS, AND THE DIRECT REASON FOR 'GOING
WITH' HIS PRIOR VERSION OF 'TO INVESTIGATE A FIRE', WAS THAT
IT WAS BASICALLY THE ONLY OTHER VERSION PLACED IN FRONT
OF CAUNCE, AND, BECAUSE IT WAS WRITTEN INTO HIS OWN
POLICE WITNESS STATEMENT, SO HE DIDN'T HAVE A CHOICE ABOUT
STAYING WITH HIS XN TESTIMONY VERSION OF, 'TO CLEAN
IT', CAUNCE HAD TO GO WITH WHATEVER HE HAD WRITTEN IN
HIS OWN POLICE WITNESS STATEMENT.

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HOW INTERESTING THE SITUATION WOULD HAVE BEEN IF, DURING CAUNCE'S XXN TESTIMONY, RATHER THAN MY TRIAL LAWYER ONLY PRESENT CAUNCE AND MY TRIAL JURY WITH JUST ONE OF CAUNCE'S PRIOR STATEMENTS, WHICH ~~WERE~~ SERIOUSLY CONFLICTED, AND WAS INCONSISTENT WITH, CAUNCE'S PRESENT TRIAL TESTIMONY (THE PRESENT TESTIMONY WAS 'TO CLEAN IT', THEN CHALLENGED WITH 'TO INVESTIGATE A FIRE' AS THE PRIOR INCONSISTENT STATEMENT BY CAUNCE), MY TRIAL LAWYER PRESENTED BOTH PRIOR

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CONFLICTING, AND INCONSISTENT, STATEMENTS AND/OR DOCUMENTED REPRESENTATIONS, BY CAUNCE, BEING, POLICE FIRE REPORT VERSION 'LOCATED CLEANER WHO STATED HE OBSERVED A LIGHT IN THE TRAIN CARRIAGE AND UPON INVESTIGATION WAS CONFRONTED', AS WELL AS CAUNCE'S POLICE WITNESS STATEMENT VERSION 'THIS ASSAULT HAD TAKEN PLACE WHEN JARRETT HAD GONE TO INVESTIGATE A FIRE INSIDE THE RAILWAY CARRIAGE', ADDITIONAL TO WHAT CAUNCE ALREADY DECLARED IN XXN TESTIMONY "DID HE SAY WHY HE HAD GONE THEN? ... TO CLEAN IT.", AND XXN TESTIMONY "YOU TOLD THE JURY THAT MR

20.

JARRETT TOLD YOU THAT HE HAD GONE TO THE CARRIAGE TO CLEAN IT? ... YES." !!! WHAT WOULD MY TRIAL JURY HAVE DETERMINED BY ALL THAT TRUTH? NEVER KNOW, BECAUSE CROWN PROSECUTOR ILLEGALLY KEPT ALL THAT REQUIRED DISCLOSURES FROM THE TRIAL COURT AND TRIAL JURY!!!

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BY MY XXN TESTIMONY, 'CAUNCE TESTIMONY HAD ALREADY ESTABLISHED THAT I NEVER MADE ANY REFERENCE TO GOING TO TRAIN CARRIAGE TO CLEAN IT', SO THAT WHEN PROSECUTOR KEPT INSISTING THAT I HAD STATED 'TO CLEAN IT', THE PROSECUTOR WAS CONTINUING TO FORCE CAUNCE'S FALSE

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VERBAL STATEMENT (WHICH CAUNCE FIRST PRESENTED DURING CAUNCE'S ~~XX~~ TESTIMONY, PROSECUTION EVIDENCE-IN-CHIEF, 'TO CLEAN IT'), UPON MY UNSUSPECTING TRIAL JURY, AND MISLEADING SAID JURY ABOUT WHAT I DID ACTUALLY SAY TO CAUNCE ON 10-1-1991, AND MISLEADING SAID JURY ABOUT THE CREDIBILITY AND RELIABILITY AND HONESTY AND INTEGRITY OF SIGNIFICANT PROSECUTION ~~WITNESS~~ WITNESS, POLICE OFFICER CAUNCE, AND ABUSING THE JURY'S BELIEF AND PUBLIC TRUST IN THE CROWN PROSECUTION OF ME FOR CHARGE OF ARSON, BY PROSECUTOR CONTINUING TO PRESENT FALSE CROWN EVIDENCE AS IF SUCH EVIDENCE WAS CREDIBLE, RELIABLE AND TRUE.

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A TRIAL JURY ~~DE~~ DELIBERATING OVER MATERIALLY FALSE STATE'S EVIDENCE WHICH IS PRESENTED TO THE JURY AS IF IT WAS TRUE AND ACCURATE, CAN NEVER REACH A FAIR OR HONEST OR UNTAINTED VERDICT OF 'GUILTY', AS THE INTEGRITY AND CHARACTER AND FOUNDATION OF MY SAID TRIAL, HAS BEEN SO CORRUPTED/CONTAMINATED BY FALSE STATE'S EVIDENCE, THAT THE CONSEQUENTIAL IRREGULARITY/BLEMISH WITHIN THE CONDUCT ~~OF~~ OF MY SAID 1993 ARSON TRIAL, TRANSLATES INTO A TRIAL WHICH CANNOT STAND AS A FAIR TRIAL ACCORDING TO LAW, AND, SUCH VERDICT OF 'GUILTY' MUST BE VOIDED AS IT WAS NOT LAWFULLY OBTAINED.

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I FIND IT INTERESTING ALSO, THAT MY TRIAL LAWYER, BARNETT, DID NOT TAKE THE OPPORTUNITY, WITH CROWN WITNESS MODRA IN ~~XX~~ TESTIMONY, TO DRAW OUT FOR THE JURY TO HEAR, THE SPECIFIC PARTICULARISATION RELATING TO 'ME ATTENDING TRAIN CARRIAGE', BEING, "... HE ADVISED THAT HE HAD SEEN A LIGHT IN THE RAILWAY CARRIAGE.", MODRA STATEMENT DATED 7-8-1992. THERE WAS ONUS

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1. AND BURDEN OF PROOF ON CROWN ALONE, TO HONESTLY PRESENT CROWN EVIDENCE IN PROSECUTION OF ME AT TRIAL, WHICH MANDATED MODRA'S KNOWLEDGE OF WHAT 'I CLAIMED WAS MY REASON FOR GOING TO TRAIN', AS DESCRIBED ON MODRA'S STATEMENT, TO BE PRESENTED TO THE JURY, FOR THE JURY TO THEN WEIGH-UP THE CREDIBILITY OF 'CAUNCE'S MULTIPLE VERSIONS RE ME GOING TO TRAIN', AGAINST, 'MODRA'S SINGLE VERSION RE ME GOING TO TRAIN', AGAINST, 'KITO'S SINGLE VERSION RE ME GOING TO TRAIN' (AS CAUNCE TOLD KITO THEN KITO TOLD MODRA THEN MODRA DESCRIBED IN OWN POLICE WITNESS STATEMENT), AGAINST, 'MY SINGLE VERSION RE ME GOING TO TRAIN'. MY TRIAL LAWYER, WHO
10. ONLY HAD MY FILE FOR A FEW DAYS PRIOR TO TRIAL, WAS OBVIOUSLY NOT PREPARED TO DRAW MODRA'S STATEMENT DESCRIPTION OUT FOR THE JURY TO HEAR... THOUGH I AM CURIOUS AS TO WHY? WAS IT JUST ONLY TRIAL INCOMPETENCE BY BARNETT? EITHER WAY, JURY WERE DECEIVED ABOUT WHAT ACCURATE STATE'S EVIDENCE ACTUALLY EXISTED, BECAUSE PROSECUTOR DENIED THE JURY HONEST REPRESENTATION OF KNOWN STATE'S EVIDENCE, WHICH ALSO INCLUDES EXCULPATORY STATE'S EVIDENCE.

