

1. YOUNGER CHILDREN WHO MIGHT ALSO BE STANDING ON CHAIRS OR TABLES POSITIONED AGAINST SIDE WALLS (UNDER WINDOWS), GIVING CHILDREN EASIER ABILITY TO MAKE PHYSICAL CONTACT WITH SAID WINDOW PANELS'. I WAS THE 'MAINTENANCE CLEANER' OF THE RESTAURANT, WHICH MEANT THAT IT WAS ALSO MY RESPONSIBILITY TO REPAIR CERTAIN THINGS ON THE PROPERTY. NONE OF THE CARRIAGE WINDOWS HAD ANY 'SEALING, BONDING' FAULTS WHILE I WORKED AT THAT RESTAURANT, BECAUSE OF THEIR SEALING AND BONDING STRENGTH, WHICH IS WHAT THEY WERE DESIGNED TO ABSORB WITHOUT DAMAGE TO WINDOW PANELS OR THE ADHESIVE SEALANT. FOR CROWN PROSECUTOR TO
10. MAKE A BIG 'CENTRAL-PILLAR' STATEMENT, TO MY SAID 1993 TRIAL JURY, THAT 'I PUSHED-OUT A WINDOW PANEL, AND, DID SO WHILE I STOOD INSIDE OF THE CARRIAGE, WHICH I HAD ACCESS TO BECAUSE I HAD A KEY TO THE CARRIAGE', CAN'T BE AN HONEST STATEMENT OF MATERIAL FACT, BECAUSE, THE SAID PERSPEX WINDOW PANELS CANNOT SIMPLY BE 'PUSHED-OUT', OR EVEN 'KICKED-OUT'.... THEY ARE PERSPEX PANELS WITH SILICONE-STYLE ADHESIVE SEALANT, SO TOGETHER ARE A 'VIBRATION-ABSORBING, STRONG BUT FLEXIBLE WINDOW PANEL FASTENED TO A WINDOW FRAME'. IF IT WAS RELATIVELY EASY TO 'PUSH-OUT' SUCH WINDOW PANELS, THEN, IT WOULD MAKE THE WINDOW UNSAFE, WHICH WOULD CAUSE
20. RESTAURANT MANAGEMENT, DUE TO INSURANCE LIABILITIES, TO 'CLOSE-OFF' THE TRAIN CARRIAGE FROM USE BY CUSTOMERS. WITHOUT 'THE ABILITY TO PUSH-OUT THE DISPLACED WINDOW PANEL', THE BIG CENTRAL-PILLAR STATEMENT OF CROWN PROSECUTOR, CANNOT HAVE THE EFFECT UPON MY SAID 1993 TRIAL JURY, WHICH, AT THAT TIME, IT DID ULTIMATELY HAVE, BEING, THAT THE 'PUSHED-OUT WINDOW SCENARIO WAS THE ONLY EXPLANATION OF SUBSTANCE, AND SO IT MUST THEREFORE BE TRUE (ACCORDING TO JURY PERCEPTION)'.

- I WOULD SUGGEST THAT 'ANY' POLICE OFFICER OR FIRE OFFICER (MFS), WHO ATTENDED THE SCENE ON THAT DATE, 10-1-1991, NO MATTER HOW
30. STRONG THEY WERE, WOULD NOT HAVE BEEN ABLE TO 'PUSH-OUT'

1. ANY OF THE SAID PERSPEX WINDOW PANELS OF THE TRAIN CARRIAGE', YET THE TRIAL PROSECUTOR ACCUSED ME OF DOING 'JUST THAT', BUT PROVIDED NO TECHNICAL EVIDENCE TO IDENTIFY MINIMUM 'FORCE REQUIRED' TO CAUSE COMPARABLE BREACH IN ANY OTHER WINDOW OF THE CARRIAGE WINDOW PANELS. EVEN IF SAME OFFICERS TRIED TO KICK-OUT ONE OF THE CARRIAGE WINDOWS, I THINK THAT TOO, WOULD NOT HAVE BEEN SUFFICIENT FORCE TO 'DISPLACE' SAID WINDOW PANELS, BECAUSE, THE FLEXIBILITY OF THE PERSPEX, PLUS, ABSORBING PROPERTIES OF THE BONDING SEALANT, WOULD CAUSE, BY SOUND, 'A LOW-TONE THUDDING NOISE (SUFFICIENT TO WAKE NEIGHBOURS WHO LIVED WITHIN 40 M. OF TRAIN CARRIAGE)', AND, BY PHYSICAL EFFECT, 'A SHUDDERING WHICH WOULD 'RETURN' BACK THROUGH THE ANKLE AND KNEE JOINTS AND CAUSE COMPRESSION PAIN OF THE SAID JOINTS (ANY SPORTS-INJURY PHYSIO-THERAPIST COULD EXPLAIN THE TYPE OF PAIN WHICH WOULD ACCOMPANY THE ACTION OF A 'KICK WITH FORCE, WHICH CONTACTS A VIBRATION-RETURNING ~~REBOUND~~ SURFACE, AND SUCH SURFACE IS REBOUND-FLEXIBLE WITH UP TO 5mm VIBRATION DISPLACEMENT OF SAME ~~REBOUND~~ SURFACE')'. IF THE APPEAL COURT AND GOVERNOR DON'T BELIEVE WHAT I'M STATING AS A MATERIAL FACT, THEN, I WOULD ASK THE CROWN TO ATTEND THE SAID
20. RAILWAY CARRIAGE, CUT OUT A COMPLETE WINDOW AND FRAME FROM THE CARRIAGE, TAKE THE WHOLE WINDOW INTO A COURT, BRACE THE WINDOW FRAME (AS IF WINDOW FRAME WAS MOUNTED IN A CARRIAGE WALL), THEN HAVE STRONG PEOPLE TRY AND KICK-OUT THE WINDOW PANEL, AND SEE HOW SHORT OF TIME IT TAKES FOR THEIR KNEES TO SUFFER COMPRESSION PAIN. THIS IS BASIC EVIDENCE WHICH STATE GOVERNMENT WAS OBLIGATED TO PROVIDE AND PRODUCE PRIOR TO TRIAL, BEING, 'IS IT EVEN POSSIBLE FOR ME (WEIGHING LESS THAN 90 KG AT THAT TIME), TO FORCE OPEN SUCH A PERSPEX WINDOW PANEL?', THE ANSWER IS 'NO', BUT,
30. HOW WOULD MY TRIAL JURY EVEN KNOW THAT BECAUSE THE CROWN,



- 6 VIA ITS POLICE/FORENSIC INVESTIGATORS, NEVER INVESTIGATED SUCH A 'QUESTION', NOR ANY OTHER 'FORCE TESTING TO ESTABLISH WHAT MINIMUM FORCE WAS REQUIRED TO DISPLACE A WINDOW PANEL 4 INCHES AWAY FROM WINDOW FRAME', AND, OBVIOUSLY THEN, THERE WAS NO OFFICIAL REPORT STATING SUCH MINIMUM REQUIRED ~~FOR, AND,~~ FORCE', PLUS, 6 VIA ITS CROWN PROSECUTOR, NEVER PRODUCED ANY TYPE OF 'TESTING RESULTS' TO THE SAID 1993 TRIAL JURY, NOR EVEN HINTED TO THE TRIAL JURY ANY VALUE OF FORCE REQUIRED TO CAUSE DISPLACEMENT OF THE WINDOW PANEL (PUSHING, KICKING, ETC.), FAILED TO PROPERLY ESTABLISH HOW STRONG THE ADHESIVE BOND
10. WAS BETWEEN PERSPEX WINDOW PANEL AND ITS WINDOW FRAME, THEN, IMPROPERLY TOOK ADVANTAGE OF SUCH LACK OF 'FORCE TESTING OF WINDOW SEALANT STRENGTH', WHICH MEANT THAT THE TRIAL JURY WERE NOT INFORMED BY TRIAL PROSECUTOR, OF THE TRUE CHARACTERISTICS OF THE WINDOW PANEL (ITS BONDING STRENGTH OR ITS ABILITY TO ~~ABSORB~~ FORCE IMPACTS). IT WAS A 'CENTRAL-PILLAR' OF PROSECUTION SCENARIO, THAT 'I WAS ABLE TO PUSH-OUT A WINDOW PANEL', WHICH THE TRIAL PROSECUTOR NEVER ACTUALLY ESTABLISHED. IT WAS NEVER PROPER FOR ME TO HAVE TO PROVE 'THAT' CLAIM BY TRIAL PROSECUTOR WAS IN FACT A FALSE CLAIM (ONUS AND BURDEN OF PROOF MUST ONLY BE UPON THE
20. PROSECUTION, NEVER UPON DEFENDANT), BUT THE FACT IN ISSUE IS STILL LIVE, WHICH IS, 'THE SAID WINDOW PANEL WHICH WAS DISPLACED, COULD NOT HAVE BEEN DISPLACED BY ME, OR EVEN DISPLACED PRIOR TO MFS ARRIVING ON SCENE AT 5:28 AM' (THE SUBSTANTIVE EVIDENCE AS PROOF, IS EXHIBIT P3 PHOTOGRAPH 9), THEREFORE, THE 'CENTRAL-PILLAR' OF TRIAL PROSECUTOR'S CLAIM (STATING THAT 'I DISPLACED WINDOW PANEL'), MUST BE A FALSE CLAIM, BY PROSECUTOR, TO THE JURY, AND, MY SAID JURY WAS PRESENTED WITH SERIOUSLY MISLEADING PURPORTED FACTS (ABOUT THE DISPLACED WINDOW PANEL), BY TRIAL PROSECUTOR, WHICH DO NOT SURVIVE PRESENT REVIEW ~~■~~, WHICH, IN LINE WITH AUTHORITY
30. JUDGMENTS, MUST CAUSE THE APPEAL COURT TO FORMALLY INTERVENE IN

