

1. ASSESSMENT HAD BEEN EMPLOYED BY POLICE AND APPLIED TO THE EXTERIOR SURFACES OF AND IMMEDIATELY SURROUNDING SAID BREACHED WINDOW, THE RESULTING MATERIAL FACT THAT NO SMOKE/SOOT PARTICULATES ADHERED TO THE OUTER SURFACE OF SAID WINDOW PANEL, OR ITS WINDOW FRAME, MUST STAND AS QUALIFICATION THAT RESPECTIVE WINDOWS SEALS WERE NOT ^{BREACHED} BY ANY 'INTENSE-HEAT AFFECTED SMOKE/SOOT PARTICULATES' TRYING TO EXPRESS FROM BURNING CARRIAGE, ONLY BECAUSE SAID BREACHED WINDOW WAS NOT BREACHED OR DISPLACED PRIOR TO 5:20 AM, NOR COULD IT HAVE BEEN DISPLACED PRIOR TO 5:20 AM BECAUSE WHEN "INTENSE HEAT" OF BURNING CARRIAGE FORCES AIR AND SMOKE AND SOOT OUT OF CARRIAGE [HEAT CAUSES AIR TO EXPAND], THE EFFECT CAUSED TO THE SAID BREACHED WINDOW WOULD BE TO HEAT/THE SURFACE WHERE THE "INTENSE HEAT" WAS EXPRESSING FROM, WHICH WOULD THEN MAKE THE PAINTED SURFACE OF EXTERIOR REGION SURROUNDING THE BREACHED WINDOW, TACKY TO TOUCH AND MORE IMPORTANTLY, STICKY TO SMOKE AND SOOT PARTICULATES, SO THE POSSIBILITY OF THEN NOT ADHERING TO SAID SURFACE PAINT OF EXTERIOR REGION IMMEDIATELY SURROUNDING SAID DISPLACED WINDOW, IS SO REMOTE AND UNLIKELY (UNLESS THERE WAS RAIN KEEPING TRAIN'S EXTERIOR PAINT WET, WHICH WAS NOT THE CASE ON 10-1-1991), THAT I WOULD SUGGEST IS NOT EVEN POSSIBLE, THEREFORE, IF NOT EVIDENCE OF SMOKE/SOOT ~~STICKING TO SAID EXTERIOR~~ STICKING TO EXTERIOR SURFACE SURROUNDING SAID BREACHED WINDOW, THEN, THE WINDOW COULD NOT HAVE BEEN DISPLACED UNTIL AT LEAST 5:28 AM WHICH IS WHEN MFS
30. ARRIVED ON SCENE, AND THAT ALSO MEANS SAID

1. WINDOW COULD NOT HAVE BEEN DISPLACED BY ME, AND, MUST ALSO MEAN THAT SAID WINDOW WAS NEVER ANY PART OF A FALSE-WINDOW-BREAK-IN, PLUS, THE TRIAL SCENARIO WHICH PROSECUTOR PUT TO THE JURY RE 'DISPLACED WINDOW IS PROOF AGAINST JARRETT OF CRIMINAL ACT TO CREATE FAKE WINDOW BREAK-IN AND THEREFORE MUST ALSO BE GUILTY OF ARSON', HAS NO CREDIBILITY AVAILABLE TO IT⁹, IS THE CRIME SCENE PHOTOGRAPHS WHICH WERE TABLED IN TRIAL AS EXHIBIT P.3, AND OF THOSE PHOTOGRAPHS, I WOULD DIRECT ATTENTION TO
10. THE ONES WHICH SHOW INTERIOR AND EXTERIOR SURFACES OF THE TRAIN CARRIAGE, AS SAID PHOTOGRAPHS ARE A VISUAL QUALIFIER OF SMOKE AND SOOT STAINING/STREAKING ON THE 'INTERIOR' AS WELL AS 'SPECIFIC EXTERIOR' SURFACES OF THE TRAIN CARRIAGE. IF MY TRIAL LAWYER (M. BARNETT), HAD PRESENTED A MORE COMPETENT ARGUMENT, DURING MY SAID 1993 ARSON TRIAL, 'AGAINST CROWN'S WINDOW BREAK-IN SCENARIO', THEN, IT IS POSSIBLE THAT THE TRIAL JURY WOULD HAVE APPRECIATED THE 'IMPOSSIBILITY OF EXTERIOR SURFACES SURROUNDING SAID BREACHED WINDOW, NOT HAVING ANY SMOKE/SOOT STAINING OR STREAKING IF WINDOW HAD BEEN DISPLACED PRIOR TO 5.20 AM', SO,
20. THAT ARGUMENT IS LEFT TO ME NOW, AND, EVEN THOUGH TRIAL PROSECUTOR PRESENTED THE 'IMPOSSIBLE SCENARIO' TO THE JURY, RE, 'WINDOW DISPLACED PRIOR TO POLICE ARRIVING AT 5.20 AM', FROM WHICH I WAS CONVICTED OF ARSON, THE FACT STILL REMAINS THAT SAID DISPLACED WINDOW COULD NOT HAVE BEEN DISPLACED (AND ITS SEALS BREACHED), PRIOR TO 5.28 AM WHEN MFS ARRIVED ON SCENE, THEREFORE, IT IS A SIGNIFICANT MISCARRIAGE OF JUSTICE THAT 'I WAS CONVICTED ON PROSECUTOR'S SCENARIO OF BREACHED WINDOW BEING DISPLACED PRIOR TO POLICE ARRIVING AT 5.20 AM', WHICH WAS NEVER SUPPORTABLE BY ANY CRIME SCENE PHOTOGRAPH 'VISUAL' EVIDENCE (EXHIBIT. P.3), AND EVEN
30. MORE UNFAIR TO ME, IS THE FACT THAT SAID PHOTOGRAPH 9, ACTUALLY

1. CONFLICTS WITH (AND SO, DISPROVES), CROWN PROSECUTOR'S TRIAL SCENARIO OF 'WINDOW DISPLACED PRIOR TO 5.20AM', WHICH IS ACHIEVED BY VISUAL ASSESSMENT OF THE PAINTED EXTERIOR SURFACES IMMEDIATELY SURROUNDING THE DISPLACED WINDOW OF THE TRAIN CARRIAGE, WHICH CLEARLY DO NOT SHOW ANY VISUAL SIGNS OF SMOKE/SOOT STAINING OR STREAKING, AND, FROM AN EXCULPATORY PERSPECTIVE, THE 'VISUALLY OBVIOUS BRIGHT YELLOW PAINT ON EXTERIOR SURFACE OF TRAIN CARRIAGE, IMMEDIATELY SURROUNDING DISPLACED WINDOW, DOES NOT SHOW ANY HINT ON STAINING OR STREAKING FROM SMOKE OR SOOT'.

10.

TO BETTER APPRECIATE WHAT CREDIBLE EVIDENCE CAN RELIABLY BE DETERMINED FROM LOOKING AT SAID 'P.3. PHOTOGRAPHS', IT IS IMPORTANT, AND SIGNIFICANT, TO BE AWARE OF SPECIFIC FEATURES OF THE TRAIN CARRIAGE WINDOWS, TRAIN CARRIAGE TANGIBLE SURFACES (INTERIOR AND EXTERIOR), TIME OF MORNING WHEN PHOTOGRAPHS WERE TAKEN, AND ANY SOURCES OF DESCRIPTION OF THE FIRE IN THE CARRIAGE, AND, SOURCES OF DESCRIPTION OF THE SMOKE/SOOT EXPRESSING FROM THE CARRIAGE, PLUS, ANY 'TIME' DESCRIPTIONS ASSOCIATED WITH RELEVANT EVENTS LINKED TO CARRIAGE FIRE. ONCE ALL THE READILY AVAILABLE DETAILS ARE COLLATED

20. (IN RELATION TO THE TRAIN CARRIAGE FIRE), WHICH, FUNDAMENTALLY, SHOULD HAVE BEEN DONE BY POLICE AS PART OF THEIR FORENSIC INVESTIGATION OF THE CARRIAGE FIRE, THEN SUBSEQUENT OFFICIAL REPORT (OF FORENSIC INVESTIGATION), WOULD THEN BE REQUIRED TO BE DISCLOSED (PER RULES OF DISCLOSURE), TO THE ACCUSED (ME), AND, POINTS I AM HIGHLIGHTING NOW, FOR THE FIRST TIME (AS POLICE FAILED TO PROPERLY OR COMPETENTLY ENGAGE EVEN A REASONABLE ASSESSMENT OF TRAIN CARRIAGE FIRE EVENT), WOULD HAVE ALREADY BEEN ANSWERED IF A COMPETENT FORENSIC ASSESSMENT REPORT HAD BEEN PRODUCED, ALLOWING A TRUE AND ACCURATE 'UNDERSTANDING OF HOW SAID BREACHED WINDOW COULD HAVE BEEN DISPLACED', PLUS, 'HOW SAID BREACHED WINDOW COULD NOT HAVE BEEN DISPLACED', PLUS, 'WHO MIGHT HAVE BEEN

1. INVOLVED IN THE DISPLACEMENT OF SAID BREACHED WINDOW', PLUS, 'WHO COULD NOT HAVE BEEN INVOLVED IN THE DISPLACEMENT OF SAID BREACHED WINDOW', PLUS, 'WHAT FORCE WOULD BE REQUIRED TO SLOW-VELOCITY-IMPACT, AND ALSO, TO QUICK-VELOCITY-IMPACT, ONE OF THE PERSPEX WINDOW PANELS SO AS TO CAUSE A BREAK IN THE ADHESIVE BONDING BETWEEN PERSPEX WINDOW PANEL AND THE WINDOW FRAME IT IS MOUNTED IN AND SEALANT BONDED TO (IF THERE IS ANY DIFFERENCE ALSO, TO THE BONDING-EFFECTIVENESS OF THE SILICONE-STYLE SEALANT, PRIOR TO FIRE/HEAT AFFECT WHICH CARRIAGE DID INCUR, COMPARED TO, THE BONDING-EFFECTIVENESS OF THE SILICONE-STYLE SEALANT, AFTER FIRE/HEAT AFFECT WHICH CARRIAGE DID INCUR)', PLUS, 'WHAT WAS THE FLEXING, VIBRATION, AND, IMPACT RESISTENCE DURABILITY OF THE SILICONE-STYLE SEALANT USED ON THE CARRIAGE WINDOW PANELS (SEALANT HAD TWO PRIMARY FUNCTIONS, BEING, AN ADHESIVE BOND BETWEEN WINDOW PANEL AND WINDOW FRAME, AND, MOISTURE BARRIER TO PREVENT EXTERIOR WATER (RAIN, GARDEN SPRINKLER WATER), FROM ENTERING TRAIN CARRIAGE THROUGH WINDOW FRAMES)', PLUS, 'WHAT TEMPERATURE DID INTERIOR OF CARRIAGE REACH DUE TO FIRE EVENT (INCREASED AIR TEMP. DUE TO FIRE, CAUSES HARD SURFACES TO BECOME MORE EASILY ADHERED TO BY DEBRIS WITHIN HEATED AIR, PARTICULARLY SMOKE/SOOT PARTICULATES, WHICH, WHEN TRYING TO DETERMINE AT WHAT STAGE OF FIRE EVENT, PRE OR POST, THE SAID
20. BREACHED WINDOW WAS ACTUALLY DISPLACED, IT IS RELEVANT TO KNOW THAT IF NO SMOKE/SOOT PARTICULATES ARE SEEN OR EVEN 'CHEMICALLY' REVEALED ON EXTERIOR OF BREACHED WINDOW FRAME SURFACES, IMMEDIATELY SURROUNDING THE BREACHED WINDOW, IT IS HIGHLY SUSPECT OF THE CROWN TO CLAIM THAT SAID BREACHED WINDOW WAS FULLY DISPLACED TO ITS RESTING POSITION SINCE BEFORE 5:20AM WHEN KITTO AND CAUNCE (POLICE), ARRIVED ON SCENE, THEN FROM 5:20AM TO 5:28AM 'HOT AND INTENSE HEAT' (CONTAINING SMOKE AND SOOT PARTICULATES), EXPELLED FROM CARRIAGE THROUGH DISPLACED WINDOW BUT LEFT NO EVIDENCE OF SMOKE OR SOOT ADHESION TO EXTERIOR SURFACE OF SAID WINDOW FRAME)', PLUS, 'OTHER RELEVANT EVIDENCES', ONLY THEN CAN A
30. FAIR AND REASONABLE AND COMPETENT AND LOGICALLY FOUNDED OFFICIAL REPORT

