

1. "RIGHTS UPON ARREST

79A (1) SUBJECT TO THIS SECTION, WHERE A PERSON IS [REDACTED] APPREHENDED BY A MEMBER OF THE POLICE FORCE (WHETHER WITH OR WITHOUT A WARRANT) --

(B) WHERE THE PERSON IS APPREHENDED ON SUSPICION OF HAVING COMMITTED AN OFFENCE --

(i) THE PERSON IS ENTITLED TO HAVE A SOLICITOR, RELATIVE OR FRIEND [REDACTED] (IN THE CASE OF [REDACTED] A [REDACTED] MINOR THE [REDACTED] RELATIVE OR FRIEND [REDACTED] MUST BE AN ADULT) PRESENT DURING ANY INTERROGATION OR INVESTIGATION TO WHICH THE PERSON IS [REDACTED] SUBJECTED WHILE IN CUSTODY;

(iii) THE PERSON IS, WHILE IN CUSTODY, ENTITLED TO FRAIN FROM ANSWERING ANY QUESTIONS.

79A (3) A MEMBER OF THE POLICE FORCE MUST, AS SOON AS IS [REDACTED] REASONABLY PRACTICABLE AFTER THE APPREHENSION OF A PERSON:

(A) INFORM THAT PERSON OF HIS OR HER RIGHTS [REDACTED] UNDER SUBSECTION (1.); AND

(B) WARN THE [REDACTED] PERSON THAT ANYTHING THAT HE OR SHE MAY SAY MAY BE TAKEN DOWN AND USED IN EVIDENCE".

PARAGRAPH 183.

SECTION 79A MUST BE READ IN CONJUNCTION WITH THE PROVISIONS OF SECTIONS 75 AND 78 OF THE STATUTE. THE FORMER, INTER ALIA, CONFERS EXPRESS POWER TO DETAIN PERSONS WHERE POLICE HAVE REASONABLE CAUSE TO SUSPECT THEM OF HAVING COMMITTED AN OFFENCE. HOWEVER, THAT POWER IS [REDACTED] SUBJECT TO VERY IMPORTANT SAFEGUARDS WHICH ARE ERECTED BOTH BY SECTION 78 AND, AS ALREADY EMERGES, SECTION 79A.

PARAGRAPH 184.

30. AS KING CJ STRESSED IN THE QUEEN V. CONLEY (1982) 30 SASR 226 AT 239

1. (ALBEIT IN RELATION TO THE CORRESPONDING EXPRESSION EMPLOYED IN THE FORMER POLICE OFFENCES ACT) THE WORD APPREHENDED IS WIDER IN ITS CONNOTATION THAN A SITUATION OF FORMAL ARREST - "A PERSON IS APPREHENDED... WHEN HE IS DEPRIVED OF HIS LIBERTY BY A POLICE OFFICER IRRESPECTIVE OF WHETHER FORMAL WORDS OF ARREST ARE USED."

PARAGRAPH 187.

HE THEN SAID: "THE DIVIDING LINE BETWEEN BEING 'APPREHENDED' AND TAKEN 'INTO CUSTODY' AND 'NOT BEING APPREHENDED' AND 'NOT IN CUSTODY' IS WELL RECOGNISED, EVEN THOUGH THE FACTUAL SITUATIONS IN PARTICULAR CASES MAY CALL FOR CLOSE EXAMINATION AND AT TIMES CAUSE DIFFICULTY."

10. PARAGRAPH 189.

I SHOULD EMPHASISE THAT WHITE J DID NOT SO RULE. WHAT HE DID GO ON TO COMMENT WAS THAT "IF THE INDIVIDUAL'S FREEDOM TO LEAVE OR TO ACT AS HE WISHES IS INTERFERED WITH IN ANY RELEVANT WAY, HE IS IN DE FACTO CUSTODY OF THE POLICE AND THE S. 79A RIGHTS APPLY" (EMPHASIS ADDED). WHAT IS ESSENTIALLY IN ISSUE IS A QUESTION OF DEGREE AND FACT WHICH MUST BE VIEWED IN THE CONTEXT OF THE SPECIFIC CASE.

PARAGRAPH 190.

THAT VIEW WAS PLAINLY ACCEPTED BY COX J IN HIS UNREPORTED RULING DATED 9 NOVEMBER 1987 IN THE CASE OF THE QUEEN V. TURNER AND WILLIAMS. HOWEVER,

20. WHAT WAS THERE UNDER CONSIDERATION WAS A PLAIN SITUATION OF DEFACTO ARREST. THE POLICE OFFICER HAD PLACED HIS HAND ON THE ACCUSED'S SHOULDER AND INSTRUCTED HIM TO STAY WHERE HE WAS AND NOT TO MOVE.

PARAGRAPH 213.

NOR WAS THERE ANY BREACH OF THE JUDGES' RULES. THE FIRST TWO OF THOSE RULES ARE COINED IN THESE TERMS:

1. WHEN A POLICE OFFICER IS ENDEAVOURING TO DISCOVER THE AUTHOR OF A CRIME THERE IS NO OBJECTION TO HIS PUTTING QUESTIONS IN RESPECT THEREOF TO ANY PERSON OR PERSONS, WHETHER SUSPECTED OR NOT, FROM WHOM HE THINKS THAT USEFUL INFORMATION CAN BE OBTAINED.
30. 2. WHENEVER A POLICE OFFICER HAS MADE UP HIS MIND TO CHARGE A PERSON

1. WITH A CRIME, HE SHOULD FIRST CAUTION SUCH PERSON BEFORE ASKING ANY QUESTIONS OR ANY FURTHER QUESTIONS, AS THE CASE MAY BE.

PARAGRAPHS 219, 220, 221.

[FULL TEXT OF THE THREE PARAGRAPHS]

PARAGRAPH 242.

IN THIS REGARD, SHE DREW ATTENTION TO A SERIES OF PROPOSITIONS ENUNCIATED BY BISHOP DCJ IN *THE QUEEN V. PAPADELOS AND ORS.* (1989) 151 LSJS.

443. THOSE WHICH ARE PARTICULARLY PERTINENT TO THE ASPECT NOW UNDER CONSIDERATION ARE EXPRESSED AS FOLLOWS :

10. "9. WHERE THE POLICE HAVE INFORMATION ON WHICH THEY ARE JUSTIFIED IN ARRESTING A PERSON WHO IS UNDER SUSPICION, AND HAVE DECIDED TO ARREST HIM, IT IS MOST IMPROPER, WITHOUT A CAUTION, TO PUT QUESTIONS TO THAT PERSON AND THEN GIVE HIS ANSWERS IN EVIDENCE AGAINST HIM AT HIS TRIAL. WHEN THE INVESTIGATION HAS PROCEEDED TO THE POINT WHERE THE POLICE OFFICER HAS DECIDED TO ARREST OR LAY A CHARGE, HE SHOULD, BY A WARNING, PUT THE PERSON BEING QUESTIONED UPON HIS GUARD AS TO THE IMPORTANCE OF WHAT HE IS BEING ASKED AND ITS POSSIBLE BEARING UPON SOME CHARGE WHICH MAY BE LAID (CULLEN CJ IN *R.V. CURRIE* (1913) 29 WN (NSW) 201; *R.V. VOISIN* (1918) 1. KB 531, AT 538; AND HUDSON J IN *WEBB V. CAIN* (1965) VR 91, AT 95).

10. A POLICE OFFICER MAY BE CROSS-EXAMINED IN ORDER TO DEMONSTRATE THAT THE SUSPICION THAT HE ENTERTAINED, AT THE PARTICULAR TIME, WAS SO STRONG AND WELL-FOUNDED THAT IT WAS WHOLLY UNREASONABLE NOT TO HAVE DECIDED UPON AN ARREST AND THAT, THEREFORE, HIS CLAIM NOT TO HAVE SO DECIDED OUGHT TO BE DISBELIEVED. IF THE COURT IS PERSUADED THAT, IN ALL THE CIRCUMSTANCES, THE POLICE OFFICER MUST HAVE DECIDED TO ARREST THE ACCUSED BUT DID NOT, AT THE TIME WHEN HE SO DECIDED, ADMINISTER A CAUTION, THE COURT WILL PROBABLY EXCLUDE THE CONVERSATION THAT FOLLOWS (WELLS J IN *R.V. WILLIAMS* (1976) 14 SASR 1, AT PAGE 5).

1. II. IN DETERMINING IF THERE HAS BEEN ANY UNFAIRNESS, WHETHER INTENTIONAL OR UNINTENTIONAL, EXERCISED IN EXTRACTING UNEGUARDED ANSWERS FROM AN ACCUSED PERSON, CONSIDERATIONS WHICH MAY BE RELEVANT INCLUDE:

- (i) WHETHER THE POLICE INVESTIGATIONS HAVE REACHED THE POINT WHERE THE ESSENTIAL STRUCTURE OF THE ACTS AND EVENTS LEADING DIRECTLY TO THE COMMISSION OF THE ALLEGED OFFENCE UNDER CONSIDERATION HAS BEEN BUILT;
10. (ii) WHETHER THE PERSON BEING INTERVIEWED WAS A POSITIVE SUSPECT, IN THE SENSE THAT SUSPICION WAS FOCUSED ON HIM OR HER (AS CONTRASTED WITH THE SORT OF SUSPICION THAT RESTS ON A PERSON OF WHOM IT CANNOT POSITIVELY BE AFFIRMED THAT HE OR SHE IS NOT IMPLICATED);
- (iii) WHETHER THE POLICE OFFICER CONDUCTING THE INTERVIEWS STOOD IN A POSITION THAT WAS CENTRAL TO THE INVESTIGATION; AND
- (iv) WHETHER THAT POLICE OFFICER MUST HAVE REALISED THAT AN ARREST ON SOME ALLEGED OFFENCE CONNECTED WITH THE INVESTIGATION WAS, 'ON THE CARDS'.

20. IN SHORT, DID THE INTERVIEW TAKE PLACE WHEN, TO THE INVESTIGATORS, THE PATTERN OF RELEVANT EVENTS WAS TOLERABLY CLEAR, AND AN ARREST OF THE SUSPECT UPON ONE OF A LIMITED NUMBER OF POSSIBLE OFFENCES, ARISING FROM THE INVESTIGATION, WAS MORE OR LESS IMMINENT (WELLS J IN SZACH'S CASE, AT PAGE 544).⁹⁹

PARAGRAPH 243.

IN ESSENCE, SHE CONTENDED THAT, ON ANY VIEW, THE SITUATION FELL FAIRLY AND SQUARELY WITHIN PROPOSITION 10. ABOVE OR THAT, ALTERNATIVELY, THE STATE OF MIND AND KNOWLEDGE OF THE POLICE OFFICERS WAS SUCH THAT IT WAS TOLERABLY CLEAR THAT AN ARREST OF LAWFORD WAS MORE OR LESS IMMINENT.