1. MY SAID 1993 ARSON CONVICTION, AND ENTER A PROPER ACQUITTAL OF SAID ARSON CHARGE,

[SEE R v STAFFORD [2009] QCA 407, PARAGRAPH 136:]

"OF PARTICULAR IMPORTANCE HERE IS THE POINT THAT A RECONSIDERATION ON A REFERENCE UNDER S. 672 A OF THE CRIMINAL CODE OF A CIRCUMSTANTIAL CASE PRESENTED BY THE CROWN AT TRIAL MAY BE NECESSITATED BY NEW EVIDENCE WHICH TENDS TO UNRAVEL IMPORTANT STRANDS OF THE CASE PRESENTED BY THE CROWN, AND ON WHICH THE JURY CONVICTED. IN THIS REGARD, IN MALLARD v. THE QUEEN, THEIR HONOURS SAID: 24

10. "IT WAS NOT FOR THE COURT OF CRIMINAL APPEAL TO SEEK OUT POSSIBILITIES, OBVIOUS OR OTHERWISE, TO EXPLAIN AWAY TROUBLESOME INCONSISTENCIES WHICH AN ACCUSED HAS BEEN DENIED AN OPPORTUNITY TO EXPLORE AND EXPLOIT FORENSICALLY. THE BODY OF UNPRESENTED EVIDENCE SO FAR MENTIONED WAS POTENTIALLY HIGHLY SIGNIFICANT IN TWO RESPECTS. THE FIRST LAY IN ITS CAPACITY TO REFUTE A CENTRAL-PLANK OF THE PROSECUTION CASE... THE SECOND WAS ITS CAPACITY TO DISCREDIT, PERHAPS EXPLOSIVELY SO, THE CREDIBILITY OF THE PROSECUTION CASE, FOR THE STRENGTH OF THAT CASE WAS HEAVILY DEPENDENT ON THE RELIABILITY OF THE CONFESSORIAL EVIDENCE, SOME OF WHICH WAS
20. INEXPLICABLY NOT RECORDED, ALTHOUGH IT SHOULD HAVE BEEN RECORDED. " " ]

THE TRIAL PROSECUTOR 'USED THE DISPLACED WINDOW PANEL OF THE CARRIAGE AS A 'CENTRAL PLANK', A FOUNDATION FROM WHICH TO BUILD OTHER SPECIFIC ARGUMENTS FOR THE PROSECUTION CASE'. PROSECUTION CLAIMS FOUNDED ON 'DISPLACED WINDOW PANEL WAS PERFORMED BY JARRETT', INCLUDE, 'WINDOW PANEL WAS PUSHED-OUT BY JARRETT', 'WINDOW PANEL WAS PUSHED-OUT BY JARRETT WHO WAS ALREADY INSIDE CARRIAGE', 'WINDOW DISPLACEMENT WAS AN INSIDE-JOB BY JARRETT', 'MOTIVE FOR JARRETT TO PUSH-OUT WINDOW PANEL AND LIGHT FIRE WAS EMPLOYER NOT

30. HAPPY WITH JARRETT'S WORK PERFORMANCE', 'WINDOW PANEL WAS PUSHED-OUT BY



1. JARRETT AS PART OF A FAKE WINDOW BREAK-IN', 'WINDOW PANEL WAS PUSHED-OUT BY JARRETT PRIOR TO THE FIRE BEING LIT IN CARRIAGE', 'WINDOW PANEL WAS PUSHED-OUT BY JARRETT PRIOR TO JARRETT THEN LIGHTING FIRE IN CARRIAGE', 'WINDOW PANEL WAS PUSHED-OUT BY JARRETT PRIOR TO JARRETT SETTING FIRE TO TRAIN CARRIAGE WHICH JARRETT LIT BECAUSE JARRETT WANTED REVENGE AGAINST HIS EMPLOYER BECAUSE JARRETT'S EMPLOYER WAS NOT HAPPY WITH JARRETT'S WORK PERFORMANCE AND HAD TOLD JARRETT OF THEIR UNHAPPINESS ABOUT JARRETT'S WORK PERFORMANCE', 'WINDOW PANEL HAD BEEN PUSHED-OUT PRIOR TO POLICE ~~ARRIVING~~ ARRIVING ON SCENE AT 5:20AM AND JARRETT WAS THE ~~PERSON~~ PERSON WHO DISPLACED THE SAID WINDOW PANEL', 'WINDOW PANEL WAS
10. PUSHED-OUT BY ~~JARRETT~~ JARRETT PRIOR TO MFS ARRIVING ON SCENE AT 5:28AM'.

EACH OF 'THOSE' INDIVIDUAL PROSECUTION 'CLAIMS' MADE AGAINST ME, DURING MY SAID 1993 ARSON TRIAL, 'WITH CROWN PROSECUTOR INTENTIONALLY LINKING ALL SUCH PROSECUTION ACCUSATIONS TO THE ONE SINGLE ANCHORING POINT (THE DISPLACED WINDOW PANEL)', ARE ONLY VALID 'CLAIMS' FOR THE PROSECUTION CASE, WHILE THE TRIAL JURY BELIEVES THAT THE SAID DISPLACED WINDOW PANEL WAS DISPLACED PRIOR TO POLICE ARRIVING ON SCENE AT 5:20AM. BEING 'VALID', STILL DOES NOT MAKE SAID 'PROSECUTION CLAIMS' TRUE EVENTS, ONLY THAT THE PROSECUTION CASE IS

20. CONTINUING TO PLACE RELIANCE UPON RESPECTIVE 'CLAIM', AS EVIDENCE OF PURPORTED GUILT, PARTICULARLY, IF SEVERAL 'PROSECUTION CLAIMS' OBTAIN 'SCENARIO SUPPORT FROM A 'SINGLE ANCHORING POINT'', THEREBY ~~CREATING~~ CREATING SUCH A VALID AND BELIEVABLE STORY FOR THE TRIAL JURY, THAT THE JURY WOULD 'ACCEPT ~~THE~~ 'THOSE PROSECUTION CLAIMS' MUST BE TRUE BECAUSE THERE IS NO OTHER EXPLANATION FOR 'THE DISPLACED WINDOW ~~PANEL~~ PANEL', OR, FOR SAID DISPLACED WINDOW PANEL TO BE 'DISPLACED TO ITS RESTING POSITION PRIOR TO 5:20AM' (WHICH IS WHEN POLICE ARRIVED ON SCENE)',

PROSECUTOR ~~MAINTAINED THEIR~~ DURING SAID 1993 ARSON TRIAL, MAINTAINED THEIR USE

30. OF 'THE DISPLACED WINDOW PANEL MUST HAVE BEEN DISPLACED BY JARRETT, AND

1. THEREFORE, MUST HAVE BEEN DISPLACED BY JARRETT PRIOR TO POLICE ARRIVING ON SCENE AT 5:20AM, AS THE SINGLE ANCHORING POINT, THE CENTRAL PILLAR, AND, ACCORDING TO 'CASE FOR THE PROSECUTION', THE ONE BIT OF CRITICAL EVIDENCE THOSE 'CLAIMS' GROW FROM, ~~THE~~ <sup>TO</sup> ESTABLISH 'GUILT BEYOND REASONABLE DOUBT'. FUNDAMENTALLY THOUGH, IF THE SO-CALLED 'CENTRAL PILLAR OF PROOF' (WINDOW PANEL MUST HAVE BEEN DISPLACED PRIOR TO 5:20AM, AND, WINDOW PANEL WAS "PUSHED-OUT" BY JARRETT), DID NOT EXIST AS TRIAL EVIDENCE ~~FOR~~ FOR THE PROSECUTION, THEN, ALL THOSE 'PROSECUTION CLAIMS' COULD NOT EXIST, AS THEY ALL RELY INTRINSICALLY ON THE TWO ESSENTIAL
10. ELEMENTS OF SAID CENTRAL PILLAR, BEING, ESSENTIAL ELEMENT ONE, 'WINDOW PANEL DISPLACED PRIOR TO POLICE ARRIVING ON SCENE AT 5:20AM', ESSENTIAL ELEMENT TWO, 'WINDOW PANEL WAS ~~ABLE~~ ABLE TO BE PUSHED-OUT BY JARRETT'.

- ON PAGES 216 AND 217, ABOVE, I HIGHLIGHTED A NUMBER OF SPECIFIC PROSECUTION 'CLAIMS' (SCENARIO ARGUMENTS), WHICH ALL EXIST FROM THE 'CENTRAL PILLAR' AS THEIR FOUNDATION, AND, WHICH ALSO MEANS ~~THAT~~ EACH ~~AN~~ INDIVIDUAL SPECIFIC PROSECUTION CLAIM CANNOT EXIST WITHOUT ITS FOUNDATION (THE CRITICAL FEATURE OF EACH SAID SPECIFIC PROSECUTION CLAIM, IS, THE 'CENTRAL PILLAR', THE KEY PART OF EACH 'SCENARIO ARGUMENT' WHICH
20. THE SCENARIO ITSELF MUST INCLUDE IN ~~IT~~ ITS PARTICULARISATION, OTHERWISE, THE RESPECTIVE SCENARIO ARGUMENT UNRAVELS AS IT WOULD NOT HAVE ITS 'SCENARIO FOUNDATION'), WHICH, AS WAS PRESENTED BY SAID 1993 TRIAL PROSECUTOR, IS ALSO THE 'SINGLE ANCHORING POINT WHICH TRIAL PROSECUTOR REPORTED TO THE TRIAL JURY AS THE LINK IN THE PROSECUTION CHAIN WHICH PROVES 'MY GUILT' BEYOND ~~REASONABLE~~ REASONABLE DOUBT.

