

1. (1988) 164 CLR 365, AS QUOTED ABOVE ON PAGES 20 AND 21, *IBID*, AND, AS REFERENCED AND AS QUOTED ABOVE ON PAGES 24, 25, 26 AND 27, *IBID*), AND, MISREPRESENTED STATE'S EVIDENCE (WHEREBY THE CROWN EVIDENCE PRESENTED TO RELATED COURT PROCEEDINGS, INCLUDING FIRST COURT APPEARANCE FOR ARSON CHARGE, COMMITTAL HEARING AND COURT OF TRIAL, INCLUDED DOCUMENT EVIDENCE OF THE CROWN WHICH MATERIALLY MISREPRESENTED ALREADY EXISTING MATERIAL EVIDENCE OF THE CROWN, IN THEIR PROSECUTION AGAINST ME FOR SAID ARSON CHARGE)?
10. A 'CRIMINAL JURISDICTION TRIAL', SUCH AS MY SAID '1993 ARSON TRIAL', CAN ONLY BE A 'PROPER TRIAL' IF 'THE EVENT ITSELF' (THE 'TRIAL'), INCLUDES 'INTRINSIC HAPPENINGS', THAT WITHOUT SUCH 'HAPPENINGS', THE EVENT ITSELF CANNOT EVER BE JUDICIALLY RECOGNISED (EITHER AT THE TIME OF, OR, AT A LATER TIME SUCH AS BY AN APPEAL COURT), AS A PROPER TRIAL. SOME OF SUCH EASILY IDENTIFIABLE 'INTRINSIC HAPPENINGS' INCLUDE 'HAVING A TRIAL PROSECUTOR', 'HAVING A TRIAL MAGISTRATE/JUDGE', 'HAVING A PERSON RECORDING THE SPECIFIC WORDS SPOKEN (STENOGRAPHER)'. SOME OTHER 'INTRINSIC HAPPENINGS', WHICH ARE NOT SO EASILY IDENTIFIED BUT ARE STILL ABSOLUTE AND ESSENTIAL ELEMENTS/COMPONENTS OF A PROPER TRIAL, INCLUDE, 'FULL DISCLOSURE OF STATE'S/CROWN'S EVIDENCE (RELATED TO/RELEVANT TO)', PRIOR TO THE TRIAL, 'FAIR OPPORTUNITY OPEN/AVAILABLE TO DEFENDANT TO PREPARE AND PRESENT THEIR DEFENCE TO THE CHARGE AGAINST THEM', 'HONEST PRESENTATION OF CROWN EVIDENCE DURING ALL COURT PROCEEDINGS AGAINST RESPECTIVE DEFENDANT' (IN OTHER WORDS, NO MISREPRESENTATIONS OF KNOWN STATE'S EVIDENCE (PRIME EXAMPLE, IS, RE MY ARSON CHARGE, THE SAPOL FIRE REPORT SIGNED OFF AND DATED BY CAUNCE ON 10-1-1991, WHEREIN SAID REPORT STIPULATED THAT I TOLD SAPOL [CAUNCE HIMSELF], ON 10-1-1991, THAT I WENT 'TO TRAIN CARRIAGE TO INVESTIGATE A LIGHT ON IN REAR CARRIAGE AND AFTER ENTERING TRAIN I WAS ASSAULTED FROM BEHIND ME', BUT, AT A LATER DATE, CAUNCE WAS PURPORTING TO DESCRIBE, IN CAUNCE'S POLICE WITNESS STATEMENT DATED 7-8-1992, WHAT I ALLEGEDLY SAID TO CAUNCE ON 10-1-1991, AS MY REASON FOR GOING TO THE TRAIN, BEING 'TO INVESTIGATE A FIRE', THEREFORE, CAUNCE'S SAID STATEMENT
- 30.

1. DATED 7-8-1992, DID NOT REPRESENT KNOWN STATE'S EVIDENCE FROM 10-1-1991 FIRE REPORT, ALSO SPECIFICALLY KNOWN BY CAUNCE OF 10-1-1991 AS CAUNCE IS THE PERSON WHO SPECIFICALLY ~~WAS~~ SUPPLIED THE MATERIAL DETAILS THAT WERE ENTERED ONTO SAID FIRE REPORT.... IN FACT, CAUNCE'S STATEMENT ITSELF, MISREPRESENTED KNOWN STATE'S EVIDENCE, AND, WHEN THE CROWN PRESENTED SAID CAUNCE'S STATEMENT TO COURT PROCEEDINGS, AND THEN RELIED UPON SAID CAUNCE'S STATEMENT, CLAIMING SAID STATEMENT TO BE FACTUALLY ACCURATE, THE CROWN WAS MISREPRESENTING KNOWN STATE'S MATERIAL EVIDENCE FROM THE TIME AND PLACE OF SAID FIRE ON 10-1-1991)), AND, 'IF A 'CRIMINAL TRIAL',
10. SUCH AS MY '1993 ARSON TRIAL', DOES NOT MEET PREREQUISITE CRITERIA UP TO THE CLOSING POINT OF 'EVIDENCE' PHASE AND 'SUMMARY' PHASE, OF SAID 'TRIAL', BASICALLY, IT IS THE SPECIFIC POINT AT WHICH THE JURY ARE ~~BEING~~ DIRECTED TO 'GO INTO DELIBERATION', THEN, 'A PURPORTED PROPER CRIMINAL TRIAL, CANNOT BE ACCEPTED OR RECOGNISED AS A PROPER TRIAL, UNLESS THE ESSENTIAL ELEMENTS OF A PROPER TRIAL ACCORDING TO LAW, HAVE EXISTED AND BEEN FULLY APPLICABLE AND HAVE BEEN FULLY OBSERVED AT ALL TIMES DURING SUCH PURPORTED TRIAL', AND, 'FAILING COMPLIANCE WITH SUCH STRICT FORM AND MANNER CRITERIA FOR A 'PROPER TRIAL', THEN, THE PURPORTED TRIAL CANNOT BE A TRIAL AT ALL, IT IS A FARCE', BECAUSE, 'A PROPER CRIMINAL
20. JURISDICTION ~~WAS~~ TRIAL CAN ONLY BE, IF, THE FORM, MANNER AND CHARACTER OF IT HAS COMPLIANTLY OBSERVED ALL CONDITIONS THAT MUST EXIST IN A PROPER TRIAL ACCORDING TO LAW, AND, IF SUCH MANDATORY OBSERVANCE DOES NOT EXIST DURING RESPECTIVE 'TRIAL', THEN, 'A PROPER TRIAL' HAS NOT BEEN CONDUCTED'. THERE IS NO 'GREYSCALE MEASURE' TO THE EXISTENCE OF A PROPER TRIAL, SO THAT, 'A TRIAL', IS EITHER A PROPER TRIAL, OR, IT IS NOT, AND, IF A TRIAL IS A 'PROPER TRIAL', THEN IT IS A LAWFULLY CONDUCTED TRIAL (IN ITS FORM, MANNER AND CHARACTER), BUT, IF RESPECTIVE TRIAL IS NOT A 'PROPER TRIAL', THEN IT CANNOT BE A LAWFULLY CONDUCTED TRIAL, AND IN THE CASE OF MY 1993 ARSON TRIAL, 'IT' WAS NOT A 'PROPER TRIAL' BECAUSE
30. THE JUDICIAL PROCESS OF A CRIMINAL JURISDICTION TRIAL, WAS UNLAWFULLY

1. "BLEMISHED", "FUNDAMENTALLY TAINTED", AND, "THERE HAD BEEN A SERIOUS DEPARTURE FROM THE ESSENTIAL ~~ELEMENTS~~ REQUIREMENTS OF THE LAW", AND, CONSEQUENTIALLY, THE "TRIAL" MISCARRIED TO SUCH AN EXTENT AND DUE TO THE "IRREGULARITIES", THAT UPON PRESENT REVIEW OF THE SAID "1993 ARSON TRIAL", "NO PROPER TRIAL HAD TAKEN PLACE" (SEE WILDE V. THE QUEEN [1988] HCA 6, REFER ALSO TO ABOVE QUOTING FROM WILDE, ON PAGES 24, 25, 26, 27, IBID), FOR REASONS DESCRIBED BY ME IN THIS PETITION (DOCUMENT), AND THE ORIGINAL PETITION (DATED 20 APRIL 2008).

- FURTHER TO THE ISSUE OF 'MISREPRESENTED STATES EVIDENCE', DURING THE JUDICIAL
10. PROCESSES OF THE CROWN'S PROSECUTION OF ME, FOR SAID ARSON CHARGE, 'FROM MY FIRST COURT APPEARANCE UP TO AND INCLUDING THE 1993 "TRIAL", FROM WHICH I WAS CONVICTED', IS THE CROWN'S USE (WITHIN COURT PROCEEDINGS), RELIANCE UPON (WITHIN COURT PROCEEDINGS), AND BENEFIT FROM (WITHIN COURT PROCEEDINGS, MOST SIGNIFICANTLY BEING THE 'COMMITAL HEARING' AND THE 'TRIAL OF THE CHARGE'), THE 'FORMAL INTERROGATION/INTERVIEW' DATED 31-7-1992, WHICH DETECTIVE BROWN CONDUCTED AGAINST ME WHILE IN CUSTODY OF THE STATE. THE SAID INTERVIEW STATEMENT BY ME, WAS NEVER A LAWFULLY CONDUCTED PROCESS, BY BROWN, ON BEHALF OF THE CROWN (WHO BROWN WAS REPRESENTING WHEN BROWN ILLEGALLY AND UNLAWFULLY INTERROGATED ME ON 31-7-1992), AND, NOT ONLY WAS SAID PROCESS
 20. UNLAWFULLY CONDUCTED, BUT ALSO, THE ACTUAL WORDED STATEMENT FROM ME WAS UNLAWFULLY CREATED BY THE CONDUCT AND ACTIONS OF BROWN. IF BROWN ~~WAS~~ HAD FOLLOWED CORRECT PROCEDURE, THEN, PRIOR TO INTERROGATING/INTERVIEWING ME AS A SUSPECT FOR THE CRIME OF ARSON (ON 31-7-1992, WHILE I WAS ALREADY IN CUSTODY), THEN, I WOULD HAVE ALREADY BEEN FORMALLY CAUTIONED BY BROWN, PER SUMMARY OFFENCES ACT, s. 79A "RIGHTS UPON ARREST" (I WAS REMANDED INTO CUSTODY APPROXIMATELY 16-7-1992, UNRELATED MATTER, ON CHARGE OF MURDER, SO THAT I WAS ALREADY 'AN ARRESTED PERSON IN CUSTODY'), AND PER 'JUDGES RULES' OBLIGATION UPON BROWN AS I WAS 'IN CUSTODY' AND ALL INTERVIEWS OF ME MUST ONLY LAWFULLY BE AFTER I AM PROPERLY CAUTIONED AND INFORMED OF MY RIGHTS (RELATING TO BEING INTERVIEWED),
 30. AND ALSO TO PROPERLY ASK ME IF I WISH TO EXERCISE ANY OF MY 'INTERVIEW RIGHTS'?

1. THE PROCESS ENGAGED BY BROWN (ON BEHALF OF THE STATE GOVERNMENT, WHOM HE ACTED ON BEHALF OF), WAS ILLEGAL, IN THE MANNER OF BROWN INTERROGATING ME ON 31-7-1992, AND, THE PRODUCT CREATED BY BROWN (THE INTERVIEW STATEMENT FROM ME ON 31-7-1992), WAS UNLAWFULLY CREATED, AND, ILLEGALLY CREATED BY BROWN (FOR THE BENEFIT OF HIS EMPLOYER, THE STATE GOVERNMENT OF SOUTH AUSTRALIA), FOR REASONS I HAVE DESCRIBED AND EXPLAINED ABOVE (IBID), WHICH, FUNDAMENTALLY DEFINED AND CHARACTERISED MY SAID 'POLICE INTERVIEW STATEMENT OF 31-7-1992', AS AN UNLAWFULLY AND ILLEGALLY UNDERTAKEN PROCESS BY BROWN ON 31-7-1992 (I WAS 'IN CUSTODY' AND IMPROPERLY DENIED THE PROCEDURAL DUE PROCESS
10. OF A PROPER CAUTION, PRIOR TO BEING FORMALLY QUESTIONED/INTERROGATED BY POLICE, ABOUT A CRIME WHICH POLICE REGARDED ME AS A SUSPECT FOR, AND IN FACT THE PRIME SUSPECT FOR, AND (ACCORDING TO BROWN IN HIS 1993 TESTIMONY), FOR WHICH POLICE HAD ALREADY MADE THE DECISION TO 'REPORT' ME FOR PRIOR TO BROWN EVEN ATTENDING MY LOCATION ON 31-7-1992), WHICH UNLAWFULLY AND ILLEGALLY GENERATED AN OFFICIAL DOCUMENT (MY INTERVIEW STATEMENT DATED 31-7-1992), WHICH THE CROWN ILLEGALLY AND UNLAWFULLY PRESENTED TO CHAPTER III CRIMINAL COURTS (AS PART OF THE CROWN'S PROSECUTION OF ME), UNDER FALSE CLAIM OF BEING 'PROPERLY' CREATED RECORD OF INTERVIEW OF ME, THEREBY ANCHORING 'FAKE LEGITIMACY' TO SAID DOCUMENT, FROM WHICH THE CROWN IMPROPERLY/FRAUDULENTLY RECEIVED PROSECUTORIAL BENEFIT
20. BY WAY OF COMMITMENT HEARING RULING (COMMIT TO TRIAL), THEN, WITHIN DISTRICT COURT TRIAL PROCESS (VOIR DIRE TO EXCLUDE 'RECORD OF INTERVIEW'), CROWN IMPROPERLY AND MALICIOUSLY ARGUED TO PROTECT SAID 'FAKE LEGITIMACY' AND SAID 'FRAUDULENTLY OBTAINED PROSECUTORIAL BENEFIT' SO AS TO 'FRAUDULENTLY/IMPROPERLY RECEIVE VOIR DIRE RULING OF 'ADMISSIBILITY STATUS' OF SAID 'RECORD OF INTERVIEW DATED 31-7-1992', WHICH THE CROWN DID RECEIVE FROM TRIAL JUDGE (IN VOIR DIRE), AND THEREBY COMPOUNDED THE ILLEGALITY ENVELOPING THE PROCESS OF THE STATE OBTAINING AND THE THEN PRODUCTION/CREATION OF SAID 'RECORD OF INTERVIEW' (WHICH THE CROWN PROSECUTOR THEN UNLAWFULLY/MALICIOUSLY/FRAUDULENTLY USED AND RELIED UPON IN TRIAL TO ILLEGALLY MANIPULATE TRIAL JURY TOWARDS JURY VERDICT OF GUILTY). At
30. NO TIME WAS MY SAID 'RECORD OF INTERVIEW, DATED 31-7-1992', EVER A PROPERLY