1. DETERMINATION AND CONCLUSION BE PROPERLY FORMULATED. IF SUCH A REPORT FORMULATION HAD BEEN DONE IN THE FIRST INSTANCE, AS IT WAS OBLIGATED TO BE (EXCEPT THAT NO SUCH EFFORT WAS CONDUCTED WITHIN SAID EARLIER ARSON EVENT 'REPORT'), THEN, IRONICALLY, POLICE WOULD HAVE ESTABLISHED THAT 'DISPLACED WINDOW WAS NOT BREACHED ALONG ITS BONDED EDGES UNTIL AFTER 5:20 AM (WHEN MFS ARRIVED)', 'JARRETT COULD NOT ~~BE~~ HAVE BREACHED/DISPLACED SAID WINDOW PRIOR TO 5:20 AM, WHEN POLICE ARRIVED, NOR AFTER 5:20 AM, AND, THEREFORE, COULD NOT HAVE BEEN INVOLVED IN DISPLACING SAID WINDOW', 'ONLY REMAINING POSSIBILITY FOR WHO COULD HAVE
10. DAMAGED AND DISPLACED SAID WINDOW (CONSEQUENTIAL REASONING AFTER FORENSIC TESTING DETERMINES THAT NO SMOKE/SOOT PARTICULATES EXITED TRAIN CARRIAGE THROUGH WINDOW FRAME AREA OF THE DISPLACED WINDOW), IS THAT SAID WINDOW WAS DISPLACED BY SOMEONE WHO ATTENDED THE SCENE AFTER 5:20 AM (WHEN POLICE ARRIVED), WHICH LEAVES NO POSSIBILITY THAT IT COULD HAVE BEEN DISPLACED TO ITS RESTING POSITION PRIOR TO THAT TIME, SO THE SUSPECTS INCLUDE MFS, POLICE DETECTIVES, ARSON INVESTIGATOR, ETC (THERE IS NO EVIDENCE TO SUGGEST WINDOW WAS UNLAWFULLY DAMAGED BY ANYONE WHO ATTENDED THE SCENE, AS IT MAY HAVE BEEN DISPLACED BY, FOR EXAMPLE, MFS OFFICER AS PART OF ~~THE~~ HOSE CONVEYING INTO CARRIAGE VIA
20. MID-LENGTH WINDOW, BUT WITHOUT CLOSE-UP PHOTOS INSIDE AND OUTSIDE OF SAID WINDOW FRAME, I CAN'T EVEN SEE IF THERE ARE ANY HOSE DRAG MARKS ON WINDOW FRAME, OR, EVEN A STATEMENT FROM ANY MFS OFFICER WHO MIGHT HAVE USED A 'PUSH-POLE' AGAINST WINDOW PANEL FROM INSIDE OF CARRIAGE SO AS TO ENABLE WATER SPRAY-IN FOR FIRE OFFICERS TO ENTER CARRIAGE, EVEN AFTER THE HEAT + FLAME WAS DEALT WITH BY MFS SO THAT 'HEAT - FORCED - SMOKE EMINATION' (FROM CARRIAGE), HAD CEASED, THERE MAY STILL HAVE BEEN VOLUME OF VISION-LIMITING THICK SMOKE THAT NEEDED EXTRACTION, SO A MID-POINT WINDOW MAY HAVE BEEN FORCED OPEN TO ASSIST WITH THAT PROCESS, WITH A FUNDAMENTAL FEATURE OF ANY 'REMAINING SMOKE/SOOT PARTICULATES
30. EXITING SUCH 'DISPLACED WINDOW FRAME OPENING', IS THE LOW-HEAT OF ANY

1. **SMOKEY - AIR** (COMPARED TO THE "THICK", "BLACK SMOKE", "INTENSE HEAT" AFFECTED AIR EXPELLING OUT OF TRAIN CARRIAGE DOORS AT ~~THE~~ EASTERN AND WESTERN ENDS, WHICH CAUNCE AND KITO EXPERIENCED BETWEEN 5:20 AM AND 5:28 AM), WITH THE POINT ABOUT LOW-TEMP-AIR-WITH SMOKE, THAT MAY HAVE EXITED 'DISPLACED WINDOW FRAME OPENING' AT THAT TIME IS THE SIGNIFICANTLY REDUCED ADHESIVENESS OF SMOKE/SOOT DEBRIS, BUT, THAT ONLY AIDS MY COMPLAINT THAT SAID DISPLACED WINDOW PANEL WAS NOT DISPLACED UNTIL SOME TIME AFTER THE 'INTENSE HEAT ASSOCIATED SMOKE' HAD BEEN CONTAINED BY MFS', AND, OTHER RELEVANT OFFICIAL CONCLUSIONS.

10.

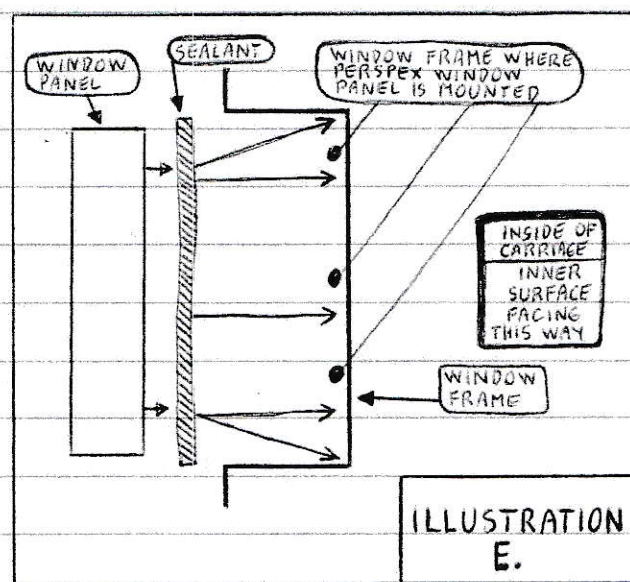
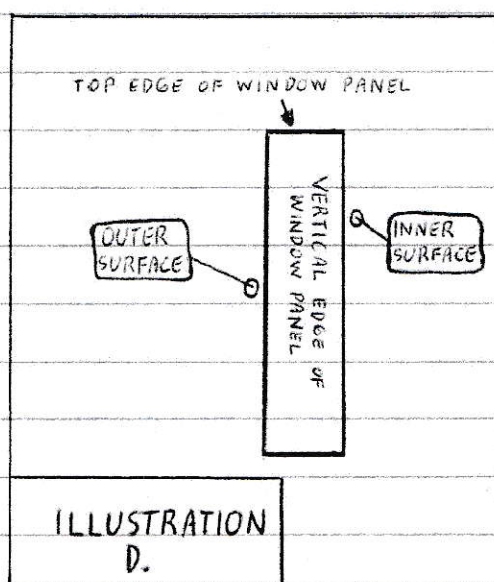
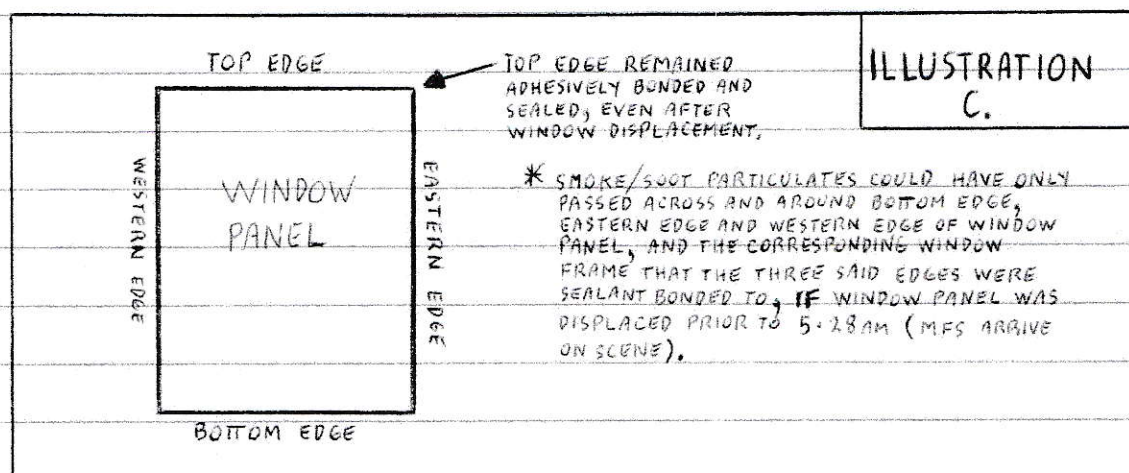
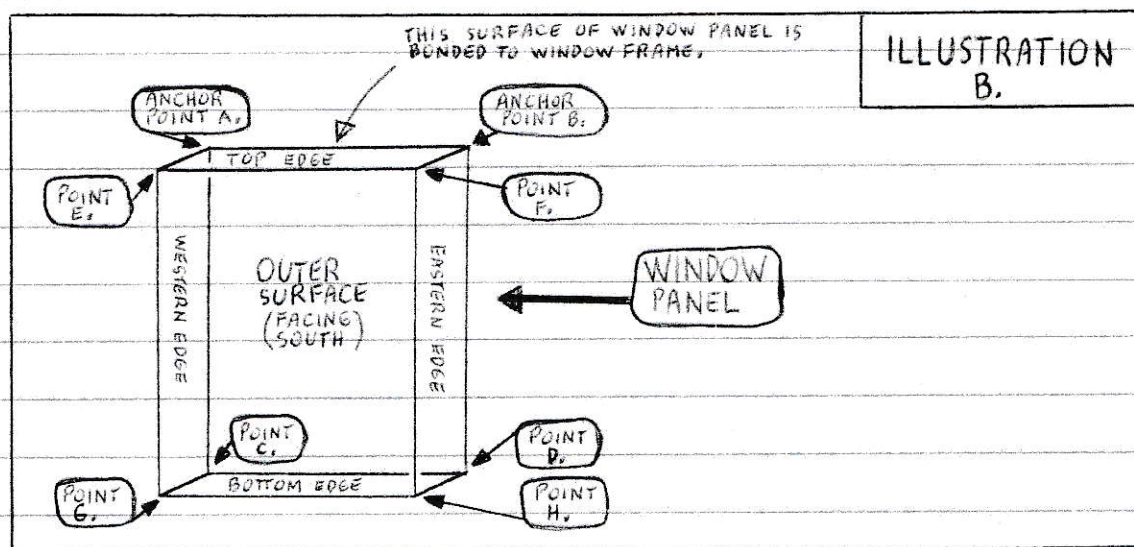
- IT SEEMS THAT POLICE DID NOT EVEN BOTHER TO PROPERLY ~~INVESTIGATE~~ DETERMINE WHETHER OR NOT SAID BREACHED WINDOW OF THE TRAIN CARRIAGE, WAS, OR, WAS NOT, FORENSICALLY LINKABLE TO A TIME OF ITS 'DISPLACEMENT' BEING PRIOR TO POLICE ARRIVING ON SCENE (AT 5:20 AM), OR, AFTER POLICE ARRIVED ON SCENE, BECAUSE, POLICE APPEAR TO HAVE REGARDED THE DISPLACED WINDOW ~~AS~~ AS 'THE ACTIONS OF THE ARSONIST ONLY', WITH SUCH NEGLIGENT INVESTIGATION BELIEFS OF AND BY THE POLICE, RESULTING IN FALSE ACCUSATIONS BY CROWN PROSECUTOR, AGAINST ME, DURING SAID 1993 ARSON TRIAL, WITH ~~THE~~ PROBABLY THE MOST SIGNIFICANT OF SUCH 'FALSE ACCUSATIONS', BEING, THAT, 'THE BREACHED WINDOW WAS BREACHED AND DISPLACED BEFORE POLICE ARRIVED ON SCENE (POLICE ARRIVED AT 5:20 AM), AND WAS DISPLACED BY ARSONIST BEFORE THE CARRIAGE FIRE WAS LIT', AND YET, THE CRIME SCENE PHOTOGRAPHS (TRIAL EXHIBIT P. 3, ESPECIALLY No. 9), QUALIFIABLY DISPROVES THE TRIAL PROSECUTOR'S CRIME SCENARIO AGAINST ME, REGARDING WHEN SAID WINDOW WAS DISPLACED (VISUAL CLARIFICATION, VIA EXTERIOR SURFACES AROUND THE DISPLACED WINDOW, BEING SEEN AS NOT HAVING ANY APPEARANCE OF SMOKE OR SOOT DEPOSITING/STREAKING, THEREFORE, ESTABLISHED THAT BETWEEN 5:20 AM AND 5:28 AM THE SAID WINDOW PANEL WAS NOT AND COULD NOT HAVE BEEN DISPLACED,
30. PLUS, NO SMOKE/SOOT EXITED CARRIAGE FROM THAT SPECIFIC WINDOW FRAME',