- THE REASON THE CROWN PROSECUTOR WAS ABLE TO <sup>CONTINUALLY</sup> ~~CONTINUALLY~~ REFER TO THE SAID 'DISPLACED WINDOW', AS 'BEING DISPLACED PRIOR TO 5:20AM, WHEN POLICE ARRIVED
30. ON SCENE', EVEN THOUGH, 'UPON PRESENT REVIEW OF TRIAL EXHIBIT P3,



1. PHOTOGRAPH 9 (AS MATERIAL EVIDENCE, CREATED BY POLICE CRIME SCENE ~~INVESTIGATOR~~ INVESTIGATOR), VISUAL QUALIFICATION SUPPORTS 'THERE IS NO EVIDENCE OF SMOKE/SOOT PARTICULATES EXITING CARRIAGE VIA THE DISPLACED WINDOW, AT ANY TIME,' AND THEREFORE DISPROVES POLICE/PROSECUTOR CLAIMS OF WINDOW PANEL BEING 'DISPLACED' PRIOR TO 5:20 AM (WHEN CONSIDERED IN CONJUNCTION WITH MY POINTS OF ARGUMENT, AS PARTICULARISED WITHIN MY ~~PETITION(S)~~ PETITION(S) AGAINST SAID 1993 ARSON CONVICTION),

IS BECAUSE OF THE FALSE AND MISLEADING PRESENTATION OF 'PROSECUTION

CLAIMS' (SCENARIO ARGUMENTS WHICH, FIRST, PROSECUTOR PRESENTED RESPECTIVE

10. CLAIM AS AN ACCUSATION AGAINST ME, AND THEN, SECOND, WHILE I WAS IN WITNESS BOX GIVING TESTIMONY, PROSECUTOR WOULD 'CHALLENGE' MY ANSWERS, HENCE, AN ARGUMENT, WHICH THEN EQUATES TO 'PROSECUTOR ATTEMPTING TO MISLEAD TRIAL JURY ABOUT THE ACCURACY AND HONESTY OF FORENSIC EVIDENCE REPORTED (ABOUT), FROM THE ~~CRIME~~ CRIME SCENE, SUCH AS EXHIBIT ~~P.3~~ P.3', AND, 'PROSECUTOR COMBATIVELY CLAIMING SPECIFIC EVENTS AS FACTUALLY ACCURATE, AS WELL AS VOCALISING SUCH PURPORTED 'FACTUALLY ACCURATE EVENTS' SO THE TRIAL JURY WOULD ALSO BELIEVE THE CLAIMS BY TRIAL PROSECUTOR WERE MATERIALLY PROVABLE, YET, PROSECUTOR HAD NO INTENTIONS OF ACTUALLY PROVIDING 'ANY' MATERIAL EVIDENCE TO 'SUPPORT' SUCH PURPORTED SPECIFIC EVENTS, AS THERE IN FACT WAS NO MATERIAL EVIDENCE

20. (SUCH AS FORENSIC TESTS AND ~~REPORTS~~ REPORTS ABOUT TEST RESULTS), BECAUSE, STATE GOVERNMENT CRIME INVESTIGATORS (THE POLICE), FAILED AND NEGLECTED TO COMPETENTLY INVESTIGATE THE TRAIN CARRIAGE FIRE-EVENT, PLUS, ADDITIONALLY, THE MATERIAL EVIDENCE WHICH DID EXIST, IS EXCULPATORY IN ITS FACTUAL SIGNIFICANCE, SO THAT, IF THE POLICE FORENSIC INVESTIGATOR HAD PERFORMED THE PARTICULAR FORENSIC TESTING WHICH I DESCRIBED, HEREIN, AS 'NEVER BEING DONE', THE OFFICIAL REPORTS OF SUCH FORENSIC TESTING, WOULD FUNDAMENTALLY PROVE SEVERAL KEY MATTERS, WHICH THEN, CROWN PROSECUTOR COULD NEVER 'DECEPTIVELY MANIPULATE INTO PROSECUTION LIES AND SUBSTANTIVELY FALSE CLAIMS', AND, 'OF SAID SEVERAL KEY MATTERS, THERE ARE TWO WHICH UNRAVEL

30. PROSECUTION FALSE CLAIMS TO SUCH AN EXTENT THAT THE ENTIRE CASE

1. FOR THE PROSECUTION COULD NO LONGER CONTINUE', AND 'THEY' ARE, FACT ONE, 'THE DISPLACED WINDOW PANEL COULD NOT HAVE BEEN DISPLACED PRIOR TO POLICE ARRIVING ON SCENE AT 5:20 AM (THE PARTICULAR FORENSIC TESTING TO PROVE THIS FUNDAMENTAL FACT, WOULD BE AS SIMPLE AS 'ADHESIVE TAPE-LIFT', OR 'ADHESIVE WIPE', OVER SURFACE PAINT IMMEDIATELY SURROUNDING EXTERIOR WINDOW FRAME OF THE DISPLACED WINDOW, AS THE TESTING OF SAID SURFACE WOULD PROVE THAT NO SMOKE OR SOOT PARTICULATES HAD DEPOSITED ON SAID SURFACE, WHICH STANDS AS PROOF THAT NO PARTICULATES EXITED CARRIAGE VIA THAT SPECIFIC WINDOW OR WINDOW FRAME, WHICH ITSELF COULD ONLY BE AN ACCURATE 'STATEMENT OF FACT', IF,
10. AND ONLY IF, THE DISPLACED WINDOW WAS NOT DISPLACED UNTIL AFTER SMOKE, SOOT AND HOT/HEATED AIR WAS NO LONGER EXPRESSING FROM THE CARRIAGE)', AND, FACT TWO, 'THE DISPLACED WINDOW PANEL DID NOT SIMPLY FALL OUT OF ITS WINDOW FRAME, THEREFORE, IT MUST BE TRUE THAT A DEGREE OF PHYSICAL FORCE WAS APPLIED TO SAID WINDOW PANEL, SUFFICIENT TO CAUSE THE WINDOW PANEL TO BE IN ITS RESTING POSITION, AS SEEN ON TRIAL EXHIBIT P.3, PHOTOGRAPH 9, THE 'DISPLACED WINDOW PANEL', AND, AS SEEN FROM INSIDE TRAIN CARRIAGE, EXHIBIT P.3, PHOTOGRAPH 10, 'DISPLACED WINDOW PANEL, WITH A TWO-TOP FIXED TABLE IMMEDIATELY UNDER THE SPECIFIC WINDOW PANEL', HOWEVER, EVEN THOUGH CROWN PROSECUTOR DECLARED TO MY 1993 TRIAL JURY, THAT 'JARRETT PUSHED-OUT THE SAID WINDOW PANEL FROM INSIDE
20. THE CARRIAGE', TRIAL PROSECUTOR PRESENTED NO SCIENTIFIC EVIDENCE TO SHOW 'IF IT WAS EVEN POSSIBLE TO BE MERELY PUSHED OUTWARDS' (ESPECIALLY CONSIDERING THERE WAS A TABLE IN THE WAY SO ANY PERSON WHO EVEN TRIED TO APPLY PHYSICAL FORCE TO SAID WINDOW PANEL, WOULD FIND IT VERY AWKWARD TO DO SO, WHICH THEN INVITES THE QUESTION, OF, 'WHY THEN WOULD A PERSON NOT STEP 2 OR 3 FEET EAST DIRECTION, TO THE NEXT WINDOW PANEL, THEN HAVE THE ADDED ADVANTAGE OF BETTER 'FOOTING' SO AS TO GENERATE MORE PHYSICAL FORCE, WHICH THEN SUGGESTS CROWN SCENARIO IS FLAWED AND NOT TRUE' (ABOUT WINDOW PANEL BEING MERELY "PUSHED" OUTWARD, BECAUSE, CARRIAGE WINDOW PANELS WERE SEALANT-BONDED TO WINDOW FRAMES WITH A BONDING PRODUCT WHICH MAINTAINED
30. ITS BONDING STRENGTH, EVEN WHEN 'NATURAL AND EXPECTED PHYSICAL FORCES' SUCH AS