PARAGRAPH 260.

30. THIS BRINGS ME TO THE EVENTS OF THE FOLLOWING DAY, PARTICULARLY THOSE LEADING UP TO AND RELATED TO THE THIRD RECORD OF INTERVIEW IN WHICH LAWFORD IS SAID TO HAVE

1. IDENTIFIED A CLOTH WITH WHICH SHE STRANGLED SERBERT.

PARAGRAPH 262.

THE PLAIN FACT IS THAT, PER INCURIAM, JENKINS OVERLOOKED CAUTIONING LAWFORD WHO WAS THEN IN CUSTODY CHARGED WITH SERBERT'S MURDER.

PARAGRAPH 263.

WHILE I AM SURE THAT THERE WAS NOTHING DELIBERATE OR SINISTER IN THE OMISSION, IT MUST BE BORNE IN MIND ~~THAT~~ THAT THE JUDGES' RULES ARE QUITE UNEQUIVOCAL ON THE POINT. THEY STIPULATE THAT "PERSONS IN CUSTODY SHOULD NOT BE QUESTIONED WITHOUT THE USUAL CAUTION BEING FIRST ADMINISTERED". THIS HAS ALWAYS BEEN

10. HELD TO BE A RULE OF FUNDAMENTAL AND CRITICAL IMPORTANCE.

PARAGRAPH 264.

THE EVIDENCE IN QUESTION WENT DIRECT TO THE GUILT OF LAWFORD AND, IF ADMITTED, WOULD BE HIGHLY DAMAGING TO HER CASE. CONSISTENTLY WITH THE WELL SETTLED APPROACH OF THE COURTS TO SUCH SITUATIONS, DISCRETION MUST BE EXERCISED ADVERSELY TO THE CROWN. THIS RECORD OF INTERVIEW WILL BE EXCLUDED.

PARAGRAPH 267.

- WHILST IT IS CLEAR THAT LAWFORD WAS APPRISED OF HER RIGHTS AND FREELY CONSENTED TO WHAT WAS ASKED OF HER, THIS OCCURRED AT A TIME AT WHICH, NOT ONLY WAS SHE REPRESENTED BY A SOLICITOR, BUT ALSO WHEN IT MUST HAVE BEEN OBVIOUS TO LEIGH
20. THAT THIS WAS PROBABLY THE SITUATION. HE TOOK NO STEPS TO ASCERTAIN WHETHER THAT WAS THE CASE, NOR TO ADVISE THE SOLICITOR OF HIS INTENTION. HE UNILATERALLY SOUGHT HER OUT FOR FURTHER INTERVIEW WITHOUT EVEN CONSIDERING CLEARING THAT PROCESS WITH HER SOLICITOR.

PARAGRAPH 268.

- MRS. SHAW QUITE REASONABLY DIRECTED CRITICISM AT THIS CONDUCT AND POINTED OUT THAT IT HAD A STRONG AND MOST UNDESIRABLE TENDENCY TO CIRCUMVENT THE PROCESS OF LAWFORD RECEIVING PROPER LEGAL ADVICE. IT WAS, SHE SAID, AN ATTITUDE WHICH OUGHT TO BE CONDEMNED IN NO UNCERTAIN MANNER. IN MY OPINION, THIS TYPE OF CONDUCT IS QUITE UNACCEPTABLE AND HAS A CLEAR TENDENCY TO UNFAIRNESS. THE
30. AVERAGE INTERVIEWEE IN CUSTODY IS AT A DISTINCT DISADVANTAGE AND WILL OFTEN

1. NOT BE CAPABLE OF FORMING A BALANCED JUDGMENT AS TO WHETHER WHAT IS PROPOSED SHOULD OR SHOULD NOT BE AGREED TO IN ABSENCE OF LEGAL ADVICE. HE OR SHE IS VULNERABLE TO THE IMPORTUNITIES OF THOSE MINDED TO BE UNSCRUPULOUS AND THE COURT OUGHT NOT TO COUNTENANCE SUCH A POSSIBILITY. TO ADOPT ANY OTHER ATTITUDE WOULD BE TO SET A VERY DANGEROUS PRECEDENT.

KING CJ EXPRESSLY DEPRECATED THIS TYPE OF ACTIVITY IN *THE QUEEN V. SANTOS AND CARRION* [1987] HCA 55; (1987) 45 SASR 556, AT 561.

PARAGRAPH 269.

- I HAVE NO HESITATION IN EXCLUDING THIS RECORD OF INTERVIEW AND ANY EVIDENCE GLEANED IN PURSUANCE OF IT.

PARAGRAPH 270.

THERE IS ONE FINAL ASPECT TO WHICH OBJECTION WAS TAKEN BY MRS. SHAW. THIS RELATED TO PHOTOGRAPHS OF LAWFORD'S BODY TAKEN IN THE COURSE OF THE COMPULSORY MEDICAL EXAMINATION OF HER, FOLLOWING HER ARREST. THAT EXAMINATION WAS CONDUCTED PURSUANT TO THE AUTHORITY OF SECTION 81 OF THE SUMMARY OFFENCES ACT.

PARAGRAPH 271.

- THE EVIDENCE IS RELATIVELY SILENT ON THE POINT, BUT I ASSUME THAT THE PHOTOGRAPHS WERE TAKEN IN EXERCISE OF PURPORTED RIGHT TO DO SO. THE EVIDENCE CURRENTLY BEFORE ME DOES NOT INDICATE THAT LAWFORD CONSENTED TO THE TAKING OF THEM. THE ISSUE AROSE LATE IN THE VOIR DIRE ENQUIRY.

PARAGRAPH 272.

AS WAS POINTED OUT BY BARWICK CJ IN *THE QUEEN V. IRELAND* [1970] HCA 21; (1971-2) 126 CLR 321 AT 333-335, THE STATUTE DOES NOT AUTHORISE COMPULSORY PHOTOGRAPHY OTHER THAN FOR ~~PURPOSES~~ PURPOSES OF IDENTIFICATION.

IN ABSENCE OF EVIDENCE OF CONSENT, THE ACTION OF THE POLICE WAS UNLAWFUL. THE LEARNED CHIEF JUSTICE COMMENTED THAT, WHILST THAT SITUATION DOES NOT REQUIRE AUTOMATIC EXCLUSION OF THE EVIDENCE, THAT WILL OFTEN BE THE END RESULT. THE COURT OUGHT NOT TO COUNTENANCE OR ENCOURAGE PLAINLY UNLAWFUL CONDUCT. ”

1. WHAT APPEARS TO BE PLAINLY CLEAR AND OBVIOUS FROM THE ABOVE TEXT, FROM THE LAWFORD AND VAN DE WIEL JUDGMENT OF 1991 (REFER ABOVE ON PAGES 120 TO 127, INCLUSIVE, IBID), IS THAT THE ACT OF 'BEING CAUTIONED BY POLICE WHO INTEND TO QUESTION INTERVIEWEE/SUSPECT', IS A FUNDAMENTAL OBLIGATION UPON THE STATE AND ITS INVESTIGATIVE AGENTS (POLICE), ESPECIALLY IF THE PERSON WHOM POLICE WISH TO 'QUESTION' IS ALREADY IN 'THE CUSTODY OF THE STATE (WHETHER SITTING IN A POLICE VEHICLE AFTER BEING APPREHENDED, OR IN A CUSTODY CELL AT A POLICE STATION, OR IN A JAIL OR OTHER FACILITY FOR HOLDING PRISONERS, AS ALL THOSE SAID PLACES ARE PLACES DESIGNATED FOR USE BY AGENTS/EMPLOYEES OF THE STATE GOVERNMENT FOR
10. MATTERS RELATING TO HOLDING/DETAINING A PERSON LAWFULLY)'. IT IS ALSO, AN OBLIGATION UPON POLICE, TO NOTIFY LAWYER OF 'THE INCARCERATED/THE PERSON IN POLICE CUSTODY, IS INTENDED TO BE FORMALLY QUESTIONED BY POLICE', AND THE PURPOSE OF SUCH 'NOTIFICATION', IS SO THE REPRESENTING SOLICITOR CAN ARRANGE TO BE PRESENT DURING PENDING INTERVIEW, OR TO HAVE ANOTHER LAWYER 'FILL IN FOR THEM', THEREBY ENSURING THEIR CLIENT HAS THE 'PROTECTION OF LEGAL ADVICE DURING ANY SUCH PENDING INTERVIEW'.

As at 31-7-1992, THE FOLLOWING EFFECTS WERE IN EXISTENCE FOR ME:

- I WAS REMANDED INTO STATE CUSTODY FOR CHARGE OF MURDER (SEE ABOVE QUOTES, PAGE 122, IBID, 'PARAGRAPH 184', PAGE 123, IBID, 'PARAGRAPH 187', 'PARAGRAPH 189', 'PARAGRAPH 190', PAGES 123-4, IBID, 'PARAGRAPH 213', PAGE 124, IBID, 'PARAGRAPH 242', PAGE 125, IBID, 'PARAGRAPH 242', 'PARAGRAPH 243', PAGE 126, IBID, 'PARAGRAPH 262', 'PARAGRAPH 263', 'PARAGRAPH 267', PAGES 126-7, IBID, 'PARAGRAPH 268', PAGE 127, IBID, 'PARAGRAPH 269', 'PARAGRAPH 272').
- I HAD THEREFORE BEEN APPREHENDED, BEEN ARRESTED, REMANDED INTO STATE CUSTODY BY A CHAPTER III (CONSTITUTION), MAGISTRATE, CRIMINAL JURISDICTION MATTER.
- I HAD BEEN ACTIVELY REPRESENTED BY A LAWYER FOR THOSE TWO WEEKS.
- DPP, THE CROWN, WHOM SAPOL ACT ON BEHALF OF TOO, ALREADY KNEW THE NAME AND CONTACT DETAILS OF MY ACTING LAWYER.
- I WAS AT ALL TIMES UNDER PROTECTION OF "JUDGES' RULES", SEE ABOVE AT PAGES 123-4, IBID, 'PARAGRAPH 213', PAGE 126, IBID, 'PARAGRAPH 263', 'PARAGRAPH

1. 267⁷, WHICH WERE DENIED TO ME BY DETECTIVE BROWN, QUESTIONING ME WHILE I WAS INCARCERATED AT ADELAIDE REMAND CENTRE.