1. AND, BY DISPROVING TRIAL PROSECUTOR'S PURPORTED TIMING ABOUT WHEN SAID WINDOW PANEL WAS DISPLACED, THEN 'INVITES THE FUNDAMENTAL POINT ABOUT SAID DISPLACED WINDOW', BEING, IRONICALLY, THE 'OPPOSITE TO WHAT TRIAL PROSECUTOR STATED AS A 'MATERIAL FACT AGAINST ME'. TRIAL PROSECUTOR CLAIMED THAT 'THE DISPLACED WINDOW WAS DISPLACED PRIOR TO POLICE ARRIVING (5:20 AM), AND, PRIOR TO FIRE IN CARRIAGE BEING LIT, PLUS, THE SAID DISPLACED WINDOW WAS A CENTRAL-PILLAR TO CROWN'S PROSECUTION CASE AGAINST ME, AS IT SHOWED PROOF OF CRIMINAL INTENT TO STAGE A FAKE-WINDOW-BREAK-IN BY BREACHING AND DISPLACING RESPECTIVE WINDOW PANEL, THEN LIGHTING FIRE IN CARRIAGE AFTER THAT WINDOW PANEL WAS DISPLACED',
10. BUT, IN FACT, AS MATERIALLY EVIDENCED BY WHAT CAN AND CANNOT BE SEEN ON TRIAL EXHIBIT P.3, PHOTOGRAPH 9, 'THE DISPLACED WINDOW IS EXCULPATORY PROOF THAT NO SMOKE-SOOT EXITED THAT SPECIFIC WINDOW ^{FRAME} ~~OPENING~~ PRIOR TO ARRIVAL OF MFS (5:28 AM), WHO STATED THAT ON MFS ARRIVAL ON SCENE, WHAT MFS OBSERVED ABOUT WHAT WAS EXPRESSING FROM TRAIN CARRIAGE WAS, "FAIR AMOUNT OF SMOKE" [TRIAL TESTIMONY BY CROWN WITNESS, MFS], THEREFORE, ALSO PROVING THAT THAT SPECIFIC WINDOW PANEL WAS NOT AND COULD NOT HAVE BEEN BREACHED AND DISPLACED PRIOR TO MFS ARRIVAL ON SCENE (A BREACHED AND DISPLACED WINDOW PANEL, TO ITS RESTING POSITION (POSITION IT WAS PHOTOGRAPHED IN, PHOTOGRAPH 9), WOULD NOT BE ABLE TO PREVENT THE HOT
20. AIR CONTAINING SMOKE/SOOT PARTICULATES, FROM DEPOSITING ON EXTERIOR WINDOW FRAME IMMEDIATELY SURROUNDING ANY DISPLACED/BREACHED WINDOW FRAME, AND, WOULD BE EASILY DISTINGUISHABLE FROM THE BRIGHT YELLOW EXTERIOR PAINT OF SAID TRAIN CARRIAGE IF SMOKE/SOOT HAD EXPELLED THROUGH SAID WINDOW FRAME OPENING FOR AT LEAST 8. MINUTES (FROM 5:20 AM TO 5:28 AM), AND, THEREFORE, NO SMOKE/SOOT VISUALLY EVIDENT MUST EQUATE TO SAID WINDOW PANEL COULD NOT HAVE BEEN DISPLACED PRIOR TO 5:20 AM, NOR EVEN DISPLACED PRIOR TO 5:28 AM), THEREFORE, ALSO PROVING THAT THAT SPECIFIC WINDOW PANEL COULD NOT HAVE BEEN DISPLACED BY ME, AND THEREFORE ALSO COULD NOT HAVE BEEN DISPLACED PRIOR TO FIRE BEING LIT'.

1. WITH THE 'CENTRAL-PILLAR' (THE BREACHED AND DISPLACED WINDOW), OF CROWN PROSECUTOR'S TRIAL SCENARIO, BEING DISSOLVED THROUGH PRACTICAL ASSESSMENT AND LOGICAL INTERPRETATION, OF VISUAL EVIDENCE SEEN ON SAID EXHIBIT P.3, PHOTOGRAPH 9, TO THE EXTENT THAT THE 'DISPLACEMENT OF SAID WINDOW AND TIME-ASSOCIATIONS ANCHORED TO IT, AND EVENT-ASSOCIATIONS ANCHORED INTRINSICALLY TOO', BECOME FUNDAMENTAL EXCULPATORY QUALIFICATIONS, IT THEN CANNOT BE SAID THAT TRIAL PROSECUTOR DID NOT PRESENT A MISLEADING AND/OR UNSUSTAINABLE SCENARIO (RELATING TO WHEN SAID WINDOW WAS DISPLACED, RELATING TO WHY SAID WINDOW WAS DISPLACED, AND, RELATING TO BY WHOM SAID WINDOW WAS DISPLACED, AND, RELATING TO BY WHOM SAID WINDOW WAS NOT AND COULD NOT HAVE BEEN DISPLACED), BY STATING 'DISPLACED WINDOW WAS A STAGED AND FAKE WINDOW BREAK-IN', AND STATING 'DISPLACED WINDOW WAS DISPLACED PRIOR TO FIRE BEING STARTED', AND STATING 'DISPLACED WINDOW WAS DISPLACED BY THE PERSON WHO LIT THE CARRIAGE', WHICH UNFAIRLY PREJUDICED MY ABILITY TO RECEIVE A FAIR TRIAL ACCORDING TO LAW, OR EVEN TO RECEIVE A FAIR OPPORTUNITY TO BE ACQUITTED OF THE ARSON CHARGE FOR WHICH I WAS BEING TRIED IN THE CRIMINAL COURTS. [REFER Rv STAFFORD [2009] QCA 407, PARAGRAPH 149, REFER ALSO TO Rv DRUMMOND (No.2) [2015] SASCF 82, PARAGRAPH 174.].
20. THE COMBINED EFFECT OF 'NEGLIGENT AND INCOMPETENT AND UNSATISFACTORY POLICE FORENSIC INVESTIGATION OF TRAIN CARRIAGE FIRE EVENT, IN PARTICULAR, THE DISPLACED WINDOW', AND, 'FALSE AND UNSUPPORTABLE (BY FORENSIC INVESTIGATION), PROSECUTION TRIAL SCENARIO ABOUT WHEN, WHO, AND WHY DISPLACED WINDOW WAS IN ITS (PHOTOGRAPHED), BREACHED AND DISPLACED POSITION', CREATED A SUBSTANTIAL BLEMISH TO THE CHARACTER OF MY SAID 1993 ARSON TRIAL, AND [REDACTED] IMPROPERLY INTRUDED UPON THE CONDUCT OF MY SAID 1993 ARSON TRIAL AT A FUNDAMENTAL LEVEL, THAT, MY SAID 1993 ARSON TRIAL COULD NEVER HAVE BEEN A FAIR TRIAL ACCORDING TO LAW (SEE QUOTED TEXT FROM WILDE V THE QUEEN [1988] HCA 6, ABOVE ON PAGES 24. TO 27, IBIT), AND NOW, I AM EFFECTIVELY IN A CIRCUMSTANCE
30. OF 'REVERSED BURDEN AND ONUS OF PROOF', WHEREBY I AM FORCED TO PROVE

1. WRONG-DOINGS (BY THE CROWN, PRIOR TO TRIAL, AND, DURING MY SAID 1993 TRIAL), THAT SHOULD NEVER HAVE EXISTED (BECAUSE THEY WERE ACTIONS PROHIBITED BY 'DUE PROCESS ACCORDING TO LAW', 'PROPER POLICE PROCEDURES', 'PROPER PROSECUTOR PROCEDURES', AND OTHER RELEVANT CONDUCT OBLIGATIONS IMPOSED UPON POLICE AND PROSECUTORS WHICH ARE DESIGNED TO ENSURE 'FAIR AND HONEST INVESTIGATION AND PROSECUTION OF CRIMINAL CHARGES'), JUST SO THE COURT OF APPEAL CAN OPENLY INVESTIGATE THE EXTENT OF 'WHAT I CLAIM IS CROWN IMPROPRIETIES WHICH DENIED ME FROM RECEIVING A FAIR TRIAL AND A FAIR OPPORTUNITY TO HAVE BEEN ACQUITTED OF THE CHARGE AGAINST ME'. WHERE THE CONDUCT OF THE
10. STATE, EITHER PRIOR TO TRIAL, OR, DURING CRIMINAL TRIAL, OR, BOTH PRIOR TO AND DURING MY SAID 1993 ARSON TRIAL, ACTING AGAINST PROPRIETY AND FAIRNESS, RESULTS IN THE SAID 1993 TRIAL CONVICTION OF ARSON, AND, I AM ABLE TO DISTINCTLY IDENTIFY SUCH ACTIONS OF STATE (EMPLOYEES OF, AND, TRIAL WITNESSES FOR, THE STATE GOVERNMENT OF SOUTH AUSTRALIA), THAT WERE PERFORMED IN A WAY SUGGESTIVE ~~OF~~ OF IMPROPRIETY, OR MERELY OF SUCH FUNDAMENTAL CHARACTER SO AS TO INVITE MISCARRIAGE OF JUSTICE AGAINST ME, I BELIEVE IT TO BE AN OBLIGATION OF THE ~~COURT~~ COURT OF CRIMINAL APPEAL TO REMEDY SUCH A 'BLEMISH WITHIN THE JUDICIAL SYSTEM' (THE WRONGFUL ARSON CONVICTION), ESPECIALLY WHEN THE DEGREE OF STATE IMPROPRIETIES WHICH BROUGHT
20. ABOUT SAID 'MISCARRIAGE OF JUSTICE', IS STILL PROVEABLE BY PHYSICAL EVIDENCE INCLUDING 'POLICE REPORTS AND STATEMENTS', 'POLICE CRIME SCENE PHOTOGRAPHS', 'COMMITTAL HEARING COURT TRANSCRIPT', 'CRIMINAL TRIAL COURT TRANSCRIPT'.

THE FOLLOWING 'ILLUSTRATIONS' (B, C, D, E.), PROVIDE VISUAL ASPECT IN CONNECTION WITH THE 'DISPLACED WINDOW PANEL' SEEN IN TRIAL EXHIBIT P.3, PHOTOGRAPH 9.



1. ILLUSTRATION B. (PAGE 192, IBID), SHOWING REPRESENTATION OF THE SAID BREACHED WINDOW, INDICATING 'ANCHOR POINT A.', ALONG TO 'ANCHOR POINT B.', ALONG TO 'POINT D.', ALONG TO 'POINT C.', ALONG TO 'POINT A.', WHICH IS THE 'BORDERING AREA FOR ADHESIVE SEALANT', WHEREBY THE SEALANT IS APPLIED TO 'INNER SURFACE' OF PERSPEX WINDOW PANEL, THEREBY ENABLING ADHESIVE BONDING BETWEEN WINDOW PANEL AND RESPECTIVE WINDOW FRAME. DURING NORMAL OPERATION OF SAID WINDOW PANEL, SAID 'BORDERING AREA' IS PROPERLY BONDED AND SEALED, BUT, AFTER BREACHED WINDOW WAS 'DISPLACED', THE ONLY PART OF SAID PERSPEX WINDOW WHICH WAS STILL ADHESIVELY BONDED, WAS ALONG TOP REGION OF WINDOW PANEL, AS INDICATED BY 'ANCHOR POINT A.', ALONG TO 'ANCHOR POINT B.', AND, THE ONLY PARTS OF SAID PERSPEX WINDOW PANEL THAT NO LONGER PROVIDED ADHESIVE SEAL BETWEEN PERSPEX WINDOW PANEL AND ITS WINDOW FRAME, WAS ALONG 'WESTERN EDGE', 'EASTERN EDGE', AND 'BOTTOM EDGE' OF WINDOW PANEL. THE 'OUTER SURFACE' OF SAID PERSPEX WINDOW PANEL (FACING SOUTH), IS INDICATED ALONG THE BORDERING LINES OF 'POINT E.', ALONG TO 'POINT F.', ALONG TO 'POINT H.', ALONG TO 'POINT G.', ALONG TO 'POINT E.'
- 10.

- ILLUSTRATION C. (PAGE 192, IBID), SHOWING REPRESENTATION OF THE SAID WINDOW PANEL. DURING NORMAL OPERATION OF SAID WINDOW PANEL, THE WINDOW PANEL IS ADHESIVELY BONDED INTO PLACE AGAINST ITS RESPECTIVE WINDOW FRAME, OF THE TRAIN CARRIAGE, USING A SILICONE-TYPE ADHESIVE SEALANT, WITH 'PROPERTIES' THAT INCLUDE 'REPELS WATER/MOISTURE', 'FLEXIBLE TO ABSORB VIBRATION BUT MAINTAINS ADHESIVE PROPERTIES', 'LONG-LASTING IN OUTDOORS WEATHER'. THE WINDOW PANELS OF THE TRAIN CARRIAGE WERE ALL ADHESIVELY BONDED INTO THEIR RESPECTIVE WINDOW FRAMES IN THE SAME MANNER, INCLUDING THAT THE ADHESIVE SEALANT WAS APPLIED TO THE WINDOW PANEL, ALONG ITS 'TOP EDGE', 'BOTTOM EDGE', 'WESTERN EDGE', 'EASTERN EDGE', ALONG FULL LENGTH OF SAID EDGES, PLUS, ALONG THE CORRESPONDING SURFACE OF EACH RESPECTIVE 'EDGE', BUT ALONG THE 'INNER SURFACE' OF THE WINDOW PANEL (BORDER AREA ONLY), SO AS TO PHYSICALLY AND ADHESIVELY
- 20.
- 30.