1. PEOPLE LEANING, TAPPING AND KNOCKING ON WINDOW PANELS, WAS HAPPENING<sup>9</sup>),  
 ABOUT SAID WINDOW PANEL BEING "PUSHED" OUTWARDS, BUT, IT STILL DOES NOT SATISFY  
 A FUNDAMENTAL QUESTION OF 'FROM WHERE DID THE FORCE ORIGINATE TO CAUSE SAID  
 WINDOW PANEL TO BE DISPLACED?', WAS THE PERSON STANDING INSIDE OR OUTSIDE OF  
 CARRIAGE WHEN CAUSING SAID WINDOW TO BREAK ITS SEALANT-ADHESION-BOND AND BE 'OUT OF  
 ITS NORMAL POSITION?', IF THE PERSON WAS OUTSIDE OF CARRIAGE THEN CLOSE INSPECTION  
WITH PHOTOGRAPH PROOF OF POINT WHERE A 'PRY-OBJECT' WAS USED SO AS TO  
 PRY-OUT WINDOW PANEL, IF NO PRY-MARKS EVIDENT INSIDE OR OUT OF CARRIAGE  
 WINDOW THEN CLOSE INSPECTION WITH PHOTOGRAPH PROOF OF FRAME TO SHOW NO  
 10. PRY-MARKS, AND, SUCH LACK OF EVIDENCE AND LACK OF SPECIFIC PHOTOGRAPHED  
 FEATURES OF CARRIAGE, AND, SUCH LACK OF SCIENTIFIC TESTING, FORCES JURY TO  
 MAKE GUESSES AND ASSUMPTIONS ASSOCIATED WITH ACCUSATIONS BY TRIAL  
 PROSECUTOR, SUCH AS, ASSUME THAT WINDOW <sup>PANEL</sup> ~~PANEL~~ COULD BE "PUSHED" OUTWARDS),  
 AND, BY FAILING TO EVEN TRY TO INVESTIGATE 'THE PHYSICAL FORCE REQUIRED TO CAUSE  
 BREAK IN SEALANT BOND BETWEEN WINDOW PANEL AND WINDOW FRAME' (VIA GOVERNMENT  
 FORENSIC INVESTIGATION SERVICES), WAS AN 'UNFAIR' ACTION BY THE STATE GOVERNMENT  
 WHO WERE PROSECUTING ME FOR SAID ARSON, AS IT WAS INTENDED BY CROWN  
 PROSECUTORS TO LAY ACCUSATION UPON ME THAT 'I HAD PUSHED WINDOW PANEL OUTWARDS',  
 SO, IT WAS A 'RELEVANT' (R.V. DRUMMOND (No. 2) [2015] SASCF 82, PARAGRAPH  
 20. 172), ELEMENT OF FORENSIC INVESTIGATION TO KNOW SCIENTIFICALLY TESTED 'FORCE  
 REQUIREMENT' TO CAUSE SAID WINDOW PANELS TO BREAK THEIR SEALANT BOND, PLUS,  
 BY FORENSICALLY TESTING FORCE REQUIREMENT SO AS TO DISPLACE SUCH A WINDOW  
 PANEL, ALSO WOULD HAVE PREVENTED CROWN PROSECUTOR FROM 'SUGGESTING A  
 BACKUP SCENARIO' SUCH AS, 'JARRETT CAN'T PROVE THAT HE DID NOT DISPLACE  
 THE WINDOW PANEL' (FOR EXAMPLE, 'IF SAID WINDOW PANEL HAD ALREADY BEEN IN ITS  
 DISPLACED POSITION A DAY PRIOR TO 10-1-1991, IT COULD NOT BE SAID/CLAIMED BY  
 PROSECUTOR THAT 'JARRETT PUSHED WINDOW PANEL OUT, THEN LIT ~~THE~~ FIRE IN  
 CARRIAGE', HOWEVER, PROSECUTOR WOULD STILL DECLARE THAT 'JARRETT LIT THE  
 FIRE IN CARRIAGE AND THE MOTIVE FOR DOING SO WOULD BE THE SAME', BUT THERE  
 30. WOULD BE NO REFERENCE TO 'JARRETT DAMAGING WINDOW PANEL, OR, JARRETT

1. CREATING A FAKE-WINDOW BREAK-IN, OR, JARRETT USED HIS KEY TO ENTER CARRIAGE DOOR TO THEN STAND INSIDE CARRIAGE TO THEN PUSH WINDOW PANEL OUT TO THEN LIGHT FIRE IN CARRIAGE', SO EFFECTIVELY, EVEN IF IT WAS KNOWN THAT WINDOW PANEL WAS ALREADY DISPLACED SUCH AS THE DAY PRIOR, CROWN PROSECUTORS WOULD STILL ACCUSE ME OF SETTING THE FIRE'), EXCEPT THAT, NOT ONLY CAN I FORENSICALLY PROVE THAT 'I DID NOT DISPLACE SAID WINDOW PANEL', I CAN ALSO PROVE THAT 'SAID WINDOW PANEL COULD NOT HAVE BEEN BREACHED/DISPLACED UNTIL SOME TIME AFTER 5:28 AM WHICH WAS THE TIME MFS ARRIVED ON SCENE AND NOTED "FAIR AMOUNT OF SMOKE" (TRIAL TESTIMONY FROM MFS EMPLOYEE, WHO DESCRIBED WHAT MFS SAW SPEWING
10. FROM CARRIAGE AS MFS ARRIVED AT 5:28 AM)', AND, THEREFORE, I CAN PROVE THAT 'SOMEONE ELSE DISPLACED THE SAID WINDOW PANEL, IRRESPECTIVE OF THEIR REASON FOR DOING SO, DELIBERATE OR ACCIDENTAL, AND, THAT, NOT ONLY WAS SAID WINDOW PANEL DISPLACED AFTER 5:28 AM ON 10-1-1991, AND BY SOMEONE ELSE, BUT THAT SAID DISPLACED WINDOW  PANEL ALSO HAD NOTHING TO DO WITH ANY FAKE WINDOW BREAK-IN' (EVEN THOUGH TRIAL PROSECUTOR PLACED MAJOR ELEMENT OF CROWN EVIDENCE, UPON TRIAL PROSECUTOR'S ACCUSATIONS AGAINST ME, BEING THAT 'DISPLACED WINDOW PANEL WAS INFALLIBLE EVIDENCE OF MY GUILT OF ARSON BECAUSE PANEL WAS DISPLACED BY ME PRIOR TO FIRE BEING LIT AND THEREFORE MUST HAVE BEEN DISPLACED PRIOR TO 5:20 AM '),
20. AND, QUALIFIABLY, THE FORENSIC EVIDENCE IN SUPPORT OF MY STATEMENTS, IS, THE SAME EVIDENCE TODAY AS IT EXISTED AT TRIAL IN 1993, WHICH IS, 'THE CRIME SCENE PHOTOGRAPHS', TABLED IN TRIAL AS EXHIBIT P.3 (IT SHOULD BE ACCEPTED BY THE COURTS THAT PHOTOGRAPHS OF SAID CRIME SCENE, ARE, FORENSIC EVIDENCE IN THEIR OWN RIGHT, AS THE SAID PHOTOS PROVIDE POLICE INVESTIGATION EVIDENCE OF WHAT SOMETHING LOOKED LIKE WHEN IT WAS PHOTOGRAPHED, ON DAY OF THE FIRE, 10-1-1991, AND, AS I HAVE ABOVE INDICATED, PHOTOGRAPH 9, IS EXCULPATIVELY SIGNIFICANT), BUT, UNLIKE THE TRIAL PROSECUTOR'S TRIAL CONDUCT OF 'FALSE CROWN EVIDENCE PRESENTED TO TRIAL JURY', AND, 'SERIOUSLY MISREPRESENTATIVE PROSECUTION 'DESCRIPTIONS OF MATERIAL EVIDENCE ABLE TO BE QUALIFIABLY ESTABLISHED
30. THROUGH VISUAL ASSESSMENT OF CRIME SCENE PHOTOGRAPHS', I, WITH REFERENCE TO



1. SPECIFIC POINTS ON CERTAIN EXHIBIT P.3. PHOTOGRAPHS, WILL ONLY DESCRIBE THE TRUE AND ACCURATE MATERIAL EVIDENCE VISUALLY CAPTURED WITHIN RESPECTIVE PHOTOGRAPHS (WHICH WILL THEN ENABLE THE JUDGES OF THE FULL COURT OF SOUTH AUSTRALIA, TO COMPARE WHAT I DESCRIBE AS THE ACCURATE REFLECTION OF MATERIAL CRIME SCENE EVIDENCE VISUALLY ASSESSABLE ON ~~PHOTO~~ PHOTOGRAPHS, COMPARED TO CROWN PROSECUTION PURPORTED FACTS)), EVEN TO THE EXTENT THAT THE CROWN PROSECUTION VISUALLY CAPTURED CRIME SCENE MATERIAL EVIDENCE, EXHIBIT ~~P.3~~ P.3, PHOTOGRAPHS, THEMSELVES, VISUALLY DISPROVED THE CROWN PROSECUTOR'S 'ONE SINGLE ANCHORING POINT', PURPORTED AS THE 'CENTRAL PILLAR' OF
10. PROSECUTION PROOF AGAINST ME, 'THE DISPLACED WINDOW PANEL WAS DISPLACED PRIOR TO FIRE BEING LIT AND THEREFORE PRIOR TO POLICE ARRIVING ON SCENE AT 5:20 AM', BUT, THE TRUTH OF THE MATTER WAS NOT IN TRIAL PROSECUTOR'S SIGHT, AS HE ONLY WANTED ME CONVICTED OF THE ARSON CHARGE, WHICH IS WHY TRIAL PROSECUTOR 'PRESENTED FALSE EVIDENCE FOR THE CROWN', 'MISREPRESENTED CRIME SCENE PHOTOGRAPH EVIDENCE (EXHIBIT P.3.)', 'TAINTED TRIAL JURY WITH FALSE AND FALSIFIED STATE'S EVIDENCE', AND, 'UNLAWFULLY STEERED MY SAID 1993 TRIAL JURY INTO ~~BELIEVING~~ ACCEPTING PROSECUTOR'S ACCUSATION ('THAT JARRETT LIT THE CARRIAGE FIRE AFTER DISPLACING CARRIAGE WINDOW PANEL'), KNOWING FULL WELL THAT THERE WAS NOT GOING TO EVER BE ANY PHYSICAL EVIDENCE, OR SCIENTIFIC TESTING, FOR
20. PROSECUTION USE, TO SUPPORT SUCH SPECIFIC PROSECUTION ACCUSATION'.