• SAID INTERVIEW BY BROWN, WAS AFTER SAPOL (PER KNOWN DECISION OF DETECTIVE BROWN, TO CHARGE ME FOR ARSON, SEE QUALIFICATION TESTIMONY BY BROWN, IN TRANSCRIPT FROM MY 1993 ARSON TRIAL, AND VOIR DIRE), REGARDED ME AS SUSPECT AND ALREADY INTENDED TO CHARGE ME WITH THE OFFENCE, AND ~~THAT~~ THAT IT WAS INCONSEQUENTIAL TO 'THE DECISION TO CHARGE ME WITH ARSON', WHICH HAD ALREADY BEEN DECIDED BY SOUTH AUSTRALIA POLICE, WHETHER I WAS EVER QUESTIONED AT ALL ON 31-7-1992, OR ANY LATER DATE EITHER, THEREFORE, THE ENTIRE ACTIONS BY THE CROWN'S REPRESENTATIVE, POLICE OFFICER BROWN, WERE DELIBERATE, IMPROPER, ILLEGAL, DESIGNED TO DENY ME OF PROPER LEGAL REPRESENTATION, DESIGNED AND INTENDED TO EVOKE 'EVIDENCE OF ANY KIND IN A MANNER THAT WAS NOT QUALIFIABLY VOLUNTARY'.

10.

• ON 31-7-1992, A GOVERNMENT PRISON OFFICER SOUGHT ME OUT ON BEHALF OF BROWN, PLACED ME IN AN INTERVIEW ROOM AND DIRECTED ME TO REMAIN IN THAT ROOM UNTIL POLICE HAD FINISHED WITH ME AND I WAS COLLECTED BY A CORRECTIONAL OFFICER TO BE RETURNED TO THE ACCOMMODATION AREA. I WAS AT NO TIME 'FREE TO LEAVE', 'FREE TO BE SILENT', 'FREE TO DO ANYTHING OTHER THAN EXACTLY WHAT I WAS TOLD TO DO BY THOSE GOVERNMENT EMPLOYEES, THE CORRECTIONAL OFFICERS AND POLICE.

20.

• AT NO TIME WAS I NOT IN FORMAL CUSTODY ON 31-7-1992.

• IT WAS NEVER A DISCRETION OWNED/HELD BY THE CROWN, ON 31-7-1992, OR IN FACT AT ANY TIME AFTER 15-7-1992, AT THE MOMENT WHEN POLICE 'ARRESTED ME' FOR THE CHARGE OF MURDER, TO NOT FORMALLY 'CAUTION' ME IMMEDIATELY PRIOR TO ANY LATER/FURTHER/ADDITIONAL INTERVIEW AND/OR INTERROGATION OF ME. THE CROWN, WHETHER VIA ITS POLICE OFFICERS, OR EVEN GOVERNMENT EMPLOYEES ACTING AT THE INSTIGATION OF POLICE OFFICERS, WAS AT ALL TIMES AFTER 16-7-1992 (WHEN I WAS ABSOLUTELY WITHIN POLICE CUSTODY), LEGALLY OBLIGATED TO PERFORM STATUTORY CAUTION UPON ME PRIOR TO ENGAGING ANY FORMAL QUESTIONING OF ME, ESPECIALLY SO

30.

1. BECAUSE I WAS ALREADY 'APPREHENDED', ALREADY 'CHARGED/ARRESTED', ALREADY 'IN CUSTODY' (SEE ABOVE QUOTES, PAGE 123, IBID, 'PARAGRAPH 189', 'PARAGRAPH 190', PAGES 123-4, IBID, 'PARAGRAPH 213', PAGE 126, IBID, 'PARAGRAPH 262', 'PARAGRAPH 263', PAGES 126-7, IBID, 'PARAGRAPH 268', PAGE 127, IBID, 'PARAGRAPH 269').
2. AT NO TIME DID POLICE OFFICERS ASK FOR MY PERMISSION TO INTERVIEW ME ON 31-7-1992, YET BROWN 'INTERROGATED ME ANYWAY'. THE POINT OF A PROPER CAUTION, WHEN PROPERLY CONDUCTED, IS 'TO INFORM ME OF MY INTERVIEW PROTECTION RIGHTS', TO THEN 'PROPERLY ASK ME IF I UNDERSTAND MY RIGHTS AS THEY WERE PROPERLY EXPLAINED TO ME?', TO THEN 'PROPERLY WAIT FOR MY ANSWER/REPLY', AND IF I ANSWER IN THE AFFIRMATIVE (THAT I DO UNDERSTAND MY RIGHTS AS THEY WERE PROPERLY EXPLAINED TO ME), TO THEN BE 'PROPERLY AND OFFICIALLY ASKED IF I WISH TO EXERCISE/INVOKE ANY OF MY SAID RIGHTS WHICH WERE PROPERLY REVEALED AND EXPLAINED TO ME?', AND IF MY ANSWER/REPLY TO SAID SPECIFIC QUESTION IS TO THE AFFIRMATIVE (MEANING THAT I DO WISH TO EXERCISE/INVOKE SPECIFICALLY EXPLAINED CAUTION RIGHTS), THEN, 'I MUST BE PROPERLY ASKED WHAT RIGHT/S DO I INTEND TO INVOKE/EXERCISE?', AND THEN, 'I AM REQUIRED TO IDENTIFY SUCH RIGHTS AS I FREELY CHOOSE'. AT NO TIME IS THE PROPERLY CONDUCTED S. 79A CAUTION PROCESS A 'PERFUNCTORY EVENT', AS IT IS A STRICTLY OBSERVED AND APPLIED PROCESS WHICH MUST BE FOLLOWED ACCORDING TO THE FUNCTION AND PURPOSE, WHICH 'THE CAUTION' WAS DESIGNED FOR BY PARLIAMENT.
10. NO MATTER WHAT MY ANSWERS WERE TO BROWN DURING SAID INTERVIEW, NOR MY ANSWERS TO THE TRIAL JUDGE IN 1993, VOIR DIRE TO EXCLUDE ENTIRE 'INTERVIEW', THERE WAS NOT AN OPEN DISCRETION OWNED BY SAID JUDGE, TO RULE 'ADMISSIBILITY' OF MY SAID STATEMENT WITH BROWN, AS 'IT' WAS AT ALL TIMES AN ILLEGALLY OBTAINED DOCUMENT WHICH THE CROWN HAD NO LEGAL RIGHT TO OBTAIN IN THE WAY THEY DID, NOR HAVE CUSTODY OF THEREAFTER, AS 'ITS' EXISTENCE WAS MALICIOUSLY MOTIVATED AND FRAUDULENTLY
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1. OBTAINED (BY DECEPTIVE MEANS THROUGH DELIBERATE ABUSIVE ACTIONS, AGAINST STANDARD GUIDELINES AND RULES FOR HONEST CONDUCT BY LEGITIMATE POLICE CONDUCT), AND ILLEGALLY PROCURED FOR AND ON BEHALF OF THE CROWN, BY CROWN EMPLOYEE DETECTIVE BROWN, PLUS, THERE COULD NEVER BE ANY 'FREE CHOICE' OF MINE TO APPRECIATE, KNOW, INVOKE/EXERCISE ANY SUCH 'CAUTION RIGHTS' WHICH WERE OBLIGATED TO BE PRESENTED TO ME IN A NON-PERFUNCTORY MANNER, AS NO 'CAUTION' PROCEDURE WAS EVER PERFORMED UPON ME BY ANY POLICE, AT ANY TIME, AFTER I WAS RECEIVED INTO THE ADELAIDE POLICE STATION ON APPROXIMATELY 15/16-7-1992. THEREFORE,
10. THERE DOES NOT EXIST ANY VOLUNTARY DECISION BY ME TO ANSWER ANY POLICE INTERROGATION QUESTIONS TO DETECTIVE BROWN, OR ANY OTHER POLICE, ON OR ABOUT 31-7-1992, WHICH IN ANY WAY PERTAIN TO THE SAID ARSON CRIME OF 10-1-1991, AND, AS QUALIFICATION OF SUCH FACT, IT IS MATERIALLY PROVEN BY THE TRIAL PROSECUTOR, IN TRANSCRIPTS OF PROCEEDINGS FOR MY 1993 ARSON TRIAL AND VOIR DIRE THEREIN 'TO EXCLUDE MY POLICE STATEMENT', THAT, THE PROSECUTOR ADMITTED AND ACCEPTED, IN DISCUSSION WITH THE COURT, THAT I WAS NOT CAUTIONED PRIOR TO BEING INTERROGATED BY BROWN, AFTER WHICH, BROWN DID INFORM ME THAT I WAS BEING 'REPORTED' FOR THE ARSON CRIME, WHICH, IN ITSELF, WAS ALSO A LIE, BECAUSE, BROWN HAD ALREADY DECIDED PRIOR TO 'SPEAKING TO ME IN PERSON ON 31-7-1992', THAT HE INTENDED TO 'CHARGE ME WITH ARSON', AS WAS ALSO ADMITTED IN TRANSCRIPT BY BROWN, WHICH MEANT THAT MY 'ARREST/CHARGING WAS IMINENT', WHICH ALONE, DUE TO THAT 'INTENTION BY POLICE', MANDATED STATUTORY OBSERVANCE AND COMPLIANCE WITH PERFORMING A PROPER 'CAUTION' UPON ME, PRIOR TO ANY INTENDED POLICE INTERVIEW (NO MATTER WHAT THE SUBJECT MATTER OF SUCH INTERVIEW). I WAS NOT ASKED BY BROWN, ON 31-7-1992, 'IF I CONSENTED TO BEING INTERVIEWED BY POLICE ON THAT DATE', NOR ^{DID} I GIVE VOLUNTARY CONSENT TO 'AGREE TO BE INTERVIEWED' OR TO 'GIVE ANSWERS TO BROWN'S QUESTIONS', AND, AS A 'PROPER CAUTION WAS NOT PERFORMED', THEN, 'ALL ANSWERS WHICH BROWN
30. OBTAINED FROM ME CANNOT EVER BE PROPERLY VOLUNTARY', AND MUST