1. BOND THE WINDOW PANEL AGAINST ~~THE~~ ITS WOOD FRAME, THEREBY, WITHOUT IMPAIRMENT TO THE ACTUAL FUNCTION OF EACH CLEAR PERSPEX WINDOW PANEL (BEING A WINDOW TO LOOK THROUGH), THE ADHESIVE SEALANT PROVIDED STRONG AND FLEXIBLE 'WINDOW PANEL BARRIER' TO EXTERNAL WEATHER (RAIN, DUST, ETC.), PLUS, THE SAID 'SEALANT', DURING THE FIRE EVENT OF 10-1-1991, WOULD NOT HAVE PERMITTED EVEN 'SMOKE' TO PASS THROUGH ANY OF THE TRAIN'S WINDOW FRAMES IF THE RESPECTIVE WINDOW PANEL WAS IN ITS 'NORMAL POSITION', MEANING THAT ALL ITS ADHESIVE SEALANT BONDS ARE/WERE FULLY INTACT (NOT BREACHED). WHEN
10. THE SAID 'BREACHED WINDOW' WAS PHOTOGRAPHED (PHOTOGRAPH 9.), THE WINDOW PANEL BEING 'DISPLACED' AT THAT TIME, TO ITS 'RESTING POSITION', ONLY THE 'TOP EDGE' OF THE SAID WINDOW PANEL MAINTAINED ITS ADHESIVE BONDING TO THE WINDOW FRAME, AND, THE 'WESTERN EDGE', 'BOTTOM EDGE', AND 'EASTERN EDGE' ALL HAD BROKEN AND BREACHED SEALS, WHICH, CONSEQUENTIALLY, PROVIDED NO HINDERANCE OR BARRIER TO 'OUTSIDE WATER' (~~THE~~ MFS WITH FIRE HOSE), FROM ENTERING CARRIAGE, AND, FOR ANY SMOKE/SOOT AFFECTED AIR INSIDE CARRIAGE TO ESCAPE FROM THE CARRIAGE' (ESPECIALLY IF WINDOW PANEL 'WAS' DISPLACED PRIOR TO 5:20 AM, TIME WHEN POLICE ARRIVED ON SCENE, BECAUSE, IF ALREADY
20. 'DISPLACED', THEN, THAT WOULD MEAN A MINIMUM OF 8. MINUTES OF 'SMOKE/SOOT, THICK, BLACK, INTENSE HEAT' AFFECTED AIR WOULD HAVE BEEN CUSHING OUT THROUGH SAID 'DISPLACED' WINDOW OPENING, AND SUBSEQUENTLY DEPOSITING OBVIOUS SIGNS OF SMOKE/SOOT PARTICULATES ALONG ALL THREE BREACHED AND UNSEALED EDGES, 'WESTERN EDGE', 'BOTTOM EDGE', 'EASTERN EDGE', AS WELL AS THE EXTERIOR SURFACE OF SAID CARRIAGE ~~THE~~, IMMEDIATELY SURROUNDING SAID BREACH WINDOW OPENING, PLUS, DUE TO HEAT OF SUCH 'SMOKE-AIR', WOULD ALSO TRAVEL 'UPWARDS' AFTER EXITING SAID WINDOW OPENING, THEREBY DEPOSITING SMOKE/SOOT PARTICULATES IN AN 'OUT AND UPWARDS'
30. PATTERN ON OUTSIDE SURFACE OF CARRIAGE, 'SMOKE/SOOT STREAKING',

1. WHICH WOULD BE HIGHLY DISTINGUISHABLE ON THE YELLOW-~~COLOUR~~ COLOUR PAINT, ON 'EXTERIOR SURFACE' OF CARRIAGE). THE OBVIOUS POINT FROM PHOTOGRAPH 9, EVEN IF ONLY LOOKING AT THE COLOUR OF PAINT ON THE OUTSIDE OF TRAIN CARRIAGE, AROUND THE 'DISPLACED' WINDOW PANEL, IS, WHERE IS ALL THE SMOKE AND SOOT DEPOSITING UPON CARRIAGE OUTER SURFACE? THE QUESTION IS RHETORICAL BECAUSE, AS ALREADY HIGHLIGHTED ABOVE, HEREIN, THERE IS NO VISUAL EVIDENCE OR APPEARANCE OF SMOKE/SOOT DEPOSITING (SOOT-STREAKING), ON 'EXTERIOR SURFACE' AROUND SAID 'DISPLACED' WINDOW PANEL, AS THE 'DISPLACED' WINDOW PANEL WAS NOT 'DISPLACED' PRIOR TO, OR EVEN, DURING, THE PERIOD ~~OF~~ 5.20 AM TO 5.28 AM (WHEN SMOKE/SOOT WAS EXPRESSING FROM CARRIAGE, IN COMPANY WITH "INTENSE HEAT"), AND THEREFORE COULD NOT POSSIBLY ENABLE, PERMIT OR ALLOW ANY SMOKE/SOOT PARTICULATES TO EXIT CARRIAGE THROUGH THAT SPECIFIC WINDOW FRAME OPENING, AND THEREFORE DID NOT HAVE OPPORTUNITY TO DEPOSIT ANY SMOKE OR SOOT 'RESIDUE/PARTICULATES' ON EXTERIOR SURFACE OF CARRIAGE, SURROUNDING SAID WINDOW PANEL OR WINDOW FRAME, MEANING, SAID WINDOW PANEL WAS STILL FULLY AND PROPERLY SEALED/ADHESIVELY FASTENED, AT LEAST UNTIL 5.28 AM, WHICH, AS A MATERIAL FACT, IS WHY SAID BREACH WINDOW DID NOT SHOW ANY SOOT/SMOKE SIGNS OF PARTICULATE DEPOSITING ON EXTERIOR ~~WINDOW~~ WINDOW OR WINDOW FRAME SURFACES, AND, ALSO A MATERIAL FACT TOO, IS THAT, WHEN SAID WINDOW PANEL WAS ACTUALLY 'DISPLACED' (BEING AFTER MFS ARRIVED ON SCENE AND THEREFORE AFTER 5.28 AM), THERE WAS NO LONGER "INTENSE HEAT" AFFECTED 'SMOKE-AIR' EXPRESSING FROM CARRIAGE OR THE BREACHED WINDOW OPENING, OR THE EDGES OF SAID DISPLACED WINDOW PANEL, HENCE, NO SMOKE/SOOT DEPOSITS ABLE TO BE SEEN ON THE EXTERIOR PAINT (YELLOW-COLOUR), SURROUNDING DISPLACED WINDOW PANEL. WINDOW PANEL BEING BREACHED AND 'DISPLACED' AFTER 5.20 AM, QUALIFIABLY SUPPORTED BY 'NO SOOT-STREAKING' SEEN
- 10.
- 20.
- 30.

1. ON EXTERIOR PAINTED SURFACE AROUND SAID BREACHED WINDOW, MUST ALSO STAND AS COGENT EVIDENCE (AND ITS SUPPORTING ARGUMENT), THAT THE SAID 'DISPLACED' WINDOW PANEL COULD NOT HAVE POSSIBLY BEEN BREACHED AND 'DISPLACED' BY ME, AND CROWN PROSECUTOR'S TRIAL SCENARIO MUST THEN BE 'UNSUPPORTABLE' (BY PROPER REVIEW OF TRIAL EXHIBIT P.3, WHICH REMAINS THE MOST RELIABLE SOURCE TODAY, OF THE CRIME SCENE MATERIAL PROOFS, PHYSICAL THINGS SEEN ON PHOTOGRAPHS, TO DETERMINE IF 'THERE IS ANY VISUAL WAY TO NARROW DOWN THE POSSIBILITIES OF WHO DISPLACED THE WINDOW PANEL, AND, WHEN THE SAID PANEL WAS DISPLACED'), RE 'WINDOW DISPLACEMENT USED AS A POOR ATTEMPT TO CREATE AN IMPRESSION OF WINDOW-BREAK-IN', AND, AS A RESULT OF LEGITIMATELY DISPROVING SAID CROWN'S TRIAL SCENARIO (ABOUT THE ALLEGED 'WINDOW BREAK-IN'), IT MUST THEREFORE ALSO BE TRUE THAT I WAS TRIAL CONVICTED IN 1993, OF ARSON, FOLLOWING 'MISREPRESENTATION OF MATERIAL FACTS/MATERIAL EVIDENCE PRESENTED BY THE CROWN, INCORPORATING ACTIONS OF TRIAL PROSECUTOR AND EXHIBIT P.3, AND, RESPECTIVE TESTIMONY OF MODRA, POLLARD, DINAN, WHITE, AND OTHER CROWN WITNESSES, WHICH CONFLICTED WITH WHAT WAS LEGITIMATELY POSSIBLE (CROWN PROSECUTOR STATED IN 1993 TRIAL, ASSISTED BY CROWN EVIDENCE (TESTIMONY), THAT 'DISPLACED WINDOW WAS DISPLACED PRIOR TO 5:20 AM, WHEN POLICE ARRIVE, AND WAS THEREFORE PART OF THE ACTIONS OF THE ARSONIST', BUT, 'UPON LOGICAL REVIEW OF EXHIBIT P.3 PHOTOGRAPHS OF CARRIAGE, INTERIOR AND EXTERIOR, PLUS ASSESSMENT OF WINDOW PANEL BONDING SEALANT, SOOT-STREAKING LACK OF DEPOSITING, PLUS, UNDERASSESSED PARTICULARS OF THE CARRIAGE WINDOW PANELS AND THEIR 'ADHESIVE PROPERTIES', ACCURATE AND LOGICAL CONCLUSION AND DETERMINATION MAKE TIMING OF WHEN BREACHED WINDOW WAS ACTUALLY 'DISPLACED', AS NOT BEING POSSIBLE PRIOR TO 5:28 AM, THEREFORE, COULD NOT POSSIBLY BE DONE BY ME'). How
10. CONVENIENT THEN, THE PERFUNCTORY FORENSIC ASSESSMENT OF THE CRIME SCENE!
- 20.
- 30.

1. AS A DETRIMENT (UPON ME), CONSEQUENTIAL TO POLICE NOT COMPETENTLY DETERMINING 'THE EARLIEST TIME OF MORNING, ON 10-1-1991, THAT SAID BREACH WINDOW COULD HAVE BEEN 'DISPLACED' (COULD NOT HAVE BEEN DISPLACED TO ITS RESTING POSITION PRIOR TO 5:28 AM, WHEN MFS ARRIVED ON SCENE), MY SAID 1993 TRIAL JURY, TRIAL JUDGE, AND, ME, WERE ALL DENIED FAIR ASSESSMENT OF ALL RELEVANT CHARACTERISTICS OF THE SAID 'DISPLACED' WINDOW, INCLUDING, 'CLOSE-UP PHOTOGRAPHS BY CRIME SCENE INVESTIGATOR, OF THE 'INTERIOR SURFACES OF DISPLACED WINDOW PANEL AND SURROUNDING WINDOW FRAME', AND, 'EXTERIOR SURFACES
10. OF DISPLACED WINDOW PANEL AND SURROUNDING WINDOW FRAME', WITH THE SPECIFIC AIM/INTENTION OF DETERMINING HOW BREACH WINDOW WAS 'DISPLACED' (EG, PRY BAR, FOOT PRESSURE, CHIPPING IN PERSPEX INDICATING POSSIBLE HARD OBJECT USED TO TRY TO SMASH PERSPEX PANEL, * SUCH AS WHEN FIRE OFFICERS ATTENDING HOUSE FIRE OFTEN SMASH A WINDOW TO ALLOW WATER FROM FIRE HOSE TO BE SPRAYED INTO HOUSE THROUGH THE SMASHED WINDOW)'. I SUSPECT THAT MFS 'IS THE MOST LOGICAL CAUSE OF THE 'DISPLACED' WINDOW, AS PART OF THEIR TASK TO PUT THE CARRIAGE FIRE OUT, AND THEREFORE, NOTHING IMPROPER OR UNUSUAL ABOUT A BROKEN/DAMAGED WINDOW, ON THE SIDE OF THE CARRIAGE CLOSEST TO
20. THE ROAD, WHERE THE FIRE ENGINE VEHICLE WOULD HAVE BEEN POSITIONED', COMPARED TO, FOR EXAMPLE, A 'DISPLACED WINDOW' ON NORTH SIDE OF CARRIAGE WHICH FACES THE RESTAURANT, AND, UNLIKE SOUTH SIDE OF CARRIAGE WHICH WOULD MAKE ANYBODY BREAKING INTO CARRIAGE HIGHLY VISIBLE, THE NORTH SIDE OF CARRIAGE WOULD PROVIDE A LOT OF PRIVACY, FOR SOMEONE INTENDING TO ACT UNLAWFULLY TOWARDS THE TRAIN CARRIAGE. THE MFS ARE THE ONLY PERSONS HAVING ACCESS TO TRAIN CARRIAGE WINDOWS, AFTER 5:20 AM, AS POLICE WERE WITH ME FROM 5:20 AM TO 5:28 AM, ^{WHEN} ~~WHEN~~ MFS ARRIVED ON SCENE, AT WHICH TIME MFS HAD FULL ACCESS TO TRAIN CARRIAGE FIRE, SO MFS UNDERTOOK THEIR TASK FROM 5:28 AM, AT
- 30.