IT WAS FUNDAMENTALLY UNFAIR TO ME (DEFENDANT IN A CRIMINAL TRIAL), FOR TRIAL PROSECUTOR TO PURPORT 'AN EVENT AND CONDITIONS' ('FIRE IN TRAIN WAS THE EVENT', 'DISPLACED WINDOW PANEL PRIOR TO FIRE BEING LIT' WAS THE CONDITION PRIOR TO THE EVENT'), IN 'SUCH' A WAY TO THE TRIAL JURY, TO THEN ANCHOR THE CROWN'S CASE AROUND SAID SPECIFIC '~~THE~~ CONDITION' IN ORDER TO CEMENT PROSECUTOR'S POSITION AS 'UNDENIABLE AND ACCURATE', YET, NOT INTEND TO SUBMIT ANY ~~SCIENTIFIC~~ SCIENTIFICALLY QUALIFIABLE FORENSIC EXAMINATIONS TO THE TRIAL JURY, IN SUPPORT OF SAID SPECIFIC 'CONDITION' (EFFECTIVELY MAKING ACCUSATION THAT 'I COMMITTED ARSON', BUT CROWN PRESENTED NO MATERIAL EVIDENCE TO EVEN VALIDATE SAID WINDOW PANEL BEING 'DISPLACED' PRIOR TO

1. THE FIRE EVENT, ASIDE FROM THE FACT THAT NO SUCH EVIDENCE COULD ACTUALLY EXIST, AS PHOTOGRAPH 9, FROM EXHIBIT P.3, STANDS AS VISUAL PROOF THAT NO SMOKE/SOOT EXITED RESPECTIVE DISPLACED WINDOW PRIOR TO 5:20 AM, WHICH IS WHEN POLICE ARRIVED ON SCENE, NOR PRIOR TO 5:28 AM, WHICH IS WHEN MFS ARRIVED ON SCENE, WHICH CAN ONLY BE TRUE IF THE RESPECTIVE DISPLACED WINDOW WAS NOT UNSEALED/NOT DISPLACED UNTIL SOME TIME AFTER 5:28 AM), THEREBY MAKING IT IMPOSSIBLE FOR SAID TRIAL JURY TO KNOW THE TRIAL PROSECUTOR WAS MISLEADING THE JURY, WITH CROWN'S FALSE CLAIM ABOUT 'RESPECTIVE WINDOW PANEL BEING UNSEALED/DISPLACED PRIOR TO 5:20 AM',
10. [SEE R v DRUMMOND (No 2) [2015] SASCF 82, PARAGRAPH 174, AS QUOTED ABOVE ON PAGE 11, IBID.], TO CLAIM 'CENTRAL PILLAR' AS 'WINDOW PANEL WAS UNSEALED PRIOR TO FIRE EVENT', KNOWING NO EVIDENCE COULD ~~EVER~~ EVER EXIST TO SUPPORT SUCH PROSECUTION CLAIM, AND EXPECTING TRIAL JURY TO ACCEPT PROSECUTION CLAIM AS MATERIALLY ACCURATE EVEN WITHOUT ~~SCITE~~ ANY PROOF TO SUPPORT SUCH 'ONE SINGLE ANCHORING POINT' OF THE TRIAL PROSECUTOR,
- [SEE R v B, AM (BOYLE) [2015] SASCF 174, PARAGRAPH 49, AS QUOTED ABOVE ON PAGES 30 AND 31, IBID.], TO MISREPRESENT CROWN PROSECUTION EVIDENCE TO TRIAL JURY, BY TRIAL PROSECUTOR AND CROWN WITNESS (EVIDENCE OF WITNESS INCLUDES VERBAL AS WELL AS ANY DOCUMENT CREATED BY THEM WHICH IS RELEVANT TO
20. THE ARSON TRIAL IN ANY WAY), OR BY TRIAL PROSECUTOR (THEMSELF), AND SAID MISREPRESENTATION OF CROWN EVIDENCE IS FALSELY WEIGHTED SO AS TO BENEFIT THE PROSECUTION CASE, AND A JURY'S 'GUILTY VERDICT AGAINST ME, WAS THE TRIAL OUTCOME, THE TRIAL HAS MISCARRIED AND THE CROWN PROSECUTION CASE PLACED BEFORE MY SAID 1993 TRIAL JURY, WAS TAINTED/CORRUPTED AND CREATED SUCH AN EFFECT OF IRREGULARITY IN THE CONDUCT OF SAID TRIAL, THE CONSEQUENCE BEING AN IMPROPER TRIAL AND IMPROPER VERDICT, AN UNLAWFULLY PROSECUTED TRIAL AND A FRAUDULENTLY OBTAINED GUILTY VERDICT,
- [SEE R v DRUMMOND (No 2) SASCF 82, PARAGRAPH 368:
- "BLUE J.

30. IN PAVIES AND CODY v THE QUEEN, <sup>100</sup> IN THE CONTEXT OF A FIRST APPEAL IN



1. WHICH THE ULTIMATE CRITERION WAS A MISCARRIAGE OF JUSTICE, LATHAM CJ, RICH, DIXON, EVATT AND MCTIERNAN JJ SAID:

FROM THE BEGINNING, [THE ENGLISH COURT OF APPEAL] HAS ACTED UPON NO NARROW VIEW OF THE CASES COVERED BY ITS DUTY TO QUASH A CONVICTION WHEN IT THINKS THAT ON ANY GROUND THERE WAS A MISCARRIAGE OF JUSTICE, A DUTY ALSO IMPOSED UPON THE SUPREME COURT OF VICTORIA. IT HAS CONSISTENTLY REGARDED THE DUTY AS COVERING NOT ONLY CASES WHERE THERE IS AFFIRMATIVE REASON TO SUPPOSE THAT THE APPELLANT IS INNOCENT, BUT ALSO CASES OF QUITE ANOTHER DESCRIPTION. FOR IT ~~WILL~~ WILL SET ASIDE A

10. CONVICTION WHENEVER IT APPEARS UNJUST OR UNSAFE TO ALLOW THE VERDICT TO STAND BECAUSE SOME FAILURE HAS OCCURRED IN OBSERVING THE CONDITIONS WHICH, IN THE COURT'S VIEW, ARE ESSENTIAL TO A SATISFACTORY TRIAL, OR BECAUSE THERE IS SOME FEATURE OF THE CASE RAISING A SUBSTANTIAL POSSIBILITY THAT, EITHER IN THE CONCLUSION ITSELF, OR IN THE MANNER IN WHICH IT HAS BEEN ~~REACHED~~ REACHED, THE JURY MAY HAVE BEEN MISTAKEN OR MISLED. <sup>101</sup>

<sup>100</sup> (1937) 57 CLR 170.

<sup>101</sup> AT 180. (LEGISLATIVE REFERENCE OMITTED)"

20.

### PARAGRAPH 370.

"IN BAINI, <sup>105</sup> FRENCH CJ, HAYNE, CRENNAN, KIEFEL AND BELL JJ SAID:

NO SINGLE UNIVERSALLY APPLICABLE DESCRIPTION CAN BE GIVEN FOR WHAT IS A "SUBSTANTIAL MISCARRIAGE OF JUSTICE" FOR THE PURPOSES OF S 276 (1)(B)

AND (C). THE POSSIBLE KINDS OF MISCARRIAGE OF JUSTICE WITH WHICH S 276 (1) DEALS ARE TOO NUMEROUS AND TOO DIFFERENT TO PERMIT

PRESCRIPTION OF A SINGULAR TEST. THE KINDS OF MISCARRIAGE INCLUDE, BUT ARE NOT LIMITED TO, THREE KINDS OF CASE. FIRST, THERE IS THE

CASE TO WHICH S 276 (1)(A) IS DIRECTED: WHERE THE JURY HAVE

30.

ARRIVED AT A RESULT THAT CANNOT BE SUPPORTED. SECONDLY, THERE IS

1. THE CASE WHERE THERE HAS BEEN AN ERROR OR AN IRREGULARITY IN, OR IN ~~RELATION TO~~ RELATION TO, THE TRIAL AND THE COURT OF APPEAL CANNOT BE SATISFIED THAT THE ERROR OR IRREGULARITY DID NOT MAKE A DIFFERENCE TO THE OUTCOME OF THE TRIAL. THIRDLY, THERE IS THE CASE WHERE THERE ~~HAD~~ HAS BEEN A SERIOUS DEPARTURE FROM THE PRESCRIBED PROCESSES FOR TRIAL. THIS IS NOT AN EXHAUSTIVE LIST. WHETHER THERE HAS BEEN A "SUBSTANTIAL MISCARRIAGE OF JUSTICE" ULTIMATELY REQUIRES A JUDGMENT TO BE MADE.

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10. THIRDLY, THE INQUIRY TO BE MADE IS WHETHER A GUILTY VERDICT WAS INEVITABLE, NOT WHETHER A GUILTY VERDICT WAS OPEN. (WHETHER THE VERDICT WAS OPEN IS THE QUESTION PRESENTED BY S 276 (1) (A).) IF IT IS SAID THAT A GUILTY VERDICT WAS INEVITABLE (WHICH IS TO SAY A VERDICT OF ACQUITTAL WAS NOT OPEN), THE COURT OF APPEAL MUST DECIDE THAT QUESTION ON THE WRITTEN RECORD OF THE TRIAL WITH "THE 'NATURAL LIMITATIONS' THAT EXIST IN THE CASE OF ANY APPELLATE COURT PROCEEDING WHOLLY OR SUBSTANTIALLY ON THE RECORD". THAT THE JURY RETURNED A GUILTY VERDICT MAY, IN APPROPRIATE CASES, BEAR UPON THE QUESTION. BUT, AT LEAST IN CASES LIKE THE PRESENT WHERE THE
20. EVIDENCE HAS WRONGLY BEEN ADMITTED AT TRIAL AND CASES WHERE EVIDENCE HAS WRONGLY BEEN EXCLUDED, THE COURT OF APPEAL COULD NOT FAIL TO BE SATISFIED THAT THERE HAS BEEN A SUBSTANTIAL MISCARRIAGE OF JUSTICE UNLESS IT DETERMINES THAT IT WAS NOT OPEN TO THE JURY TO ENTERTAIN A DOUBT AS TO GUILT. OTHERWISE, THERE HAS BEEN A SUBSTANTIAL MISCARRIAGE OF JUSTICE BECAUSE THE RESULT OF THE TRIAL MAY HAVE BEEN DIFFERENT (BECAUSE THE STATE OF THE EVIDENCE BEFORE THE JURY WOULD HAVE BEEN DIFFERENT) HAD THE ERROR NOT BEEN MADE.