THE REQUIREMENT OF A FAIR TRIAL ACCORDING TO LAW, IS NOT A PERFUNCTORY VERSE FOR

20. THE JUDGE (LEE), AND CROWN PROSECUTOR (RICE), OF MY 1993 ARSON TRIAL, TO SIMPLY SPEW INTO TRANSCRIPT OF PROCEEDINGS WITHIN SAID TRIAL, IT IS A MANDATORY PLATFORM FROM WHICH THE CROWN AND ITS AGENTS (PROSECUTOR AND PROSECUTION WITNESSES), MUST PRESENT THEIR PURPORTED PROOFS, AND NOT ONLY PURPORTED TRUTHS AND PURPORTED PROOFS... BUT IN FACT MUST BE ACTUAL TRUTHS AND ACTUAL PROOFS, FROM WHICH A FAIR TRIAL SHALL GROW.

DURING MY 1993 ARSON TRIAL, MY TRIAL COURT AND TRIAL JURY WERE PRESENTED WITH NUMEROUS SPEECH LINES FROM CROWN PROSECUTOR, SOMETIMES

30. DIRECTLY BY PROSECUTOR HIMSELF, AND SOMETIMES FROM THE MOUTH OF THE

1. PROSECUTION WITNESS (ON BEHALF OF PROSECUTOR'S EVIDENCE FOR THE STATE'S CASE AGAINST ME), AND SOMETIMES ALSO INCLUDING STATE'S DOCUMENTS BEING SHOWN TO THE COURT OF TRIAL, IN PARTICULAR, CAUNCE'S POLICE WITNESS STATEMENT, WITH INTENTION OF PROSECUTOR BEING TO CAUSE MY TRIAL JURY TO BELIEVE THAT I HAD ACTUALLY DECLARED SEVERAL CONFLICTING/INCONSISTENT REASONS, FOR WHY I CLAIM TO HAVE GONE TO TRAIN CARRIAGE ON 10-1-1991. THE PROSECUTOR'S ADDRESS TO MY JURY, CAME FROM HIS OWN MOUTH, CLAIMING ALSO, THAT NOT ONLY DID I MAKE INCONSISTENT STATEMENTS ABOUT MY REASON FOR ATTENDING TRAIN, BUT ALSO, THAT THE STATE'S EVIDENCE PROVE SAID ACCUSATION. THE PROSECUTOR'S TOOLS OF DECEPTION, ABOUT THIS VERY SPECIFIC ISSUE, INCLUDED THE PROSECUTOR'S MOUTH WHEN HE SPOKE THE ACCUSATIONS DIRECTLY AT ME WHILE I WAS GIVING XXN TESTIMONY, PROSECUTOR'S MOUTH WHEN HE SPOKE THE ACCUSATIONS DIRECTLY TO MY TRIAL COURT AND TRIAL JURY DURING CROWN ADDRESS, PROSECUTION WITNESS'S MOUTH, POLICE OFFICER CAUNCE, WHEN CAUNCE SPOKE THE WORDS FOR THE STATE, 'TO CLEAN IT' AND 'TO INVESTIGATE FIRE', DURING CAUNCE'S XN AND XXN TESTIMONY, PROSECUTION WITNESS'S POLICE WITNESS STATEMENT (AS PROSECUTOR LEFT TRIAL JURY TO BELIEVE CAUNCE'S POLICE WITNESS STATEMENT WAS A MATERIALLY TRUE REPRESENTATION OF DISCUSSION PARTICULARS BETWEEN ME AND CAUNCE ON 10-1-1991), OF POLICE OFFICER CAUNCE, EVEN THOUGH SHOWN TO TRIAL JURY AND SPOKE ABOUT ^{ITS} CONTENTS, DURING CAUNCE'S XXN TESTIMONY WITH MY TRIAL LAWYER, TRIAL PROSECUTOR ILLEGALLY ENABLED SAID DOCUMENT TO REMAIN A STATE'S EVIDENCE TOOL OF DECEPTION.

- IN ADDITION TO THE PROSECUTOR'S ACTIVELY PRESENTED TOOLS OF DECEPTION, AS ABOVE INDICATED, WHICH WERE ACTIVELY PRESENTLY AND/OR ACTIVELY INDICATED DURING MY SAID 1993 ARSON TRIAL, TRIAL PROSECUTOR ALSO ENGAGED IN THE DELIBERATE ACT OF ACTIVE OMISSION, OF SPECIFIC STATE'S EVIDENCE KNOWN TO CROWN PROSECUTOR'S OFFICE, PRIOR TO, AND, DURING MY SAID 1993 ARSON TRIAL,
30. WHEREBY, TRIAL PROSECUTOR KNOWINGLY KEPT FROM MY TRIAL JURY, STATE'S EVIDENCE

1. WHICH TRIAL PROSECUTOR KNEW EXISTED AND KNEW WOULD ALSO CONFIRM TO THE JURY, THAT THE STATE HAD ~~PHYSICAL~~ PHYSICAL DOCUMENT PROOF THAT ON DAY OF FIRE, 10-1-1991, THE TRUE REASON I PROVIDED TO CAUNCE FOR WHY I ATTENDED ~~THE~~ TRAIN CARRIAGE, WAS 'TO INVESTIGATE A LIGHT IN CARRIAGE', AND THE DOCUMENT PROOF WAS ITSELF WRITTEN AND SIGNED-OFF BY POLICE OFFICER CAUNCE, PLUS, ⁶ THE TRANSFER OF SUBJECT MATERIAL EVIDENCE FROM CAUNCE TO KITO TO MODRA, WHICH MODRA THEN TEXTED (WROTE), INTO MODRA'S POLICE WITNESS STATEMENT, WAS ALSO KNOWN TO TRIAL PROSECUTOR, AS SAME SUBJECT MATERIAL EVIDENCE HAS PROOF OF ITS QUALIFIABLE EXISTENCE IN POLICE FIRE REPORT (BY CAUNCE), POLICE WITNESS STATEMENT OF CAUNCE, POLICE WITNESS STATEMENT OF KITO, POLICE WITNESS STATEMENT OF MODRA, WHICH, UPON LINEAR REVIEW OF ALL THEIR RESPECTIVE PARTICULARISED DISCLOSURES, EMPHATICALLY PROVE, FROM THREE DIFFERENT POLICE OFFICERS, THE SINGLE REASON I PROVIDED TO CAUNCE, ON 10-1-1991, FOR ME ATTENDING TRAIN, WAS 'TO INVESTIGATE LIGHT', ⁹ AND THAT WAS CLEARLY KNOWN BY CROWN PROSECUTOR'S OFFICE WELL BEFORE MY 1993 ARSON TRIAL EVEN ~~STARTED~~ STARTED, AS IS ALREADY HIGHLIGHTED IN MY ORIGINAL PETITION OF 2008 (REFER TO ABOVE DESCRIPTION ON PAGE 6, IBID.).

- IT IS A CURIOSITY THAT, EVEN THOUGH A CROWN'S SIGNIFICANT POINT IN ISSUE
20. WITHIN ITS PROSECUTION OF ME FOR THE CHARGE OF ARSON, DURING MY 1993 ARSON TRIAL, WAS THE PROSECUTOR'S ACCUSATION (AND CLAIM), THAT 'I HAD PROVIDED MULTIPLE AND CONFLICTING REASONS, FOR WHY I ~~CLAIM~~ CLAIM TO HAVE GONE TO THE TRAIN CARRIAGE', THEREBY SUGGESTING AS A CROWN EVIDENCE PROOF, THAT 'MY MULTIPLE REASONS', 'MY CONFLICTING AND INCONSISTENT REASONS', 'THEREFORE BEING FALSE REASONS IF NOT CONSISTENT IN ~~THEIR~~ THEIR MATERIAL PARTICULARISATIONS', 'DUE TO ME NOT 'REMEMBERING' PREVIOUS REASONS GIVEN BY ME', 'IN MY ATTEMPT AT COVERING UP MY ACTUAL REASON FOR GOING TO THE TRAIN', WHICH ACCORDING TO CROWN ~~ACCUSATION~~ ACCUSATION SCENARIO WAS TO 'SET THE CRIME SCENE BY PUSHING OUT A CARRIAGE WINDOW TO FAKE A BREAK-IN VIA WINDOW', THEN, 'SET FIRE
 30. WINDOW TO FAKE A BREAK-IN VIA WINDOW', THEN, 'SET FIRE