1. PRODUCED/CREATED DOCUMENT, AND YET THE CROWN FOUGHT TO 'PROTECT THEIR USE OF THE IMPROPERLY/UNLAWFULLY CREATED DOCUMENT', WHICH HAD NOTHING TO DO WITH 'THE CROWN WANTING TO USE IN TRIAL, A DOCUMENT WHICH THE CROWN PLACED LEGITIMATE PROSECUTORIAL WEIGHT TO', IT IN FACT BECAME (IN SAID VOIR DIRE HEARING ABOUT SAID 'RECORD OF INTERVIEW'), 'THE CROWN UNLAWFULLY ARGUING TO PROTECT THE ILLEGITIMACY WHICH ENVELOPED EVERY ASPECT OF SAID RECORD OF INTERVIEW', 'TO PROTECT ALL POINTS OF ILLEGALITY ASSOCIATED WITH THE CREATION AND EXISTENCE OF SAID RECORD OF INTERVIEW', 'TO MALICIOUSLY VIOLATE MY RIGHT TO A LAWFULLY CONDUCTED TRIAL BY
10. USING SAID RECORD OF INTERVIEW, TO THEN, IN TRIAL EVIDENCE AND TESTIMONY, COMPARE MY RECORD OF INTERVIEW ANSWER RE 'LIGHT IN TRAIN', TO, CAUNCE'S CRIMINALLY FALSE DECLARATION IN CAUNCE'S POLICE STATEMENT (DATED 7-8-1992), RE 'FIRE IN TRAIN CARRIAGE', AS ALLEGEDLY CONFLICTING REASONS BY ME AS TO WHY I WENT TO TRAIN CARRIAGE', WHICH, NO ~~EVER~~ LONGER MARRIES TO THE PURPOSE OF A CRIMINAL PROSECUTION FUNCTIONING TO SEEK HONESTLY OBTAINED JURY VERDICT (FOLLOWING HONESTLY AND LAWFULLY PRESENTED CASE FOR THE CROWN), IT ACTUALLY ALLIGNS TO 'OBTAINING A CONVICTION AGAINST ME NO MATTER ^{WHAT} MEANS OR METHOD ARE USED (LAWFUL CONDUCT AND RELIED UPON EVIDENCE, OR ^{IF} NEEDED, THEN, UNLAWFUL CONDUCT AND FALSE STATE'S EVIDENCE)'. THE CROWN MISREPRESENTED THE ACTUAL 'CHARACTER OF SAID RECORD OF INTERVIEW OF ME, DATED 31-7-1992', YET, THE TRIAL JUDGE, IN VOIR DIRE, EVEN AFTER CROWN PROSECUTOR ADMITTED THAT I WAS NOT CAUTIONED BY BROWN, PER PROPER PROCEDURE, SAID JUDGE GAVE THE CROWN ERRONEOUS CONSENT TO CONTINUE ARGUING TO PROTECT CROWN'S CREATION AND ON-GOING USE OF SAID RECORD OF INTERVIEW OF ME. I STATE THE JUDGE WAS ACTING WITHOUT PROPER JURISDICTION (ULTRA VIRES), WHEN JUDGE ACTED AS IF HE HELD JURISDICTIONAL DISCRETION, TO 'PERMIT MY SAID RECORD OF INTERVIEW OF 31-7-1992 TO BE PRESENTED IN TRIAL AS CROWN EVIDENCE'. THE CROWN SUFFERED OFFICIAL
20. CHALLENGE (BY ME, RE. VOIR DIRE TO EXCLUDE SAID 'RECORD OF INTERVIEW'), TO THE

1. EXISTENCE OF SAID 'RECORD OF INTERVIEW' (AS AN IMPROPERLY/UNLAWFULLY CREATED DOCUMENT), BUT ALSO, MY VOIR DIRE CHALLENGE WAS ALSO TO STOP THE CROWN'S INTENDED USE OF SAID 'RECORD OF INTERVIEW' AS CROWN'S EVIDENCE IN TRIAL, AS ITS USE OF BY THE CROWN, DURING TRIAL EVIDENCE PRESENTATION, WAS INTRINSICALLY ASSOCIATED WITH CRIMINAL MISREPRESENTATION (BY CROWN PROSECUTOR, AND, BY RESPECTIVE CROWN WITNESS TESTIMONY), OF STATE'S EVIDENCE, AND, CONSEQUENTIALLY INVOKES CHARACTERISATION OF 'THE TYPE OF TRIAL WHICH DID ACTUALLY TAKE PLACE', AS, NOT A PROPER TRIAL ACCORDING TO LAW, BUT WHICH STILL RECORDED A CONVICTION AGAINST ME, DUE TO, THE MISREPRESENTATION (BY THE CROWN), OF THE ACTUAL EVIDENTIARY WEIGHT LAWFULLY AND LEGITIMATELY PERMITTED TO BE ATTACHED TO SAID 'RECORD OF INTERVIEW, DATED 31-7-1992', WHICH, DUE TO THE CROWN'S IMPROPRIETY INTRINSIC TO THE CREATION, EXISTENCE, AND THEN CROWN'S TRIAL USE OF SAID 'RECORD OF INTERVIEW', ACTUALLY MARRIES AN EVIDENTIARY WEIGHT OF ZERO (NOTHING), TO THE SAID RECORD OF INTERVIEW, BUT WHICH THE CROWN HAD ERRONEOUSLY CONVERTED DURING SAID VOIR DIRE HEARING, TO, AN ILLEGALLY AND IMPROPERLY OBTAINED 100% CROWN EVIDENCE WEIGHT (IN OTHER WORDS, THE SAID RECORD OF INTERVIEW, WHICH, BY RULE OF LAW, SHOULD NOT HAVE EXISTED, WAS THEN FRAUDULENTLY GIVEN PROPRIETY VALUE BY MY TRIAL JUDGE, ALBEIT ERRONEOUSLY (JUDGE HAD NO LEGITIMATE JURISDICTION TO 'APPLY ANY DISCRETION TO THEN RULE ADMISSIBILITY STATUS TO SAID RECORD OF INTERVIEW DATED 31-7-1992')). THE TRIAL MISCARRIED BECAUSE CROWN FRAUDULENTLY RELIED UPON (IN TRIAL), MY RECORD OF INTERVIEW, WHICH 'IT' IMPROPERLY AND ERRONEOUSLY WAS PERMITTED TO ADMIT INTO TRIAL EVIDENCE BY TRIAL JUDGE (RE VOIR DIRE RULING).

IN SAID RULING BY TRIAL JUDGE, DURING VOIR DIRE HEARING, JUDGE SAID TO ME DIRECTLY, THAT, 'I MUST HAVE KNOWN MY RIGHTS WHEN BROWN INTERVIEWED ME, BECAUSE TWO WEEKS EARLIER I WAS ARRESTED FOR SOMETHING ELSE, AND MY RIGHTS WERE

1. STATED TO ME THEN (TWO WEEKS EARLIER), SO I MUST HAVE KNOWN WHAT MY RIGHTS WERE'. JUDGE LEE ACTED ILLEGALLY BY TELLING ME THAT 'I MUST HAVE KNOWN WHAT MY RIGHTS

WERE, AND RULING AFTER THAT, TO ILLEGALLY PERMIT THE ILLEGALLY CREATED RECORD OF INTERVIEW INTO CROWN EVIDENCE.

WHAT IS THE POINT OF JUDGES RULES ~~RE~~ PRISONER IN CUSTODY BEING QUESTIONED, IF TRIAL JUDGE LEE

10. DISREGARDS JUDGES RULES,

STATUTE OBLIGATION S 79A,

AND CASE LAW RULINGS TO EXCLUDE SUCH STATEMENTS / RECORDS OF INTERVIEW?

TRY READING AND APPLYING (WHICH SHOULD HAVE ALREADY BEEN DONE

BY JUDGE LEE, DURING SAID VOIR DIRE IN 1993 'TO EXCLUDE RECORD OF INTERVIEW',

BUT OBVIOUSLY WASN'T, AS IT APPEARS THAT JUDGE LEE WAS TRYING TO FIND EXCUSES

FOR HIM TO THEN RULE TO PERMIT CROWN TO USE 'MY ILLEGALLY OBTAINED RECORD

20. OF INTERVIEW' AS A FEATURE OF THE CROWN CASE AGAINST ME, RATHER THAT

JUDGE LEE APPLY RULE OF LAW AND EXCLUDE SAID STATEMENT DATED

31-7-1992), PER R v. LAWFORD AND VAN DE WIEL (JUDGMENT CITED ABOVE ON

PAGE 120, IBID), THEREIN:

66 PARAGRAPH 167.

... IT WAS CONTENDED THAT THE STATEMENTS, OR SOME OF THEM, WERE NOT, IN THE

RELEVANT LEGAL SENSE, VOLUNTARY. IT WAS SUBMITTED THAT... THE

STATEMENTS OUGHT, IN ANY EVENT, TO BE EXCLUDED ON THE GROUND THAT IT

WOULD BE UNFAIR... AND CONTRARY TO PUBLIC POLICY TO ADMIT THEM. CENTRAL

TO ... ARGUMENTS WAS THE ASSERTION THAT THE CONDUCT OF THE POLICE OFFICERS

30. CONCERNED WAS TAINTED WITH ILLEGALITY.

1. **PARAGRAPH 169.**

THE CLASSIC STATEMENT OF THE LAW RELATED TO NON VOLUNTARY STATEMENTS IS THAT OF DIXON J IN *McDERMOTT V. THE KING* [1948] HCA 23; (1948) 76 CLR 501 AT 511, AS MORE RECENTLY REFERRED TO IN *CLELAND V. THE QUEEN* [1982] HCA 67; (1982) 151 CLR 1.

PARAGRAPH 170.

IN THE FORMER CASE, DIXON J SAID :-

10. "AT COMMON LAW, A ... STATEMENT MADE OUT OF COURT BY AN ACCUSED PERSON MAY NOT BE ADMITTED IN EVIDENCE AGAINST HIM UPON HIS TRIAL FOR THE CRIME TO WHICH IT RELATES UNLESS IT IS SHOWN TO HAVE BEEN VOLUNTARILY MADE.

THIS MEANS SUBSTANTIALLY THAT IT HAS BEEN MADE IN THE EXERCISE OF HIS FREE CHOICE. IF HE SPEAKS BECAUSE HE IS OVERBORNE, HIS ... STATEMENT CANNOT BE RECEIVED IN EVIDENCE AND IT DOES NOT MATTER BY WHAT MEANS HE HAS BEEN OVERBORNE.

IF HIS STATEMENT IS THE RESULT OF DURESS, INTIMIDATION, PERSISTENT IMPORTUNITY, OR SUSTAINED OR UNDUE INSISTENCE OR PRESSURE, IT CANNOT BE VOLUNTARY."

PARAGRAPH 171.

20. AS WAS POINTED OUT IN THE JOINT JUDGMENT IN THE HIGH COURT IN *THE KING V. LEE AND ORS.* [1950] 25; (1950) 82 CLR 133 AT 149, THE WORD 'VOLUNTARY' DOES NOT MEAN 'VOLUNTEERED'. IT MEANS 'MADE IN THE EXERCISE OF A FREE CHOICE TO SPEAK OR BE SILENT'.

PARAGRAPH 172.