1. THAT TIME, ACCORDING TO TRIAL TESTIMONY OF MFS OFFICER, THERE WAS A "FAIR AMOUNT OF SMOKE" EXPELLING FROM TRAIN CARRIAGE, BUT, DUE TO THERE BEING NO 'SOOT-STREAKING' ON EXTERIOR SURFACES AROUND THE 'DISPLACED' WINDOW, IT IS NOT POSSIBLE FOR SAID WINDOW PANEL TO HAVE YET BEEN 'DISPLACED', SO THEN, HOW DID WINDOW PANEL GET 'DISPLACED', AND, BY WHOM WAS IT 'DISPLACED'? MFS HAD CHARGE OF ~~THE~~ TRAIN CARRIAGE, FROM 5.28 AM (MFS ARRIVAL), UNTIL MFS HAD DETERMINED THE CARRIAGE AS 'SAFE FOR OTHERS TO ENTER' (SUCH AS POLICE DETECTIVES), BUT, 'WITHOUT READING THE OFFICIAL MFS REPORTS AND MFS OFFICER ACTIVITY STATEMENTS OF ALL MFS STAFF WHO ATTENDED THE CARRIAGE FIRE EVENT', I STILL CAN'T PINPOINT IF MFS OFFICER SPECIFICALLY PRY-BARRER SAID WINDOW ~~PANEL~~ AS PART OF THEIR JOB, ~~OR~~ OR EVEN, IF ANY MFS OFFICERS 'NOTICED' ANY 'DISPLACEMENT' OF SAID BREACH WINDOW AND HAD WRITTEN ABOUT IT IN SOME SORT OF ~~ATTENDANCE REPORT~~ ATTENDANCE REPORT, OR EVEN, IF AN ATTENDANCE REPORT WAS WRITTEN BY MFS, AND, IT WAS FOUND THAT 'THERE APPEARED TO BE NO DAMAGE, SUCH AS BROKEN DOORS OR WINDOWS OF CARRIAGE, SUGGESTIVE OF ENTRY POINT', WHEN MFS HANDED OVER THE SCENE TO POLICE, WHICH WOULD THEN
10. CREATE EVEN MORE ACCURATE TIME OF THE ~~THE~~ DAMAGE TO 'DISPLACED', AS BEING 'NOT UNTIL MFS RELEASED THE SCENE OVER TO ~~THE~~ POLICE', PLUS, ALSO CREATES SERIOUS QUESTION OF WHO BREACHED THE CARRIAGE WINDOW? POINT OF INTEREST, IS, THE 'TOP EDGE' OF 'DISPLACED' WINDOW PANEL WAS STILL SEALANT-BONDED, THEREBY ALSO ACTING AS A 'TELLING-POINT' FOR HOW/WHERE THE WINDOW PANEL WAS 'PRESSURED' FROM, BEING, 'THE BOTTOM EDGE OF WINDOW PANEL', SUGGESTIVE OF A PRY-BAR MANIPULATION, BECAUSE, IF, FOR EXAMPLE, A PRY-BAR WAS USED EITHER ALONG THE 'EASTERN EDGE' OR 'WESTERN EDGE' OF ~~THE~~ THE WINDOW PANEL, THE
20. 'TOP EDGE' CLOSEST TO THE PRY-BAR 'EDGE', WOULD BREAK ITS
- 30.

1. SEALANT-BONDING FIRST, AND THEN GRADUALLY LESS SPREADING-APART OF WINDOW PANEL FROM WINDOW ^{FRAME} ~~THE~~ THE FURTHER AWAY FROM THE INITIAL PRY-POINT (SEE TRIAL EXHIBIT P.3, PHOTOGRAPH 9, AND BOTTOM EDGE OF WINDOW PANEL IS FURTHEST AWAY FROM WINDOW FRAME, INDICATING 'BOTTOM EDGE' WAS THE INITIAL EDGE THAT WAS SPREAD APART FROM ITS WINDOW FRAME). HOW CURIOUS THEN, THAT THERE ARE NO CLOSE-UP PHOTOGRAPHS OF EXTERIOR AREA OF 'DISPLACED' WINDOW PANEL, ESPECIALLY OF EXTERIOR WINDOW FRAME, AND, PARTICULARLY WITH CAMERA 'ABOVE THE HEIGHT OF BOTTOM
10. EDGE OF 'DISPLACED' WINDOW ~~PANEL~~ PANEL, FACING DOWNWARDS SLIGHTLY' (THAT WAY IT ALLOWS FOR HORIZONTAL PORTION OF BOTTOM-EDGE OF WINDOW FRAME, TO BE EASILY VIEWED), WITH THE AIM OF LOOKING FOR EXTERIOR SIGNS OF PRY-BARRING, WHICH WOULD ALSO SCUTLE THE TRIAL PROSECUTOR'S TRIAL CLAIM, THAT 'I PUSHED THE WINDOW PANEL OUTWARDS WHILE I WAS STANDING INSIDE OF CARRIAGE'. ONCE AGAIN, A SIMPLE QUESTION AGAINST THE FORENSIC INVESTIGATOR, 'WHY ARE THERE NO CLOSE-UP PHOTOS OF EXTERIOR SURFACES OF DISPLACED WINDOW PANEL AND ITS WINDOW FRAME?', AND, 'WHAT PHYSICAL/MATERIAL EVIDENCE IS NOW LOST FOREVER, BECAUSE POLICE FAILED AND NEGLECTED TO TAKE SUCH CLOSE-UP PHOTOS OF SAID EXTERIOR SURFACES?'. I BET, THAT ONE SUCH ITEM
- 20.

OF QUALIFICATION, WOULD BE THE CLOSE-UP PHOTOGRAPHIC PROOF OF NO SMOKE/SOOT DEPOSITS ON EXTERIOR YELLOW PAINT SURROUNDING 'DISPLACED' WINDOW PANEL!?

- ILLUSTRATION D. (PAGE 192, IBID), SHOWING REPRESENTATION OF THE SAID 'DISPLACED' WINDOW PANEL, FROM THE PERSPECTIVE OF 'SEEING THE EASTERN EDGE OF SAID WINDOW PANEL'. NOTE THE 'INNER SURFACE' OF SAID WINDOW PANEL, AND, THE 'OUTER SURFACE' OF SAID WINDOW PANEL.
- 30.

1. THE 'INNER SURFACE' OF SAID PERSPEX WINDOW PANEL (FACING NORTH), IS THE SURFACE WHICH DIRECTLY PRESSES AGAINST THE FRAME SURFACE OF THE RESPECTIVE 'WINDOW FRAME'. THE 'OUTER SURFACE' OF SAID PERSPEX WINDOW PANEL (FACING SOUTH), IS THE EXTERIOR SURFACE. DURING THE FIRE EVENT IN THE TRAIN CARRIAGE, ON 10-1-1991, THE 'INNER SURFACE' WAS FULLY AFFECTED BY THE 'HEAT, SMOKE AND SOOT', THE SAME AS WITH THE OTHER PERSPEX WINDOW PANELS IN THE WESTERN SECTION OF THE TRAIN CARRIAGE. DURING 'NORMAL' OPERATION OF THE SAID WINDOW PANELS, THE 'TOP EDGE', 'BOTTOM EDGE', AND BOTH 'VERTICAL EDGES' ('EASTERN EDGE' AND 'WESTERN EDGE'), WOULD REMAIN SEALED AND PROTECTED BY THE ADHESIVE SEALANT APPLIED TO ALL FOUR 'EDGES' OF EACH RESPECTIVE WINDOW PANEL, PLUS BEING APPLIED TO THE 'INNER SURFACE' BORDERS ON THE PORTION OF WINDOW PANEL WHICH PRESSES DIRECTLY AGAINST RESPECTIVE WINDOW FRAME. HOWEVER, DUE TO THE 'DISPLACEMENT' OF SAID BREACH WINDOW, THE 'BOTTOM EDGE' AND BOTH 'VERTICAL EDGES' WERE NO LONGER PRESSED DIRECTLY AGAINST THE WINDOW FRAME, WERE NO LONGER 'SEALED' OR 'PROTECTED' BY A COATING OF ADHESIVE SEALANT, AND, THEREFORE, WERE COMPLETELY SUSCEPTIBLE TO 'PHYSICAL CONTACT PARTICULATE ADHESION' BY WHATEVER WAS
10. IN THE AIR WHICH WAS THEN ABLE TO FREELY MOVE AROUND THE 'INNER SURFACE', 'OUTER SURFACE', 'BOTTOM ^{EDGE} ~~EDGE~~', 'WESTERN EDGE' AND 'EASTERN EDGE' OF THE BREACHED WINDOW PANEL. ACCORDING TO THE SAID 1993 TRIAL PROSECUTOR, THE SAID WINDOW PANEL 'WAS BREACHED AND DISPLACED PRIOR TO POLICE ARRIVING ON SCENE, WHICH WAS AT 5.20 AM ON 10-1-1991', WHICH, ACCORDING TO TRIAL PROSECUTOR'S SCENARIO (OF WINDOW PANEL DISPLACEMENT, BY ARSONIST, PRIOR TO FIRE IN CARRIAGE BEING LIT), MEANT THAT 'SMOKE/SOOT PARTICULATES AND FIRE-HEATED-AIR WERE NOT ONLY GUSHING OUT OF CARRIAGE DOORWAYS' (AT WESTERN END AND EASTERN END OF RAILWAY CARRIAGE), THE 'SMOKE/SOOT PARTICULATES AND FIRE-HEATED-AIR MUST HAVE ALSO BEEN EXPRESSING OUT OF THE
20. 30.