1. TO THE CARRIAGE', THAT WAY, ACCORDING TO THE 'CENTRAL PILLARS OF THE PROSECUTIONS CASE AGAINST ME', 'THE MULTIPLE/CONFLICTING REASONS ALLEGEDLY PROVIDED BY ME, TO OTHER PEOPLE, FOR ME ATTENDING TRAIN, WAS MY ATTEMPT TO COVER-UP THE FAKE WINDOW BREAK-IN 'BY ME', AND THE ARSON 'BY ME', BUT THAT MY 'FAKE MULTIPLE AND CONFLICTING REASONS WERE FOILED BY SMART POLICE AND SMART TRIAL PROSECUTOR', AND THAT 'PROSECUTOR'S PROOF IN EVIDENCE, OF MY MULTIPLE AND CONFLICTING REASONS FOR ME ATTENDING TRAIN CARRIAGE, ■ IS ALSO INTRINSIC PROOF THAT I WAS DELIBERATELY CONCEALING MY ■ TRUE REASON FOR ATTENDING
10. TRAIN, AND THE SAID 'DELIBERATELY CONCEALED TRUE REASON', IS ALSO INTRINSIC PROOF THAT I WAS INVOLVED IN TAMPERING WITH TRAIN WINDOW AND SETTING FIRE TO TRAIN CARRIAGE'. DUE TO THE CROWN PROSECUTOR'S 'CENTRAL PILLAR' WEIGHT (SO MUCH OF THE TRIAL SCENARIO PRESENTED BY PROSECUTOR TO THE JURY), OF 'FAKE WINDOW BREAK-IN', LINKING TO 'SETTING FIRE TO TRAIN CARRIAGE', LINKING TO 'ALLEGED MULTIPLE ■ AND INCONSISTENT/CONFLICTING REASONS PROVIDED BY ME FOR GOING TO TRAIN CARRIAGE', BEING PRESENTED TO MY 1993 TRIAL JURY AS INFALLIBLE AND WITHOUT FLAW IN ITS EVIDENTIARY QUALIFICATIONS, IT IS HIGHLY SUSPECT THAT AN HONEST AND FAIR PRESENTATION OF STATE'S PROSECUTION CASE AGAINST ME, WHEREIN, ALL 'ITS' PROOFS MUST BE FAIRLY PRESENTED (ACCORDING TO LAW), BEFORE
20. I (AS THE ACCUSED), AM CALLED UPON TO ANSWER THE CHARGE OF ARSON, DOES NOT INCLUDE THE PROSECUTOR PRESENTING TO THE JURY THE MATERIAL EVIDENCE FROM MODRA'S POLICE WITNESS ■ STATEMENT WHICH ALSO MARRIES TO (AND IS CONSISTENT WITH), THE MATERIAL EVIDENCE FROM THE SAPOL FIRE REPORT OF 10-1-1991, WHICH BOTH REFER TO SPECIFIC DESCRIPTION WITHIN EACH DOCUMENT, THAT CLEARLY SHOWS 'THE CLEANER STATING HE WENT TO TRAIN CARRIAGE TO INVESTIGATE A LIGHT IN TRAIN'?

FOR THE TRIAL PROSECUTOR TO NOT INFORM MY TRIAL JURY OF THE CROWN'S KNOWLEDGE OF SAID FIRE REPORT AND SAID MODRA STATEMENT DESCRIPTIONS, RE 'LIGHT IN TRAIN' (STATED BY CLEANER), MEANS THE PROSECUTOR HAS ■ DECEIVED MY TRIAL

30. JURY, IN REAL TERMS, A LIE BY OMISSION, AND, A REFUSAL TO PRESENT ■

1. ALL THE CROWN PROSECUTOR'S PROOFS FAIRLY AND HONESTLY TO THE TRIAL JURY, SO THAT THE JURY CAN THEN PROPERLY ASSESS THE TRUE WEIGHT, CREDIBILITY AND INTEGRITY OF ALL THE CROWN'S PROOFS, THEREBY MAKING A FAIR AND NON-PREJUDICIAL DETERMINATION ABOUT ALL THE TRIAL EVIDENCE PUT TO THEM, FROM BOTH PROSECUTOR'S EVIDENCE AND MY EVIDENCE.

IF MY TRIAL JURY ARE NOT TOLD AND SHOWN (VERBAL AND DOCUMENT), BY PROSECUTOR'S EVIDENCE IN TRIAL, THAT THE CROWN HAS DOCUMENT PROOF, THAT ON 10-1-1991, 'I DID IN FACT SAY TO CAUNCE THAT I WENT TO TRAIN CARRIAGE TO INVESTIGATE A LIGHT', THEN, IT CANNOT BE SAID THAT THE JURY WERE FAIRLY OR HONESTLY INFORMED BY TRIAL PROSECUTOR'S EVIDENCE PRESENTATION, OF CROWN'S KNOWN PROOFS RELEVANT TO THE SPECIFIC ISSUE OF WHAT I SAID TO CAUNCE ABOUT ME GOING TO TRAIN CARRIAGE, AND, UNDER SUCH A CONDITION, SAID 'JURY DO NOT HAVE ANY REASONABLE OPPORTUNITY TO EVER BELIEVE ME, WHEN I STATED DURING MY XN AND XXN TESTIMONY, 'THAT ON 10-1-1991, I TOLD CAUNCE THAT I WENT TO TRAIN CARRIAGE TO INVESTIGATE A LIGHT', CONSEQUENTIALLY THEN, MY TRIAL JURY COULD NOT EVER BE IMPARTIAL TOWARDS ME WHEN THE JURY ASSESS MY WORDS SPOKEN DURING MY XN AND XXN TESTIMONY, WHICH, BY THE RULE OF LAW, MUST BE OPEN TO ME DURING CRIMINAL TRIAL, THAT IS, 'AS A RESULT OF JURY BEING HONESTLY AND FAIRLY INFORMED OF ALL CROWN'S PROOFS / ALLEGED PROOFS, THE JURY IMPARTIALLY ASSESS MY ^{TESTIMONY} ~~STATEMENT~~ AGAINST ~~THE~~ CROWN PROSECUTOR'S PRESENTED PROOFS (SUCH AS WHEN CAUNCE DECLARES "TO CLEAN IT, TO INVESTIGATE A FIRE")'.

IF I AM DENIED FAIR AND HONEST OPPORTUNITY TO BE BELIEVED BY MY TRIAL JURY, FOR THE REASON DESCRIBED ABOVE, 'FAILURE OF CROWN PROSECUTOR TO INFORM JURY OF CROWN'S DOCUMENT PROOF, WHICH EXISTED FOR THE FIRST TIME ON 10-1-1991, SAPOL FIRE REPORT, THAT STATE EVIDENCE PROOF EXISTS TO SUPPORT MY STATEMENT (DATED MID 1992), MY TRIAL TESTIMONY (MID 1993), THAT I ONLY SAID TO CAUNCE ON 10-1-1991 THAT I WENT TO TRAIN CARRIAGE TO INVESTIGATE A LIGHT', THEN I AM DENIED A FUNDAMENTAL

1. RIGHT OF HAVING AN IMPARTIAL AND UNTAINTED JURY ASSESS MY TESTIMONY AND DELIBERATE OVER THE CHARGE AGAINST ME (ARSON), PLUS, THE RIGHT OF ALL CROWN PROOFS RELEVANT TO THE SUBJECT ISSUE, PRESENTED BY THE CROWN BEFORE CLOSE OF PROSECUTION CASE EVIDENCE-IN-CHIEF?