<sup>105</sup> BAINI V THE QUEEN (2012) 246 CLR 469.



1. THIS UNDERSTANDING OF S 276 ACCOMMODATES FUNDAMENTAL TENETS OF THE CRIMINAL JUSTICE SYSTEM IN AUSTRALIA. IT RECOGNISES THAT THE PRESCRIBED MODE OF TRIAL WAS TRIAL BY JURY. IT DOES SO BY ENCOMPASSING, WITHIN THE EXPRESSION "SUBSTANTIAL MISCARRIAGE OF JUSTICE", NOT ONLY AN ERROR WHICH POSSIBLY AFFECTED THE RESULT OF THE TRIAL BUT ALSO SOME DEPARTURES FROM TRIAL PROCESSES (SUFFICIENTLY DESCRIBED ~~WHICH~~ FOR PRESENT PURPOSES AS "SERIOUS" DEPARTURES), WHETHER OR NOT THE IMPACT OF THE DEPARTURE IN ISSUE CAN BE DETERMINED. IT ALSO RECOGNISES THAT AN ACCUSED'S GUILT MUST BE ESTABLISHED BY THE PROSECUTION AT TRIAL BEYOND REASONABLE DOUBT. IT IS
10. NOT TO BE ESTABLISHED BY SPECULATION ABOUT WHAT A JURY, THIS JURY, OR A REASONABLE JURY MIGHT ~~MIGHT~~ HAVE DONE BUT FOR THE ERROR. NOTHING SHORT OF SATISFACTION BEYOND REASONABLE DOUBT WILL DO, AND AN APPELLATE COURT CAN ONLY BE SATISFIED, ON THE RECORD OF THE TRIAL, THAT AN ERROR OF THE KIND WHICH OCCURRED IN THIS CASE DID NOT AMOUNT TO A "SUBSTANTIAL MISCARRIAGE OF JUSTICE" IF THE APPELLATE COURT CONCLUDES FROM ITS REVIEW OF THE RECORD THAT CONVICTION WAS INEVITABLE. IT IS THE INEVITABILITY OF CONVICTION WHICH WILL SOMETIMES WARRANT THE CONCLUSION THAT THERE HAS NOT BEEN A SUBSTANTIAL MISCARRIAGE OF JUSTICE WITH THE CONSEQUENTIAL OBLIGATION ~~TO~~ TO ALLOW THE APPEAL AND EITHER ORDER A
20. NEW TRIAL OR ENTER A VERDICT OF ACQUITTAL. 106 "

### PARAGRAPH 371.

"IN R v KEOGH (No 2), 107 A CASE IN WHICH IT WAS CONTENDED THAT EVIDENCE GIVEN AT TRIAL BY EXPERT WITNESSES CALLED BY THE PROSECUTION WAS MISLEADING, THIS COURT CONCLUDED:

IN SUMMARY, IT IS NOT POSSIBLE TO SUCCINCTLY DEFINE A SUBSTANTIAL MISCARRIAGE OF JUSTICE. HOWEVER, BEFORE A COURT WILL CONCLUDE THAT A SUBSTANTIAL MISCARRIAGE OF JUSTICE HAS OCCURRED, IT WILL CONSIDER WHETHER, DESPITE THE IRREGULARITY, BE IT PROCEDURAL OR SUBSTANTIVE, THE

30. CONVICTION WAS INEVITABLE. IF A CONVICTION IS ~~IS~~ INEVITABLE, THEN IT

1. IS LIKELY THAT A SUBSTANTIAL MISCARRIAGE OF JUSTICE HAS NOT BEEN ESTABLISHED. THE CATEGORIES OF WHEN AND HOW A MISCARRIAGE OF JUSTICE CAN OCCUR ARE TOO NUMEROUS TO ATTEMPT TO DEFINE. HOWEVER, THEY INCLUDE WRONGFUL ADMISSION OF EVIDENCE, EVIDENCE WHICH IS FLAWED IN SOME RESPECT, COMMENTS BY COUNSEL OR THE JUDGE WHICH ARE PREJUDICIAL, AND STATEMENTS MADE WHICH CANNOT BE SUPPORTED BY THE EVIDENCE. <sup>108</sup> \*

<sup>107</sup> (2014) 121 SASR 307.

10. <sup>108</sup> At [128], " ] .

THIS PETITION INCLUDES A COPY (COLOUR PHOTOCOPY), OF TRIAL EXHIBIT P.3, PHOTOGRAPH IMAGES OF PHOTOGRAPH 9, PHOTOGRAPH 10, PHOTOGRAPH 27, WHICH I HAVE PLACED REFERENCE ARROWS ON SO AS TO POINT TO SPECIFIC FEATURES, ON RESPECTIVE PHOTOGRAPHS (THE ORIGINAL PHOTO BOOK ISSUED PER DISCLOSURE OBLIGATIONS UPON DPP, PRIOR TO TRIAL, IS IN THE CUSTODY OF MY LAWYER, R PERROTTA, AND IS AVAILABLE FOR FORMAL DELIVERY TO THE COURT, IF, POLICE/DPP ARE UNABLE TO LOCATE THE ORIGINAL CRIME SCENE PHOTOS), AS FOLLOWS:

PHOTO. 9.

20. (I) DISPLACED WINDOW, EXTERNAL VIEW OF WINDOW FRAME PAINT IMMEDIATELY SURROUNDING DISPLACED PANEL'S 'WESTERN EDGE'.
- (J) DISPLACED WINDOW, EXTERNAL VIEW OF WINDOW FRAME PAINT IMMEDIATELY SURROUNDING DISPLACED PANEL'S 'EASTERN EDGE'.
- (K) DISPLACED WINDOW, EXTERNAL VIEW OF WINDOW FRAME PAINT IMMEDIATELY SURROUNDING DISPLACED PANEL'S 'TOP EDGE'.
- (L) NON-BREACHED AND STILL <sup>FULLY</sup> ~~BREACHED~~ INTACT WINDOW PANEL, EXTERNAL VIEW OF WINDOW FRAME PAINT, WESTERN SIDE OF DISPLACED WINDOW PANEL.
- (M) NON-BREACHED AND STILL FULLY INTACT WINDOW PANEL, EXTERNAL VIEW OF WINDOW FRAME PAINT, EASTERN SIDE OF DISPLACED WINDOW PANEL.



## 1. PHOTO. 10.

(E) TABLE TOP, WESTERN SIDE OF CARRIAGE, 'HEAT-AFFECTED SMOKE/SOOT PARTICULATES ADHESION' TO TABLE TOP SURFACE, VISUAL EVIDENCE EFFECT SHOWING HOW "INTENSE HEAT" AND SMOKE/SOOT PARTICULATES CAUSES/ENABLES 'HEAT-BONDING OF PARTICULATES TO SURFACES', AND, EASILY SEEN/CONTRASTED EVEN AGAINST 'RED' TABLE TOP SURFACE. AFTER FIRE-HOSE SPRAYING.

10. (F) CHAIR WOOD SEAT, WESTERN SIDE OF CARRIAGE, 'HEAT-AFFECTED SMOKE/SOOT PARTICULATES ADHESION' TO WOOD CHAIR SURFACE (WOOD SEAT IS COATED IN HARD-WEARING CLEAR WOOD 'VARNISH' COATING), VISUAL EVIDENCE EFFECT SHOWING HOW "INTENSE HEAT" AND SMOKE/SOOT PARTICULATES CAUSES/ENABLES 'HEAT-BONDING OF PARTICULATES TO SURFACES', AND, EASILY SEEN/CONTRASTED EVEN AGAINST 'LIGHT CARAMEL COLOUR' OF WOOD SEAT. AFTER FIRE-HOSE SPRAYING.

20. (G) WOOD PANEL, WESTERN SIDE OF CARRIAGE, LINEAR FROM 'BLUE SIGN' (WHICH IS PARTIALLY COVERED BY YELLOW STICKER "10"), TOWARDS MID-POINT OF CARRIAGE, DIRECTLY ABOVE WINDOW FRAMES LOCATED BETWEEN THE DISPLACED WINDOW PANEL AND MID-POINT OF CARRIAGE (WOOD PANEL IS COATED IN HARD-WEARING CLEAR WOOD 'VARNISH' COATING), VISUAL EVIDENCE EFFECT SHOWING HOW "INTENSE HEAT" AND SMOKE/SOOT PARTICULATES CAUSES/ENABLES 'HEAT-BONDING OF PARTICULATES TO SURFACES', AND, EASILY SEEN/CONTRASTED EVEN AGAINST 'LIGHT CARAMEL COLOUR' OF WOOD PANEL. AFTER FIRE-HOSE SPRAYING.

(H) EDGE OF WOOD PANEL, WESTERN SIDE OF CARRIAGE, EASTERN END OF 'PANEL INDICATED AS 'G' (WOOD PANEL)'.

(N) UNSEALED/DISPLACED WINDOW PANEL, WESTERN SIDE OF CARRIAGE, INTERIOR FACING SURFACE OF WINDOW PANEL IS BLANKETED BY 'HEAT-BONDED SMOKE/SOOT PARTICULATES' RESULTING FROM FIRE EVENT, EASILY DISTINGUISHABLE GAP BETWEEN DISPLACED WINDOW PANEL AND ITS WINDOW FRAME.