30. IN THIS REGARD IT SHOULD BE EMPHASISED THAT, AS WAS SAID BY KING CJ IN *THE QUEEN V. HALLAM AND KARGER* (1985) 42 SASR 126 AT 135, CONSIDERATION MUST RANGE SOMEWHAT BEYOND DIRECT VIOLENCE, THREATS OR INDUCEMENTS. IT IS POSSIBLE TO ENVISAGE CASES IN WHICH REMOVAL OF A FREE CHOICE MAY, IN A PRACTICAL SENSE, CLEARLY DERIVE FROM THE VERY PRESSURES STEMMING FROM THE SITUATION IN WHICH A PERSON MAY HAVE BEEN PLACED BY ACTIONS OF THE POLICE.

1. PARAGRAPH 173.

.... SUPPORT FROM ... THE COURT OF APPEAL IN *THE QUEEN V. HUDSON* (1950) 72 CR APPR 163, IN WHICH IT WAS POINTED OUT THAT THE WHITE PAPER CONTAINING AND COMMENTING ON THE JUDGES' RULES EXPRESSLY RECOGNISED THAT CONDUCT AMOUNTING TO OPPRESSION (COUPLED WITH AND AT LEAST PARTLY ARISING FROM, UNLAWFUL POLICE CONDUCT) COULD GIVE RISE TO A SITUATION IN WHICH THE COURT WOULD REJECT A STATEMENT MADE (INTER ALIA) AS NOT BEING SHOWN BY THE CROWN TO HAVE BEEN VOLUNTARY.

PARAGRAPH 174.

10. IT SHOULD BE SAID THAT, IN HUDSON'S CASE, THE COURT OF APPEAL (INTER ALIA) RE-AFFIRMED ITS PREVIOUS DICTUM IN *THE QUEEN V. HOUGHTON AND FRANCIOSY* (1979) 68 CR APPR 197 AT 206 TO THE EFFECT THAT EVIDENCE WOULD, IN ANY EVENT, OPERATE UNFAIRLY AGAINST AN ACCUSED IF IT HAD BEEN OBTAINED IN AN OPPRESSIVE MANNER BY FORCE OR AGAINST THE WISHES OF AN ACCUSED PERSON OR BY A TRICK OR, GENERALLY, BY CONDUCT OF WHICH THE CROWN OUGHT NOT TO TAKE ADVANTAGE. IT WENT ON TO MAKE THE POINT THAT, WHEN CONSIDERING WHETHER TO EXERCISE A DISCRETION TO DISALLOW [STATEMENTS]... ON THE GROUND OF UNFAIRNESS, THE JUDGE MUST POSE THE QUESTION "WHAT LED THE ACCUSED TO SAY WHAT WAS IN FACT SAID?"

20. PARAGRAPH 260.

THIS BRINGS ME TO EVENTS OF THE FOLLOWING DAY, PARTICULARLY THOSE LEADING UP TO AND RELATED TO THE ... RECORD OF INTERVIEW...

PARAGRAPH 262.

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

PARAGRAPH 263.

- WHILST I AM SURE THAT THERE WAS NOTHING DELIBERATE OR SINISTER IN THE OMISSION, IT MUST BE BORNE IN MIND 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".
- 30.

1. THIS HAS ALWAYS BEEN HELD TO BE A RULE OF FUNDAMENTAL AND CRITICAL IMPORTANCE.

PARAGRAPH 264.

... 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."

- IF THE JUDGES' RULES, ALONE, WERE SUFFICIENT TO EXCLUDE MY SAID STATEMENT/RECORD OF INTERVIEW DATED 31-7-1992, AS 'I WAS ALREADY IN CUSTODY', 'I WAS REMANDED INTO CUSTODY',
10. 'I WAS CHARGED WITH MURDER AND HAD ALREADY BEEN IN CUSTODY FOR ALMOST TWO WEEKS', 'BROWN WOULD HAVE HAD TO ASK D.C.S. WHAT CORRECTIONAL FACILITY I WAS BEING HELD IN BY THEM?', SO HOW THEN DOES DISTRICT COURT JUDGE LEE HAVE ANY DISCRETION OPEN TO HIM, IN SAID VOIR DIRE, TO THEN RULE TO DENY ME THE PROTECTION OF SAID 'JUDGES' RULES', AND, DENY ME THE PROTECTION OF SUMMARY OFFENCES ACT, RIGHTS UPON ARREST (INCORPORATING RIGHTS WHILE IN CUSTODY OF THE STATE, WHEN BEING FURTHER/LATER ^{INTERVIEWED} ~~INTERVIEWED~~ (AND/OR INTERROGATED BY POLICE), REGARDING BEING CAUTIONED (PUT ON GUARD AND PROPERLY INFORMED OF MY RIGHTS... ALL OF THEM ASSOCIATED WITH BEING QUESTIONED BY POLICE))?

20.

- I DON'T BELIEVE JUDGE LEE HAD DISCRETION OPEN TO HIM TO PERMIT HIM TO RULE TO PERMIT CROWN TO ADMIT MY SAID 31-7-1992 CRIMINALLY PRODUCED DOCUMENT — RECORD OF INTERVIEW — INTO TRIAL EVIDENCE FOR THE CROWN, NOT IF ADHERING TO JUDGES' RULES, WHICH, BY SUCH AUTHORITY, MANDATE EXCLUSION OF SAID DOCUMENT RECORD OF INTERVIEW. AND, BY MANDATE, MUST THEREFORE INVALIDATE ALL 'DISCRETION' HELD BY JUDGE LEE, FORCING JUDGE LEE TO AUTOMATICALLY EXCLUDE SAID 'RECORD OF INTERVIEW' ON TWO 'FUNDAMENTAL' POINTS OF LAW, BEING, POINT ONE, 'SAID RECORD OF INTERVIEW WAS NOT A VOLUNTARY STATEMENT FROM ME AND MUST
30. BE AUTOMATICALLY EXCLUDED ON THIS GROUND ALONE (WITHOUT PROPER CAUTION, THERE IS

1. NO FORMAL ANSWER TO POLICE OFFICER THAT I DO OR DO NOT FREELY DECIDE TO ANSWER INTERROGATION QUESTIONS FROM POLICE)', POINT TWO, 'I WAS IN CUSTODY ALREADY, THEREBY INVOKING MANDATORY COMPLIANCE WITH JUDGES' RULES TO PROPERLY CAUTION ME PRIOR TO ANY INTERVIEW BY POLICE (WHICH POLICE INTEND TO UNDERTAKE, AND WHICH MAY NEVER HAVE TAKEN PLACE AT ALL IF I WAS PROPERLY CAUTIONED AND THEN INVOKED 'RIGHT TO MY LAWYER BEING PRESENT'), AND, CONSEQUENTIAL TO 'NON-COMPLIANCE WITH JUDGES' RULES RE MANDATORY CAUTIONING OF ME AS I WAS ALREADY IN CUSTODY ON 31-7-1992', MUST RESULT IN JUDGE LEE FOLLOWING THE SAME PATH DESCRIBED IN 'PARAGRAPH 264 OF LAWFORD AND VAN DE WIEL JUDGMENT OF 1991', WHICH IS, 'TO EXCLUDE MY SAID RECORD OF INTERVIEW DATED 31-7-1992' (SEE ABOVE QUOTED TEXT FROM LAWFORD AND VAN DE WIEL, PAGES 160 AND 161, IBID, 'PARAGRAPHS 262, 263, 264. IN PARTICULAR').

- JUDGE LEE, IN SAID VOIR DIRE RULING, ERRONEOUSLY FAILED TO ACT (TO EXCLUDE THE RECORD OF INTERVIEW), ~~ACCORDING~~ IN ACCORDANCE WITH MANDATES IMPOSED UPON HIM, BY ABOVE REFERENCES FROM JUDGES' RULES AND LAWFORD AND VAN DE WIEL RULING, AND WILLIAMS AND TURNER RULING, RELATING TO 'WHAT POINT OBLIGATES POLICE TO CAUTION ME, WHAT POINT OBLIGATES POLICE TO ASK ME DIRECTLY IF I WISH TO INVOKE/EXERCISE ANY OF MY CAUTION RIGHTS, AND, WHAT POINT OBLIGATES POLICE
20. TO STOP ANY INTENDED INTERVIEW/INTERROGATION OF ME IF OTHER SPECIFIC CAUTION PROCEDURE HAS NOT YET BEEN PROPERLY PERFORMED AND PROPERLY COMPLETED', INSTEAD, 'JUDGE LEE ACTED WITHOUT COMPETENT JURISDICTIONAL AUTHORITY WHEN HE RULED IN FAVOUR OF THE CROWN AND PERMITTED SAID RECORD OF INTERVIEW INTO CROWN EVIDENCE FOR MY SAID TRIAL', WHICH THEN MADE JUDGE LEE AN 'UNWILLING ACCESSORY TO THE CRIMES OF THE STATE, VIA TRIAL PROSECUTOR, POLICE OFFICER CAUNCE, IN THEIR CRIMINAL MISUSE OF SAID RECORD OF INTERVIEW, MISREPRESENTATION OF STATE'S EVIDENCE BY USE OF SAID RECORD OF INTERVIEW, MISREPRESENTATION OF FACTUALLY ACCURATE STATE'S EVIDENCE (CAUNCE STATEMENT COMPARED TO MY RECORD OF INTERVIEW), RE 'LIGHT IN
 30. TRAIN' TO 'FIRE IN TRAIN'. TO SUGGEST THAT CROWN'S USE OF MY SAID RECORD

1. OF INTERVIEW OF 31-7-1992, DID NOT GIVE CROWN ILLEGAL ADVANTAGE AND ILLEGAL BENEFIT, AND, DID NOT ENABLE CROWN TO ILLEGALLY EFFECT A JURY'S DECISION TO CONVICT ME OF ARSON IN SAID 1993, IS A FALSE SUGGESTION, YET PREVIOUS ATTORNEY-GENERAL ADVICE TO GOVERNOR (ORIGINAL PETITION OF 2008, AND, DESCRIBED WITHIN GOVERNOR'S LETTER TO ME DATED 15-4-2011), CLAIMED THAT, IN EFFECT, NOTHING DONE BY THE STATE / THE CROWN, EITHER PRIOR TO TRIAL OR DURING TRIAL, WAS IMPROPER OR EVEN DENIED ME A FAIR TRIAL. WHAT THEN IS THE PURPOSE OF HAVING SAID JUDGES' RULES AND STATUTE OBLIGATIONS (UPON POLICE), AND CASE LAW RULINGS (LAWFORD AND VAN DE WIEL, WILLIAMS AND TURNER),
10. TO REINFORCE THE RIGHTS OF THE SUSPECT (WHEN APPREHENDED, WHEN IN CUSTODY), WHEN A JUDGE DECIDES TO DENY ME THE APPLICATION OF SAID RIGHTS AND THEN PERMIT AN ILLEGALLY PRODUCED RECORD OF INTERVIEW

- TO BE ADMITTED INTO TRIAL EVIDENCE FOR THE CROWN WHO THEN CRIMINALLY ABUSE THE TRIAL PROCESS AND ILLEGALLY MANIPULATE TRIAL JURY INTO FALSE BELIEF ABOUT CROWN'S EVIDENCE SO THE JURY THINK CROWN ~~IS~~ NOT BULLSHITTING TO THEM, AS 'PROSECUTORS AND COPS DON'T LIE' (YEAH RIGHT!!!), AFTER WHICH JURY DETERMINE I AM GUILTY ~~OF~~ OF ARSON...?
20. THEM, AS 'PROSECUTORS AND COPS DON'T LIE' (YEAH RIGHT!!!), AFTER WHICH JURY DETERMINE I AM GUILTY ~~OF~~ OF ARSON...?

WAKE UP TO THE STATE
CORRUPTION THAT CROWN HAS
PROTECTED FOR MORE THAN
26 YEARS....

A CRIMINALLY FALSE PROSECUTION OF ME FOR ARSON, IN 1993.

1. I HAVE NOT ONLY BATTLED THE IMPROPER ACTIONS OF GOVERNMENT EMPLOYEES THAT WERE DONE PRIOR TO 1993 ARSON TRIAL, PLUS IMPROPER ACTIONS OF GOVERNMENT EMPLOYEES THAT WERE DONE DURING MY SAID (AND WITHIN), 1993 ARSON TRIAL, PLUS IMPROPER ACTIONS OF GOVERNMENT EMPLOYEES THAT WERE DONE AFTER SAID 1993 ARSON TRIAL (ON TWO POINTS, BEING, 'FINDING IMPROPER EXCUSES TO NOT PROPERLY INVESTIGATE AND PROPERLY REPORT ABOUT GOVERNMENT (CROWN) ACTIONS OF IMPROPRIETY PRIOR TO AND DURING SAID 1993 ARSON TRIAL', AND, 'ACTING COMPLICITLY IN THE ON-GOING PROTECTION OF THE IMPROPER ACTIONS OF GOVERNMENT EMPLOYEES WHICH HAPPENED PRIOR TO AND DURING SAID TRIAL, WHICH 'ILLEGALISED THE
10. GUILTY VERDICT OF THE JURY OF MY SAID 1993 ARSON TRIAL, DIRECTLY CONSEQUENTIAL TO SAID GOVERNMENT EMPLOYEE IMPROPRIETIES'), BUT ALSO, BATTLED THE INCOMPETENCE OF MY SOLICITOR DAVID STOKES, WHO HAD AMPLE EVIDENCE PRESENTED TO HIM UNDER 'DISCLOSURE BY CROWN', TO JUDICIALLY ATTACK CROWN ACCUSATIONS PROPERLY, FROM THE COMMITTAL HEARING ITSELF, BUT NEGLECTED TO DO SO, AND, BATTLED THE INCOMPETENCE OF MY TRIAL LAWYER MICHAEL BARNETT, WHO HAD AMPLE MATERIAL EVIDENCE PLUS TRIAL TESTIMONY, TO PROPERLY ATTACK CROWN EVIDENCE (PARTICULARLY THAT OF BROWN, CAUNCE AND PROSECUTOR), BUT NEGLECTED TO DO SO (I DON'T CARE THAT BARNETT WAS HANDED THE TRIAL BY STOKES, LESS THAN SEVEN DAYS PRIOR TO TRIAL START).