THESE ISSUES OF CONTAMINATED TRIAL JURY (HAVING NOT BEEN TOLD BY TRIAL PROSECUTOR, WHO IS OBLIGATED WITH 100% BURDEN AND ONUS OF PROOF OF THE CHARGE, PLUS, PROOF OF ACTIONS/EVENTS WHICH PROSECUTOR RELIES ON IN PROOF/SUPPORT OF THE CHARGE AGAINST ME, SO THAT NO BURDEN OR

10. ONUS EXISTS UPON MY INCOMPETENT TRIAL LAWYER TO SHOW THE JURY, ON MODRA'S WITNESS STATEMENT, AND ON SAPOL FIRE REPORT, WHERE CLEAR WORDS DESCRIBE WHAT I SAID TO CAUNCE ON 10-1-1991 ABOUT ME INVESTIGATING LIGHT IN TRAIN AS MY REASON FOR GOING TO TRAIN, NOTHING ABOUT CLEANING IT, NOTHING ABOUT INVESTIGATING A FIRE), ARE SUFFICIENT TO PROVE THAT JURY WAS POISONED BY TRIAL PROSECUTOR'S USE OF CRIMINALLY FALSE STATE'S EVIDENCE, IN ORDER TO DENY ME A FAIR TRIAL ACCORDING TO LAW, AND, BY FAILING TO PRESENT EVIDENCE OF SAID FIRE REPORT ^{CONTENTS} ~~REDACTED~~, TO THE JURY, AND, ENABLE CAUNCE TO
20. MATERIALLY MISREPRESENT WHAT CAUNCE HIMSELF WROTE IN SAID FIRE REPORT, BY MISDIRECTING ~~THE~~ JURY'S ATTENTION AND THEN QUALIFYING CAUNCE'S WITNESS STATEMENT AS 'THE TRUE ACCOUNT OF CONVERSATION BETWEEN ME AND CAUNCE' "TO INVESTIGATE A FIRE", HOW CAN DPP AND STATE OF SOUTH AUSTRALIA HONESTLY DECLARE THAT SUCH ACTIONS ARE NOT ILLEGAL, FRAUDULENT, IMPROPER, AND SO CORRUPT IN THEIR EXISTENCE THAT THE TRIAL PROSECUTOR, PAUL RICE, SHOULD HAVE BEEN ARRESTED AND JAILED FOR CONDUCTING SUCH A CRIMINALLY FRAUDULENT PROSECUTION OF ME IN 1993 FOR THE CHARGE
30. OF ARSON. IT IS NO WONDER SOUTH AUSTRALIA HAS CONTINUED TO ILLEGALLY

1. PROTECT MY ILLEGALLY OBTAINED 1993 ARSON CONVICTION, SO AS TO PROTECT THE CRIMINALLY CORRUPT PROSECUTOR WHO BECAME A DISTRICT COURT JUDGE?!

DURING THE SAID 1993 ARSON TRIAL, JURY WERE REQUIRED TO ASSESS 'THE EVIDENCED REASONS FOR ME ATTENDING THE TRAIN CARRIAGE'. PROSECUTOR TOLD JURY I PROVIDED MULTIPLE REASONS FOR ATTENDING TRAIN, YET DID NOT PRESENT ANY DOCUMENT PROOF OF ANY CONFLICTING STATEMENTS FROM ME, AND THE ONLY EVER STATEMENT I DID MAKE, MID 1992, WHEN FIRST TAXED WITH THE ACCUSATION OF BEING A SUSPECT FOR THE TRAIN FIRE OF 10-1-1991, THEREIN I PROVIDED MY REASON FOR GOING TO TRAIN WAS 'INVESTIGATE LIGHT'. NO OTHER STATEMENT EXISTS FROM ME BECAUSE I WAS ONLY SAPOL INTERVIEWED ONCE AND THAT PRODUCED MY MID 1992 POLICE STATEMENT. JURY WERE SHOWN MY STATEMENT, AND HEARD MY XN AND XXN TESTIMONY, WHERE I REITERATED MY ONLY REASON EVER PROVIDED FOR GOING TO TRAIN WAS TO INVESTIGATE A LIGHT.

JURY WERE PRESENTED WITH CAUNCE'S HEARSAY EVIDENCE IN CAUNCE'S XN TESTIMONY, WHEN CAUNCE CLAIMED THAT I SAID TO HIM 'TO CLEAN IT', YET NOT A SINGLE POLICE DOCUMENT EXISTED, UP TO THAT VERY DAY IN MY 1993 TRIAL, TO IN ANY WAY 'VALIDATE' THAT HEARSAY EVIDENCE FROM CAUNCE, BECAUSE ON THAT VERY DAY IN MY 1993 ARSON TRIAL WAS THE FIRST TIME CAUNCE HAD EVERY SAID TO ANYONE, 'WHAT CAUNCE CLAIMED I ALLEGEDLY SAID TO CAUNCE, RE "TO CLEAN IT"', EXCEPT THOUGH, MY TRIAL JURY HEARD IT AND THEREFORE THE JURY BELIEVED THAT VERSION FROM CAUNCE, BEING THAT, ACCORDING TO CAUNCE, 'I SAID TO CLEAN IT, AS MY REASON FOR GOING TO TRAIN'.

JURY WERE THEN PRESENTED CAUNCE'S HEARSAY EVIDENCE IN CAUNCE'S XXN TESTIMONY, WHEN CAUNCE CLAIMED THAT I SAID TO HIM 'TO INVESTIGATE A FIRE', YET, IT WAS STILL NOT A DOCUMENT FROM OR BY ME, AND THEREFORE, STILL CANNOT BE TREATED AS PRIOR/INCONSISTENT STATEMENT/COMMENT/REMARK ETC. BY OR

1. FROM ME AS IT WAS 'ALLEGED BY CAUNCE' AND IS THEREFORE STILL HEARSAY AND IS NOT DIRECT EVIDENCE IN PROOF OF TRUTH (AS CLAIMED BY THE CROWN AND ITS POLICE OFFICER WITNESS, CAUNCE), AND, EVEN THOUGH CAUNCE'S XXN TESTIMONY WHEN CAUNCE QUALIFIED 'HIS NEW AND UPDATED TRIAL TESTIMONY AGAINST ME, THAT I NOW (WHEN CHALLENGED WITH EXISTENCE OF HIS POLICE WITNESS STATEMENT CLAIM, RE ME ALLEGEDLY SAYING THAT I WENT TO TRAIN TO "INVESTIGATE A FIRE"), ACTUALLY SAID, ACCORDING TO CAUNCE, THAT I WENT TO TRAIN TO INVESTIGATE A FIRE, WHICH CAUNCE HAD PREVIOUSLY PARTICULARISED IN HIS OWN POLICE WITNESS STATEMENT, DOES NOT 'VALIDATE' HIS UPDATED TESTIMONY (CAUNCE IN XN TESTIMONY DECLARED "TO CLEAN IT" AS FACTUALLY TRUE,
10. BUT THEN IN CAUNCE'S NEW AND UPDATED ALLEGED TRUTH, IN CAUNCE'S XXN TESTIMONY, DECLARED "TO INVESTIGATE A FIRE" AS FACTUALLY TRUE, AS THE REPLACEMENT OF THE "TO CLEAN IT" FACTUAL TRUTH), AS TRUTH OF EVENT OF CONVERSATION BETWEEN ME AND CAUNCE ON 10-1-1991, IT ONLY 'VALIDATES' THAT CAUNCE'S POLICE WITNESS STATEMENT CONTAINS THE PARTICULARS RE 'TO INVESTIGATE A FIRE', WHICH AT THAT POINT IN CAUNCE'S XXN TESTIMONY, ALLIGNS ONLY CAUNCE'S NEW AND UPDATED TRIAL TESTIMONY ACCUSATION AGAINST ME (RE 'TO INVESTIGATE A FIRE'), WITH THE CONTENTS OF CAUNCE'S POLICE WITNESS STATEMENT (RE 'TO INVESTIGATE A FIRE').
THE NEW PROBLEM FOR ME THOUGH, WHICH CONTINUES TO STEAL FROM ME MY STATUTORY AND COMMON LAW RIGHT TO A FAIR AND HONEST TRIAL (INTRINSICALLY
20. MANDATING FAIR AND HONEST PRESENTATION OF STATES' EVIDENCE TO MY COURT OF TRIAL), IS THAT, 'WHEN CAUNCE QUALIFIED THE CONTENTS OF CAUNCE'S OWN POLICE WITNESS STATEMENT, SPECIFICALLY, CAUNCE'S REFERENCE TO "TO INVESTIGATE A FIRE", AS HIS CLAIM ON BEHALF OF HIS EMPLOYER, THE CROWN, THAT SAID REFERENCE TO "TO INVESTIGATE A FIRE", WAS THE TRUE AND ACCURATE REFLECTION OF WHAT I ALLEGEDLY SAID TO CAUNCE ON 10-1-1991 AS MY REASON FOR GOING TO TRAIN CARRIAGE,
CAUNCE WAS ILLEGALLY QUALIFYING HIS POLICE WITNESS STATEMENT, A MATERIALLY FALSE DECLARATION BY CAUNCE (DUE TO FALSE DESCRIPTION OF MATERIAL DETAILS OF CONVERSATION BETWEEN ME AND CAUNCE, WITHIN WITNESS STATEMENT BY CAUNCE), AS A FACTUALLY ACCURATE DOCUMENT AND A FACTUALLY ACCURATE DESCRIPTION THEREIN, OF
30. A CONVERSATION BETWEEN ME AND CAUNCE ON 10-1-1991, AND, MY TRIAL JURY HEARD

1. THAT 'VERBAL QUALIFICATION' FROM CAUNCE HIMSELF, THEREFORE, IT IS REASONABLE TO SAY AND REASONABLE ^{TO} EXPECT THAT AT LEAST SOME OF MY TRIAL JURY MEMBERS BELIEVED THAT VERSION FROM CAUNCE, BEING THAT, ACCORDING TO CAUNCE, 'I SAID TO INVESTIGATE A FIRE, AS MY REASON FOR GOING TO TRAIN'.