1. THEREFORE BE EXCLUDED FROM TRIAL EVIDENCE, AS, AT THE VERY LEAST, SAID POLICE STATEMENT IS OBTAINED UNLAWFULLY BY THE CROWN AND THE CROWN MUST THEREFORE BE DENIED ITS USE WITHIN MY SAID 1993 TRIAL, WITHOUT EXCEPTION, MY 'ANSWERS' WERE, FUNDAMENTALLY, NOT VOLUNTARY.
- AS AT THE DATE OF COMMITAL HEARING FOR SAID ARSON CHARGE, APPROXIMATELY DECEMBER 1992, THE FOLLOWING EFFECTS WERE IN EXISTENCE AGAINST ME :
- THE POLICE WITNESS STATEMENT / POLICE INTERVIEW WHICH DETECTIVE BROWN OBTAINED FROM ME, APPROXIMATELY 31-7-1992, BEING AN IMPROPERLY AND UNLAWFULLY OBTAINED DOCUMENT (BY THE CROWN), FORMED PART OF THE CROWN'S DOCUMENT EVIDENCE DURING SAID COMMITAL HEARING, AND WAS THEREFORE PART OF THE CROWN'S EVIDENCE ACKNOWLEDGED AND CONSIDERED BY THE MAGISTRATE, FOR THE PURPOSE OF CAUSING THE MAGISTRATE TO RULE IN FAVOUR OF THE CROWN, AND, SUCH RULING WOULD BE TO COMMIT ME TO TRIAL ON THE CHARGE OF ARSON.
 - THE RULING (JUDICIAL DETERMINATION), TO 'COMMIT ME TO TRIAL ON THE CHARGE OF ARSON', WAS AN UNLAWFULLY OBTAINED RULING, AND WAS MADE SO BY THE IMPROPER AND UNLAWFUL ACTIONS OF DETECTIVE BROWN, CONSEQUENTIAL TO THE MANNER AND MEANS BY WHICH BROWN INTERVIEWED / INTERROGATED ME WHILST I WAS IN CUSTODY OF THE STATE, AT THE ADELAIDE REMAND CENTRE, APPROXIMATELY 31-7-1992, AND BROWN UNLAWFULLY EXTRACTED 'ANSWERS' FROM ME BY WAY OF IMPROPER AND UNFAIR POLICE CONDUCT, AND IN SO DOING VIOLATED PROPER PROCEDURE.
 - THE TAINTED RULING TO 'COMMIT ME TO TRIAL ON ARSON CHARGE', IS BORNE FROM CROWN MISCONDUCT, WHICH ACHIEVED ITS INTENDED RESULT, BEING, 'RULING IN FAVOUR OF THE CROWN TO COMMIT ME TO TRIAL ON ARSON CHARGE', ONLY BY UNLAWFULLY QUESTIONING ME AND OBTAINING ANSWERS FROM ME, WHICH THE LAW DEFINED AS INVOLUNTARILY GIVEN BY ME, THEREFORE, WITHOUT LAWFUL CONSENT.
 - ONE OF THE MAIN ACCUSATIONS OF CROWN AGAINST ME AT 1993 TRIAL, BUT

1. ALSO DURING COMMITAL HEARING, WAS THAT THE CROWN 'ACCUSED ME OF GIVING INCONSISTENT REASONS AS TO WHY I WENT TO THE TRAIN CARRIAGE ON 10-1-1991, AND THAT THEREFORE MEANT THAT MY ACCUSED INCONSISTENT REASONS WERE PROOF TOWARDS GUILT OF ARSON', ACCORDING TO CROWN PROSECUTOR. WITHIN 'THAT' LINE OF ACCUSATIONS AGAINST ME, CROWN PROSECUTOR, IN COMMITAL HEARING, RELIED ON POLICE WITNESS STATEMENT BY CAUNCE, DATED ⁷⁻⁸⁻¹⁹⁹² ~~APPROXIMATELY~~, WHEREIN CAUNCE PURPORTED AS A MATERIAL FACT "THIS ASSAULT HAD TAKEN PLACE WHEN JARRETT HAD GONE TO INVESTIGATE A FIRE INSIDE THE RAILWAY CARRIAGE", COMPARED TO, THE ANSWERS WHICH BROWN UNLAWFULLY OBTAINED FROM ME ON 31-7-1992, IN FORMAL INTERVIEW/INTERROGATION, MY DESCRIBED REASON FOR GOING TO TRAIN CARRIAGE WAS 'TO INVESTIGATE LIGHT ON IN REAR CARRIAGE'. WHEN THE MAGISTRATE HAD THAT PRESENTATION/ARGUMENT BY AND FROM THE CROWN PROSECUTOR, IT MUST HAVE APPEARED SUSTAINABLE CLAIM BY THE CROWN, AND COMMITAL TO TRIAL RULING FOLLOWED, AND SAID RULING BY MAGISTRATE WAS THEREFORE RADICALLY AND FUNDAMENTALLY TAINTED AND BLEMISHED (SEE ABOVE QUOTES FROM R v. WILLIAMS JUDGMENT, PAGES 11 AND 12, IBID, AND, RE. 'RADICAL/FUNDAMENTAL' ATTACK UPON THE ESSENTIAL ELEMENTS OF A FAIR TRIAL ACCORDING TO LAW, SEE JUDGMENT OF WILDE V. THE QUEEN [1988] HCA 6; (1988) 164 CLR 365, WITH SOME HIGHLIGHTS FROM WILDE ~~AS~~, ABOVE ON PAGES 24 TO 27, IBID), NOT ONLY BY THE CROWN'S USE OF THE UNLAWFULLY ~~AND~~ OBTAINED 'INTERVIEW ANSWERS' (WHICH BROWN UNLAWFULLY OBTAINED FROM ME ON 31-7-1992), BUT ALSO, CROWN'S USE OF THE CRIMINALLY FALSE AND MISLEADING POLICE WITNESS STATEMENT OF CAUNCE WHICH WAS DATED APPROXIMATELY 7-8-1992. EVEN THOUGH MY DISCLOSED REASON FOR GOING TO THE TRAIN ON 10-1-1991 (SEE SAPOL FIRE REPORT DATED 10-1-1991, 'TO INVESTIGATE LIGHT IN TRAIN', TOLD TO CAUNCE BY ME ON 10-1-1991, WHICH CAUNCE THEN WROTE 'INTO THE FIRE REPORT DOCUMENT'), WAS THE TRUTH WHEN I SAID IT TO CAUNCE ON 10-1-1991, AND STILL THE TRUTH WHEN I REPEATED IT TO BROWN ON 31-7-1992, WHICH IS ALSO
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1. IN LINE WITH WHAT MODRA SPOKE ABOUT IN MODRA'S POLICE WITNESS STATEMENT DATED 7-8-1992 (MODRA STATEMENT "HE ADVISED THAT HE HAD SEEN A LIGHT IN THE RAILWAY CARRIAGE"), THE CROWN PRESENTED CAUNCE'S WITNESS STATEMENT RE INVESTIGATE A FIRE AS A TRUE DOCUMENT, THEREBY CLAIMING 'MY ANSWER' TO CRIMINALLY CORRUPT GOVERNMENT STATE INSTRUMENTALITY, THE SOUTH AUSTRALIAN POLICE, ACTING ON BEHALF OF THE STATE GOVERNMENT, THE CROWN, WAS NOT CONSISTENT WITH WHAT CAUNCE PURPORTED IN HIS POLICE WITNESS STATEMENT OF 7-8-1992, THEREBY ALSO CRIMINALLY ABUSING GOVERNMENT POSITION AS CROWN PROSECUTOR DURING ARSON COMMITAL HEARING, AND PRESENTING THE CRIMINALLY FALSE POLICE WITNESS STATEMENT OF CAUNCE, AS GOVERNMENT'S PROOF AGAINST ME FOR GIVING INCONSISTENT REASONS FOR GOING TO TRAIN CARRIAGE.
- THEREFORE:
 - WITHIN SAID ARSON COMMITAL HEARING, AS CROWN EVIDENCE PRESENTED BY CROWN PROSECUTOR, WITH THE INTENTION OF FORCING/CAUSING MAGISTRATE TO RULE IN FAVOUR OF THE CROWN, AND COMMIT ME TO TRIAL FOR ARSON, THE CROWN UNLAWFULLY AND ILLEGALLY CORRUPTED THE FORMAL CONSIDERATION OF SAID MAGISTRATE, BY MAKING ILLEGAL MATERIAL USE OF MY UNLAWFULLY OBTAINED INTERROGATION INTERVIEW BY BROWN (WHILE I WAS 'IN CUSTODY', AND, 'ALREADY REPRESENTED BY A LAWYER'), DATED 31-7-1992, AND, BY MAKING ILLEGAL MATERIAL USE OF CAUNCE'S POLICE WITNESS STATEMENT DATED 7-8-1992, AS 'IT' CLEARLY CONTAINED MATERIALLY FALSE DESCRIPTIONS WHICH WERE UNLAWFULLY USED TO CAUSE ME HARM AND DENY ME A FAIR