1. 'DISPLACED' WINDOW OPENING ⁹ IN THE DIRECTION FROM 'INNER SURFACE' OF WINDOW PANEL, TOWARDS THE 'OUTER SURFACE' OF WINDOW PANEL, WHICH ALSO MEANS THAT THE EXPOSED 'EDGES' OF WINDOW PANEL, HAVING BEEN LEFT UNPROTECTED AND NO LONGER ADHESIVELY SEALED AND BONDED INTO THEIR 'NORMAL' POSITION, MUST BE EXPECTED TO SHOW PHYSICAL EVIDENCE OF 'PHYSICAL CONTACT PARTICULATE ADHESION' ACROSS THE 'BOTTOM EDGE' OF SAID DISPLACED WINDOW PANEL, PLUS, BOTH 'VERTICAL EDGES OF THE WINDOW PANEL' ('EASTERN EDGE' AND 'WESTERN EDGE'), AS THE SMOKE/SOOT PARTICULATES WERE FORCED FROM INSIDE THE CARRIAGE TO THE OUTSIDE OF THE CARRIAGE,
10. ADHESIVELY DEPOSITING ^{ON} ~~THE~~ SURFACES AS THE SMOKE GUSHED OUT OF THE TRAIN CARRIAGE ⁹, AND ADHESIVELY BONDING TO EXPOSED SURFACES OF SAID 'DISPLACED' WINDOW, THEREBY EXISTING AS MATERIAL PROOF THAT SAID WINDOW PANEL WAS 'DISPLACED' PRIOR TO WHEN MFS ARRIVED ON SCENE, AT 5:28 AM ~~.....~~ EXCEPT THAT ~~.....~~ SAID TRIAL PROSECUTOR'S BIG DEAL SCENARIO, WAS NEVER ABLE TO BE SUPPORTED BY 'PHYSICAL CONTACT PARTICULATE ADHESION' ON 'OUTER SURFACE' OF THE DISPLACED WINDOW PANEL, 'BOTTOM EDGE' OF THE WINDOW PANEL, 'WESTERN EDGE' OF THE WINDOW PANEL, OR, 'EASTERN EDGE' OF THE WINDOW PANEL,
20. OR, ANY OF THE EXTERIOR PAINTED SURFACES ~~IMMEDIATE~~ IMMEDIATELY SURROUNDING SAID BREACHED WINDOW. THE SAID 'BIG DEAL SCENARIO' IS ACTUALLY DISPROVEN BY THE 'CRIME SCENE CHARACTERISTICS OF THE 'DISPLACED' WINDOW PANEL AND ITS WINDOW FRAME', AND, THE ONLY REASON TRIAL PROSECUTOR MISREPRESENTED THE TRUE EVIDENTIARY NATURE OF SAID 'DISPLACED' WINDOW PANEL AND ITS EXTERIOR SURFACES IMMEDIATELY SURROUNDING SAID WINDOW'S WINDOW FRAME (THE EXCULPATORY MATERIAL EVIDENCE; NO SOOT DEPOSITS ON EXTERIOR SURFACES, EQUALS, NO WINDOW PANEL 'DISPLACEMENT' WHILE 'SMOKE AND SOOT PARTICULATES GUSHED OUT OF ANY AVAILABLE GAPS/OPENINGS, OF THE
30. TRAIN CARRIAGE WALLS AND CEILING, BY FIRE-HEATED-AIR, WHICH CAUSED

1. THE 'AIR' INSIDE CARRIAGE TO 'EXPAND', EFFECTING A 'PUSHING FORCE' UPON THE 'AIR' INSIDE CARRIAGE, AS WELL AS WHATEVER 'PARTICULATES' ARE WITHIN THE 'EXPANDING AIR', ESPECIALLY THE 'SMOKE AND SOOT PARTICULATES', WHICH IS WHY THE 'SMOKE' WAS GUSHING OUT OF TRAIN CARRIAGE⁹), IS THAT THE CROWN PROSECUTORS HAD ALREADY CREATED A 'SCENARIO' TO FIT TO THE DISPLACED WINDOW PANEL (BEING, TO BLAME THE ACCUSED OF DISPLACING WINDOW PANEL, MAKING IT MUCH EASIER FOR A TRIAL JURY TO CONVICT ME OF ARSON, IF THE JURY WERE PRESENTED, BY TRIAL PROSECUTOR, WITH 'VISUAL PROOF' (TRIAL EXHIBIT P.3, PHOTOGRAPH 9.), THE 'DISPLACED WINDOW PANEL', TO SHOW A LINK FROM 'ME IN THE DEFENDANT'S CHAIR, PHOTO OF DISPLACED WINDOW PANEL, PHOTOS INSIDE CARRIAGE SHOWING FIRE DAMAGE, AND, PROSECUTOR POINTING AT ME DECLARING THAT I MUST HAVE LIT THE FIRE... SEE THE PUSHED-OUT WINDOW PANEL AS PROOF OF GUILT⁹), AND RISKED HAVING THE ENTIRE CASE THROWN OUT OF TRIAL, IF MY TRIAL LAWYER BECAME AWARE OF THE TRUE EVIDENCE VALUE OF SAID DISPLACED WINDOW. TRIAL PROSECUTOR HAD NO INTENTIONS OF SEEKING TRUTH DURING MY 1993 ARSON TRIAL, ONLY, GETTING ME CONVICTED, AND BY WHATEVER MEANS AND METHOD THE PROSECUTOR COULD 'GET AWAY WITH', INCLUDING
10. IMPROPER/ILLEGAL MEANS **E*** I VERY SPECIFICALLY MAKE THAT ACCUSATION AGAINST TRIAL PROSECUTOR, INCLUDING BY STATUTORY DECLARATION, AS PART OF FORMAL WRITTEN CORRUPTION COMPLAINTS, WHICH THE STATE GOVERNMENT CONTINUES TO 'BRUSH-OFF', AS PART OF ITS INTENTIONS TO COVER-UP THE TRUTH ABOUT CRIMES OF STATE WHICH RESULTED IN SAID 1993 ARSON CONVICTION AGAINST ME. MORE THAN 15 YEARS OF SUCH CORRUPTION CLAIMS RE THE ARSON MATTER, PAPER TRAILS, AND, GOVERNMENT COVER-UP. **J.**
- *SEE ABOVE QUOTE, PAGE 110, IBID, FROM THE JUDGMENT OF R v HELPS [2016] SASFC 154, THE FULL TEXT ON PAGE 110.
- THIS IS NOT TO SAY THAT THE 1993 ARSON TRIAL PROSECUTOR WAS NOT
30. ENTITLED TO 'SUGGEST TO THE TRIAL COURT, THAT SAID 'DISPLACED WINDOW

1. PANEL APPEARS/SUGGESTS, DELIBERATELY DONE BY ARSONIST", IF THERE WAS A COMPETENT FORENSIC EXAMINATION/ASSESSMENT OF TRAIN CARRIAGE, AND, THERE WAS NO MATERIAL EVIDENCE TO LEGITIMATELY CONFLICT WITH, DISSOLVE OR REVERSE SUCH EVIDENCE SUGGESTION BY TRIAL PROSECUTOR (IN OTHER WORDS, WHICH PRESENTS RELIABLE EXCULPATORY QUALIFICATION). PROBLEM IS THOUGH, THERE WAS NO COMPETENT FORENSIC EXAMINATION OF SAID 'DISPLACED WINDOW' (INTERIOR AND EXTERIOR), AND, THE MATERIAL EVIDENCE TO DISPROVE PROSECUTOR'S SAID SCENARIO ('DISLODGED AND
10. DISPLACED WINDOW PANEL PRIOR TO POLICE ARRIVING AT 5:20AM'), IS EVEN MORE SIGNIFICANT (SAID EXHIBIT P.3, PHOTOGRAPHS), BECAUSE THE VISUAL QUALIFICATION OF NO SMOKE/SOOT STREAKING ON 'OUTER SURFACE' OF DISPLACED WINDOW PANEL, ON EXTERIOR SURFACES IMMEDIATELY SURROUNDING 'DISPLACED WINDOW' FRAME (BLACK SMOKE AND SMOOT DEPOSITS WOULD BE HIGHLY DISTINCTIVE FROM BRIGHT YELLOW PAINT OF CARRIAGE EXTERIOR WALLS), OR EVEN ACROSS THE 'SURFACE' OF THE 'HORIZONTAL EDGE' OF DISPLACED WINDOW PANEL ('BOTTOM EDGE'), OR EITHER OF THE 'VERTICAL EDGES' OF DISPLACED WINDOW PANEL ('WESTERN EDGE' AND 'EASTERN EDGE'), STANDS AS UNDENIABLE PROOF THAT
20. SAID WINDOW PANEL COULD NOT HAVE BEEN 'DISPLACED' UNTIL AT LEAST 5:28AM, WHEN MFS ARRIVED ON SCENE, AND, THE SAID WINDOW PANEL COULD NOT POSSIBLY HAVE BEEN 'DISPLACED' BY ME..... WHICH THEREFORE MEANS THAT TRIAL PROSECUTOR PRESENTED UNSUPPORTABLE SCENARIO TO TRIAL JURY IN 1993, MISREPRESENTED THE TRUE AND EXCULPATORY EVIDENCE VALUE OF SAID 'DISPLACED WINDOW' AND CRIME SCENE PHOTOGRAPHS OF SAID WINDOW (INTERIOR AND EXTERIOR PHOTOGRAPH DEPICTIONS/ITEMS/SURFACES), MISLED TRIAL JURY ABOUT THE PROSECUTOR'S 'CENTRAL-PILLAR DISPLACED WINDOW PANEL ACCUSATIONS (AGAINST ME)' (SEE ABOVE QUOTE, PAGE 11, IBID, FROM
30. R v. DRUMMOND (No. 2) [2015] SASFC 82, PARAGRAPH 174.).

1. THE CONSEQUENCE OF SUCH 'MISREPRESENTATIONS, FALSE PRESENTATIONS, AND, WILDLY UNSUPPORTED 'TRIAL PROSECUTOR SCENARIO' (RE 'DISPLACED WINDOW PANEL')', IS THAT MY SAID 1993 ARSON TRIAL SERIOUSLY DEPARTED FROM THE REQUIREMENTS OF A FAIRLY, AND PROPERLY, CONDUCTED TRIAL, ACCORDING TO LAW, AND, IT THEREFORE CANNOT BE SAID THAT THERE HAS BEEN NO SUBSTANTIAL MISCARRIAGE OF JUSTICE IN THE TRIAL CONVICTION OUTCOME. (REFER ABOVE QUOTED TEXT, PAGES 24, TO 27, IBID, FROM THE JUDGMENT OF WILDE V. THE QUEEN [1988] HCA 6.)

10. ILLUSTRATION E. (PAGE 192, IBID), SHOWING REPRESENTATION OF THE SAID 'DISPLACED WINDOW' (PRIOR TO DISPLACEMENT), FROM AN 'EXPLODED VIEW' PERSPECTIVE, 'CUT-AWAY SIDE VIEW'. NOTE THE 'WINDOW PANEL', 'SEALANT', 'WINDOW FRAME', AND THE INDICATED POSITION IN THE 'WINDOW FRAME WHERE PERSPEX WINDOW PANEL IS MOUNTED'. THE WINDOW FRAME IS EFFECTIVELY A RECESS, WHEREBY THE 'WINDOW PANEL', ONCE THE 'SEALANT' HAS BEEN PROPERLY APPLIED TO THE 'WINDOW FRAME' WHERE THE 'WINDOW PANEL' IS TO BE MOUNTED, AND CORRECTLY POSITIONED (THE 'WINDOW PANEL' WILL USUALLY, EITHER, MECHANICALLY FASTENED TO ITS POSITION USING METAL SCREW, THROUGH EACH CORNER OF ~~THE~~ PERSPEX PANEL, THEN SCREW

20. DRAWS WINDOW PANEL TOWARDS WINDOW FRAME WHEN SCREW IS TURNED IN A 'POSITIVE DIRECTION', THEREBY EFFECTING A 'VICE/CLAMPING' PRESSURE UPON THE 'SEALANT', AS WINDOW PANEL IS SCREWED FIRMLY AGAINST ITS WINDOW FRAME, RESULTING ALSO, IN 'SQUEEZING OUT' OF EXCESS 'SEALANT', AND, ALSO ASSISTS WITH ENSURING THAT 'SEALANT' DOESN'T ONLY CREATE AN 'ADHESIVE SEALANT BOND' BETWEEN THE MATCHING PARALLEL SURFACES OF THE 'WINDOW PANEL' TO THE 'WINDOW FRAME', BUT ADDITIONALLY, THE 'SEALANT' SQUEEZES TO FILL GAPS, AND, THEN FLOWS ACROSS THE 'FOUR EDGES' OF THE WINDOW PANEL, THE 'TOP EDGE', 'BOTTOM EDGE', 'WESTERN EDGE' AND 'EASTERN EDGE' (INDICATED WITHIN 'ILLUSTRATION B.' ON PAGE 192, IBID), TO

30. ENHANCE THE 'ADHESIVE BONDING AND SEALANT BARRIER' OF THE WINDOW

1. PANEL TO ITS WINDOW FRAME', OR, 'PRIOR TO BONDING PERSPEX WINDOW PANEL TO THE WINDOW FRAME, THE HEIGHT AND POSITION NEEDING TO BE MAINTAINED OF THE PANEL, WITHIN THE WINDOW FRAME RECESS SO THE BONDING SEALANT CAN CURE PROPERLY, THE WINDOW PANEL MAY BE ASSISTED WITH THE USE OF, FOR EXAMPLE, TWO SMALL 'WOOD NAILS' HAMMERED INTO WOOD WINDOW FRAME BUT NOT PENETRATING FULL-LENGTH OF NAIL INTO FRAME WOOD, WITH THE PURPOSE OF THE NAILS BEING FOR THE PERSPEX WINDOW PANEL TO REST ON SAID PROTRUDING NAIL SHAFTS, AND SO WHEN 'ADHESIVE SEALANT' IS APPLIED TO THE 'WINDOW FRAME' WHERE THE 'WINDOW PANEL' IS TO BE MOUNTED, THE 'WINDOW PANEL' IS THEN PRESSED INTO PLACE AGAINST THE 'WINDOW FRAME', AND IS THEN HELD UP IN CORRECT ^{HEIGHT} ~~HEIGHT~~ POSITION BY THE SAID 'NAILS', ALLOWING FOR THE '~~SEALANT~~ SEALANT' TO PROPERLY CURE, AND, ~~AS~~ WINDOW PANEL IS PRESSED INTO PLACE, EXCESS 'ADHESIVE SEALANT' 'SQUEEZES OUT' TO FILL ANY GAPS, PLUS, ALSO FLOWS ACROSS THE 'FOUR EDGES', TO ENHANCE THE 'ADHESIVE BONDING AND SEALANT BARRIER' OF THE WINDOW PANEL TO ITS WINDOW FRAME', OR, THERE MAY BE OTHER LESS COMMON METHODS USED, BUT, THE PURPOSE IS STILL THE SAME, WHICH IS, TO ASSIST WINDOW PANEL TO STAY AT ITS CORRECT POSITION AND ASSIST 'BONDING ADHESIVE SEALANT' TO MAINTAIN 'SEALANT BARRIER'), IS SECURED
20. IN PLACE WHILE ADHESIVE SEALANT CURES, RESULTING IN A STRONG BOND BETWEEN 'WINDOW PANEL' AND 'WINDOW FRAME'.