- THE FACT THAT THERE EXISTED WITHIN 'THE CONDUCT OF MY TRIAL, A REAL SITUATION WHEREBY THE TRIAL JURY WERE FORCED TO MAKE A DECISION, ABOUT A SIGNIFICANT FEATURE OF THE PROSECUTION CASE', BEING, MY ALLEGED REASON FOR GOING TO TRAIN CARRIAGE (AS CLAIMED TO BE TRUE
10. ACCORDING TO CAUNCE AND THE STATE OF SOUTH AUSTRALIA), VERSUS, MY DIRECTLY STATED (FIRST PERSON EVIDENCE), AND OWN WORDING IN TRIAL TESTIMONY (AS A REITERATION OF MY SAPOL WITNESS STATEMENT), DOES NOT MAKE THE CIRCUMSTANCE OF SUCH JURY DECISION HIGHLY IRREGULAR.

- THE CIRCUMSTANCE IS MADE UNFAIRLY AND PREJUDICIALLY IRREGULAR, 'BY THE USE AND INCLUSION OF CRIMINALLY FALSE CROWN PROSECUTION EVIDENCE BEING PRESENTED TO MY SAID 1993 ARSON TRIAL JURY, WHICH TRIAL PROSECUTOR EXPECTS THE JURY TO USE TO 'MAKE THE DECISION ABOUT WHOSE VERSION/REASON THEY BELIEVE ABOUT WHY I WENT TO TRAIN CARRIAGE'". THE JURY WERE LEFT WITH
20. EITHER MY ANSWER TO 'THAT SPECIFIC QUESTION' - 'LIGHT IN TRAIN', OR, CAUNCE'S TWO TRIAL ANSWERS TO 'THAT SPECIFIC QUESTION' - 'TO CLEAN IT' AND 'TO INVESTIGATE A FIRE' (SIGNIFICANTLY TOO, IS THAT BOTH THOSE ANSWERS PRESENTED TO JURY BY CAUNCE, IN HIS ~~XX~~ AND ~~XXN~~ TRIAL TESTIMONY, WERE BOTH DECLARED AS TRUE AND ACCURATE WHILE UNDER OATH). OBVIOUSLY, THE JURY DID NOT BELIEVE MY ~~ANSWER~~ ANSWER BECAUSE I WAS CONVICTED OF ARSON (AND, IF JURY HAD BELIEVED MY ANSWER, RE 'LIGHT IN TRAIN', THEN, THAT WOULD SUGGEST THE JURY'S DOUBT IN CAUNCE'S TESTIMONY, RE 'TO CLEAN IT' AND 'TO INVESTIGATE A FIRE', AND, SUCH A 'REASONABLE DOUBT' ABOUT CAUNCE, HIS 'CLAIMED CREDIBILITY AND ACCURACY OF MEMORY', AND 'CLAIMED TRUTH IN WORDS...', BECAUSE CAUNCE DECLARED
30. SOMETHING UNDER OATH AS A POLICE OFFICER', WOULD BE SUFFICIENT FOR JURY TO FIND,

1. AS THEY MUST WHERE 'REASONABLE DOUBT IS EVIDENT', THAT THE ACCUSED CANNOT BE FOUND GUILTY IF A SIGNIFICANT POINT IN ISSUE WITHIN THE PROSECUTION CASE IS FOUNDED ON A REASONABLE DOUBT AS TO ITS PURPORTED ACCURACY), WHICH THEREFORE MEANS THAT THE JURY MUST HAVE BELIEVED CAUNCE AND 'HIS ALLEGATIONS OF "TO CLEAN IT", AND, "TO INVESTIGATE A FIRE"'. AT SUCH A 'JUNCTION' OF THE DECISION OF THE INDIVIDUAL MEMBERS OF THE JURY, SPECIFICALLY, TO BELIEVE MY ANSWER OR NOT, SITS A QUESTION, BEING, IF FINAL VERDICT OF JURY IS NOT UNANIMOUSLY 'GUILTY', THEN, AT 'THIS JUNCTION', HOW MANY JURORS ACTUALLY BELIEVED MY ANSWER ("INVESTIGATE A LIGHT"), AND HOW MANY BELIEVED EITHER OF CAUNCE'S
10. TWO CRIMINALLY FALSE ANSWERS ("TO CLEAN IT" OR "INVESTIGATE FIRE")? THE BREAK-AWAY OF JURY, FROM BELIEVING MY ANSWER OF "LIGHT IN TRAIN", MEANS THAT JURY MUST THEREFORE HAVE BELIEVED CAUNCE'S ANSWER, BUT, WHICH OF CAUNCE'S TWO CONFLICTING ANSWERS DID EACH OF TWELVE JURORS BELIEVE? THE 'IRREGULARITY' WHICH I HIGHLIGHT IS AT THIS POINT, VERY PROMINANT, FOR THERE MUST ONLY EXIST TWO VERSIONS TO THE SINGLE QUESTION, ONE VERSION IS MY TESTIMONY - LIGHT IN TRAIN (WHICH JURORS REJECTED), BUT THEN THAT SHOULD ONLY LEAVE ONE VERSION REMAINING, WHICH IS THE CROWN'S VERSION TO THE SAME SINGLE QUESTION, AND SO THE JURORS MUST HAVE CHOSEN CAUNCE'S ONE ANSWER, EXCEPT THAT CAUNCE DID NOT
20. PROVIDE ONLY ONE ANSWER, HE PROVIDED TWO ANSWERS, PROCLAIMING BOTH TO BE TRUE AND ACCURATE, BUT THEN PROCLAIMED ONE OF THOSE TWO ANSWERS TO BE QUALIFIABLY TRUE, LEAVING THE OTHER ANSWER UNATTENDED, WHICH TRIAL PROSECUTOR THEREAFTER RE-ACTIVATED WHEN I WAS IN XXN TESTIMONY, SO CAUNCE'S TWO VERSIONS WERE STILL FULLY VIABLE TO THE JURY, SO THAT, WHEN JURY, DURING ~~DELTA~~ THEIR VERRICT DELIBERATION, WEIGHED CAUNCE'S 'ANSWER' TO MINE, CAUNCE'S ANSWER WAS STILL TWO DIFFERENT VERSIONS OF WHAT CAUNCE CLAIMS I SAID TO HIM, EITHER "TO CLEAN IT" OR "INVESTIGATE A FIRE". [SEE ALL OF PAGE 81, IBID, RE JURY SPLITTING]
30. THE IRREGULARITY OF WHICH JUROR BELIEVED WHICH ANSWER/

1. VERSION BY CAUNCE, IS SUFFICIENT GROUNDS TO WARRANT GUILTY VERDICT BEING AT LEAST SET ASIDE BY APPEAL COURT, AS THE CIRCUMSTANCE OF 'WHICH JUROR BELIEVED ANY OTHER THAN ONLY ONE POSSIBLE ANSWER/VERSION', THEN ESTABLISHES AN AUTOMATIC DOUBT ABOUT THE OTHER VERSION FROM SAME CROWN WITNESS, CAUNCE.