20.

IT HAS NEVER BEEN MY OBLIGATION TO PROVE THE CORRUPTION BY STATE, INTRINSIC TO CROWN EVIDENCE (PURPORTED AS SUCH BY CROWN), USED IN TRIAL TO EFFECT JURY VERDICT OF GUILTY OF ARSON, AGAINST ME, YET, I AM FORCED TO IN ORDER TO MAKE PUBLIC THE CRIMES OF STATE WHICH ILLEGALLY RESULTED IN SAID ARSON CONVICTION AGAINST ME.

- IF A "FUNDAMENTAL AND CRITICAL" (SEE ABOVE ON PAGES 160 AND 161, ~~IBID~~, FROM LAWFORD AND VAN DE WIEL, THEREIN PARAGRAPHS 262, 263, 264), CRITERIA FOR A 'RECORD OF INTERVIEW' (OF ME, DATED 31-7-1992), AS 'STIPULATED BY THE JUDGES' RULES', INCLUDES THAT A PERSON IN CUSTODY IS REQUIRED TO BE 'PROPERLY CAUTIONED'
- 30.

1. PRIOR TO ANY POLICE INTERVIEW (AND THAT INCLUDES ALL FURTHER/ADDITIONAL INTERVIEWS TOO, IRRESPECTIVE OF THE SUBJECT CRIME/CHARGE WHICH POLICE INTEND TO QUESTION AND/OR INTERVIEW THE PRISONER ABOUT), THEN, IT IS BY SUCH STIPULATION THAT A 'FUNDAMENTAL BREACH OF DUE PROCESS/PROCEDURE HAS BEEN EFFECTED IF THE PERSON IN CUSTODY IS NOT SO CAUTIONED PRIOR TO FORMAL POLICE QUESTIONING/INTERVIEWING OF RESPECTIVE PERSON IN CUSTODY', AND, WHICH MUST THEN ALSO EQUATE TO ANY 'STATEMENT/ANSWERS/REPLIES' SAID PERSON PROVIDES DURING SUCH QUESTIONING/INTERVIEWING, AS BEING 'INVOLUNTARILY GIVEN BY SAID PERSON IN CUSTODY', IRRESPECTIVE OF
10. WHETHER OR NOT THE PERSON IN CUSTODY APPEARS TO BE FREELY SPEAKING, BECAUSE, 'IT IS IMPOSSIBLE FOR POLICE TO HONESTLY ASSESS THE STATE OF MIND OF RESPECTIVE PERSON IN CUSTODY WHO IS BEING INTERROGATED BY SAME POLICE WHO HAD ALREADY VIOLATED BOTH JUDGES' RULES AND SUMMARY OFFENCES ACT STRICT OBLIGATIONS UPON POLICE TO PROPERLY CAUTION 'ME' PRIOR TO QUESTIONING/INTERVIEWING/INTERROGATING 'HE'', WHICH IS THE PURPOSE AND FUNCTION OF A PROPER CAUTION (AT A SPECIFIC POINT, BEING, PRIOR TO QUESTIONING BY POLICE).

- IT IS THEREFORE INTRINSIC TO A 'FAIR TRIAL ACCORDING TO LAW', THAT, 'WHERE ANY
20. STATEMENT/RECORD OF INTERVIEW IS 'OBTAINED FROM THE ACCUSED PERSON', SUCH INFORMATION (FORMING THE SAID STATEMENT/RECORD OF INTERVIEW), MUST BE GENERATED ACCORDING TO, AND, IN ACCORDANCE WITH, STRICT PROCEDURE SO AS TO PROPERLY CHARACTERISE SAID 'STATEMENT/RECORD OF INTERVIEW' AS A 'LAWFULLY OBTAINED' AND 'LAWFULLY CREATED', OFFICIAL DOCUMENT, WHICH MAY THEN ALSO BE LAWFULLY USED BY THE CROWN AS PART OF POLICE INVESTIGATIONS AND JUDICIAL PROCEEDINGS, AND, AS DEMANDED BY SAID JUDGES' RULES, WHICH CLEARLY CHARACTERISE PROCEDURAL COMPLIANCE AS "FUNDAMENTALLY AND CRITICALLY IMPORTANT" (SEE ABOVE ON PAGES 160 AND 161, IBID, FROM LAWFORD AND VAN DE WIEL, THEREIN PARAGRAPHS 262, 263, 264.), TO A PROPER TRIAL AND A FAIR TRIAL ACCORDING
 30. TO LAW, ^{THEN} IF THE REQUISITE 'STRICT PROCEDURE COMPLIANCE' IS NOT SATISFIED

1. IN THE OBTAINING / CREATING / USING (BY THE CROWN), OF ANY SUCH
'STATEMENT / RECORD OF INTERVIEW OBTAINED FROM AN ACCUSED PERSON WHO IS / WAS IN
 CUSTODY AT THE PARTICULAR TIME OF RESPECTIVE STATEMENT / RECORD OF INTERVIEW,
SUCH AS WHEN 'BROWN IMPROPERLY INTERROGATED ME ON 31-7-1992 AND CREATED A
POLICE RECORD OF INTERVIEW DOCUMENT', ESPECIALLY CONSIDERING A VOIR DIRE
 CHALLENGE TO EXCLUDE 'ENTIRE POLICE RECORD OF INTERVIEW DOCUMENT' WAS
 UNDERTAKEN, TO HIGHLIGHT IMPROPRIETY USED IN OBTAINING AND CREATING SAID DOCUMENT
 AND THE CONSEQUENTIAL MISCARRIAGE AND UNFAIRNESS TO ME, IN JUDICIAL PROCEEDINGS
 WHEREIN SAID DOCUMENT IS ALSO USED AND/OR RELIED UPON BY THE CROWN (AS PART OF
10. STATE'S PROSECUTION CASE AGAINST ME), THERE IS ONE OUTCOME MANDATED, AND,
THERE MUST BE NO OTHER PERMISSIBLE ACTION OPEN TO 'THE TRIAL JUDGE'
 (SUCH AS DURING SAID VOIR DIRE HEARING TO EXCLUDE SAID POLICE RECORD OF
 INTERVIEW, 1993, PART OF MY ARSON TRIAL, WHICH MY TRIAL JUDGE FAILED TO
 PROPERLY RULE IN ACCORDANCE WITH, INSTEAD, TRIAL JUDGE ERRONEOUSLY APPLIED
 'JUDGE'S CLAIMED DISCRETION TO INVALIDE JUDGES' RULES MANDATE, AND OTHER
 ASSOCIATED CASE LAW RULINGS, WHICH PERTAIN TO PRISONER IN CUSTODY BEING
 QUESTIONED BY POLICE WITH NO CAUTION BEING ADMINISTERED'), AND ON APPEAL,
THERE MUST BE NO OTHER PERMISSIBLE ACTION OPEN TO 'APPEAL COURT'
 (THAT ALSO MEANS THAT NO 'PROVISO' CAN BE APPLIED BY THE APPEAL COURT, TO
20. DISMISS THIS APPEAL AGAINST SAID ARSON CONVICTION, AS THE 'ACTION' AND 'CONDUCT'
AND 'PRODUCT ACQUIRED (RECORD OF INTERVIEW, COMMITAL HEARING RULING (TO TRIAL), VOIR DIRE
 RULING (TO ADMIT SAID RECORD OF INTERVIEW OF 31-7-1992, INTO PROSECUTION EVIDENCE), AND
 JURY VERDICT OF GUILTY OF ARSON, AND TRIAL JUDGE'S PERFECTED VERDICT OF GUILTY OF
 ARSON, 1993), WAS DIRECTLY ASSOCIATED / LINKED WITH THE CONTENTS (MATERIAL
DETAILS), OF SAID 31-7-1992 POLICE RECORD OF INTERVIEW, SO MUCH SO THAT SPECIFIC
 JUDICIAL RULINGS COULD NO LONGER EXIST WITHOUT THEIR MARRIAGE TO SUCH
 SPECIFIC MATERIAL DETAILS WITHIN SAID POLICE RECORD OF INTERVIEW, IN OTHER WORDS,
 'THERE IS NO WAY TO MAINTAIN COMMITAL HEARING RULING (TO TRIAL), VOIR DIRE
 RULING TO ADMIT RECORD OF INTERVIEW, AND THE TRIAL JURY VERDICT OF GUILTY, AND
30. THE TRIAL JUDGE'S JUDGMENT OF GUILTY OF ARSON, IF POLICE RECORD OF INTERVIEW

1. WAS NOT EXISTING (IN THE FIRST INSTANCE, FOR EXAMPLE, IF I HAD BEEN PROPERLY CAUTIONED AT THE PROPER TIME AND IN THE PROPER MANNER, BY BROWN, ON 31-7-1992, WHEN I WAS ALREADY IN CUSTODY, AND, OF MY PROPERLY INFORMED RIGHTS, I WANTED MY REPRESENTING LAWYER TO ^{BE} PROPERLY NOTIFIED ABOUT BROWN'S INTENTION TO INTERVIEW ME, I DOUBT SAID INTERVIEW WOULD HAVE CONTINUED UNTIL MY LAWYER WAS PRESENT IN THE ROOM WITH ME, AND, IT IS ALSO MOST LIKELY THAT LAWYER WOULD HAVE STRONGLY SUGGESTED THAT I 'NOT AGREE TO BE INTERVIEWED, OR, ANSWER BROWN'S QUESTIONS')', OR, 'IF SAID RECORD OF INTERVIEW WAS EXCLUDED FROM TRIAL EVIDENCE BY SAID VOIR DIRE HEARING (TRIAL JUDGE'S RULING), THERE WOULD BE NO
10. LEGITIMATE FORM OF TRIAL CONDUCT/TRIAL PROCESS THAT COULD PERMIT THE TRIAL JURY VERDICT OF GUILTY, OR TRIAL JUDGE'S JUDGMENT OF GUILTY OR ARSON, TO STAND'), EXCEPT FOR, 'THE FULL EXCLUSION OF SAID POLICE RECORD OF INTERVIEW, WITH ME, DATED JULY 1992, FROM PROSECUTION EVIDENCE AT TRIAL', AND ON APPEAL, 'THE ACQUITTAL OF SAID 1993 CONVICTION FOR ARSON, BY THE APPEAL COURT, (DUE TO THE TYPE OF INFLUENCE SAID RECORD OF INTERVIEW MOST LIKELY HAD UPON MY 1993 TRIAL JURY, RE ARSON TRIAL, AS CLAIMED BY ME, AN 'IMPROPER, FRAUDULENT, PROSECUTORIALLY MISREPRESENTATIVE AND MISLEADING, AND, ILLEGALLY DECEPTIVE INFLUENCE', PLUS, DUE TO THE MANNER AND CHARACTER OF CROWN PROSECUTOR'S ACTIONS IN INTRODUCING SAID RECORD OF INTERVIEW INTO TRIAL EVIDENCE, AND THEN
20. RELYING ON SAME TO MISDIRECT TRIAL JURY'S BELIEFS (UNLAWFULLY), ABOUT THE TRUE EVIDENTIARY VALUE OF MATERIAL DESCRIPTIONS WITHIN SAID RECORD OF INTERVIEW, WHICH I HAVE CLAIMED HEREIN AS 'CRIMINALLY MANIPULATIVE, CRIMINALLY DECEPTIVE, ILLEGAL AND UNLAWFUL', WHICH NOT ONLY TAINTED SAID 1993 TRIAL JURY, BUT ALSO TAINTED THE JURY'S VERDICT OF 'GUILTY', WHICH THEN CARRIED THROUGH TO A TAINTED TRIAL JUDGE'S JUDGMENT OF 'GUILTY', AND CONSEQUENTIALLY BECAME AN UNLAWFULLY PERFECTED VERDICT AND JUDGMENT OF THE COURT OF TRIAL, WHEREIN I WAS CONVICTED OF ARSON IN 1993)'.