## 1. PHOTO. 27.

(A) WOOD PANEL, EASTERN SIDE OF CARRIAGE, DIRECTLY ABOVE WINDOW FRAMES (WOOD PANEL IS COATED IN HARD-WEARING CLEAR WOOD 'VARNISH' COATING), VISUAL EVIDENCE EFFECT SHOWING HOW "INTENSE HEAT" AND SMOKE/SOOT PARTICULATES CAUSES/ENABLES 'HEAT-BONDING OF PARTICULATES TO SURFACES', AND, EASILY SEEN BLANKETING OF 'GREYISH COLOUR SMOKE/SOOT PARTICULATES' OVER WOOD PANEL 'EXPOSED SURFACE'. AFTER FIRE-HOSE SPRAYING.

10.

(B) PERSPEX WINDOW PANEL 'INNER SURFACE', EASTERN SIDE OF CARRIAGE, WINDOW PANEL IS CLEAR PERSPEX, VISUAL EVIDENCE EFFECT SHOWING HOW "INTENSE HEAT" AND SMOKE/SOOT PARTICULATES CAUSES/ENABLES 'HEAT-BONDING OF PARTICULATES TO SURFACES', AND, EASILY SEEN BLANKETING OF 'GREYISH COLOUR SMOKE/SOOT PARTICULATES' OVER WINDOW PANEL 'EXPOSED SURFACE' (SIGNIFICANTLY OBSCURED VIEW THROUGH CLEAR PERSPEX WINDOW PANEL, DUE TO PARTICULATES BONDED TO WINDOW PANEL DURING FIRE EVENT). AFTER FIRE-HOSE SPRAYING.

20.

(C) INTACT WINDOW FRAME AND WINDOW PANEL, EASTERN SIDE OF CARRIAGE, THE WOOD SILL (HORIZONTAL WOOD SHELF AT BASE OF 'WINDOW PANEL FRAME'), AND PERPENDICULAR-ANGLED BASE SEGMENT OF 'WINDOW PANEL FRAME' (WOOD SILL AND WOOD SEGMENTS OF 'WINDOW PANEL FRAME' ARE ALL COATED IN HARD-WEARING CLEAR WOOD 'VARNISH' COATING), VISUAL EVIDENCE EFFECT SHOWING HOW "INTENSE HEAT" AND SMOKE/SOOT PARTICULATES CAUSES/ENABLES 'HEAT-BONDING OF PARTICULATES TO EXPOSED SURFACES', AND, EASILY SEEN BLANKETING OF 'GREYISH COLOUR SMOKE/SOOT PARTICULATES' ~~RE~~ OVER VARNISHED WOOD 'EXPOSED SURFACES'. AFTER FIRE-HOSE SPRAYING.

(D) WOOD SEGMENT DIRECTLY UNDER SILL, PERPENDICULAR-ANGLED AGAINST UNDER SIDE OF SILL (WOOD SEGMENT IS COATED IN HARD-WEARING CLEAR WOOD 'VARNISH' COATING), AND LAMINATE SHEET OF SIDE WALL OF CARRIAGE

30.



1. WHICH IS DIRECTLY UNDER FRAME (LAMINATE SHEET IS HARD-WEARING AND DESIGNED TO BE EASILY WASHABLE AND STAIN RESISTANT), VISUAL EVIDENCE EFFECT SHOWING HOW "INTENSE HEAT" AND SMOKE/SOOT PARTICULATES CAUSES/ENABLES 'HEAT-BONDING OF PARTICULATES TO EXPOSED SURFACES', AND, EASILY SEEN BLANKETING OF 'GREYISH COLOUR SMOKE/SOOT PARTICULATES' OVER RED COLOUR OF LAMINATE SHEET 'EXPOSED SURFACES'. AFTER FIRE-HOSE SPRAYING.

- ⑩ INTACT WINDOW FRAME AND WINDOW PANEL, EASTERN SIDE OF CARRIAGE, THE WOOD UPRIGHT (VERTICAL), SEGMENT OF 'WINDOW FRAME', AND THE PERPENDICULAR-ANGLED SEGMENT OF 'WINDOW PANEL FRAME' (WOOD SEGMENTS OF 'WINDOW FRAME' AND 'WINDOW PANEL FRAME' ARE ALL COATED IN HARD-WEARING CLEAR WOOD 'VARNISH' COATING), THE VERTICAL HEIGHT OF ARROW-HEAD ABOVE SILL IS REPRESENTATIVE VERTICAL HEIGHT OF SIMILAR ARROW-HEAD ON ATTACHED PHOTOGRAPH "10" DISPLACED WINDOW (N), VISUAL EVIDENCE EFFECT SHOWING HOW "INTENSE HEAT" AND SMOKE/SOOT PARTICULATES CAUSES/ENABLES 'HEAT-BONDING OF PARTICULATES TO EXPOSED SURFACES', AND, EASILY SEEN BLANKETING OF 'GREYISH COLOUR SMOKE/SOOT PARTICULATES' OVER VARNISHED WOOD 'EXPOSED SURFACES'. COMPARE ALSO THE 'WHITE COLOUR WINDOW PANEL SEALANT WHICH THE ARROW-HEAD PARTIALLY OBSCURES (SEALANT COLOUR VISUALLY APPEARS TO BE PALE-WHITE GREYISH AND DULL)', TO, 'PHOTOGRAPH "9"', ATTACHED, WINDOW FRAMES (L) AND (H), WHITE COLOUR WINDOW PANEL SEALANT (SEALANT COLOUR VISUALLY APPEARS TO BE VIBRANT AND CRISP WHITE, AS THE EXTERIOR SEALANT HAS NOT BEEN AFFECTED/CONTACTED BY SMOKE/SOOT PARTICULATES). AFTER FIRE-HOSE SPRAYING.
- 20.

IT IS APPROPRIATE TO BRIEFLY EXPLAIN/DESCRIBE THE RELEVANCE OF THE 'SPECIFIC FEATURES' OF RESPECTIVE EXHIBIT P.3 PHOTOGRAPHS, SO THE COURT HAS A MORE HONEST, AND CERTAINLY MORE ACCURATE APPRECIATION, OF THE TRUE WEIGHT

1. OF VISUAL EVIDENCE OF SAID PHOTOGRAPHS, AND HOW EASILY THE TRIAL PROSECUTOR'S 'CENTRAL PILLAR OF PROSECUTION PROOF' FALLS AWAY AND UNRAVELS, THEREFROM LEAVING ONLY THE VISUALLY QUALIFIABLE EVIDENCE TO COGENTLY SUPPORT AND SUSTAIN MY ARGUMENT, THAT, THE 'DISPLACED WINDOW' (K), (I), (J), (N), COULD NOT HAVE BEEN DISPLACED PRIOR TO 5:28 AM ON 10-1-1991 (5:28 AM IS IMPORTANT IN THE EVENT TIME-LINE BECAUSE MFS ARRIVED ON SCENE AT THAT TIME, AND SAW "FAIR AMOUNT OF SMOKE" GUSHING FROM TRAIN CARRIAGE, ASSISTED WITH "INTENSE HEAT" FROM INSIDE CARRIAGE ALSO CAUSING 'AIR' IN CARRIAGE TO 'EXPAND IN VOLUME AS IT HEATED', THEREBY ADDING MOVE 'PUSHING FORCE' BEHIND THE SMOKEY-AIR TRYING TO RAPIDLY ESCAPE THE CARRIAGE CONFINES).

- IT IS IMPORTANT TO ALSO REMEMBER <sup>THAT</sup> ~~THE~~ CAUNCE AND KITO, IN THEIR 1993 TRIAL TESTIMONY, MENTIONED HOW 'THICK THE SMOKE WAS', 'INTENSE THE HEAT WAS', AS THEY 'OPENED THE CARRIAGE DOORS AT EASTERN END (DOOR SEEN IN PHOTO. 21 OF EXHIBIT P.3), AND WESTERN END' (IRRESPECTIVE OF WHETHER EACH DOOR WAS MERELY 'PUSHED OPEN OR AT LEAST ONE WAS DOOR HANDLE TURNED THEN PUSHED OPEN). THE FACT OF 'OPENING' SAID DOORS IS SIGNIFICANT IN RELATION TO 'THE DISPLACED WINDOW', PLUS 'FIRE EVENT CAUSING HEAT AND RAPIDLY EXPANDING AIR VOLUME', PLUS 'SIGNIFICANT RESTRICTION TO VOLUME OF HEATED AIR IN CARRIAGE WHICH IS TRYING TO ESCAPE RAPID INCREASE TO AIR PRESSURE, HEATED AIR INCREASES IMMEDIATE VICINITY AIR PRESSURE BECAUSE 'AIR VOLUME' EXPANDS AS IT IS HEATED, HEATED AIR ESCAPING DOOR OPENING BUT WHEN 'DOOR IS ALMOST CLOSED POSITION' A SIGNIFICANT REDUCTION TO OPEN SPACE OF DOOR FRAME WHICH WOULD THEN SLOW DOWN PASSAGE OF ESCAPING AIR EXCEPT THAT CARRIAGE AIR WAS STILL EXPANDING WITH THE "INTENSE HEAT" WHICH THEN INCREASE THE PRESSURE OF SMOKEY AIR IMMEDIATE TO THE RESTRICTED FLOW POINT AND CREATES DISTINCTIVE SMOKE/SOOT HEAT-BONDING EFFECT (THE PARTICULAR EFFECT I HAVE DESCRIBED ABOVE WITH REFERENCE TO 'ILLUSTRATION D.'