THE POINT OF IRREGULARITY WOULD SIMPLIFY TO THE FOLLOWING:

- QUESTION - IF JUROR 1. DID NOT BELIEVE MY ANSWER OF "LIGHT IN TRAIN", THEN, DID JUROR 1. BELIEVE CAUNCE'S A. ANSWER 'CLEAN IT', OR CAUNCE'S B. ANSWER 'INVESTIGATE FIRE'? A. OR B. _____
- IF JUROR 2. DID NOT BELIEVE MY ANSWER OF "LIGHT IN TRAIN", THEN, DID JUROR 2. BELIEVE CAUNCE'S A. ANSWER 'CLEAN IT', OR CAUNCE'S B. ANSWER 'INVESTIGATE FIRE'? A. OR B. _____
- IF JUROR 3. DID NOT BELIEVE MY ANSWER OF "LIGHT IN TRAIN", THEN, DID JUROR 3. BELIEVE CAUNCE'S A. ANSWER 'CLEAN IT', OR CAUNCE'S B. ANSWER 'INVESTIGATE FIRE'? A. OR B. _____
- IF JUROR 4. DID NOT BELIEVE MY ANSWER OF "LIGHT IN TRAIN", THEN, DID JUROR 4. BELIEVE CAUNCE'S A. ANSWER 'CLEAN IT', OR CAUNCE'S B. ANSWER 'INVESTIGATE FIRE'? A. OR B. _____

At ^{THE} END OF THE SAME QUESTION TO EACH OF 12. JURORS, HOW MANY JURORS COULD/MIGHT HAVE CHOSEN CAUNCE'S ANSWER A, AND HOW MANY JURORS COULD/MIGHT HAVE CHOSEN CAUNCE'S ANSWER B?

NO MATTER HOW MANY JURORS DID OR DID NOT 'BELIEVE' CAUNCE'S ANSWER A, OR, CAUNCE'S ANSWER B, THE IRREGULARITY IS IN TWO LANES AT SUCH CONDITION, BEING, 'IRREGULARITY LANE 1', THERE MUST ONLY EXIST ONE PATH FOR THE SAME JURY OF 12 JURORS TO MOVE FORWARD AS

1.

A JURY, AND THEREFORE, THERE MUST NOT EXIST A REALITY WHEREBY THE JURY OF 12 JURORS, COULD SPLIT WITHIN ITSELF TO FORM, EFFECTIVELY, TWO DISTINCT GROUPS WITHIN THE JURY (OF 12), WHEREBY, SOME JURORS BELIEVE CAUNCE'S ANSWER A, 'TO CLEAN IT', AND OTHER JURORS BELIEVE CAUNCE'S ANSWER B, 'INVESTIGATE A FIRE', AS THAT MEANS THE JURY CANNOT EXIST AS A JURY OF 12 ANY LONGER.

ILLUSTRATION A.

JURY = 12 JURORS

JURORS MUST MAKE A DECISION ABOUT A SIGNIFICANT PROSECUTION ACCUSATION AGAINST ME.

BELIEVE MY ANSWER
'LIGHT IN TRAIN'
}
OR
{
BELIEVE CAUNCE'S ANSWER A. 'CLEAN IT'
BELIEVE CAUNCE'S ANSWER B. 'INVESTIGATE FIRE'

IF JURY DO NOT BELIEVE MY ANSWER, THEN JURY HAS CEASED TO EXIST AS JURY OF 12, AND HAVE SPLIT WITH THE 12, INTO TWO ~~DIFFERENT~~ DISTINCT AND CONFLICTING PATHS, ONE PATH IS FOR JURORS WHO BELIEVE CAUNCE'S ANSWER B. 'INVESTIGATE FIRE', THE OTHER PATH IS FOR JURORS WHO BELIEVE CAUNCE'S ANSWER A. 'TO CLEAN IT', AND ARE NO LONGER A COMPETENT JURY.

CAUNCE'S ANSWER A. JURORS, THEN PROGRESS TO VERDICT.

CAUNCE'S ANSWER B. JURORS, THEN PROGRESS TO VERDICT.

JURORS, 'INVESTIGATE A FIRE'
 VOTE
 GUILTY OF ARSON

JURORS, 'TO CLEAN IT'
 VOTE
 GUILTY OF ARSON

JURY FOREPERSON THEN INFORMS
 COURT, JURY VERDICT = GUILTY.

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20.

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1. THE ABOVE DESCRIBED CIRCUMSTANCE, OF THE SPLITTING JURY, IS AN IRREGULARITY WHICH IS NOT PERMITTED ~~WITHIN~~ WITHIN THE PROPER CONDUCT OF A FAIR TRIAL (ACCORDING TO LAW). IT IS IMPORTANT NOT TO MISUNDERSTAND WHAT I MEAN BY A SPLITTING JURY ALSO, AS IT COULD BE MISINTERPRETED AS SOMETHING WHICH A NON-UNANIMOUS JURY IS ~~PERMITTED~~ PERMITTED TO DO. IN MY 1993 ARSON TRIAL, IT WAS A SIGNIFICANT PILLAR OF PROSECUTION SCENARIO, FOR THE JURY TO BELIEVE CAUNCE, REGARDING CAUNCE'S ALLEGED CONVERSATION WITH ME ON 10-1-1991, AND CONSEQUENTIALLY, IT WAS JUST AS IMPORTANT FOR THE JURY TO NOT BELIEVE ME OR MY VERSION/REASON (FOR ATTENDING TRAIN CARRIAGE). FOR THE JURY WHO DON'T BELIEVE MY ANSWER, ~~"LIGHT IN"~~ "LIGHT IN CARRIAGE", JURY MUST THEN BELIEVE CAUNCE AND ONE OF HIS TWO PURPORTED TRUTHS! IT IS IRREGULARITY IN CONDUCT OF MY TRIAL, BECAUSE, THE TRIAL PROSECUTOR FOR THE CROWN, HAS LEFT OPEN FOR THE JURY, THE FALSE BELIEF THAT BOTH CAUNCE'S TWO 'ANSWERS' ('TO CLEAN IT' AND 'INVESTIGATE A FIRE'), WERE VALID AND TRUE.
- 10.

- A SIMILAR SITUATION WAS HEARD ON APPEAL IN 2004, WHEREBY A TRIAL JURY WAS EXPECTED TO BELIEVE SOMETHING WHERE NO QUALIFICATION EXISTED IN 'THAT' CROWN SCENARIO EVIDENCE, PLUS, THE ADMINISTRATIVE EFFECT OF 'A SPLITTING JURY', WHICH COLLAPSES THE FOUNDATION CHARACTER OF A FAIR TRIAL ACCORDING TO LAW.
- 20.

THE CASE IN SUPPORT OF MY POINT IS R v. FREDERICK [2004] SASC 404, IN PARTICULAR (IN CATCHWORDS...), "WILDLY DIVERGENT VERSIONS GIVEN... - WHETHER PROSECUTION REQUIRED TO ELECT AS TO VERSION ON WHICH COUNT BASED... - WHETHER JURY VERDICT (ON COUNT 5) WAS UNCERTAIN."

- IT IS IMPORTANT TO REMEMBER THAT CAUNCE IS STATING CONFLICTING VERSIONS OF A CONVERSATION BETWEEN CAUNCE AND ME, WHICH ALLEGEDLY
- 30.

1. HAPPENED AT THE EXACT SAME PLACE, EXACT SAME TIME OF DAY, EXACT SAME DATE, THEREIN BEING PROOF OF CAUNCE'S MATERIAL LIES FOR THE CROWN'S PROSECUTION EVIDENCE UPON WHICH I WAS FRAUDULENTLY CONVICTED OF ARSON IN 1993,

R v FREDERICK [2004] SASC 404.

“ PARAGRAPH 28.

THE FIRST DIFFICULTY IN PARTICULARISING THE ACT IN THIS WAY IS THAT THE EVIDENCE OF K AND J AS TO THE CIRCUMSTANCES ... DIFFERS IN IMPORTANT RESPECTS.

10.

PARAGRAPH 29.

THE EVIDENCE OF J ... WAS INCONSISTENT WITH OTHER APPARENTLY RELIABLE EVIDENCE.

PARAGRAPH 30.

... THE PARTICULARISATION OF THEIR RESPECTIVE VERSIONS ... ATTRIBUTES A COMMONALITY TO THE TWO VERSIONS WHICH IS NOT SUPPORTED BY THE EVIDENCE.