THE SAID 'RECORD OF INTERVIEW, DATED 31-7-1992', CONDUCTED BY BROWN WHILE I WAS

30. IN POLICE CUSTODY, PLUS, IN STATE'S CUSTODY, PLUS, PER MAGISTRATE'S COURT

1. ORDER I WAS JUDICIALLY ORDERED INTO CUSTODY ('REMANDED INTO CUSTODY'), AND THEREFORE UNDER JURISDICTION OF CORRECTIONAL SERVICES ACT ('AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MANAGEMENT OF PRISONS AND OTHER CORRECTIONAL INSTITUTIONS; TO REGULATE THE MANNER IN WHICH PERSONS IN CORRECTIONAL INSTITUTIONS ARE TO BE TREATED BY THOSE RESPONSIBLE FOR THEIR DETENTION AND CARE; AND FOR ANY OTHER PURPOSES'), STATE GOVERNMENT DEPARTMENT FOR CORRECTIONAL SERVICES AND MINISTER FOR CORRECTIONAL SERVICES, SO THERE IS ABSOLUTE UNDERSTANDING THAT I WAS IN CUSTODY WHEN POLICE OFFICER/DETECTIVE BROWN 'UNLAWFULLY STARTED INTERROGATING ME',
10. IS A FALSELY CHARACTERISED OFFICIAL GOVERNMENT DOCUMENT, WHICH CLOUDS THE TRUE NATURE AND EXISTENCE OF 'THE WORDS CONTAINED ON SUCH DOCUMENT'. A 'RECORD OF POLICE INTERVIEW' SIGNIFIES A DUE PROCESS COMPLIANCE ASSOCIATED IN THE CREATING OF SUCH DOCUMENT, INCLUDING, PROPER CAUTIONING OF ME AND NON-PERFUNCTORY EXTRACTION OF ANSWERS/INFORMATION FROM ME, WHEREBY I AM FREELY CHOOSING TO ANSWER POLICE QUESTIONS, AFTER I HAVE BEEN FULLY INFORMED OF MY 'CAUTION RIGHTS' AND THEN AGREE TO ANSWER SUCH POLICE QUESTIONS (WHICH MEANS I HAVE ALSO ALREADY BEEN ASKED BY BROWN IF I WISH TO INVOKE/EXERCISE ANY OF MY INTERVIEW RIGHTS WHICH MUST HAVE BEEN EXPLAINED TO ME AT THAT TIME).
20. NO 'CAUTION' GIVEN TO ME BY BROWN, MUST THEN **INVALIDATE** THE ENTIRE DOCUMENT WHICH HAS BEEN LABELLED AS 'A RECORD OF INTERVIEW', BECAUSE, THE PROCESS WAS UNLAWFULLY CONDUCTED BY BROWN, ANSWERS/INFORMATION WHICH BROWN EXTRACTED FROM ME WERE UNLAWFULLY OBTAINED AND WERE NOT VOLUNTARILY GIVEN BY ME (I WAS NOT INFORMED OF ANY OPTION TO BE SILENT OR TO HAVE MY LAWYER PRESENT [THE RIGHTS GIVEN WHEN PROPERLY CAUTIONED]), THEREFORE, A MORE ACCURATE AND APPROPRIATE DESCRIPTION OF THE SAID DOCUMENT, ^{WOULD} ALLIGN TO 'A DOCUMENT RECORDING ILLEGALLY AND UNLAWFULLY ASKED QUESTIONS, BY POLICE DETECTIVE BROWN, WHO TOOK ILLEGAL AND UNLAWFUL ADVANTAGE (ON BEHALF OF THE STATE GOVERNMENT
30. OF SOUTH AUSTRALIA), OF ME WHILE I WAS REMANDED INTO CUSTODY ON A CHARGE OF

1. MURDER, AND ILLEGALLY AND UNLAWFULLY EXTRACTED MY VERBAL ANSWERS AND VERBAL RESPONSES TO BROWN'S IMPROPER INTERROGATION OF ME, WHICH BROWN REPRESENTED ON PAPER AS TEXT, AND, ADDITIONALLY, ALL SAID VERBAL ANSWERS WHICH I REVEALED TO BROWN, WHICH ARE NOT STATUTE REQUIRE BY ME (SUCH AS MY NAME, AGE, ETC), WERE INVOLUNTARILLY GIVEN BY ME TO BROWN, UNDER FEAR OF 'WHAT MIGHT HAPPEN TO ME IF I DID NOT DO WHAT I WAS INSTRUCTED TO DO BY THE PRISON OFFICERS WHO PLACED ME ~~THE~~ INTO THE INTERVIEW ROOM, ESPECIALLY CONSIDERING ONLY 1 1/2 WEEKS EARLIER THAN 31-7-1992, MY NOSE WAS ~~BROWN~~ BROKEN DURING A SNEAK-ASSAULT AGAINST ME (POLICE WERE CALLED, 10. REPORT WAS FILED, SAPOL AND DCS, BUT DIDN'T GO ANY FURTHER THAN THAT)''.

- MY SAID 1993 ARSON TRIAL WAS 'BLEMISHED' BEYOND REPAIR, BY THE CROWN'S USE OF SAID 31-7-1992 RECORD OF INTERVIEW (SEE ABOVE AT PAGE 81, IBID, AND, ABOVE AT PAGE 100, IBID, DESCRIBING SOME OF THE IMPROPER USE, BY CROWN PROSECUTOR, OF SAID RECORD OF INTERVIEW DOCUMENT AND ITS CONTENTS), CONSEQUENTING NO MEANS BY WHICH I COULD EVER RECEIVE A 'FAIR TRIAL', OR EVEN, AN 'HONESTLY PROSECUTED TRIAL'. THE OUTCOME OF SAID TRIAL (CONVICTION FOR ARSON), WAS THEREFORE ACHIEVED BY PROSECUTORIAL MISCARRIAGE, WHEREBY MY 'PROTECTED' RIGHT TO A FAIR TRIAL WAS TRAMPLED BY CROWN'S USE OF UNLAWFULLY OBTAINED 'RECORD OF INTERVIEW', FRAUDULENTLY USED
20. 'RECORD OF INTERVIEW', WITH THE INTENTION OF PROSECUTOR UNLAWFULLY FORCING CONVICTION AGAINST ME, RATHER THAN 'PROPER INVESTIGATION OF KNOWN MATERIAL FACTS', WHICH THEN WOULD 'NOT HAVE LEFT OPEN FOR THE TRIAL JURY TO REGARD CAUNCE'S VERBAL TESTIMONY OR WRITTEN POLICE STATEMENT AS HONEST OR RELIABLE', AND THEREFORE 'ENVELOPING THE TRIAL IN A SHIELD AGAINST ANY USE OF SAID RECORD OF INTERVIEW (BY BROWN, DATED 31-7-1992), AND AGAINST ANY USE OF SAID CAUNCE'S POLICE WITNESS STATEMENT (DATED 7-8-1992)', AS EXPLAINED AND DESCRIBED BY ME WITHIN THIS PETITION.

- WITH THE ACCUMULATION PLUS COMPOUNDING EFFECT OF CROWN'S USE AND ABUSE OF THE
30. SAID 'RECORD OF INTERVIEW', CONDUCTED BY POLICE DETECTIVE BROWN, AGAINST ME,

1. DATED 31-7-1992, IN JUDICIAL PROCEEDINGS WHICH RESULTED IN MY 1993 TRIAL OUTCOME OF 'GUILTY OF ARSON' (JURY VERDICT), AND ASSOCIATED 'JUDGE'S PERFECTED VERDICT AND RECORDED CONVICTION FOR ARSON', IT CANNOT BE SAID THAT MY MAGISTRATE'S COURT COMMITAL HEARING RULING (COMMITTING ME TO TRIAL IN THE DISTRICT COURT FOR CHARGE OF ARSON), TRIAL COURT VOIR DIRE (TO EXCLUDE WHOLE RECORD OF INTERVIEW), TRIAL COURT VERDICT AND JUDGMENT (OF 'GUILTY OF ARSON'), WERE UNAFFECTED BY 'IMPROPER, ILLEGAL, UNLAWFUL, AND UNFAIR, AND DISHONEST CONDUCT/ACTIONS DONE BY CROWN REPRESENTATIVES' (WHILST ACTIONING STATE'S PROSECUTION OF ME FOR SAID CHARGE OF ARSON), AND IT ALSO
10. CANNOT BE SAID THAT MY SAID 1993 TRIAL WAS A FAIR TRIAL ACCORDING TO LAW, AND IT ALSO CANNOT BE SAID THAT MY SAID 1993 ARSON CONVICTION WAS DELIVERED UPON ME FOLLOWING FAIR TRIAL ACCORDING TO LAW, AND THEREFORE, IT IS ONLY BY SERIOUS MISCARRIAGE OF JUSTICE THAT SAID 1993 ARSON CONVICTION WAS DELIVERED UPON ME (REASONS DESCRIBED BY ME FORMING MY PETITION AGAINST SAID 1993 ARSON CONVICTION (REFER ABOVE QUOTE FROM R v DRUMMOND (NO. 2) [2015] SASCF 82 AT PARAGRAPH 174, ON PAGE 11, IBID, AND, R v WILLIAMS [2016] SASC 67, THEREIN AT PARAGRAPH 93, ON PAGES 11. AND 12, IBID, AND, WATSON v THE STATE OF ~~SOUTH~~ SOUTH AUSTRALIA, THEREIN AT PARAGRAPH 64, ON PAGES 13 AND 14, IBID, AND, WILDE v THE QUEEN [1988] HCA 6, ON PAGES 24 TO 27, IBID, AND,
20. R v SOMA [2003] HCA 13, ON PAGES 33 TO 35, IBID, AND, R v FREDERICK [2004] SASC 404, ON PAGES 83 TO 86, IBID, AND, R v HELPS [2016] SASCF 154, ON PAGES 108 TO 111, IBID)).

IT SHOULD NOT BE FORGOTTEN EITHER, THAT SAID 'RECORD OF INTERVIEW' (DATED 31-7-1993), 'DOES NOT EXIST LAWFULLY', CONSEQUENTIALLY DUE TO FAILURE, BY POLICE, TO PROPERLY CAUTION ME PRIOR TO FORMAL QUESTIONING/INTERROGATING ME ABOUT ARSON EVENT OF 10-1-1991', AND, ADDITIONALLY, 'THE MANNER IN WHICH CROWN PROSECUTOR MISREPRESENTED THE EVIDENTIARY CHARACTER OF SAID RECORD OF INTERVIEW MATERIAL PARTICULARS, WAS FRAUDULENT AND

30. IMPROPER AND CRIMINALLY DECEPTIVE, CONSEQUENTIALLY DENYING ME ANY

1. CHANCE OF A FAIR TRIAL, AND, DENYING ME FAIR OPPORTUNITY TO BE ACQUITTED OF SAID ARSON CHARGE'. BOTH POINTS, AS STATED, HIGHLIGHT THE DEGREE OF UNFAIRNESS AND MISCARRIAGE EFFECTED AGAINST ME BY CROWN PROSECUTION ACTIONS, WHICH SERIOUSLY ~~ME~~ POISONED AND TAINTED MY SAID 1993 ARSON TRIAL, TO THE EXTENT THAT NO PROPER TRIAL WAS EVER POSSIBLE, AND YET THE CROWN PROSECUTOR WAS SO CUNNING IN HIS IMPROPER ACTIONS (AS DESCRIBED BY ME WITHIN MY SAID PETITION AGAINST MY 1993 ARSON CONVICTION), DURING 1993 ARSON TRIAL, THAT MY 1993 TRIAL JURY HAD NO IDEA THAT THEY WERE BEING CRIMINALLY MANIPULATED BY
 10. TRIAL PROSECUTOR, SO AS TO REACH FALSE DETERMINATION (BY THE JURY), OF 'GUILTY OF THE CHARGE AGAINST ME' (OF ARSON).
-

- ONE OTHER MATTER CENTRAL TO THE CROWN'S ARREST AND LATER TRIAL PROSECUTION OF ME, FOR SAID CHARGE OF ARSON, WAS, WHAT THE CROWN CLAIMED WAS 'A STAGED CRIME SCENE', SPECIFICALLY, IN RELATION TO 'A SINGLE TRAIN CARRIAGE WINDOW WHICH BY VISUAL EVIDENCE ALONE, WAS IN A STATE OF IRREGULARITY, SUGGESTIVE OF THE BOTTOM PORTION OF SAID WINDOW BEING DRAWN OUTWARDS (AWAY FROM THE WOOD WINDOW FRAME THE PLASTIC WINDOW WAS MOUNTED IN), WHILE THE
20. TOP PORTION OF SAID WINDOW WAS STILL CONNECTED TO ITS GENERAL POSITION WITHIN WOOD WINDOW FRAME (STILL BONDED TO WOOD WITH ADHESIVE SEALANT). TRIAL PROSECUTOR AND POLICE FIRE INVESTIGATOR POLLARD, BOTH SUGGESTING THAT SAID BREACHED WINDOW WAS 'PUSHED OUTWARDS', IMPLYING THAT A PERSON, WHO WAS INSIDE TRAIN CARRIAGE, DELIBERATELY 'PUSHED THE SAID PLASTIC WINDOW OUTWARDS, THEREBY BREAKING THE ADHESIVE BONDING BETWEEN SAID PLASTIC WINDOW PANEL, AND THE WOOD WINDOW FRAME SAID PLASTIC WINDOW PANEL WAS MOUNTED IN AND ADHESIVELY BONDED TO USING WATER RETARDING ADHESIVE SEALANT'. POLICE AND TRIAL PROSECUTOR CLAIMED THAT 'I PUSHED SAID BREACHED WINDOW OUTWARDS, THEN LIT THE FIRE
 30. INSIDE TRAIN CARRIAGE, WITH THE INTENTION OF MAKING SAID BREACHED WINDOW

1. APPEAR AS IF 'IT' WAS USED AS AN ILLEGAL ENTRY POINT INTO THE TRAIN CARRIAGE, HENCE 'A STAGED WINDOW BREAK-IN'. POLLARD'S TRIAL TESTIMONY AND FIRE INVESTIGATION REPORT HIGHLIGHTED THAT 'NO PERSON COULD HAVE CLIMBED-IN THROUGH, OR, CLIMBED OUT-THROUGH SAID BREACHED WINDOW, WITHOUT COMPLETELY DISLODGING ENTIRE PIECE OF PLASTIC WINDOW PANEL FROM ITS PHYSICAL BONDING TO THE WOOD WINDOW FRAME, THEREBY CAUSING PLASTIC WINDOW PANEL TO FALL AWAY', AND, AS TOP EDGE OF SAID BREACHED WINDOW PLASTIC PANEL WAS STILL HELD IN PLACE BY ITS WINDOW SEALANT ADHESIVE BOND, IT WAS CLEAR EVIDENCE THAT NO PERSON WENT THROUGH SAID WINDOW FRAME OPENING.