1. CRIMINAL TRIAL FOR THE CHARGE OF ARSON, AND,
- DUE TO THE IMPROPER, ILLEGAL, FALSE WEIGHT WHICH THE MAGISTRATE UNKNOWNLY PLACED UPON THE CAUNCE STATEMENT 'DESCRIPTION', RE FIRE AS 'THE ALLEGED REASON CAUNCE CLAIMED I SAID TO CAUNCE ON 10-1-1991, FOR ME GOING TO TRAIN CARRIAGE', THE MAGISTRATE THEREFORE MADE AN ILLEGALLY OBTAINED RULING WHICH ILLEGALLY BENEFITED THE CROWN, BECAUSE SAID RULING WAS TO COMMIT ME TO TRIAL FOR ARSON, AND,
 - THE INTERROGATION INTERVIEW DATED 31-7-1992, WHICH DETECTIVE
10. BROWN UNLAWFULLY OBTAINED FROM ME WHILE I ~~WAS~~ WAS FORMALLY HELD IN STATE CUSTODY, ON REMAND FOR THE CRIMINAL CHARGE OF MURDER, WAS THE ONLY INTERROGATION INTERVIEW CONDUCTED AGAINST ME BY POLICE FOR THE CHARGE OF ARSON, AND, WAS THE ONLY POLICE INTERVIEW STATEMENT I EVER MADE TO POLICE IN RELATION TO THE CHARGE OF ARSON, AND, AT THE SAME INSTANCE, WAS THE SAME INTERVIEW EVENT WHEREIN POLICE TOLD ME THAT I WAS A SUSPECT FOR SAID ARSON EVENT OF 10-1-1991, AND SO, IF I HAD NOT ANSWERED ANY QUESTIONS BY POLICE (FROM POLICE), WITHIN SAID INTERROGATION INTERVIEW OF 31-7-1992, THEN, THERE WOULD NOT EXIST ANY POLICE STATEMENT / INTERVIEW ANSWERS FROM ME, 'FOR THE CROWN TO USE AGAINST ME THE WAY THE CROWN DID', DURING SAID ARSON COMMITAL HEARING, AND TRIAL VOIR DIRE (TO EXCLUDE SAID INTERVIEW ~~AND~~ ANSWERS), AND TRIAL PROPER, WHICH WAS, 'TO ACCUSE ME OF PROVIDING INCONSISTENT REASONS FOR ME ATTENDING TRAIN CARRIAGE ON 10-1-1991, BETWEEN 'WHAT I CLAIMED IN MY POLICE INTERVIEW OF 31-7-1992 (RE 'LIGHT IN TRAIN')', AND, 'WHAT CAUNCE CLAIMED I SAID TO CAUNCE AS DESCRIBED IN CAUNCE'S POLICE WITNESS STATEMENT OF 7-8-1992 (RE 'INVESTIGATE A FIRE')', BECAUSE, AS MY INTERVIEW STATEMENT OF 31-7-1992 IS DIRECT FROM ME (NOT HEARSAY), IT IS GIVEN FIRST PERSON EVIDENCE STATUS, THEREFORE, IF MY SAID INTERVIEW
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1. ANSWERS (FROM SAID INTERVIEW DOCUMENT OF 31-7-1992), DID NOT EXIST TO START WITH, THEN, THE CROWN COULD NOT USE SUCH DOCUMENT WITHIN THE ARSON COMMITAL HEARING, ~~AND~~ AND THE MAGISTRATE COULD NOT THEN MAKE ANY USE OF SAID DOCUMENT EITHER, SO THAT, IF THE CROWN PERSISTED WITH THEIR CRIMINALLY FALSE ACCUSATION AGAINST ME, THAT I 'ALLEGEDLY GAVE CONFLICTING REASONS AS TO WHY I WENT TO TRAIN CARRIAGE ON 10-1-1991', THEN, THE CROWN WOULD HAVE TO FIND DOCUMENTS/STATEMENTS FROM 'OTHER PEOPLE' OTHER THAN CAUNCE, TO THEN COMPARE THE 'OTHER PEOPLE'S STATEMENT DESCRIPTIONS', TO 'THE STATEMENT DESCRIPTIONS OF CAUNCE SO AS TO SOMEHOW SUSTAIN CROWN'S ACCUSATION AGAINST ME OF ALLEGED CONFLICTING REASONS (FROM ME), FOR WHY I SAID I WENT TO THE TRAIN CARRIAGE ON 10-1-1991'. TWO SIGNIFICANT ISSUES ARISE IN ~~THIS~~ SUCH A CIRCUMSTANCE (IF THERE IS NO INTERVIEW ANSWERS FROM/BY ME DIRECTLY, SUCH AS SAID DOCUMENT OF 31-7-1992), FIRSTLY, 'I NEVER PROVIDED ANY OTHER REASON FOR GOING TO TRAIN CARRIAGE, TO ANYONE, OTHER THAN THE TRUTH WHICH WAS TO INVESTIGATE LIGHT IN REAR CARRIAGE (AS QUALIFIED BY FIRE REPORT 10-1-1991, MODRA STATEMENT OF 7-8-1992, STORE MANAGER'S STATEMENT DATED WEEKS AFTER 10-1-1991)', AND, SECONDLY, 'ANY OTHER PERSON WOULD BE JUDICIALLY REGARDED AS HEARSAY, WHICH IS NOT ADMISSIBLE AGAINST ME IN THIS CIRCUMSTANCE'. ALSO, IT WOULD CAUSE MORE ATTENTION TO BE PLACED ONTO CAUNCE'S STATEMENT OF 7-8-1992, AND 'ITS CONTENTS', IF THE CROWN WERE UNABLE TO DECEPTIVELY MANIPULATE THE MAGISTRATE DURING THE COMMITAL HEARING (AS THE CROWN DID ACTUALLY DO, WITH THEIR MALICIOUS USE OF MY SAID INTERVIEW STATEMENT OF 31-7-1992), AND, THE ADDITIONAL ATTENTION MIGHT THEN DRAW LIGHT UPON CAUNCE'S CRIMINALLY FALSE POLICE WITNESS STATEMENT OF 7-8-1992, DUE TO (THEREIN), "TO INVESTIGATE A FIRE", COMPARED TO,
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1. CAUNCE'S TRUE AND ACCURATE 'DESCRIPTION' ON THE SAPOL FIRE REPORT OF 10-1-1991, DUE TO (THEREIN), "CLEANER WHO STATED THAT HE OBSERVED A LIGHT IN THE TRAIN CARRIAGE AND UPON INVESTIGATION WAS CONFRONTED". SUCH INCONSISTENCIES WITHIN CAUNCE'S OWN 'MATERIAL DESCRIPTIONS', STRONGLY SUPPORTS (WHEN THERE IS A DIRECT COMPARING OF 'CAUNCE'S MATERIAL DESCRIPTION IN SAPOL FIRE REPORT (PURPORTING I SAID 'LIGHT IN TRAIN CARRIAGE FOR WHY I WENT TO TRAIN CARRIAGE')', TO, 'CAUNCE'S MATERIAL DESCRIPTION IN CAUNCE'S POLICE WITNESS STATEMENT DATED 7-8-1992 (PURPORTING I SAID 'GOING TO INVESTIGATE A FIRE FOR WHY I WENT TO TRAIN CARRIAGE')'), THE FACT IN TRUTH AND ACCURACY, THAT, 'BY CAUNCE'S OWN HAND AND OWN MOUTH (TO WRITE AND TO SPEAK), CAUNCE HAD ALREADY PRODUCED AND THEREAFTER PRESENTED TWO DISTINCT AND COMPLETELY DIFFERENT VERSIONS OF ALLEGED CONDUCT WHICH CAUNCE CLAIMED I SAID TO HIM ON 10-1-1991, AS CAUNCE'S POLICE EVIDENCE AGAINST ME (REFER ABOVE ON PAGE 100, IBID, WHOLE PAGE, IN PARTICULAR THE MENTIONS OF "VERSION A." AND "VERSION B.")', AS AT THE FIRST DATE OF SAID ARSON COMMITTAL ~~HEARING~~ HEARING IN THE MAGISTRATES COURT, AND SO, CAUNCE WAS THEREFORE ALREADY A CORRUPTED AND TAINTED SIGNIFICANT CROWN WITNESS. IF MY SAID INTERROGATION/INTERVIEW OF 31-7-1992, WITH DETECTIVE BROWN, WAS NOT PART OF STATE'S EVIDENCE AS AT DATE OF THE ARSON COMMITTAL HEARING, THEN IT IS POSSIBLE THAT CAUNCE MAY HAVE BEEN CHALLENGED, IN TESTIMONY, DURING COMMITTAL HEARING, FOR PRODUCING FALSE POLICE WITNESS STATEMENT OF 7-8-1992, ESPECIALLY ALSO, BECAUSE, MODRA'S AND CAUNCE'S STATEMENTS OF 7-8-1992, BOTH PROVIDING MATERIAL DESCRIPTIONS OF WHAT I ALLEGEDLY SAID TO CAUNCE ON 10-1-1991 AS MY REASON FOR GOING TO THE TRAIN, BUT, BOTH STATEMENTS, MODRA'S AND CAUNCE'S SIGNIFICANTLY CONFLICT ON THAT SPECIFIC ~~DETAIL~~ DETAIL. MODRA'S DESCRIPTION IN MODRA'S STATEMENT DOES MARRY TO SAPOL FIRE REPORT OF 10-1-1991, WHICH ALSO, IS SOURCED FROM CAUNCE TO KITO TO
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1. MODRA ON 10-1-1991, BUT, CAUNCE'S DESCRIPTION IN CAUNCE'S STATEMENT (DATED 7-8-1992), DOES NOT MARRY TO ANY OTHER PRIOR POLICE RECORD BY CAUNCE, BY KITTO, BY MODRA, THEREBY STANDING AS QUALIFIED PROOF THAT CAUNCE'S POLICE WITNESS STATEMENT OF 7-8-1992 HAS NO PRIOR DOCUMENT EVIDENCE BY SAPOL, THAT IT WAS EVER A TRUE OR ACCURATE ACCOUNT OF DESCRIPTION OF CONVERSATION BETWEEN ME AND CAUNCE ON 10-1-1991, REGARDING 'WHAT REASON I SAID TO CAUNCE ON 10-1-1991 FOR ME ATTENDING TRAM CARRIAGE', BECAUSE, CAUNCE LIED IN HIS SAID STATEMENT OF 7-8-1992, AND THE CROWN PRESENTED CAUNCE'S STATEMENT AS 'A TRUE AND ACCURATE DOCUMENT, WHICH IS A PROSECUTION LIE INTENDED TO DECEIVE THE MAGISTRATE'S COURT FOR THE SAID COMMITTAL HEARING, AND, WAS STILL A PROSECUTION LIE INTENDED TO DECEIVE MY PENDING CRIMINAL TRIAL FOR ARSON, AFTER STATE ILLEGALLY PRESENTED CAUNCE'S STATEMENT OF 7-8-1992 AS A TRUE AND ACCURATE ACCOUNT OF KNOWN STATE'S EVIDENCE.
10. 20. THE EXISTENCE OF SAID INTERROGATION INTERVIEW STATEMENT OF 31-7-1992, 'RADICALLY AND FUNDAMENTALLY CHANGED THE CHARACTER OF THE CROWN'S PRESENTED ARGUMENT AND PRESENTED CASE, AGAINST ME, AS IT WAS THEREAFTER NO LONGER JUST EVIDENCE 'FROM DATE OF CRIME' AND 'CAUNCE'S STATEMENT DATED 7-8-1992', WHICH FORMED THE BACKBONE OF IMPROPER/FALSE STATE'S EVIDENCE (WHICH, WHEN PROPERLY REGARDED AND TREATED AS WHAT IT ACTUALLY IS (BY THE JUDICIARY), BEING, TAINTED/BLEMISHED/UNLAWFULLY CREATED STATE'S EVIDENCE), THE UNLAWFULLY CREATED AND UNLAWFULLY USED SAID STATEMENT, WAS GIVEN (BY THE CROWN), GREAT PROSECUTORIAL WEIGHT BY WHICH THE CROWN MISDIRECTED ATTENTION AWAY FROM CAUNCE'S SAID MATERIALLY FALSE STATEMENT (DATED 7-8-1992), AND, 30. MIS-STATED THE VALUE OF MY INTERROGATION STATEMENT DATED

1. 31-7-1992, WHEREBY, THE CROWN CLAIMED THAT 'MY ANSWER IN MY SAID STATEMENT OF 31-7-1992, RE GOING TO THE TRAIN DUE TO 'INVESTIGATING A LIGHT IN REAR CARRIAGE', WAS SO DIFFERENT FROM WHAT CAUNCE CLAIMED THAT I ALLEGEDLY SAID, ACCORDING TO CAUNCE IN CAUNCE'S POLICE WITNESS STATEMENT DATED 7-8-1992, WHICH, ACCORDING TO CAUNCE, RE GOING TO THE TRAIN DUE TO "INVESTIGATE A FIRE INSIDE THE RAILWAY CARRIAGE", AND SAID DIFFERENCE WAS CROWN'S SIGNIFICANT PROOF TOWARDS GUILT OF ARSON (THE CHARGE AGAINST ME), SO THE MAGISTRATE'S RULING TO COMMIT ME TO TRIAL (COMMITAL HEARING IN MAGISTRATE'S COURTS, ADELAIDE), WAS FUNDAMENTALLY CORRUPTED AND CONTAMINATED AND TAINTED BY CROWN'S ASSERTION THAT 'MY SAID ANSWER RE 'LIGHT IN TRAIN CARRIAGE', WAS UNSUPPORTED BY CROWN DOCUMENTATION OF 10-1-1991, THAT MY SAID STATEMENT OF 31-7-1992 WAS AN IMPORTANT DOCUMENT FOR THE CROWN TO PROVE I AM A LIAR, AS IT WAS DIRECT WORDING FROM ME, SAYING, 'LIGHT IN TRAIN',