THERE EXISTED, AT THE TIME OF MY SAID 1993 ARSON TRIAL, SPECIFIC QUESTIONS RELATING TO THE PERSPEX 'WINDOW PANELS' OF THE TRAIN CARRIAGE. THERE WERE NO AVAILABLE ANSWERS TO SUCH QUESTIONS, BECAUSE, POLICE HAD FAILED TO COMPETENTLY INVESTIGATE THE RELEVANT AND APPROPRIATE CHARACTERICS OF THE TRAIN CARRIAGE WINDOWS, INCLUDING, THEIR 'FRAMES', 'WINDOW PANELS', 'WHAT WAS USED TO FASTEN PANEL TO FRAME' (WITH CLOSE-UP PHOTOGRAPH TO ACCOMPANY FORENSIC REPORT), 'ADHESION STRENGTH OF SEALANT-BONDING

30. BETWEEN PANEL AND FRAME' (PLUS, WHAT EFFECT DOES FIRE-HEAT HAVE ON

9. THE BONDING **STRENGTH** OF SUCH WINDOW SEALANT), 'ANY CONTACT POINTS ON PANELS OR FRAMES, SUGGESTIVE OF ATTEMPT TO BREAK WINDOW PANEL OR TO PRY PANEL AWAY FROM FRAME' (WITH CLOSE-UP PHOTOGRAPHS TO ACCOMPANY THE FORENSIC REPORT ABOUT SUCH 'CONTACT POINTS', IF ANY ARE VISIBLE, AND, IF NONE ARE SEEN, THEN, TO STIPULATE THAT NONE WERE FOUND), 'PARTICULATE COUNT OF 'SMOKE/SOOT PARTICULATES' ON INNER SURFACE OF SAID DISPLACED WINDOW PANEL, SUCH AS AN AREA 1CM X 1CM, GIVING AN INDICATION OF APPROXIMATE NUMBER OF SAID PARTICULATES, AND THEN COMPARED TO A PARTICULATE COUNT OF 'SMOKE/SOOT PARTICULATES' ON OUTER SURFACE OF SAID DISPLACED WINDOW PANEL, AND ALSO COMPARED TO A PARTICULATE COUNT OF 'SMOKE-SOOT PARTICULATES' ^{ON} ~~THE~~ THE EXTERIOR SURFACES OF CARRIAGE IMMEDIATELY SURROUNDING SAID BROKEN PANEL/DISPLACED PANEL, AND ALSO, THE PROBABILITY ASSOCIATED WITH A CERTAIN NUMBER OF SUCH KNOWN SMOKE/SOOT PARTICULATES ~~■~~ DEPOSITING ON EXTERIOR SURFACE OF PANEL, AND EXTERIOR FRAME AREA (REASON IS, IF NO EXTERIOR SURFACES MEASURE PARTICULATES OF SMOKE/SOOT, THEN, HIGHLY INDICATIVE OF NO SMOKE OR SOOT PASSING THROUGH WINDOW PANEL AREA, AS IF THE PANEL WAS NOT DISPLACED PRIOR TO 'SMOKE EMINATION FROM TRAIN ACTUALLY CEASED')?.

20. WITH SUCH BASIC QUESTIONS ABOUT THE 'CARRIAGE WINDOWS', BEING NOT RECOGNISED WITHIN OFFICIAL FORENSIC REPORT, IT IS IMPOSSIBLE FOR DEFENDANT, ME, TO PROVE THAT THE 'DISPLACED WINDOW' WAS

NOT DISPLACED PRIOR TO 5:20 AM, WHEN POLICE ARRIVED ON SCENE, BECAUSE, THE OPPORTUNITY TO MAKE SUCH BASIC ASSESSMENTS AND DETERMINATIONS, IS NOW LOST ~~■~~ FOREVER, ESPECIALLY, SAID PARTICULATE COUNTS INSIDE AND OUTSIDE OF DISPLACED WINDOW PANEL.

- HOWEVER, THE FUNDAMENTAL ABILITY TO PROVE OR DISPROVE THE CROWN PROSECUTOR'S TRIAL SCENARIO, OF, 'WINDOW PANEL WAS DISPLACED PRIOR TO CARRIAGE FIRE BEING LIT', DOES STILL EXIST, AND IT IS LIMITED TO

1. THE USE OF YOUR OWN EYES. TRIAL EXHIBIT P.3, PHOTOGRAPHS, OF THE CARRIAGE INTERIOR AND EXTERIOR, PROVIDE VISUAL PROOF OF THE EVIDENCE REQUIRED TO DISPROVE SAID CROWN SCENARIO RE 'DISPLACED WINDOW PANEL'. THE PHOTOGRAPHS EXISTED AND WERE TABLED BY TRIAL PROSECUTOR, BUT, THEIR VISUAL EVIDENCE SUBJECTIVITY WAS TAINTED BY CROWN WITNESS AND TRIAL PROSECUTOR MISREPRESENTATION, AND SO, THE TRUTH EVIDENCE BY CERTAIN PHOTOGRAPHS WITHIN P.3, WAS NEVER HONESTLY, FAIRLY, QUALIFIABLY PRESENTED TO THE 1993 TRIAL JURY. FORTUNATELY, NOW, THE APPEAL COURT HAS THE OPPORTUNITY ~~TO~~
10. TO VIEW AND ASSESS THE VISUAL EVIDENCE CONTAINED WITHIN SUCH PHOTOGRAPHS, WITHOUT THE PREJUDICE OF TRIAL PROSECUTOR TRYING TO CLOUD THE TRUTH WITHIN THE VISUAL EVIDENCE. I'VE DESCRIBED, IN THIS COMPLAINT, THE AREA OF DISPLACED WINDOW, INSIDE CARRIAGE, 'CLEAN WOOD OF THE WINDOW FRAME ~~WHICH~~ WHICH IS USUALLY PROTECTED BY WINDOW PANEL SEALANT AND WINDOW PANEL', AND APPEARS VISUALLY, TO STILL BE "CLEAN WOOD", WHICH WOULD NOT BE POSSIBLE IF AT LEAST 8. MINUTES (5.20 AM TO 5.28 AM), OF 'INTENSE HEAT, BLACK, THICK SMOKE' HAD GUSHED THROUGH SUCH GAPS BETWEEN WINDOW PANEL (DISPLACED), AND THE WINDOW FRAME.... CLEAN
20. WOOD IS PROOF, VISUALLY, OF NO SMOKE/SOOT PARTICULATES ~~BEING~~ BEING ABLE TO DEPOSIT, ESPECIALLY WHEN 'INTENSE HEAT' ~~WOULD~~ WOULD CAUSE SUCH PARTICULATES TO BE A LOT MORE ADHESIVE TO 'SURFACES'. I HAVE ALSO DESCRIBED, IN THIS COMPLAINT, THE AREA OF DISPLACED WINDOW, OUTSIDE OF CARRIAGE (TRIAL EXHIBIT P.3, PHOTOGRAPH 9), 'BRIGHT YELLOW PAINT IMMEDIATELY SURROUNDING, TO THE LEFT SIDE, RIGHT SIDE, AND ABOVE, THE 'DISPLACED WINDOW' FRAME AREA', AND APPEARS VISUALLY, TO STILL BE BRIGHT YELLOW PAINT, WITHOUT ANY VISUAL APPEARANCE ON SAID PAINTED SURFACE OF 'SMOKE OR SOOT STREAKING', AND, ACTUALLY LOOKS THE SAME COLOUR AS IT WOULD
30. HAVE LOOKED EVEN IF EXHIBIT P.3, PHOTOGRAPH 9 HAD BEEN

1. TAKEN 24 HOURS EARLIER (THE DAY PRIOR TO 10-1-1991), SO BASICALLY, APART FROM THE 'DISPLACED WINDOW PANEL', IF SAID PHOTOGRAPH 9 AND A PHOTOGRAPH FROM THE SAME PLACE, BUT 24 HOURS EARLIER WHEN IT WAS TAKEN, WERE COMPARED TO EACH OTHER, SIDE BY SIDE, VISUAL ASSESSMENT AND DETERMINATION, THE SAID AREA OF BRIGHT YELLOW PAINT WOULD LOOK THE SAME IN BOTH PHOTOGRAPHS, BECAUSE, THERE WAS NO EVIDENCE OF SMOKE OR SOOT PARTICULATES DEPOSITING ON SAID YELLOW PAINT AREA AS SAID WINDOW WAS NOT DISPLACED UNTIL AFTER.
10. 5:28AM, AS PROVEN BY NO VISUAL EVIDENCE ON THE SAID YELLOW PAINT. THERE IS NO POSSIBILITY THAT SMOKE/SOOT ^{PARTICULATES} (STREAKING), 'WOULD NOT ATTACH/ADHERE TO SAID SURFACES AROUND EXTERIOR DISPLACED WINDOW FRAME, AFTER SMOKE AND SOOT GUSHED OUT OF THE 'DISPLACED WINDOW PANEL' GAPS (BETWEEN THE DISPLACED WINDOW PANEL AND THE WINDOW FRAME), FOR AT LEAST 8 MINUTES (5:20AM TO 5:28AM), SO THEN, THE VISUALLY ESTABLISHED AND QUALIFIED MATERIAL AND SUBSTANTIVE FACT, THAT THERE IS NO VISUAL EVIDENCE OF SMOKE/SOOT PARTICULATES ON SAID EXTERIOR SURFACE OF DISPLACED WINDOW FRAME, MUST EQUATE TO THE
20. SAID WINDOW PANEL NOT BEING DISPLACED UNTIL AFTER 5:28AM ON 10-1-1991, AND, TRIAL EXHIBIT P.3, PHOTOGRAPH 9, IS THE VISUAL PROOF TO SUPPORT SUCH STATEMENT OF FACT. HAD THE CROWN HONESTLY STATED THE MATERIAL FACTS, ABOUT, 'THE EARLIEST TIME AT WHICH THE SAID BREACH WINDOW COULD HAVE BEEN DISPLACED', IT THEN WOULD NOT HAVE BEEN POSSIBLE FOR THE CROWN {PROSECUTOR'S EVIDENCE, INCLUDES RESPECTIVE SCENARIO TO ACCOMPANY HOW THE DISPLACED WINDOW PANEL IS 'EXPLAINED' TO THE TRIAL JURY}, TO PREJUDICE/TAINT MY 1993 ARSON TRIAL JURY WITH FALSE CLAIMS OF 'WHO' OR 'WHEN' THE SAID WINDOW PANEL WAS 'DISPLACED' BY, OR, 'AT WHAT TIME' (THE FALSE CLAIM OF 'WHO' WAS TARGETTED
30. AGAINST 'ME' BY TRIAL PROSECUTOR, EVEN THOUGH, AS I HAVE COGENTLY DESCRIBED