10.

AT NO TIME PRIOR TO MY ARREST/CHARGING WITH ARSON, OR EVEN AT ANY POINT DURING SAID 1993 ARSON TRIAL, WAS ANY OTHER REASON/POSSIBILITY FOR SAID BREACHED WINDOW EVER INVESTIGATED, OTHER THAN 'IT BEING PART OF A STAGED CRIME SCENE OF WINDOW BREAK-IN'. THERE IS NO EVIDENCE TO SUGGEST FIRE INVESTIGATOR POLLARD, OR, POLICE INVESTIGATING THE SAID TRAIN FIRE, EVER TREATED, REGARDED OR EVEN CONSIDERED THAT SAID BREACHED WINDOW WAS NOT ASSOCIATED WITH THE PERSON WHO COMMITTED ARSON, AND, AT ALL TIMES, ACCORDING TO POLICE ACCUSATION AGAINST ME (31-7-1992, BROWN ACCUSING ME OF BREAKING WINDOW SEAL TO STAGE WINDOW BREAK-IN), AND,

20. ACCORDING TO 1993 TRIAL PROSECUTOR'S ACCUSATION AGAINST ME (PROSECUTION SCENARIO AT TRIAL, ACCUSING ME OF BREAKING WINDOW SEAL TO SET UP A FALSE CRIME SCENE OF WINDOW BREAK-IN PRIOR TO LIGHTING FIRE IN TRAIN), 'THE WINDOW BREACH WAS THE RESULT OF DELIBERATE PUSHING-OUT OF PLASTIC WINDOW PANEL, PRIOR TO FIRE IN TRAIN, AND THEREFORE COULD ONLY HAVE BEEN DONE PRIOR TO WHEN CONSTABLES KITTO AND CAUNCE ARRIVED ON SCENE, WHICH WAS AT 5:20 AM'.

THIS SPECIFIC POINT, THAT POLICE DID NOT INVESTIGATE ANY OTHER POSSIBILITY TO EXPLAIN WHY SAID BREACHED WINDOW WAS EVEN IN ITS STATE OF IRREGULARITY, MEANT
30. THAT POLICE 'WOULD ONLY EVER LOOK AT, AND, REGARD AS RELEVANT,

1. WINDOW - BREAK - IN RELATED DETAILS AND SCENARIOS, IRRESPECTIVE OF WHEN SAID WINDOW WAS IN FACT BREACHED, AND, IRRESPECTIVE OF BY WHOM SAID WINDOW WAS IN FACT BREACHED, AND, IRRESPECTIVE OF BY WHAT (AND/OR BY WHAT MEANS), SAID WINDOW WAS IN FACT BREACHED, AND, IRRESPECTIVE OF FOR WHAT PURPOSE AND/OR FUNCTION WAS SAID WINDOW IN FACT BREACHED. ALL THOSE 'QUESTIONS' (WHEN, BY WHOM, BY WHAT, FOR WHAT PURPOSE/FUNCTION?), SHOULD HAVE BEEN 'OPENLY INVESTIGATED' BY POLICE INVESTIGATING THE 'FIRE EVENT', WITHOUT PREJUDICE AGAINST ANY PARTICULAR REASON, OR, BIAS TOWARDS ANY PARTICULAR REASON, ABOUT 'WHY SAID BREACHED WINDOW WAS ACTUALLY IN ITS STATE OF
10. IRREGULARITY'? IT HAS BEEN ONE OF MY COMPLAINTS AGAINST MY 1993 ARSON CONVICTION, THAT, SAID BREACHED WINDOW, IDENTIFIED BY FIRE INVESTIGATOR POLLARD IN HIS OFFICIAL STATEMENT, DATED 10-11-1992, "... IT WAS DISCOVERED THAT ON THE SOUTHERN SIDE THE FOURTH WINDOW FROM THE WESTERN END THAT THE PERSPEX WINDOW HAD BECOME LOOSENEED ON THE BOTTOM EDGE. (PHOTOGRAPH 9 REFERS)", WAS NOT DISLODGED OR LOOSENEED PRIOR TO FIRE BEING STARTED IN TRAIN, AND, THAT, SAID BREACHED WINDOW COULD ONLY HAVE BEEN DISLODGED AND DISPLACED FROM ITS CORRECT POSITION (FULLY BONDED AND ADHESIVELY SEALED AGAINST ITS RECEPTIVE WOOD WINDOW FRAME), AFTER 'ACRID BLACK SMOKE AND SMOKE PARTICLES' HAD STOPPED BELLOWING (SEE ALSO, 1993 TRIAL TESTIMONY
20. OF CAUNCE, "THICK SMOKE", "SMOKE AT WEST END AS WELL", "YES, AND INTENSE HEAT"), FROM THE TRAIN CARRIAGE. THERE ARE PHYSICAL POINTS OF PROOF TO SUPPORT MY COMPLAINT, THAT SAID BREACH WINDOW COULD NOT HAVE BEEN 'LOOSENEED AND DISLODGED TO ITS 'RESTING POSITION' (THE VISUAL APPEARANCE OF PLASTIC WINDOW WHEN PHOTOGRAPHED BY POLLARD, SEE PHOTO. 9 FROM POLLARD'S TRIAL EXHIBIT PHOTOGRAPHS), PRIOR TO FIRE IN TRAIN CARRIAGE, AND, IF, SAID BREACHED WINDOW, WAS ACTUALLY LOOSENEED AND DISLODGED DURING THE PERIOD AFTER FIRE LIT BUT PRIOR TO THE SMOKE/SOOT BEING COMPLETELY STOPPED AND UNDER 'CONTROL', IRRESPECTIVE OF WHO OR HOW SAID WINDOW WAS LOOSENEED/DISLODGED, SAID BREACHED WINDOW MUST HAVE BEEN BREACHED WITHIN MINUTES OF SAID SMOKE
30. AND SOOT COMPLETELY STOPPING FROM EXPRESSING OUT OF TRAIN CARRIAGE'.

1. THE POLICE INVESTIGATION OF THE TRAIN CARRIAGE FIRE ON 10-1-1991 (WHICH I WAS TRIAL-CONVICTED OF IN 1993), HAD OBLIGATIONS IMPOSED UPON THEM TO 'DETERMINE WHAT DAMAGE WAS DONE TO THE SAID TRAIN CARRIAGE, POSSIBLE REASONS WHY RESPECTIVE DAMAGE WAS DONE, LIKELY REASONS WHY RESPECTIVE DAMAGE WAS DONE, WHO COULD HAVE CAUSED RESPECTIVE DAMAGE, AND, ALSO SIGNIFICANTLY, WHO COULD NOT HAVE CAUSED RESPECTIVE DAMAGE'. THE POLICE FAILED TO PROPERLY ASSESS THE PHYSICAL DAMAGE THAT 'WAS DONE TO SAID BREACHED WINDOW, AND, ITS SURROUNDING WINDOW FRAME AND WINDOW FRAME SURFACES', PLUS, FAILED TO PROPERLY ASSESS THE PHYSICAL DAMAGE THAT 'WAS NOT DONE
10. TO SAID BREACHED WINDOW, AND, ITS SURROUNDING WINDOW FRAME AND WINDOW FRAME SURFACES' (FOR EXAMPLE, IF POLICE HAD ACTUALLY DETERMINED, FORENSICALLY, HOW MUCH PHYSICAL FORCE WOULD BE REQUIRED, BY A PERSON, TO EFFECT 'LOOSENING AND DISPLACING PERSPEX WINDOW, UNDAMAGED, SUCH AS BY THE HEAT OF THE FIRE', IN OTHER WORDS, THE STATE OF ANY OF THE TRAIN CARRIAGE PERSPEX WINDOWS PRIOR TO THE FIRE EVENT, THEN, ONCE THE REQUIRED FORCE HAD BEEN DETERMINED, THEN TO DETERMINE IF IT WAS POSSIBLE THAT SUCH 'FORCE' COULD EVEN BE EXERTED BY ANYONE WHO WAS AT THE SCENE, SUCH AS ME (EMPLOYEE, DURING ME SHIFT HOURS, THEREFORE I HAD LEGITIMATE REASON TO BE ON SITE), THEN, IF IT WAS ACTUALLY POSSIBLE FOR SAID WINDOWS TO BE 'LOOSENEED AND DISPLACED'
20. (TO THE ANGLE SHOWN IN POLLARD'S PHOTO 9), BY A PERSON SUCH AS ME, WITH FORCE EXERTION THAT I MIGHT BE ABLE TO ACHIEVE, THEN, TO DETERMINE WHAT CHARACTERISTIC DAMAGE WOULD ALSO EXIST TO THE BREACHED WINDOW IF IT WAS DISPLACED PRIOR TO FIRE, BY ONE MALE, APPROXIMATELY 75 kg BODY WEIGHT, APPROXIMATELY 178 cm TALL, AGED APPROXIMATELY 20 YEARS (COULD PERSPEX WINDOW BE BLUNT-FORCE BREACHED BY SUCH MALE, AND IF SO, COULD IT BE DONE IN SINGLE FORCE CONTACT OR WOULD IT REQUIRE AT LEAST SEVERAL FORCE-CONTACTS IN ORDER TO BREACH THE ADHESIVE SEALANT WHICH BONDED THE PERSPEX WINDOW TO ITS WOOD FRAME), AND, IF THE FLEXION OF SUCH PERSPEX WINDOWS, TOGETHER WITH THE ADHESIVE BONDING STRENGTH OF
30. THE WINDOW SEALANT, TOGETHER WITH THE 'MOVEABILITY/FLEXABILITY/STRETCHABILITY

1. AND TENSION-ABSORBING' BONDING EFFECTIVENESS OF THE WINDOW SEALANT (DESIGNED TO ABSORB VIBRATION IN WINDOW PANELS, VIBRATIONS FROM SOUND WAVES, PEOPLE LEANING UP AGAINST WINDOW PANELS, PEOPLE KNOCKING/TAPPING ON WINDOW PANELS, YET STILL MAINTAIN BONDING STRENGTH AND EFFECTIVENESS OF 'SEALED WINDOWS'), WERE OF SUCH PROTECTIVE STRENGTH THAT NO LOOSENING OR DISPLACING OF BREACHED WINDOW WOULD HAVE BEEN POSSIBLE TO ACHIEVE BY SAID [REDACTED] ONE MALE, WITHOUT THE USE OF ITEM TO 'PRY-LOOSE' WINDOW FROM ITS ADHESIVE BONDING (WHICH THEN WOULD CONSEQUENT WINDOW FRAME GOUGING MARKS IN THE WOOD FRAME, EXCEPT
10. THAT NO PHOTOGRAPH EVIDENCE FROM POLLARD SHOWS ANY PRY-BAR GOUGING IN WINDOW FRAME), AND, THE FACT THAT NO WINDOW FRAME GOUGING EXISTED IS PROOF OF DAMAGE THAT WAS NOT DONE TO THE BREACH WINDOW AT ANY TIME, BY WHOMEVER DID BREACH/LOOSEN AND DISPLACE THE BREACHED WINDOW, THEREFORE, BY ALSO PROPERLY ASSESSING THE STATE OF 'EXISTENCE OF WINDOW FRAME AND WINDOW PANEL (PARTS UNDAMAGED AND PARTS DAMAGED)', ENABLES MORE PRECISE INDICATION OF WHEN WINDOW SEAL WAS ~~BREACHED IN~~ BREACHED IN RELATION TO 'PRIOR TO, DURING OR AFTER THE FIRE EVENT').