PARAGRAPH 31.

20.

IN THIS STATE OF THE EVIDENCE AND IN LIGHT OF THE DIRECTIONS GIVEN IN THE SUMMING-UP, IT CANNOT BE DETERMINED BY WHAT PATH THE JURY REACHED THEIR VERDICT ON COUNT 5. THEY COULD HAVE PROCEEDED ON THE BASIS OF A RECONCILIATION OF THE VERSIONS OF K AND J IN SOME WAY.

ALTERNATIVELY, THE VERDICT MIGHT HAVE BEEN BASED ON AN ACCEPTANCE OF K'S EVIDENCE ... AS A FURTHER ALTERNATIVE, IT IS POSSIBLE THAT SOME JURORS ACCEPTED THE EVIDENCE OF K AS TO THE ESSENTIAL FEATURES OF HER VERSION AND REJECTED THE EVIDENCE OF J AND THAT OTHERS ACCEPTED THE EVIDENCE OF J AND REJECTED THE EVIDENCE OF K, THUS LEADING TO UNCERTAINTY AS TO WHETHER THE VERDICT WAS UNANIMOUS IN THE ACCEPTANCE OF ONE VERSION OR ANOTHER, (CF. S v THE QUEEN

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1.

(1989) 168 CLR 266 at 276).

PARAGRAPH 32.

IN THE SOMEWHAT UNUSUAL CIRCUMSTANCES OF THE CASE IT IS MY VIEW THAT THE TRIAL JUDGE SHOULD HAVE REQUIRED THE PROSECUTION TO ELECT WHICH VERSION OR INCIDENT THEY RELIED UPON TO SUPPORT A CONVICTION ON COUNT 5. THE QUESTION OF ELECTION WAS RAISED BY THE DEFENCE ON TWO OCCASIONS DURING THE TRIAL. THE SAME RESULT WOULD HAVE BEEN ACHIEVED BY REQUIRING THE PROSECUTION TO FURTHER PARTICULARISE COUNT 5.

10.

PARAGRAPH 33.

THE DIFFICULTIES IN THE CASE DO NOT END THERE. IN THE ABSENCE OF ELECTION, ... AND IN THE LIGHT OF THE CONDUCT OF THE PROSECUTION CASE AND THE JUDGE'S DIRECTIONS, IT WAS LEFT OPEN TO THE JURY TO ATTEMPT RECONCILIATION OF THE TWO VERSIONS AND ARRIVE AT A FINDING OF GUILT ~~may~~ WITHOUT MAKING A FINDING ON WHETHER ... TOOK PLACE IN THE APPELLANT'S OFFICE AT HOLDEN HILL, IN THE LOUNGE ROOM OF THE HOUSE AT GILLES PLAINS OR AT SOME OTHER PLACE.

20.

PARAGRAPH 38.

....

IN JOHNSON V. MILLER (1937) 59 CLR 467 AT 489 DIXON J OBSERVED:

'FOR A DEFENDANT IS ENTITLED TO BE APPRAISED NOT ONLY OF THE LEGAL NATURE OF THE OFFENCE WITH WHICH HE IS CHARGED BUT ALSO OF THE PARTICULAR ACT, MATTER OR THING ALLEGED AS THE FOUNDATION OF THE CHARGE.'

....

SIMILAR OBSERVATIONS WERE MADE BY GLEESON CJ, WITH WHOM HANDLEY JA AND STUDDERT J AGREED, ■ IN R V VHP (UNREPORTED, COURT OF CRIMINAL APPEAL, NSW FULL COURT, NO. 60733 OF 1996, 7 JULY

30.

1. 1997). . . . GLEESON CJ SAID (AT 15-16):

6 "AS A GENERAL RULE, WHAT THE CROWN NEEDS TO ESTABLISH IN ORDER TO OBTAIN A CONVICTION ARE THE ESSENTIAL FACTS ALLEGED IN THE INDICTMENT, AND IF THE CROWN FAILS TO ESTABLISH AN INESSENTIAL FACT, OR A PARTICULAR WHICH HAS BEEN PROVIDED BEFORE THE TRIAL, OR WHICH EMERGED FROM THE EVIDENCE FROM CROWN WITNESSES, THAT IS NOT FATAL. HOWEVER, THAT GENERALISATION MAY, IN ANY GIVEN CASE, NEED TO BE QUALIFIED. TWO EXAMPLES OF POSSIBLE QUALIFICATIONS ARE OF PRESENT RELEVANCE. FIRST, IN SOME CIRCUMSTANCES THE REQUIREMENTS OF PROCEDURAL OR SUBSTANTIVE FAIRNESS MAY RESTRICT THE CAPACITY OF THE CROWN TO DEPART FROM PARTICULARS. SECONDLY, THE EVIDENCE IN A CASE MAY BE SUCH THAT IT WOULD NOT BE OPEN TO A JURY, ACTING REASONABLY, TO TREAT ONE PART OF THE CROWN CASE AS RELIABLE, AND ANOTHER PART AS UNRELIABLE."

10.

PARAGRAPH 39.

IN A CASE SUCH AS THE PRESENT WHERE THE PROSECUTION BASED ITS CASE ON THE EVIDENCE OF WITNESSES WHO DESCRIBED TWO SETS OF CIRCUMSTANCES WHICH DIFFER IN VITAL RESPECTS, INCLUDING PLACE, IT WAS NECESSARY FOR THE JURY TO BE GIVEN A CLEAR INDICATION OF THE FACTUAL BASIS WHICH WOULD REQUIRE PROOF BEYOND REASONABLE DOUBT BEFORE A VERDICT OF GUILTY COULD BE RETURNED.

20.

PARAGRAPH 54.

DURING THEIR DELIBERATIONS THE JURY REQUESTED REDIRECTION ON THE ISSUE OF COMPLAINT. THE TRIAL JUDGE THEN ~~GAVE THE~~ ~~FOI~~ FOLLOWING DIRECTION:

66 "THAT CONVERSATION IS LED FOR A SPECIFIC REASON, ONCE AGAIN, IT ONLY APPLIES TO COUNT ONE; THAT IS THE INDECENT ASSAULT. IT IS A PRINCIPLE

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1. OF OUR LAW THAT THE ONLY EVIDENCE OF THE EXISTENCE OF FACTS IS EVIDENCE GIVEN IN THE WITNESS BOX ON AFFIRMATION OR ON OATH AND SUBJECT TO CROSS-EXAMINATION. WHAT A PERSON SAYS OUTSIDE OF THE COURT IS NOT EVIDENCE OF WHAT OCCURRED.

...

10. HOWEVER, THE EVIDENCE OF WHAT SHE SAID TO HER IS BEFORE YOU BECAUSE IT IS CONSIDERED THAT THE MAKING OF A PROMPT COMPLAINT - STRAIGHT AFTERWARDS COMPLAINING ABOUT THE FACT THAT HE KISSED HER - IS RELEVANT WHEN YOU ARE ASSESSING THE TRUTH AS TO WHETHER THIS HAPPENED OR NOT. YOU SEE, SHE'S TOLD HER SISTER WHAT HAPPENED STRAIGHTAWAY AFTER IT HAPPENED, AND THE PROSECUTION LED THAT BECAUSE IT MIGHT INDICATE TO YOU THERE IS CONSISTENCY IN HER STORY, IT'S HAPPENED AND THEN SHE HAS TOLD SOMEBODY. THAT IS EVIDENCE GOING TOWARDS WHETHER SHE IS TELLING THE TRUTH OR NOT. " " " " " "

20. IN THE ABOVE REFERENCES FROM THE FREDERICK JUDGMENT, IT WAS A MATTER OF 'CONFLICTING CROWN EVIDENCE FROM TWO DIFFERENT CROWN WITNESSES, WHICH LEFT OPEN THE REALITY OF A 'SPLITTING JURY' (REFER TO MY ILLUSTRATION ON PAGE 81, IBID), THAT IS NOT PERMITTED IN A PROPERLY CONDUCTED TRIAL', AS DESCRIBED IN THE ABOVE QUOTE FROM PARAGRAPH 31 IN FREDERICK (REFER ABOVE ON PAGE 83, IBID), WHICH THEN LEFT THE REALITY OF 'INCONSISTENT VERDICT'.