1. HEREIN, WITH USE OF VISUAL PROOF PER TRIAL EXHIBIT P.3, PHOTOGRAPH 9, PLUS SOUND ARGUMENT IN ~~THE~~ SUPPORT OF MY STATEMENT OF FACT, 'THE LACK OF SMOKE/SOOT DEPOSITS ON EXTERIOR YELLOW PAINT AROUND WINDOW FRAME, EQUALS, NO PARTICULATES ABLE TO EXIT CARRIAGE VIA 'THAT' WINDOW FRAME DURING 8 MINUTES FROM 5:20AM TO 5:28AM, EQUALS, WINDOW PANEL COULD NOT HAVE BEEN DISPLCED PRIOR TO 5:20AM, EQUALS, IMPOSSIBLE FOR 'ME' TO BE THE PERSON WHO DISPLACED SAID WINDOW PANEL', AND, THE FALSE CLAIM OF 'WHEN' WAS ALSO TARGETTED AGAINST 'ME' BY TRIAL PROSECUTOR, AS THE 'WHEN' WAS AN INSTRUMENTAL FEATURE OF CROWN PROSECUTOR'S SCENARIO TO THE TRIAL JURY, BECAUSE, SAID SCENARIO EMPLOYED A 'FANTASTIC
10. STORY OF AN INSIDE JOB, A FAKE WINDOW-BREAK-IN, AND PROSECUTOR POINTING AT ME AND DECLARING NO-ONE ELSE COULD HAVE DISPLACED THE ~~THE~~ WINDOW PANEL BECAUSE IT WAS DELIBERATELY DISPLACED PRIOR TO FIRE AS PART OF A PLAN TO SET A FAKE WINDOW-BREAK-IN', EVEN THOUGH, AS I HAVE COGENTLY DESCRIBED HEREIN, WITH USE OF VISUAL PROOF PER TRIAL EXHIBIT P.3 PHOTOGRAPHS, PLUS SOUND ARGUMENT IN SUPPORT OF MY STATEMENT OF FACT, 'THE LACK OF SMOKE/SOOT PARTICULATES (AS ACCUMULATED DEPOSITING FOR AT LEAST 8. MINUTES, 5:20AM TO 5:28AM), TO PROVIDE ANY VISUAL EVIDENCE OF THEIR EXISTENCE ON THE BRIGHT YELLOW PAINT IMMEDIATELY SURROUNDING SAID DISPLACED WINDOW FRAME EXTERIOR SURFACE (SEE P.3, PHOTOGRAPH 9),
20. EQUALS, NO SMOKE/SOOT PARTICULATES ABLE TO EXIT CARRIAGE VIA 'THAT' SPECIFIC WINDOW FRAME AREA DURING 5:20AM AND 5:28AM, EQUALS, 'THAT' WINDOW PANEL COULD NOT HAVE BEEN DISPLACED/BREACHED PRIOR TO 5:28AM, EQUALS, IMPOSSIBLE FOR 'ME' TO BE THE PERSON WHO DISPLACED SAID WINDOW PANEL, EQUALS, DISPLACED WINDOW PANEL COULD NOT HAVE BEEN DISPLACED AS PART OF ANY 'INSIDE JOB', OR BEEN 'DISPLACED PRIOR TO FIRE BEING LIT' IN THE TRAIN CARRIAGE, EQUALS, ENTIRE TRIAL PROSECUTOR SCENARIO ABOUT WHEN, ABOUT WHY, ABOUT BY WHOM 'THAT' WINDOW PANEL WAS DISPLACED, IS A SIGNIFICANTLY FALSE, MISLEADING AND FORENSICALLY UNSUPPORTABLE CLAIM AND ASSOCIATED ACCUSATIONS BY TRIAL PROSECUTOR, AGAINST 'ME', ESPECIALLY CONSIDERING THE PHOTOGRAPH 9, VISUAL EVIDENCE PROVIDES
30. QUALIFIED EXCULPATORY EVIDENCE OF NO SMOKE/SOOT PARTICULATES

1. DEPOSITING ANYWHERE AROUND EXTERIOR SURFACE OF CARRIAGE RELEVANT TO THE DISPLACED WINDOW PANEL, EQUALS, 'THAT' WINDOW PANEL MUST HAVE BEEN DISPLACED AFTER 5.28AM (WHICH IS WHEN MFS ARRIVED ON SCENE AND NOTICED "FAIR AMOUNT OF SMOKE" GUSHING OUT OF CARRIAGE), EQUALS, 'THAT' WINDOW PANEL MUST HAVE BEEN DISPLACED AFTER MFS ARRIVED ON SCENE, EQUALS, 'THAT' WINDOW PANEL MUST HAVE BEEN DISPLACED BY SOMEONE WHO CANNOT BE 'ME', EQUALS, 'THAT' WINDOW PANEL MUST HAVE BEEN DISPLACED BY SOMEONE WHO ATTENDED THE SCENE AFTER CARRIAGE WAS ALREADY EXPELLING SMOKE/SOOT PARTICULATES THROUGH ITS TWO ENTRY DOORS'), AND SO, THE FACT THAT TRIAL PROSECUTOR DID ACTUALLY STATE SUCH FALSE ACCUSATIONS 'AGAINST ME', TO MY SAID 1993 TRIAL JURY, EVEN ~~THE~~ ~~THE~~ THOUGH THE TRUTH WITHIN PROPER AND COMPETENT ASSESSMENT OF SAID CRIME SCENE PHOTOS (EXHIBIT P.3, PHOTOGRAPHS), CONTRADICTED THE PROSECUTOR'S SAID ~~THE~~ FALSE SCENARIO (RE 'WINDOW PANEL DISPLACED BY ME', RE 'WINDOW PANEL PART OF A FAKE-WINDOW-BREAK-IN', RE 'WINDOW PANEL DISPLACED PRIOR TO FIRE BEING LIT', ETC), CREATED SUCH A BLEMISH TO THE CHARACTER AND CONDUCT OF SAID TRIAL, THAT SAID ~~THE~~ TRIAL CEASED BEING A PROPER TRIAL AT ALL, AND, THEREFORE, 'IT CANNOT BE SAID THAT THE TOTALITY OF BLEMISHES, ERRORS, MISREPRESENTATIONS, ETC, BY THE CROWN PROSECUTOR AND ACTIONS OF THE CROWN, IN THEIR TRIAL PROSECUTION OF ME FOR THE CHARGE OF ARSON (IN 1993), HAS NOT OPERATED UNFAIRLY AGAINST ME' (SEE ABOVE QUOTED TEXT FROM JUDGMENT SUBRAMANIAM V. THE QUEEN [2004], PAGE 110, IBID, AND, QUOTED TEXT FROM JUDGMENT GILHAM V. THE QUEEN [2012], PAGE 111, IBID), AND, CREATED SUCH A MISCARRIAGE OF JUSTICE IN THE RESULTING ARSON CONVICTION, TO ^{NOT} WARRANT INTERVENTION BY THE APPEAL COURT ~~TO~~ ^{TO} VACATE SAID 1993 ARSON CONVICTION FROM THE OFFICIAL RECORDS OF THE COURTS?
- 20.

- BY FAILING TO PROPERLY ADDRESS, AND THEREFORE, FORENSICALLY INVESTIGATE, IN RELATION TO THE PERSPEX WINDOWS OF THE TRAIN CARRIAGE, 'WHAT FORCE OR PRESSURE IS ACTUALLY REQUIRED, TO DISPLACE A WINDOW ~~THE~~ PANEL
- 30.

1. FROM ITS SEALANT-BONDED ADHESIVE ANCHORING, TO ITS WINDOW FRAME', THE POLICE FORENSIC INVESTIGATORS, POLICE OFFICERS/DETECTIVES INVOLVED IN THE OVERALL INVESTIGATION OF THE CRIME SUSPECTED (ARSON), 'HAD NO LEGITIMATE REFERENCE FROM WHICH TO DETERMINE/CONCLUDE, IF IT WAS EVEN POSSIBLE, FOR A PERSON TO SIMPLY 'PUSH-OUT' ANY OF THE SAID PERSPEX WINDOW PANELS, AS WAS CLAIMED BY POLICE DETECTIVE BROWN (AGAINST ME, DURING THE UNLAWFULLY CONDUCTED POLICE RECORD OF INTERVIEW, OF ME, ON 31-7-1992, WHILE I WAS IN REMANDED CUSTODY OF THE STATE, AT ADELAIDE REMAND CENTRE), AND, AS WAS CLAIMED BY TRIAL PROSECUTOR TO MY 1993 ARSON TRIAL JURY (THAT I
10. AM ACCUSED BY THE STATE, OF BEING INSIDE THE TRAIN CARRIAGE, AND, 'PUSHING THE PERSPEX WINDOW PANEL OUTWARDS')'. TRIAL PROSECUTOR MADE THE POINT TO SAID 1993 TRIAL JURY, THAT 'I MANUALLY PUSHED-OUT SAID WINDOW PANEL', BUT, PRESENTED NO EVIDENCE OF THE PUSHING-FORCE NEEDED (SUCH AS, 'HOW MANY KG./SQUARE INCH, OF FORCE IS NEEDED TO DISPLACE WINDOW PANEL AWAY FROM ITS WINDOW FRAME?'), THEREBY LEAVING A FUNDAMENTAL COMPLAINT, BY PROSECUTOR, AGAINST ME, UNANSWERED, SO THEN, IT SHOULD NOT HAVE BEEN OPEN TO THE SAID 1993 TRIAL JURY TO 'FIND ME GUILTY OF BEING THE PERSON WHO PUSHED-OPEN RESPECTIVE DISPLACED WINDOW PANEL', UNTIL IT WAS
20. AT LEAST PRESENTED TO THE COURT AS CROWN'S OFFICIAL PRESSURE-TESTING EVIDENCE, THAT IT WAS AT LEAST POSSIBLE FOR AN AVERAGE PERSON TO EXERT THE MINIMUM

REQUIRED FORCE, TO CAUSE WINDOW PANEL TO BREAK THE SEALANT-BOND TO RESPECTIVE WINDOW FRAME, WHICH WAS NEVER DONE.

- JURY WERE IMPROPERLY FORCED TO ACCEPT THAT IT WAS POSSIBLE FOR ME TO PUSH-OUT SAID WINDOW PANEL, BECAUSE, TRIAL PROSECUTOR
30. TOLD THE JURY THAT 'IT MUST HAVE BEEN ME', WITH NO TECHNICAL

1. EVIDENCE IN SUPPORT, NOR DID ANY CROWN WITNESS PRESENT ANY REPORT OR TESTIMONY IN TRIAL, AS EVIDENCE OF OFFICIAL PRESSURE TESTING RESULTS RE 'WHAT FORCE MUST BE APPLIED TO WINDOW PANEL TO EFFECT BREAKING OF ADHESIVE-SEALANT BONDING OF WINDOW PANEL TO WINDOW FRAME'. IT WAS PROSECUTORIAL ABUSE TO MAKE SUCH A CENTRAL-PILLAR ACCUSATION AGAINST ME (THAT 'I PUSHED-OUT WINDOW PANEL'), WITH NO INTENTION OF PRESENTING TRIAL COURT/JURY WITH ANY EVIDENCE OF A SCIENTIFIC NATURE, TO SHOW IF IT WAS EVEN PHYSICALLY POSSIBLE FOR ME TO HAVE PERFORMED SUCH A PHYSICAL-FORCE-REQUIRED-ACTION,
10. (SEE R v B, AM [2015] SASFC 174, PARAGRAPH 49, AS QUOTED ABOVE, PAGES 30 AND 31, IBID). SUCH CONDUCT BY CROWN PROSECUTOR FUNDAMENTALLY FLAWED, TAINED MY SAID 1993 TRIAL, AS TO BE INDEFENSIBLE IN ITS UNFAIRNESS TO ME, RESULTING IN SUCH A MISCARRIAGE OF JUSTICE IN TRIAL CONDUCT, THAT THE TRIAL ~~WAS~~ ITSELF WAS NO LONGER A PROPERLY CONDUCTED TRIAL, AND, THE JURY VERDICT OF GUILTY, WAS IMPROPERLY OBTAINED BY THE CROWN PROSECUTOR (SEE ABOVE QUOTES FROM JUDGMENT R v CHARLES [2016] SADC 158, PAGES 20 AND 21, IBID, FROM JUDGMENT R v RICHARDS (NO 2) [2016] SADC 2, PAGE 21, IBID, AND, THE JUDGMENT WILDE v. THE QUEEN [1988] HCA 6, PARTICULARLY THE QUOTED TEXT FROM SAME, PAGES 24 TO 27, IBID). WHEN A BREACH OF THE
20. FUNDAMENTAL REQUIREMENTS OF A 'PROPERLY CONDUCTED TRIAL', EXISTS, THEN, SUCH A PURPORTED 'TRIAL ACCORDING TO LAW', IS, IN FACT, NOT A PROPER TRIAL AT ALL, AND, SUCH A TRIAL, HAS FUNDAMENTALLY MISCARRIED (SEE WILDE v. THE QUEEN [1988] HCA 6).

THE SAID PERSPEX WINDOW PANELS WERE ADHESIVELY BONDED, BY 'SEALANT', TO THEIR RESPECTIVE WINDOW FRAMES. THE PANELS, MADE OF CLEAR PERSPEX, WERE EXPECTED TO RECEIVE 'BLUNT-FORCE-ABUSE' FROM CUSTOMERS, PARTICULARLY YOUNGER CHILDREN, AS THE TRAIN CARRIAGE WAS PURPOSED ~~FOR~~ FOR BIRTHDAY PARTIES, AND, THEREFORE, WERE DELIBERATELY 'STRONG ENOUGH PERSPEX' AND 'STRONG ENOUGH ADHESIVE SEALANT BONDED', TO ABSORB 'PUNCHING, KICKING BY