- As A CONSEQUENCE OF POLICE NOT EVEN ADEQUATELY ASSESSING SAID BREACHED
20. WINDOW, FOR DAMAGE DONE TO IT, AND, DAMAGE NOT DONE TO IT, I WAS DENIED A 'FAIR' OPPORTUNITY DURING SAID 1993 ARSON TRIAL, TO SHOW THE TRIAL JURY, THAT 'IT WAS NOT POSSIBLE' FOR SAID WINDOW TO BE BREACHED AND DISLODGED TO ITS 'RESTING POSITION' (AS SEEN IN POLLARD'S PHOTOGRAPH 9, PROSECUTION TRIAL EXHIBIT "P.3."), 'PRIOR TO FIRE IN TRAIN CARRIAGE BEING LIT', BECAUSE, FIRSTLY, 'THERE WAS NOWHERE NEAR PROPER ASSESSMENT FORENSICALLY PERFORMED/INSTIGATED AGAINST THE SAID 'BREACHED WINDOW', SO THAT FUNDAMENTAL QUESTIONS ABOUT THE BREACHED WINDOW AND ITS WINDOW FRAME WERE NOT ANSWERED THROUGH POLICE FORENSIC DETERMINATIONS' ([REDACTED], VIA DISCLOSURE OBLIGATION UPON THE CROWN, RESPECTIVE FORENSIC REPORTS WOULD HAVE BEEN PRESENTED TO ME/MY
30. LAWYER, WHICH WOULD HAVE MADE CROWN'S TRIAL SCENARIO OF 'ME BREACHING

1. WINDOW AND FORCING BOTTOM EDGE OF WINDOW ~~PANE~~ PANEL APPROXIMATELY 5 OR 6 INCHES AWAY FROM WINDOW FRAME SURFACE', FUNDAMENTALLY UNSUSTAINABLE, DUE TO SUCH FORENSIC DETERMINATIONS THAT WOULD BE MORE EXCULPATORY IN THEIR FINDINGS, AS PROPER INVESTIGATION OF SAID BREACHED WINDOW REGION, INTERIOR AND EXTERIOR, WOULD BE SUFFICIENT TO PROVE THAT THE EXTERIOR SURFACES OF THE RESPECTIVE BREACHED WINDOW, DID NOT INCUR ANY ADHESION FROM SMOKE/ SOOT PARTICULATES, IN SIMPLE TERMS, THERE WAS NO SMOKE EXITING TRAIN FROM THAT SPECIFIC WINDOW REGION, BECAUSE, THE WINDOW SEAL WAS NOT BREACHED FOR THE FULL TIME PERIOD THAT SMOKE EXITED TRAIN (SUCH AS
10. IT DID VIA EASTERN AND WESTERN DOORS FOR FULL TERM OF SMOKE RUSHING OUT OF THE TRAIN CARRIAGE), AND THEREFORE, 'CROWN'S TRIAL SCENARIO OF 'WINDOW BREACHED PRIOR TO CARRIAGE FIRE', MUST FAIL', AND, IF THE POLICE FORENSIC ASSESSMENT THEREBY DETERMINED THAT 'SAID BREACHED WINDOW WAS ONLY BREACHED AFTER EXPELLING SMOKE PARTICULATES (FROM THE TRAIN CARRIAGE), HAD BEEN SUBDUED AND NO LONGER ABLE TO ADHERE TO SUCH SURFACES THAT INCLUDED EXTERIOR WINDOW FRAME SURFACES', THEN, IT MUST BE A SIGNIFICANT MATERIAL FACT THAT 'AT NO TIME COULD I HAVE POSSIBLY BEEN THE PERSON WHO DAMAGED/ BREACHED SAID BREACHED WINDOW' (WITHIN TWO MINUTES OF POLICE ARRIVING INSIDE THE RESTAURANT, AT LEAST ONE OFFICER
20. WAS FULLY-OPENING AT LEAST ONE OF THE TRAIN'S TWO EXTERIOR DOORS, EASTERN END OR WESTERN END, AND NOTICING "THICK SMOKE", "BLACK SMOKE", "INTENSE HEAT", AND, 'AT 5:28AM MFS ARRIVED ON SCENE' AND IN TRIAL TESTIMONY DESCRIBED WHAT THEY SAW EXPRESSING FROM TRAIN UPON MFS ARRIVAL ON 10-1-1991, "FAIR AMOUNT OF SMOKE", AND MFS ACTIONED THE TRAIN FIRE EVENT TOO, "PUT OUT ... WITHIN ... SECONDS", THEREFORE, ACCORDING TO CAUNCE, KITTO AND MFS, 'THERE WAS THICK, BLACK SMOKE WITH INTENSE HEAT THAT WAS PRESSURE EXPELLING FROM TRAIN CARRIAGE OPENED DOORS AND ANY OTHER OPENINGS, FROM AT LEAST 5:20AM, WHEN CAUNCE AND KITTO WERE ~~NOTICED~~ DRAWN TO THE RESTAURANT, WHILE DRIVING IN THEIR POLICE PATROL CAR, BY THE 'PRESSURE EXPELLING THICK SMOKE
30. FROM THE TRAIN CARRIAGE, WHICH ALSO INCLUDED INTENSE HEAT FROM INSIDE THE

1. CARRIAGE, WHICH CAUNCE AND KITTO EXPERIENCED PERSONALLY WHEN THEY STOOD AT THE WESTERN AND EASTERN DOORS OF THE CARRIAGE, AND, AT 5:28 AM, WHEN MFS ARRIVED, FIERCE SMOKE EXPRESSION FROM CARRIAGE WAS STILL HAPPENING, THEREBY ESTABLISHING A MINIMUM OF 8 MINUTES OF 'HEAT-AFFECTED SMOKE PARTICULATES RELEASING FROM TRAIN CARRIAGE THROUGH ALL ~~THE~~ POSSIBLE OPENINGS' AS I WAS IN CONSTANT SIGHT OF THE POLICE FROM 5:20 AM, UNTIL AMBULANCE STAFF DEPARTED SCENE WITH ME AT 5:38 AM ON 10-1-1991, WHICH MEANS THAT, FOR AT LEAST 8 MINUTES THE EXTERIOR SURFACES OF SAID BREACHED WINDOW, MUST HAVE BEEN AFFECTED BY 'HOT SMOKE PARTICULATES' EXPELLING FROM SAID
10. BREACHED WINDOW IN AN OUT AND UPWARD DIRECTION TOO, WHICH, AS A CONSEQUENCE, MUST HAVE RESULTED IN EASILY SEEN 'SOOT STREAKING FROM THE BOTTOM - HORIZONTAL, AND, LEFT AND RIGHT - ^{VERTICAL} ~~THE~~ OPEN AREAS OF WINDOW EDGES, EXTERNALLY, AT LEAST WITHIN INCHES OF THE WINDOW'S SEALANT ~~BREACHED~~ BREACHES, ESPECIALLY CONSIDERING THE EXTERIOR PAINTED SURFACE AROUND SAID BREACHED WINDOW, IS BRIGHT YELLOW IN COLOUR (SEE POLLARD'S PHOTOGRAPH 9, TRIAL PROSECUTION EXHIBIT P. 3, FOR TRUE VISUAL APPEARANCE OF EXTERIOR SURFACE COLOUR OF SAID BREACHED WINDOW, IRONICALLY, IT IS STILL SOLID YELLOW WITH NO SOOT-STREAKING, WHICH THEREFORE SUGGESTS SMOKE PARTICULATES DID NOT EXIT SAID BREACHED WINDOW
20. AT ANY TIME BETWEEN 5:20 AM AND 5:28 AM)' , WHICH MEANT THAT, I OF WAS CONVICTED, IN 1993, ACCORDING TO CROWN PROSECUTOR'S TRIAL SCENARIO, ARSON, BECAUSE 'THE TRIAL JURY BELIEVED THE CROWN'S STRICT ACCUSATION, THAT I LIT THE TRAIN CARRIAGE FIRE AFTER I BREACHED, LOOSENEED AND THEN DISPLACED THE SAID BREACHED WINDOW, TO STAGE A WINDOW BREAK-IN', AND IT WAS THEREFORE A CENTRAL-PILLAR FEATURE OF 'THAT' CROWN SCENARIO AT TRIAL, THAT, SAID BREACHED WINDOW MUST HAVE BEEN DISPLACED BY ME PRIOR TO CARRIAGE FIRE AND PRIOR TO 5:20 AM WHEN POLICE ARRIVED ON SCENE, AND, PRIOR TO MFS ARRIVING AT 5:28 AM, AND, WHICH ALSO MEANS, 'ACCORDING TO SAID STRICT CROWN'S ACCUSATION, THAT THE EXTERIOR SURFACES AROUND SAID
30. BREACHED WINDOW, MUST HAVE ALSO INCURRED AT LEAST 5:20 AM TO

1. 5:28AM OF 'THICK, BLACK, INTENSE HEAT' SOOT-STREAKING', EXCEPT, THE TRIAL EXHIBIT P.3 PHOTOGRAPH 9, VISUALLY CONFLICTS WITH CROWN CENTRAL-PILLAR ACCUSATION AGAINST ME THAT 'WINDOW SEALS WERE BREACHED AND SAID WINDOW WAS DISPLACED TO ITS RESTING POSITION PRIOR TO FIRE IN CARRIAGE', WHICH, THEREFORE, INVITES SERIOUS JUDICIAL QUESTIONS AGAINST MY SAID 1993 ARSON CONVICTION, BECAUSE, IT WOULD SEEM THAT THE ONLY ACCURATE AND BELIEVEABLE POLICE INVESTIGATION EVIDENCE RELATING TO THE EXTERIOR WINDOW SURFACES AROUND RESPECTIVE BREACHED WINDOW, ARE THE CRIME SCENE PHOTOGRAPHS', AND, AS HAS BEEN DESCRIBED ABOVE, 'CROWN PROSECUTOR'S CENTRAL-PILLAR STRICT ACCUSATION, OF,
10. WINDOW MUST HAVE BEEN BREACHED AND DISPLACED PRIOR TO FIRE BEING LIT IN TRAIN CARRIAGE', VISUALLY DIS-PROVEN BY SAID 1993 ARSON TRIAL EXHIBIT P.3, PHOTOGRAPH 9. (THERE IS NO VISUAL EVIDENCE TO SUSTAIN CROWN SCENARIO OF WINDOW BREACH PRIOR TO TRAIN CARRIAGE FIRE, BUT, VISUAL EVIDENCE DOES VISUALLY PROVE THAT NO SOOT-STREAKING DEPOSITS EXIST ON EXTERIOR PAINT SURFACES OF SAID BREACHED WINDOW). SECONDLY, 'WITHOUT ADEQUATE FORENSIC ASSESSMENTS OF SAID BREACH WINDOW DAMAGE, SUCH AS A 'PARTICLE ADHESION PAD BEING DABBED ON EXTERIOR SURFACE OF SAID BREACHED WINDOW, TO IDENTIFY IF ANY SOOT/SMOKE PARTICLES EXITED THROUGH SAID BREACHED WINDOW OPENING' (IF NONE PRESENT ON THE ADHESION PAD, THEN NO SMOKE
20. EXITED WINDOW, EQUATES TO WINDOW WAS NOT BREACHED/DISPLACED UNTIL AFTER 5:28AM ON 10-1-1991, WHICH WAS WHEN MFS ARRIVED TO EXTINGUISH THE FIRE, EQUATES TO NO STAGED WINDOW BREAK-IN (AS SAID BREACHED WINDOW DID NOT HAVE ITS 'SEALANT SEALS' BROKEN UNTIL AFTER 5:28AM WHICH IS WHEN MFS ARRIVED ON SCENE, THEREFORE, COULD NOT POSSIBLY BE PART OF ANY 'FAKE WINDOW BREAK-IN', AS CLAIMED BY SAID 1993 TRIAL PROSECUTOR), EQUATES TO SAID BREACHED WINDOW ACTUALLY HAVING NO PART TO PLAY IN 'ARSONIST'S MISDIRECTION SCENARIO' (TRIAL PROSECUTOR CLAIMED THAT THE ARSONIST EMPLOYED A 'WINDOW BREAK-IN EFFECT', TO MISDIRECT POLICE ATTENTION AWAY FROM AN 'INSIDE JOB ARSON CRIME',
30. WHICH MEANT THAT SAID BREACH WINDOW HAD TO BE DISPLACED PRIOR TO FIRE,