30. WHEREAS, UNLIKE IN FREDERICK'S TRIAL, IN MY 1993 TRIAL, NOT TWO, BUT 'ONE CROWN WITNESS (CAUNCE), GAVE CONFLICTING CROWN EVIDENCE FROM HIMSELF AS THE ONLY SOURCE OF SUCH CONFLICTING VERSIONS ON RECORD (BEING THE TRIAL TRANSCRIPT ITSELF), WITH ADDITIONAL AND STILL ILLEGAL ASSISTANCE FROM TRIAL PROSECUTOR TO ILLEGALLY PROTECT CAUNCE'S FALSE STATE'S EVIDENCE, WHICH THEN

1. LEFT OPEN THE REALITY OF A 'SPLITTING JURY' (REFER ALL OF PAGE 81, IBID, RE JURY SPLITTING), THAT IS NOT PERMITTED IN A PROPERLY CONDUCTED TRIAL', WHICH THEN DIRECTLY TRANSLATES INTO 'INCONSISTENT VERDICTS OF THE JURY, AND BETWEEN RESPECTIVE JURORS', WHEREBY, SOME JURORS VOTED 'GUILTY ■ OF ARSON AFTER BELIEVING CAUNCE'S ANSWER A 'TO CLEAN IT' (WHICH MEANT THE JURORS DIDN'T JUST NOT BELIEVE MY ANSWER 'LIGHT IN TRAIN', IT MEANT THOSE JURORS MUST NOT HAVE BELIEVED CAUNCE'S ANSWER B, TOO ('TO INVESTIGATE A FIRE'))', AND, SOME JURORS VOTED 'GUILTY OF ARSON AFTER BELIEVING CAUNCE'S ANSWER B 'TO INVESTIGATE A FIRE' (WHICH MEANT THE JURORS DIDN'T JUST NOT BELIEVE MY ANSWER 'LIGHT IN TRAIN', IT MEANT THOSE JURORS MUST NOT HAVE BELIEVED CAUNCE'S ANSWER A, TOO ('TO CLEAN IT'))'.
- 10.

- AN INCONSISTENT VERDICT, DUE TO CAUNCE'S CONFLICTING VERSIONS OF AN ALLEGED CONVERSATION, WHICH THE JURY WERE PRESENTED WITH AS TRUE STATE'S EVIDENCE AGAINST ME, AND JURY DID NOT HAVE PROPERLY EXPLAINED TO THEM, WHAT THE LAW REQUIRED WHEN ■ THERE ■ EXISTED ALLEGED INCONSISTENT PRIOR STATEMENTS, SO THEN HOW WAS THE JURY TO KNOW WHAT FRAUDS THE CROWN PROSECUTION EVIDENCE WAS ACTUALLY INFLICTING UPON MY 1993 ARSON TRIAL JURY? SAID JURY WERE PRESENTED WITH CRIMINALLY FALSE STATE'S EVIDENCE FROM CAUNCE BUT BY CROWN PROSECUTOR ALSO ('TO CLEAN IT', AND 'TO INVESTIGATE A FIRE'), AND THE JURY WERE TOLD THAT 'IT IS TRUE AND FACTUAL', AND, SAME JURY WERE PRESENTED WITH HONEST, TRUE AND FACTUAL AND ACCURATE EVIDENCE FROM ME ('TO INVESTIGATE LIGHT IN TRAIN CARRIAGE', SAID IN MY XN AND XXN TESTIMONY, AND SAME AS IN MY MID 1992 POLICE WITNESS STATEMENT), BUT THE JURY WERE REPEATEDLY TOLD BY PROSECUTOR RICE THAT MY ANSWER IS A LIE' (MY ANSWER BEING 'INVESTIGATE A LIGHT'), AND THAT CAUNCE'S TESTIMONY IS ALSO PROOF OF MY LIE.
- 20.
- 30.

1.

How is a jury to possibly know what version/reason, from either me (as the accused), or, Caunce and Prosecutor (as the accusers), if, my trial lawyer did not show trial jury what was on Police Fire Report dated 10-1-1991 "located cleaner who stated that he observed a light in train carriage and upon investigation was confronted", or, CIB MODRA'S POLICE WITNESS STATEMENT DATED 7-8-1992 "he advised that he had seen a light in the railway carriage", and trial prosecutor did not show jury the same 'text' from same two government produced documents, which SA Police produced, then SA Police gave to DPP SA, then DPP SA presented at my committal hearing December 1992, and also issued copy of per disclosure, to my solicitor David Stokes, yet, no one in my 1993 trial showed the jury!!

10.

~~DAVID~~

DAVID STOKES HAD NEVER SHOWN ME MANY OF THE DOCUMENTS FROM MY ARSON FILE, PRIOR TO TRIAL, INCLUDING FIRE REPORT, WHICH I ONLY FOUND OUT ABOUT APPROXIMATELY 2002, WHEN I FOUND OUT VIA BOB HARRAP WHO HAD MY FILE IN ARCHIVE, AFTER STOKES SOLD HIS FIRM. I THEN TRIED TO SUE STOKES, IN S.A. CIVIL COURT, FOR STOKES' PROFESSIONAL MISCONDUCT AGAINST ME (ARSON FILE AND UNRELATED FILE).

20.

THE POINT BEING, I'M STILL FIGHTING TO UNCOVER THE CORRUPT SAPOL AND DPP ACTIONS THAT CRIMINALLY DENIED ME A FAIR TRIAL ACCORDING TO LAW.

~~XXXXXXXXXX~~

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1. IT IS IRONIC, THAT WHEN PROSECUTORS IN A CRIMINAL TRIAL, TRY TO IMPRESS UPON A JURY, THE IMPORTANCE AND SIGNIFICANCE OF 'THE FIRST TIME A COMPLAINANT MAKES 'A COMPLAINT TO SOMEBODY', AND THEN THE 'CONSISTENCY OF COMPLAINANT'S COMPLAINT AND PARTICULARS', THAT IT IS STRONG EVIDENCE OF TRUTH TOWARDS CREDIBILITY OF THE COMPLAINANT' (REFER TO ABOVE QUOTE ON PAGES 85 AND 86, IBID, FROM PARAGRAPH 54. IN FREDERICK), WHICH FOR ME, IS FIRST EVIDENCED ON SAPOL FIRE REPORT OF 10-1-1991 'LIGHT IN TRAIN', AND YET, TRIAL PROSECUTOR STOLE MY 1993 JURY'S RIGHT TO KNOWLEDGE AND SIGHT OF CONTENTS OF SAID FIRE REPORT, PLUS, CIB MODRA'S INVESTIGATION NOTES OF 10-1-1991 RE WHAT MODRA PUT IN MODRA'S 1992 STATEMENT, RE 'LIGHT IN TRAIN'.
- 10.

ON 10-1-1991, I WAS A COMPLAINANT AS A VICTIM OF ASSAULT AND FROM THAT DATE I HAVE CONSISTENTLY SAID 'LIGHT IN TRAIN', AS PROVEN ON FIRE REPORT WHICH CAUNCE HIMSELF SIGNED AND FILLED-IN, RE 'LIGHT IN TRAIN', AS PROVEN ON CIB MODRA'S OPERATIONAL FILE WHICH COMMENCED ON 10-1-1991, AND WAS THEN CARRIED-THROUGH TO MODRA'S POLICE WITNESS STATEMENT OF MID 1992, RE 'LIGHT IN TRAIN'.

20.

I HAVE BEEN CONSISTENT SINCE 10-1-1991, AS TO MY REASON FOR GOING TO TRAIN, 'INVESTIGATE LIGHT', AND THE ONLY INCONSISTENT VERSIONS OF THE PARTICULARS ABOUT THE EXACT SAME CONVERSATION BETWEEN ME AND CAUNCE ON 10-1-1991, IS CAUNCE, AND ONLY CAUNCE.

CAUNCE WAS NOT THE ONLY CROWN WITNESS WHO GAVE TRIAL TESTIMONY WHICH SIGNIFICANTLY CONFLICTED, ~~WITH~~ WITH MATERIAL PARTICULARS, DESCRIBED ON THEIR RESPECTIVE POLICE WITNESS STATEMENT, AND/OR

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