10. HOWEVER

20. THE TRUTH IS, CROWN LIED TO THE COMMITAL HEARING MAGISTRATE, BECAUSE, MY ANSWER IN MY STATEMENT DATED '31-7-1992', IS THE SAME ANSWER I SAID TO CAUNCE ON 10-1-1991 WHICH CAUNCE ~~WROTE~~ WROTE INTO FIRE

REPORT — LIGHT IN TRAIN,

PLUS — CAUNCE TOLD KITTO WHO

THEN TOLD MODRA ON 10-1-1991, RE 'LIGHT IN TRAIN'

SO IN FACT, MY STATEMENT ANSWER IN MY ILLEGALLY OBTAINED (BY GOVERNMENT EMPLOYEES — POLICE), INTERROGATION INTERVIEW STATEMENT OF 31-7-1992, WAS MY CONSISTENT ANSWER ON 31-7-1992, WITH MY ANSWER ON 10-1-1991, AND SO MY SAID STATEMENT OF 31-7-1992 IS NOT, AND WAS NEVER A BENEFIT TO ~~PROSECUTOR~~ CROWN EVIDENCE AGAINST ME, AS IT CLEARLY SUPPORTS CONSISTENCY FROM ME, WHICH ALSO MEANS THAT CROWN PROSECUTOR ILLEGALLY PLACED A FALSE

PROSECUTORIAL WEIGHT UPON MY SAID STATEMENT OF 31-7-1992, BY CLAIMING MY INTERROGATION 'ANSWER' ('LIGHT IN TRAIN CARRIAGE'), WAS NOT ONLY 'EVIDENCE OF PRIOR INCONSISTENT ANSWERS/REASONS FROM ME RE WHY I SAY WAS THE PURPOSE FOR ME ATTENDING TRAIN CARRIAGE', BUT ALSO, 'CROWN'S EVIDENCE OF A MATERIAL LIE FROM ME DIRECTLY (COMPARED TO CAUNCE'S VERSION RE 'INVESTIGATE A FIRE')'. MY ANSWER OF 31-7-1992 TO CORRUPT DETECTIVE BROWN, WAS IN FACT A TRUE AND ACCURATE REPRESENTATION OF WHAT I SAID TO CAUNCE ON 10-1-1991 RE 'LIGHT IN TRAIN' (SEE ~~BAPOL~~ SAPOL FIRE REPORT OF 10-1-1991 // SEE MODRA POLICE STATEMENT OF 7-8-1992), SO, CLEARLY, IT COULD NEVER HAVE BEEN PROOF OF A LIE FROM ME, AS CROWN CLAIMED IT TO BE AT COMMITAL HEARING (OR AT TRIAL IN 1993),

1. PARTICULARLY AS THE CROWN'S FOUNDATION MATERIAL EVIDENCE TO WHICH THE CROWN COMPARED MY ANSWER IN MY INTERVIEW STATEMENT OF 31-7-1992 ('LIGHT IN TRAIN'), WAS, CAUNCE'S POLICE WITNESS STATEMENT OF 7-8-1992 ('FIRE IN TRAIN'), WHICH ITSELF WAS QUALIFIED DOCUMENT PROOF THAT CAUNCE WAS ALREADY PRODUCING SIGNIFICANTLY CONFLICTING MATERIAL DESCRIPTIONS OF A CONVERSATION BETWEEN ME AND CAUNCE ON 10-1-1991, WHICH ALSO MEANS THE CROWN'S FOUNDATION MATERIAL EVIDENCE (CAUNCE'S POLICE WITNESS STATEMENT DATED 7-8-1992), IS A FUNDAMENTALLY FALSE POLICE WITNESS STATEMENT, FUNDAMENTALLY FALSE POLICE INVESTIGATION DOCUMENT, FUNDAMENTALLY ~~FALSE~~ FALSE CROWN EVIDENCE DOCUMENT. THE CROWN STOLE THE TRUE EVIDENTIARY WEIGHT OF MY ANSWERS IN MY INTERROGATION STATEMENT OF 31-7-1992, CLAIMING IT AS EVIDENCE TO SUPPORT CROWN CLAIM OF 'INCONSISTENT ANSWERS FROM ME' RE 'GOING TO THE TRAIN', BUT IN TRUTH, IT WAS EVIDENCE TO CONSISTENTLY SUPPORT AND SUSTAIN WHAT I SAID TO CAUNCE ON 10-1-1991 RE 'GOING TO TRAIN'.
10. THE EVIDENTIARY WEIGHT ~~OF~~ OF MY ANSWER ON MY 31-7-1992 STATEMENT, WAS ILLEGALLY INVERTED BY THE CROWN, ~~AND~~ THEREBY STEALING THE TRUE EVIDENTIARY WEIGHT ASSOCIATED WITH MY ANSWER TO BROWN ON 31-7-1992, WHEN BROWN ILLEGALLY INTERROGATED ME WHILE I WAS A PROTECTEE PRISONER IN PROTECTIVE CUSTODY OF THE STATE, ON REMAND FOR MURDER CHARGE, WITH A REPRESENTING LAWYER.
20. THE RULING OF THE MAGISTRATE, TO 'COMMIT ME TO TRIAL FOR ARSON', COULD NEVER HAVE HAPPENED IN THE MANNER IT DID, IF MY SAID 31-7-1992 INTERROGATION INTERVIEW ~~WAS~~ EITHER DID NOT EXIST, OR, WAS RULED TO BE EXPUNGED FROM CROWN EVIDENCE IN ALL RESPECTS (IT WAS UNLAWFULLY OBTAINED AND MY RESPONSES/ANSWERS THEREIN, WERE
- 30.

1. ILLEGALLY AND UNLAWFULLY EXTRACTED FROM ME BY CROWN EMPLOYEE POLICE DETECTIVE BROWN, WHO WAS UNLAWFULLY GIVEN ACCESS TO ME BY GOVERNMENT PRISON STAFF WHO WERE HOLDING ME IN THEIR CUSTODY ON BEHALF OF STATE GOVERNMENT, AND ALTHOUGH ADELAIDE REMAND CENTRE STAFF HAD NO KNOWLEDGE THAT DETECTIVE BROWN ILLEGALLY AND UNLAWFULLY ENTERED SAID FACILITY TO UNLAWFULLY AND ILLEGALLY INTERROGATE ME FOR ARSON CHARGE, THE FACT IS THAT BROWN ILLEGALLY USED HIS JOB POSITION, A POLICE OFFICER, TO GAIN ENTRY THEN GAIN ACCESS (TO ME), TO ILLEGALLY DECEIVE ME BY NOT INFORMING ME OF MY ABSOLUTE RIGHTS, RE CAUTION, RE LAWYER, RE FRIEND, RE ~~BE~~ SILENT, WITH THE DELIBERATE INTENTION OF GETTING ANY RELEVANT INFORMATION FROM ME HE COULD WITHOUT COMPLY WITH HIS STATUTORY AND JUDGE'S RULES OBLIGATION TO CAUTION ME, TO PUT ME ON GUARD AS A SUSPECT FOR ARSON, THEN, AFTER STATUTE COMPLIANCE CAUTION RIGHTS,
- 10.

ASK ME IF I INTEND TO
INVOKE/EXERCISE ANY OF
MY RIGHTS WHICH BROWN
HAD JUST EXPLAINED TO ME
AND INFORMED ME OFF, EXCEPT THAT

BROWN NEVER DID ANY OF THAT, BECAUSE HIS INTENTIONS WERE PURELY ILLEGAL IN THEIR PASSAGE TO DESIRED OUTCOME, IE. CONVICTION).

- IT IS WORTH NOTING THAT BROWN DECLARED IN TESTIMONY, IN MY 1993 ARSON TRIAL (VOIR DIRE/TRIAL PROPER), THAT BROWN WAS

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GOING TO HAVE ME CHARGED WITH ARSON 'NO MATTER WHAT I ANSWERED TO DETECTIVE BROWN DURING HIS INTERROGATION OF ME ON 31-7-1992', THEREFORE, THAT WOULD SUGGEST EXISTENCE OF ALL RELEVANT EVIDENCE FOR THE STATE, PRIOR TO 9AM ON 31-7-1992, IN OTHER WORDS, IF I JUST HIGHLIGHT THE CROWN'S ACCUSATION AGAINST ME OF 'INCONSISTENT REASONS CLAIMED TO HAVE BEEN SAID BY ME, AS TO WHAT PURPOSE I GAVE FOR ME GOING TO THE TRAIN CARRIAGE (RE 'LIGHT IN TRAIN' ON FIRE REPORT OF 10-1-1991)', THERE MUST HAVE EXISTED GOVERNMENT DOCUMENT EVIDENCE TO SUPPORT AND VALIDATE SUCH ACCUSATION AGAINST ME, AS IT WAS ALSO A SIGNIFICANT FEATURE OF THE CROWN'S CLAIM IN COMMITTAL HEARING, AND EVEN MORE SO DURING TRIAL IN 1993.

10.

• AS AT 9AM ON 31-7-1992, A POINT IN TIME WHICH, BROWN CLAIMS HE ALREADY INTENDED TO CHARGE ME WITH ARSON (PRIOR TO 31-7-1992), AND WHICH ALSO MEANS THAT BROWN HAD NOT YET OBTAINED PERMISSION FROM HIS POLICE BOSS, TO CHARGE/ARREST ME, EVEN THOUGH BROWN SAID IN TESTIMONY, 'I WAS GOING TO BE CHARGED WITH ARSON IRRESPECTIVE OF WHAT I SAID TO BROWN ON 31-7-1992', THE FOLLOWING DOCUMENTS (POLICE), EXISTED WHICH DESCRIBE 'WHAT I ALLEGEDLY SAID TO SOMEONE, WAS MY PURPOSE/REASON FOR ATTENDING TRAIN CARRIAGE ON 10-1-1991':

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- SAPOL FIRE REPORT, DATED 10-1-1991, SIGNED OFF BY CAUNCE, WHO WROTE "LOCATED CLEANER WHO STATED THAT HE OBSERVED A LIGHT IN THE TRAIN CARRIAGE AND UPON INVESTIGATION WAS CONFRONTED".
- DETECTIVE MODRA CRIME INVESTIGATION NOTES, WRITTEN ON 10-1-1991, INDICATING CONSTABLE KITTO INFORMED MODRA, ON 10-1-1991, THAT "THE CLEANER (JARRET), SAID HE WENT TO TRAIN TO INVESTIGATE LIGHT ON, AND WAS ASSAULTED INSIDE TRAIN CARRIAGE", * WHICH WAS LATER REFLECTED IN MODRA'S STATEMENT, DATED 7-8-1992, "HE ADVISED THAT HE HAD SEEN A LIGHT IN THE RAILWAY CARRIAGE". *

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- MY HOSPITAL RECORD, ROYAL ADELAIDE HOSPITAL, DATED 10-1-1991, WRITTEN NOTES THEREIN BY DR ALLEN OR DR BEHRENS, "WHEN HE CAME TO FOUND ... CARRIAGE ... SET ON FIRE ... AND ... FULL OF SMOKE.", APPROXIMATELY PAGE 6 OF HOSPITAL FILE, IN SECTION DESCRIBING WHAT I ACTUALLY SAID TO HOSPITAL STAFF, WHICH ALSO INCLUDED THE PURPOSE FOR ME GOING TO THE TRAIN CARRIAGE, RE 'INVESTIGATE A LIGHT ON'?