1. AND, IN THAT CIRCUMSTANCE, SAID BREACH WINDOW WOULD RECEIVE THE FULL PERIOD OF TIME OF 'THICK, BLACK, INTENSE-HEAT AFFECTED SMOKE/SOOT BEING EXPELLED FROM TRAIN CARRIAGE, AND, DEPOSITING TELL-TALE SIGNS OF HEAT-AFFECTED SMOKE PARTICULATES EXPRESSING FROM ALL AVAILABLE AND POSSIBLE OPENINGS', SOOT-STREAKING BEING MORE EVIDENT WHERE ESCAPING HEAT-AFFECTED SMOKE/SOOT PARTICULATES ARE CONSTRAINED/RESTRICTED TO SMALLER ESCAPE HOLES, THEREBY LIMITING THE 'ESCAPE SURFACES SO THAT ANY SMOKE/SOOT PARTICULATES WOULD CONDENSE THEIR SOOT-STREAKING EFFECT AND BE MORE VISUALLY OBVIOUS TO
10. IDENTIFICATION OF SAID EFFECT', EXCEPT THAT, IN ORDER FOR SAID BREACH WINDOW TO BE QUALIFIABLY PROVEN TO BE BROKEN/DISPLACED PRIOR TO TRAIN CARRIAGE FIRE BEING LIT, SAID BREACH WINDOW MUST HAVE MATERIAL EVIDENCE TO SUPPORT SOOT-STREAKING THROUGH SAID DISPLACED WINDOW'S RESTRICTIVE/CONSTRAINED ESCAPE HOLES, BUT, SAID BREACHED WINDOW VISUALLY CONFLICTS WITH CROWN'S CLAIM ABOUT 'WHEN' SAID BREACH WINDOW WAS ACTUALLY DISPLACED, AS THERE IS NO VISUAL SIGN/EVIDENCE OF SOOT-STREAKING AROUND EXTERIOR SURFACES OF SAID BREACH WINDOW (SEE P.3. PHOTOGRAPH 9.), SO THEN, 'SAID WINDOW COULD NOT HAVE BEEN DISPLACED UNTIL AFTER SAID SOOT-EXPRESSION FROM
20. TRAIN CARRIAGE'S ESCAPE OPENINGS, HAD CEASED', EQUATES TO A CREDIBLE AND LOGICAL CONCLUSION THAT SAID BREACHED WINDOW WAS ONLY DISPLACED BY SOMEONE WHO ATTENDED THE BURNING TRAIN CARRIAGE (AND THEREFORE, COULD NEVER HAVE BEEN 'LOOSENED AND DISPLACED' BY ME, THE ACCUSED, COULD NEVER HAVE BEEN PART OF ANY 'INSIDE JOB ARSON CRIME', COULD NEVER HAVE BEEN PART OF ANY 'FAKE WINDOW BREAK-IN', WHICH THEN DRAWS SERIOUS QUESTIONS AGAINST MY SAID 1993 ARSON CONVICTION, INCLUDING, 'IF CROWN'S TRIAL SCENARIO OF FAKE WINDOW BREAK-IN, MUST INTRINSICATE RESPECTIVE WINDOW BEING DISPLACED TO ITS RESTING POSITION PRIOR TO FIRE BEING LIT, THEREBY ENABLING FULL-TERM EXPELLING OF 'THICK, BLACK, HEAT-AFFECTED SMOKE PARTICULATES' OUT THROUGH DISPLACED-WINDOW-FRAME-GAPS, EFFECTING
30. PARTICULATES'

1. EXTERIOR SURFACES IMMEDIATELY SURROUNDING DISPLACED WINDOW PANEL BEING 100% SUSCEPTIBLE TO 'SOOT-STREAKING', WHICH WOULD BE MORE OBVIOUS ON SURFACES EXTERIOR TO SMALLER/CONFINED OPENINGS AND GAPS (SUCH AS SAID BREACH WINDOW, COMPARED TO MUCH LARGER OPENING AND GAPS, LIKE A DOORWAY, AS DOORWAY WOULD NOT 'CONSTRAIN' ESCAPING SMOKE AS MUCH, SO THAT EVEN THOUGH EXTERIOR DOOR FRAME SURFACES WOULD SHOW SIGNS OF 'SOOT-STREAKING', THE EFFECT AROUND WINDOW FRAME EXTERIOR SURFACES WILL BE MORE PRONOUNCED AND OBVIOUS VISUALLY, THAN THE EFFECT AROUND DOOR FRAME EXTERIOR SURFACES)', BUT,
10. CROWN'S CENTRAL-PILLAR TO SAID TRIAL SCENARIO, 'WINDOW DISPLACED PRIOR TO FIRE', IS ACTUALLY NOT POSSIBLE (BASED ON VISUAL PROOF OF EXTERIOR WINDOW FRAME SURFACES SURROUNDING SAID DISPLACED WINDOW, SEEN IN TRIAL EXHIBIT P.3, PHOTOGRAPH 9.), BECAUSE THERE IS NO 'SOOT-STREAKING' EFFECT VISIBLE ON CROWN'S OWN PHOTO. 9 EVIDENCE, NOR ANY OTHER VISUAL EVIDENCE IDENTIFIABLE WITHIN SAID PHOTO. 9, TO SUGGEST POSSIBILITY OF ANY SMOKE/SOOT EXPRESSING FROM ~~THE~~ TRAIN CARRIAGE WINDOW WHICH IS DISPLACED AT THE TIME SAID PHOTOGRAPH 9 WAS TAKEN, SO THEN, SAID CROWN'S TRIAL SCENARIO OF 'DISPLACED WINDOW PANEL PRIOR TO FIRE IN CARRIAGE BEING LIT', COLLAPSES WHEN PROPER ASSESSMENT IS
10. MADE OF CROWN EVIDENCE PRESENTED IN TRIAL, WHICH IS NOT TAINTED BY LIES OR FALSITIES (IN OTHER WORDS, LET THE CRIME SCENE PHOTOGRAPHS, TRIAL EXHIBIT P.3, BE THE MATERIAL EVIDENCE RELIED UPON, NOW, FOR CURRENTLY REVIEWED MATERIALS (AT TRIAL IN 1993), RATHER THAN ANY TRIAL TESTIMONY BY CROWN WITNESSES, WHICH MAY NOT ACCURATELY REPRESENT WHAT IS FUNDAMENTALLY EVIDENT WITHIN SAID EXHIBIT P.3 PHOTOGRAPHS), WHICH MEANS THAT SAID 1993 ARSON CONVICTION CANNOT EVER BE SUPPORTED BY CROWN'S SAID TRIAL SCENARIO OF 'BROKEN WINDOW SEALS AND DISPLACED WINDOW PANEL PRIOR TO CARRIAGE FIRE BEING LIT', AND, THE SAID 'CROWN'S TRIAL SCENARIO IS NOT ONLY A FALSE-CROWN-SCENARIO' (MISREPRESENTED CRIME
30. SCENE, AS BREACHED WINDOW WAS PRESENTED BY CROWN PROSECUTOR AS INTRINSIC

1. FEATURE TO THE ARSON CHARGE BECAUSE 'IT PROVED ATTEMPT BY ARSONIST TO CREATE MISDIRECTION EFFECT TO POLICE INVESTIGATION THAT WOULD FOLLOW', HOWEVER, CRIME SCENE PHOTO. 9 OF BREACHED WINDOW'S EXTERIOR SURROUNDING SURFACES PROVED THAT NO VISUAL EVIDENCE EXISTS TO SUPPORT THE 'WINDOW PLACEMENT WAS ANYTHING OTHER THAN SECURELY SEALED, AND SAID WINDOW PANEL WAS STILL FULLY BONDED DURING AT LEAST 5:20 AM AND 5:28 AM (TIME OF 8 MINUTES FROM WHEN KITTO AND CAUNCE ARRIVED ON SCENE, AT 5:20 AM, TO WHEN MFS ARRIVED ON SCENE, AT 5:28 AM, DURING WHICH THE 'SOOT-STREAKING EFFECT' HAD TO BE FULLY ENGAGING THROUGH
10. RESPECTIVE BREACHED WINDOW, BUT NO SOOT-STREAKING EFFECT ACTUALLY EXISTED, AT ALL, SO SAID BREACHED WINDOW MUST NOT HAVE BEEN DISPLACED PRIOR TO 5:20 AM, HENCE, RESPECTIVE BREACHED WINDOW COULD NOT HAVE BEEN DISPLACED BY ME, AND, RESPECTIVE BREACHED WINDOW COULD NOT HAVE BEEN ASSOCIATED/LINKED TO ANY 'FAKE-WINDOW-BREAK-IN')', IT ALSO FALSELY AND UNFAIRLY 'BURDENS MY RIGHT TO A FAIR OPPORTUNITY TO BE TRIAL-JUDGED BY THE JURY, ON HONEST AND ACCURATE PRESENTATION OF STATE'S EVIDENCE', WHICH MUST THEN EXCLUDE SAID BREACHED WINDOW FROM BEING ALLEGED (BY POLICE/TRIAL PROSECUTOR), TO BEING DISPLACED BY 'THE DEFENDANT OF SAID ARSON CHARGE', INSTEAD, ONLY
20. BEING DESCRIBED AS 'A WINDOW PANEL WHICH WAS SOMEHOW DISPLACED AFTER POLICE AND MFS ARRIVED ON SCENE', AND, MUST NOT BE REGARDED AS EVIDENCE TO SUGGEST (BY TRIAL JURY OR CROWN PROSECUTOR), A FALSE-WINDOW-BREAK-IN SCENARIO, OR, ANY OTHER CIRCUMSTANCE WHEREBY SAID WINDOW WAS DIRECTLY DAMAGED AND DISPLACED PRIOR TO FIRE), WHICH FUNDAMENTALLY CONFLICTS WITH CROWN PROSECUTOR'S TRIAL PRESENTATION TO THE JURY, THAT, 'SAID BREACHED WINDOW WAS PUSHED OUTWARDS BY PERSON WHO WAS ALREADY INSIDE TRAIN CARRIAGE, AND, THAT, AS ^{THERE} WAS NO PHYSICAL DAMAGE TO CARRIAGE ENTRY DOORS, THE PERSON WHO PUSHED RESPECTIVE WINDOW OUTWARDS MUST HAVE HAD ACCESS TO THE 'KEY' TO
30. UNLOCK CARRIAGE DOORS, HENCE, 'INSIDE JOB', SO NOW, IN LIGHT

1. OF HOW THE CROWN PROSECUTOR'S TRIAL SCENARIO OF 'WINDOW DISPLACED PRIOR TO CARRIAGE FIRE BEING LIT', CANNOT STAND UP TO EVEN BASIC SCRUTINY, AND, CONSEQUENTIALLY, COGENTLY VALIDATES MY COMPLAINT THAT SAID BREACH WINDOW WAS NOT DAMAGED BY ANYONE UNTIL AFTER MFS ARRIVED ON SCENE AT 5:28 AM ON 10-1-1991, IT CANNOT BE SAID THAT 'MY SAID 1993 ARSON CONVICTION WAS NOT FOLLOWING SERIOUS MISINTERPRETATION OF MATERIAL CRIME SCENE PHOTOGRAPH EVIDENCE (EXTERIOR SURFACES SURROUNDING DAMAGED WINDOW PANEL, THE 'BREACHED WINDOW', NO SMOKE/SOOT PARTICULATES DEPOSITED, NO SOOT-STREAKING)', NOR SAID THAT 'MY 1993 ARSON CONVICTION WAS NOT
10. FOLLOWING SERIOUS MISREPRESENTATION OF MATERIAL CRIME SCENE PHOTOGRAPH EVIDENCE (EXHIBIT P.3 PHOTOGRAPH 9, SHOWING EXTERIOR PAINTED SURFACES AROUND DISPLACED-WINDOW, COGENTLY QUALIFYING THE EXCULPATORY EVIDENCE VALUE WITH VISUAL CLARITY, THAT NO SMOKE OR SOOT DAMAGE OR DEPOSITS ARE VISIBLE ON EXTERIOR SURFACES AROUND SAID WINDOW FRAME, THEREBY CAUSING SAID EXHIBIT P.3 PHOTOGRAPH 9, TO BE SIGNIFICANTLY MORE IMPORTANT TO DEFENDANT'S INNOCENCE ARGUMENT, QUALIFIABLY DISPUTING CROWN'S TRIAL SCENARIO OF 'WINDOW BEING DISPLACED BY ARSONIST', PLUS, 'WINDOW BEING DISPLACED PRIOR TO POLICE ARRIVING ON SCENE AT 5:20 AM', PLUS, 'WINDOW WAS ONLY DAMAGED BECAUSE IT WAS PART
20. OF THE ARSONIST'S PLAN TO CREATE A FAKE WINDOW BREAK-IN SO IT WAS ONLY DISPLACED BECAUSE THE ARSONIST DISPLACED SAID BREACH WINDOW')), THE ONLY REMAINING MATERIAL/PHYSICAL EVIDENCE TO DETERMINE IF THE PROSECUTOR'S SAID TRIAL SCENARIO COULD HAVE BEEN POSSIBLY PROVEN OR DISPROVEN ? CROWN WOULD HAVE TRIED TO CLAIM THAT 'EVEN IF FORENSIC ADHESION PADS, OR TAPE-LIFTS, HAD BEEN APPLIED TO OUTER SURFACE OF BREACHED WINDOW, OR, OUTER SURFACE IMMEDIATELY SURROUNDING BREACHED WINDOW FRAME, AND, SAID TAPE-LIFTS HAD NOT DETECTED ANY SMOKE/SOOT PARTICULATES ON SAID EXTERIOR SURFACES, DOES NOT PROVE WINDOW WAS NOT DISPLACED TO ITS RESTING POSITION, BY THE ARSONIST, PRIOR TO POLICE
30. ARRIVING', BUT, I PURPORT THAT, 'IF COMPETENT AND PROPER FORENSIC