- POLICE WITNESS STATEMENT BY D. SPARROW, DATED 23-1-1991, PAGE 3 THEREIN, "HE SAID, 'I SAW THE BACK LIGHT OF THE TRAIN ON ...'"

10.

• IT IS HIGHLY SUSPECT THAT THE KEY DOCUMENT USED AND RELIED UPON BY THE CROWN, IN COMMITTAL HEARING, WITHIN MY 1ST COURT APPEARANCE FOR ARSON CHARGE (APPROXIMATELY SEPTEMBER 1992), AND, VERY MUCH SO WITHIN TRIAL ITSELF, BEING CAUNCE'S POLICE WITNESS STATEMENT DATED 7-8-1992, STILL DID NOT EVEN EXIST UNTIL ONE WEEK AFTER MY 31-7-1992 INTERROGATION INTERVIEW WAS CREATED, WHICH ALSO MEANS THAT, THE KEY FEATURE IN CAUNCE'S STATEMENT, "THIS ASSAULT HAD TAKEN PLACE WHEN JARRETT HAD GONE TO INVESTIGATE A FIRE INSIDE THE RAILWAY CARRIAGE.", ALSO DID NOT EXIST UNTIL ONE WEEK AFTER 31-7-1992.

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• WHERE THEN, WAS THE 'SMOKING GUN EVIDENCE TO SUPPORT BROWN'S CLAIM IN TESTIMONY', REGARDING 'ACCUSED MAKING INCONSISTENT/CONFLICTING REASONS' I ALLEGEDLY SAID TO PEOPLE FOR ME GOING TO TRAIN CARRIAGE? (PRIOR TO 31-7-1992).

• WHAT IT ACTUALLY LOOKS LIKE, IS A LOAD OF CRAP WAS ILLEGALLY CREATED, AFTER BROWN ILLEGALLY EXTRACTED ANSWERS FROM ME DURING BROWN'S ILLEGAL INTERROGATION OF ME ON 31-7-1992, AND IRRESPECTIVE OF WHETHER THEY CONSPIRED, OR JUST MADE SHIT UP, THE CONSEQUENTIAL EFFECT WAS THE SAME, IE, FALSE STATEMENTS (POLICE WITNESS STATEMENTS/TRIAL TESTIMONY),

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WERE CREATED AND THEN ACTED UPON BY CROWN EMPLOYEES,
 CREATED AND THEN ILLEGALLY/UNLAWFULLY USED AND RELIED UPON
 WITHIN CRIMINAL JURISDICTION COURT PROCEEDINGS, WHICH I
 CLARIFY AS MY FIRST COURT APPEARANCE FOR ARSON CHARGE
 (MAGISTRATES COURT), COMMITAL HEARING FOR ARSON CHARGE
 (MAGISTRATES COURT), AND TRIAL FOR ARSON CHARGE (DISTRICT COURT),
AND, A SIMILAR FACT FEATURE INTRINSIC TO SUCH

10.

FALSE STATEMENTS (PHYSICAL DOCUMENTS, TRIAL TESTIMONY),
IS THE PURPORTMENT THAT 'I SAID TO CAUNCE', AND
THAT 'I SAID TO DR ALLEN' (BOTH CONVERSATIONS ALLEGED TO HAVE
 HAPPENED ON 10-1-1991, BUT SUCH PURPORTMENTS DID NOT EVEN EXIST
 FROM CAUNCE AND DR ALLEN UNTIL AT LEAST ONE WEEK AFTER

20.

31-7-1992, IRONICALLY, THE DATE BROWN ILLEGALLY AND
 UNLAWFULLY INTERROGATED ME WHILE I WAS IN CUSTODY AT THE
 ADELAIDE REMAND CENTRE), THAT 'I FIRST NOTICED FIRE/SMOKE
 INSIDE THE RAILWAY CARRIAGE AND THEN RAN TO THE TRAIN AND
 THEN ENTERED THE TRAIN WHICH WAS ALREADY ON FIRE
 AND BELLOWING ACRID BLACK SMOKE, AND THEN AFTER
 ENTERING FIRE-SMOKE TRAIN I WENT TO THE
 MIDDLE DOOR INSIDE TRAIN (10-12 METRES), OPENED
 DOOR, NOTICED PERSON INSIDE BACK HALF OF
 FIRE-SMOKE TRAIN, THEN I TURNED TO TRY TO
 GO BACK THE WAY I ENTERED TRAIN, BUT WAS
 STRUCK ON MY HEAD FROM BEHIND ME, BY A
 PERSON WHO MUST HAVE ENTERED THE BURNING-SMOKEY
 TRAIN BEHIND ME, THEN, AFTER I REGAINED
 CONSCIOUSNESS, I NOTICED TRAIN STILL ON FIRE AND
 ACRID SMOKEY, I EXITED TRAIN THEN WENT TO PHONE
 '000'?. THE STATEMENTS FROM CAUNCE INCLUDED CAUNCE'S

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WITNESS STATEMENT DATED 7-8-1992 AND CAUNCE'S TRIAL TESTIMONY,

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WHEREIN CAUNCE MAKES 'FIRE IN TRAIN REFERENCE' (REFER ALSO TO ABOVE DESCRIPTIONS RE 'FIRE IN TRAIN', ON PAGES 80, 81, 100, IBID). THE STATEMENT FROM DR ALLEN, WHEREIN ALLEN MAKES CLAIM RE 'FIRE IN TRAIN REFERENCE', AS MY REASON FOR GOING TO THE TRAIN, WAS NOT WITHIN HOSPITAL RECORDS, WAS NOT WITHIN ALLEN'S POLICE WITNESS STATEMENT DATED 6-8-1992, IT IN FACT WAS MENTIONED FOR THE FIRST TIME [AS A 1ST TIME DISCLOSURE/CLAIM], WITHIN THE 1993 TRIAL TESTIMONY OF DR ALLEN, WHEN ALLEN STARTED MAKING HIS FALSE CLAIM ABOUT ME ALLEGEDLY SAYING TO HIM ON 10-1-1991, THAT 'I SAID ABOUT "SEEING SMOKE... CHECK CLOCK... WENT TO SMOKE... THEN ASSAULTED... THEN REGAIN CONSCIOUSNESS... SEEING CLOCK AND RINGING 000"'. IT IS CONVENIENT THAT ALLEN ALSO SAYS IN TESTIMONY THAT HE 'DID NOT "RECORD THIS CONVERSATION"', HOWEVER, IT IS IN FACT IMPOSSIBLE TO "RECORD" A CONVERSATION (AS ALLEGED BY ALLEN IN HIS TRIAL TESTIMONY), THAT NEVER ACTUALLY HAPPENED, BUT, THERE IS EVIDENCE OF WHAT I SAID TO HOSPITAL DOCTORS, WITHIN THE HOSPITAL FILE, APPROXIMATELY PAGE 6 OF HOSPITAL FILE. THE ONLY REFERENCE TO "FIRE" OR "SMOKE" OR EVEN THE ORDER OF EVENTS, WITH SAID HOSPITAL FILE, INCLUDES "WHEN HE CAME TO FOUND... CARRIAGE... SET ON FIRE... AND... FULL OF SMOKE.". CURIOUSLY, ALSO, THERE IS NO MENTION IN ALLEN'S STATEMENT OF 6-8-1992 OF ANY 'CLOCK', 'SMOKE', OR 'FIRE', AND SO ALLEN'S CLAIM IN TRIAL TESTIMONY RE 'CLOCK, FIRE, SMOKE, BEING ALL SEEN BY ME BEFORE I GO TO TRAIN CARRIAGE', IS UNSUPPORTED BY ANY PRIOR MEDICAL FILE NOTES OR EVEN ALLEN'S OWN POLICE STATEMENTS, AND SO, IT IS IMPROPER FOR THE CROWN TO BRING NEW, HIGHLY INFLAMMATORY, UNSUBSTANTIATED ALLEGATIONS/PURPORTMENTS TO THE 1993 TRIAL AGAINST ME, IMPROPERLY MANIPULATE AND DECEIVE MY TRIAL JURY, BY PRESENTING A LIE AS IF IT WERE ACTUALLY THE TRUTH (BY ALLEN), CONTEMPTUOUSLY USE ALLEN'S

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POSITION, AS A GOVERNMENT HOSPITAL DOCTOR, TO LIE TO MY JURY, WHICH IS EXACTLY WHAT ALLEN DID DO, WHEN HE CLAIMED, IN TRIAL TESTIMONY, AND WITH NO PRIOR WARNING TO MY NEGLIGENT TRIAL LAWYER, BARNETT, THAT ALLEN WAS ABOUT TO LIE TO MY JURY, ON BEHALF OF THE CROWN, WHEN ALLEN, STARTED PREACHING THE SAME LIE THAT CAUNCE

10.

FIRST STARTED CLAIMING IN CAUNCE'S POLICE STATEMENT DATED 7-8-1992, BEING, THAT I ALLEGEDLY SAID 'I NOTICED FIRE AND/OR SMOKE IN TRAIN AND THEN WENT TO THE TRAIN WHICH WAS THEREFORE ALREADY ON FIRE/SMOKING'.

- AFTER 31-7-1992 INTERROGATION INTERVIEW OF ME BY DETECTIVE BROWN, WHILE I WAS IN POLICE CUSTODY (CHARGE OF MURDER AS OF 16-7-1992), IN STATE'S CUSTODY (REMANDED INTO CUSTODY BY MAGISTRATE'S COURT, ON MURDER CHARGE), IN STATE CORRECTIONAL SERVICES CUSTODY (ADELAIDE REMAND CENTRE), IN POLICE OFFICER BROWN'S DIRECT CUSTODY DURING INTERROGATION INTERVIEW ON THIS DATE (NO CAUTION RIGHTS GIVEN, NO CAUTION RIGHTS INVOKED/EXERCISED AS NO KNOWLEDGE OF MY WARNING RIGHTS WERE EVER PRESENTED TO ME THAT DAY, THEREFORE ALSO, BROWN'S CRIMINAL DISREGARD FOR HIS OWN STATUTORY OBLIGATION TO COMPLY WITH CAUTIONING ME, TREATING SUCH JUDGE'S RULES AND s 79A SUMMARY OFFENCES ACT OBLIGATION AS PERFUNCTORY, AND, EFFECTIVELY CHANGING BROWN'S IMMEDIATE STATUS FROM 'A POLICE OFFICER ACTING LAWFULLY', WHICH HE WAS OBLIGATED TO COMPLY WITH, INTO 'THAT OF A CIVILIAN ILLEGALLY INTERROGATING

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ME IN THE ADELAIDE REMAND CENTRE WHILE I WAS IN STATE CUSTODY'),

THE FOLLOWING DOCUMENTS (POLICE), WERE NEWLY CREATED, WHICH DESCRIBE 'WHAT I ALLEGEDLY SAID TO SOMEONE, WAS MY PURPOSE/REASON FOR ATTENDING THE TRAIN CARRIAGE ON 10-1-1991':

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- POLICE WITNESS STATEMENT BY POLICE OFFICER R. CAUNCE, DATED 7-8-1992, THEREIN STATED "THIS ASSAULT HAD TAKEN PLACE WHEN JARRET HAD GONE TO INVESTIGATE A FIRE INSIDE THE RAILWAY CARRIAGE" (WHICH CONFLICTS WITH MODRA STATEMENT OF SAME DATE, 7-8-1992, AND SAPOL FIRE REPORT OF 10-1-1991).

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- POLICE WITNESS STATEMENT BY POLICE OFFICER K. MODRA, DATED 7-8-1992, THEREIN STATED "HE ADVISED THAT HE HAD SEEN A LIGHT IN THE RAILWAY CARRIAGE", AND THAT "WAS ASSAULTED AFTER GOING INTO TRAIN TO INVESTIGATE THE LIGHT IN REAR CARRIAGE" (WHICH IS CONSISTENT WITH SAPOL FIRE REPORT OF 10-1-1991, AND DETECTIVE MODRA'S CRIME INVESTIGATION NOTES OF 10-1-1991, THEREFORE, MODRA'S STATEMENT 7-8-1992 REFERENCE TO 'LIGHT ON IN TRAIN', IS A REFLECTION OF MATERIAL DETAILS PRESENTED TO MODRA ON 10-1-1991), BUT, CURIOUSLY, THE MODRA REFERENCE ON 7-8-1992, OF 'CLEANER INVESTIGATING LIGHT IN TRAIN', SIGNIFICANTLY CONFLICTS WITH THE CAUNCE REFERENCE ON 7-8-1992, OF 'CLEANER INVESTIGATING FIRE IN TRAIN'.

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• IT WOULD APPEAR THAT MY FIRST COURT APPEARANCE FOR THIS SAID ARSON CHARGE, WAS ON (OR SHORTLY PRIOR TO), 18 SEPTEMBER 1992, THEREFORE, THE MATERIALLY FALSE CROWN ACCUSATION AGAINST ME, OF 'ME GIVING CONFLICTING REASONS FOR GOING TO TRAIN CARRIAGE ON 10-1-1991', WAS [REDACTED]

1. ALREADY CRIMINALLY DECEIVING THE CRIMINAL JURISDICTION COURTS, WITH THE USE OF CAUNCE'S POLICE WITNESS STATEMENT DATED 7-8-1992 AND ITS THEREIN PURPORTMENT, THAT I ALLEGEDLY SAID TO CAUNCE ON 10-1-1991, THAT I WAS ASSAULTED IN THE TRAIN WHEN I "HAD GONE TO INVESTIGATE A FIRE INSIDE THE RAILWAY CARRIAGE", THEREFORE, IT IS ALSO A MATERIAL FACT THAT THE FIRST MAGISTRATE'S RULING TO ACCEPT THE CROWN'S CHARGING OF ME WITH THE CHARGE OF ARSON, WAS FUNDAMENTALLY CORRUPTED/TAINTED/BLEMISHED, AS A DIRECT CONSEQUENCE OF THE CROWN'S PRESENTMENT OF CAUNCE'S 7-8-1992 POLICE STATEMENT CLAIM, RE 'INVESTIGATE A FIRE', AND BECAUSE OF THE CROWN'S SIGNIFICANT PROSECUTION WEIGHT WHICH THEY ATTACHED TO CAUNCE'S POLICE STATEMENT ALLEGATION, RE 'TO INVESTIGATE A FIRE', MEANT THAT THE MAGISTRATE'S COURT MADE JUDICIAL RULINGS (RELATING TO THE ARSON CHARGE), TO THE BENEFIT OF THE CROWN, BASED ON STATE'S DOCUMENTS EVIDENCE (IN PARTICULAR CAUNCE'S POLICE WITNESS STATEMENT DATED 7-8-1992), WHICH ARE FALSE DOCUMENTS 'WHICH THE CROWN ATTACHES KEY PROSECUTION WEIGHT TO', SO THAT, IF, AT SAID FIRST MAGISTRATE'S APPEARANCE, 'THE FALSE AND DECEPTIVE EVIDENCE WITHIN CAUNCE'S SAID STATEMENT DATED 7-8-1992, HAD BEEN HIGHLIGHTED TO THE MAGISTRATE', THE CROWN'S PROSECUTION WEIGHT, AND, CROWN'S CENTRAL PILLAR ACCUSATION AGAINST ME RE 'GOING TO TRAIN TO INVESTIGATE A FIRE', AND, 'ME ALLEGEDLY PROVIDING CONFLICTING REASONS FOR ME GOING TO THE TRAIN CARRIAGE', COULD NOT HAVE BEEN ACCEPTED BY SAID MAGISTRATE (AS THEY WERE, IN 1992', AS THE COURT WOULD HAVE BEEN REQUIRED TO RULE ON THE ACCURACY OF CLAIM WITHIN CAUNCE'S SAID STATEMENT, COMPARING 'INVESTIGATE A FIRE', TO, 'INVESTIGATE A LIGHT', AS CAUNCE STATED IN THE
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1. SAPOL FIRE REPORT OF 10-1-1991). It was never, by any rule of law, a burden upon me (the accused, or my representing lawyer), to prove at any time (from moment I was first taxed with the Crown's accusation of guilt towards said arson charge, which was 31-7-1992, when Brown illegally extracted answers from me during Brown's illegal formal interrogation of me at Adelaide Remand Centre), that any state's evidence documents which were disclosed to me (as the defendant of the charge, pursuant to rules of disclosure), were 'false documents' and/or 'false representations of actual true evidence' (effectively, official misrepresentations of actual material facts), **BECAUSE**, it has always been the legal obligation upon the Crown, to honestly present and represent accurate and true Crown evidence against me, during every judicial process, ~~■~~ from Police's first internal request to report/arrest/charge me with 'arson', right up to the 1993 criminal trial for said charge, and the trial also (refer R. v. Drummond (No. 2) [2015] SASCFC 82, therein at paragraph 174, as quoted above on page 11, *ibid*), so that⁶ no act, action or creation by state, founded upon fraud, error or impropriety, could ever violate and/or encroach upon my legal right (absolute in compliance and observance of such fundamental legal rights too), to a fair trial according to law (refer Jago v. District Court of NSW (1989) 168 CLR 23, see above reference from R v. Williams [2016] SASC 67, therein at paragraph 93, quoted above on pages 11 and 12, *ibid*).
10. By the Crown using, relying upon (within judicial presentation of 'Crown's evidence/Crown's prosecution case' against me), the materially false purportments within Caunce's police statement dated 7-8-1992, during court proceedings leading up to said 1993 arson trial (especially the Magistrate's court
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COMMITTAL HEARING WHEREIN THE CROWN ILLEGALLY RECEIVED A JUDICIAL RULING BENEFIT ('TO COMMIT ME TO TRIAL FOR ARSON'), DUE TO THE MAGISTRATE'S ILLEGALLY MANIPULATED BELIEF IN THE CROWN'S CLAIMED FACTUALITY/TRUTH WITH CAUNCE'S SAID STATEMENT DATED 7-8-1992), THE CROWN UNLAWFULLY DESTROYED THE FUNDAMENTAL CHARACTERISTIC, AND, ESSENTIAL ELEMENT/REQUIREMENT OF MY ARSON TRIAL, BEFORE MY 1993 ARSON TRIAL EVEN STARTED, BEING, A 'FAIR TRIAL ACCORDING TO LAW', AND, AN 'HONEST PRESENTATION OF STATE'S PROSECUTION CASE AGAINST ME', AND BY SUCH ACTIONS, MY SAID 1993 ARSON TRIAL COULD NEVER BE JUDICIALLY REGARDED AS 'A

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TRIAL ACCORDING TO LAW, LET ALONE A FAIR TRIAL', AND, 'UPON PRESENT REVIEW AND CONSIDERATIONS OF MY 1993 ARSON TRIAL, OF ITS MANNER AND ITS FORM; OF CROWN'S EVIDENCE PRESENTED IN SAID TRIAL (INCLUDING VOIR DIRE), AND OF CROWN'S EVIDENCE NOT PRESENTED IN SAID TRIAL (INCLUDING VOIR DIRE), AND OF MATTERS HIGHLIGHTED BY ME WITHIN THIS PETITION AND ITS PRIOR WRITTEN COMPLAINTS TO GOVERNOR (SINCE ORIGINAL PETITION DATED 20 APRIL 2008),

IT CANNOT BE HONESTLY SAID NOW, THAT THERE IS NO EVIDENCE TO SUPPORT MY COMPLAINT, THAT, 'MY 1993 ARSON TRIAL MISCARRIED BECAUSE IT WAS NOT A FAIR TRIAL ACCORDING TO LAW', AND THAT, 'IT APPEARS THAT SAID 1993 ARSON TRIAL

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ILLEGALLY/UNLAWFULLY RESULTED IN A GUILTY VERDICT AND A CONVICTION RECORDED FOR THE CHARGE OF ARSON FOLLOWING THE CROWN'S PRESENTATION AND RELIANCE UPON PROSECUTION EVIDENCE THAT WAS MATERIALLY FALSE', AND, 'PRESENTATION OF CASE FOR THE CROWN/CASE FOR THE PROSECUTION THAT CANNOT BE SUPPORTED OR SUSTAINED WITHOUT THE TRIAL USE AND JURY'S CONSIDERATION AND ILLEGAL BELIEF IN SUCH FALSE STATE'S EVIDENCE, ILLEGALLY OBTAINED STATE'S EVIDENCE' (REFER WILDE V. THE QUEEN [1988] HCA 6;

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