1. ON PAGE 192, IBID, AND PAGES 199. TO 204, IBID, DESCRIBING 'PHYSICAL CONTACT PARTICULATE ADHESION' AND 'HEAT BONDING OF PARTICULATES MORESO ACROSS THE EXPOSED EDGES OF WINDOW PANELS AND EXPOSED EDGES OF DOORS DUE TO RESTRICTION POINTS OF AIR-FLOW', PLUS 'IF SAID DISPLACED WINDOW PANEL WAS IN ITS POSITION OF 'DISPLACEMENT' (AS SEEN IN EXHIBIT P.3, PHOTOGRAPH 9), PRIOR TO THE FIRE EVENT AND THEREFORE PRIOR TO 5:20 AM WHICH IS THE TIME POLICE ARRIVED ON SCENE, THEN, CONSEQUENTIAL TO SAID DOORS BEING 'CLOSED' OR 'ALMOST CLOSED' UNTIL POLICE OFFICERS CAUNCE AND KITTO PUSHED DOORS FULLY OPEN, IT WOULD MEAN THAT SAID 'DISPLACED WINDOW PANEL' WOULD HAVE PROVIDED AN ESCAPE HOLE (SEE PHOTO. 9, ATTACHED COPY OF, AT ARROW-HEAD POSITIONS OF (I) AND (J), SEE ALSO 'ILLUSTRATION C.' ON PAGE 192, IBID, AND PAGES 193 TO 199, IBID), FOR THE RAPIDLY EXPANDING AIR INSIDE THE CARRIAGE WHICH ALSO CONTAINED HEAVY CONTAMINATION OF SMOKE/SOOT PARTICULATES, SO THEN, IT WOULD BE REASONABLE TO EXPECT PHYSICAL EVIDENCE OF 'HEAT-BONDING OF SMOKE/SOOT PARTICULATES TO THE EXPOSED EDGES OF SAID DISPLACED WINDOW PANEL AND PART OF THE EXTERIOR SURFACE OF THE BRIGHT-YELLOW COLOUR PAINT OF EXTERIOR WINDOW FRAME' (THAT IS, IF THE WINDOW PANEL WAS DISPLACED PRIOR TO 5:20 AM, WHICH HAS BEEN ONE OF MY COMPLAINTS AGAINST TRIAL PROSECUTOR'S SERIOUS MISREPRESENTATION OF CRIME SCENE EVIDENCE, BEING THAT, 'VISUAL PROOF OF MATERIAL FACT THAT NO SMOKE/SOOT PARTICULATES ARE IN ANY WAY VISIBLE ON PHOTOGRAPH 9 OF SAID EXHIBIT P.3.' OF DISPLACED WINDOW PANEL).

AN EXAMPLE OF 'HEAT-BONDING OF SMOKE/SOOT PARTICULATES' CAN BE SEEN ON P.3, PHOTOGRAPH 21, ATTACHED COPY OF, CIRCLED AROUND A PORTION OF THE EDGE AND UPPER-EXTERIOR SEGMENT OF EASTERN CARRIAGE DOOR, ARROW FROM "P". THE CIRCLED PORTION OF DOOR, EVEN ON THE PHOTOCOPY PRINT FROM PHOTOBOOK, PRESENTS CLEAR AND DISTINCTIVE DIFFERENCE OF YELLOW PAINT WHICH HAS 'HEAT-BONDED PARTICULATES OF SMOKE/SOOT' VISIBLE, COMPARED TO EXTERIOR YELLOW PAINT AROUND DISPLACED

WINDOW PANEL AS SEEN ON P.3, PHOTOGRAPH 9., WHICH HAS 'NO VISIBLE EVIDENCE OF ADHESION OF SMOKE/SOOT PARTICULATES'.

THE ORIGINAL PHOTOGRAPHS CAN ALSO BE SCANNED TO DIGITAL FORMAT, THEN ENLARGED FOR EASIER QUALIFICATION OF VISUAL COMPARISON.

I HAVE ALSO MENTIONED AN 'EVENT TIME-LINE' REGARDING MORNING OF 10-1-1991, SPECIFIC POINTS IN TIME AND SPECIFIC EVENTS ANCHORED TO SUCH POINTS IN TIME, AS THEY ALSO PROVIDE EVIDENCE TO SUPPORT AND SUSTAIN MY DEFENDED POSITION THAT 'I DID NOT DISPLACE THE DISPLACED WINDOW PANEL SEEN IN TRIAL EXHIBIT P.3, PHOTOGRAPH 9.', 'THE DISPLACED WINDOW PANEL WAS NOT DISPLACED PRIOR TO 5.28AM, BY ANYONE OR ANYTHING', 'THE DISPLACED WINDOW PANEL WAS DISPLACED AFTER I WAS ALREADY IN FULL-VIEW OF THE ATTENDING PERSONS, WITH THE FIRST BEING POLICE ARRIVING AT 5.20AM, AND THEREFORE COULD NOT HAVE BEEN DISPLACED BY ME, AND, THEREFORE, MUST HAVE BEEN DISPLACED BY SOMEONE ELSE (WHO IS NOT ME)', AND, ALSO:

#### EVENT TIME-LINE OF 10-1-1991.

5.20AM APPROX. JARRETT PHONE 'O.O.O.'

5.20AM SAPOL CAUNCE AND KITTO ARRIVE ON SCENE.

5.28AM MFS ARRIVE ON SCENE. (STATEMENT OF HAMILL).

5.32AM ST JOHN AMBULANCE ARRIVE ON SCENE (RE HOSPITAL RECORDS)

5.33AM APPROX. D. SPARROW ARRIVE ON SCENE (STATEMENT OF SPARROW).

5.38AM ST JOHN AMBULANCE TRANSFER JARRETT TO HOSPITAL.

6.10AM D910 (SAPOL, MODRA) ARRIVE ON SCENE.

6.30AM ARSON INVESTIGATOR (SAPOL, POLLARD) ARRIVE ON SCENE.

7.05AM CAUNCE AND KITTO DEPART SCENE.

ON P.3, PHOTO. 9, ATTACHED COPY, FROM WINDOW FRAME (M) IN WESTERN DIRECTION, THERE IS A FAINT SHADOW CAUSED BY LARGE TREE. EXTERIOR WINDOW SEALANT OF WINDOW (M), IS A CLEAN, CRISP WHITE COLOUR AND



1. THERE IS NO 'GREYISH COLOURING' OVER SAID INTACT WINDOW SEALANT, NOR ANY 'GREYISH OR BLACKISH COLOURING' OVER EXTERIOR YELLOW PAINT WITHIN INCHES OF SAID WHITE SEALANT, THEREFORE, INTACT WINDOW (M) SHOWS NO VISUAL EVIDENCE OF SMOKE/SOOT PARTICULATES ADHESION, IN ANY EXTERIOR MANNER. INTACT WINDOW (L) SIMILARLY SHOWS NO VISUAL EVIDENCE OF SMOKE/SOOT PARTICULATES ADHESION, IN ANY EXTERIOR MANNER. DISPLACED WINDOW PANEL OF WINDOW (K), EXCEPT FOR THE TREE SHADOW ALREADY MENTIONED, AND ESPECIALLY LOOKING AT THE AREAS INDICATED BY ARROW-HEAD (I) AND ARROWHEAD (J), CONSIDERING THEY ARE
10. THE WIDEST GAPS OF 'DISPLACED WINDOW PANEL' FROM WINDOW FRAME, BUT THEY TOO SHOW NO VISUAL EVIDENCE OF SMOKE/SOOT PARTICULATES ADHESION, ON EXTERIOR YELLOW PAINT SURFACES IMMEDIATELY SURROUNDING WINDOW PANEL, JUST LIKE WITH WINDOW (M) AND WINDOW (L). THIS IS HIGHLY SIGNIFICANT AS TRIAL PROSECUTOR DECLARED AS 'A PROSECUTION FACT', THAT, WINDOW PANEL WAS DISPLACED PRIOR TO FIRE BEING LIT, BUT, IF 'THAT' WAS TRUE, THEN, THE 'HEAT-BONDING EFFECT OF SMOKE/SOOT PARTICULATE ADHESION' SEEN IN PHOTO. 10 AT POINT (E), POINT (F), POINT (G), AND FROM PHOTO. 21 AT POINT (P), AND FROM PHOTO. 27 AT POINT (A), POINT (B), POINT (C), POINT (D), POINT (O),
20. MUST ALSO BE EASILY DISTINGUISHABLE ON THE YELLOW PAINT SURFACES AROUND EXTERIOR OF WINDOW (K) (PHOTO 9), ESPECIALLY NEAR POSITIONS (I) AND (J), EXCEPT THAT, THE YELLOW PAINT AROUND DISPLACED WINDOW (K) HAS NO MATTING, SHADING, STREAKING, ETC OF ANY KIND ASSOCIATED WITH PARTICULATES OF SMOKE/SOOT DEPOSITING ON THOSE EXTERIOR SURFACES, WHICH MUST MEAN THAT SAID WINDOW PANEL COULD NOT HAVE BEEN DISPLACED PRIOR TO 5:28AM, AND, THAT, THE SEALANT OF SAID WINDOW (K) WINDOW PANEL, MUST HAVE STILL BEEN UNBROKEN AS AT 5:28AM (WHICH ACCORDING TO MFS IS WHEN MFS ARRIVED AND SAW A "FAIR AMOUNT OF SMOKE" STILL EXITING TRAIN CARRIAGE). THE TRUE AND VISUALLY ACCURATE ASSESSMENT OF

1. SAID PHOTO 9, YELLOW PAINT AREA IMMEDIATELY SURROUNDING WINDOW PANEL OF WINDOW (K) (ATTACHED COPY OF PHOTO 9), IS THAT, 'THE VISUAL EVIDENCE OF YELLOW PAINT, WHICH HAS NO APPEARANCE OF SOOTING, DOES NOT AND CANNOT SUPPORT TRIAL PROSECUTOR'S CLAIM OF WINDOW PANEL DISPLACEMENT PRIOR TO FIRE BEING LIT AND THEREFORE PRIOR TO 5.20 AM', AND, 'IS INCONSISTENT WITH PROSECUTION CENTRAL-PILLAR CLAIM THAT WINDOW PANEL WAS DISPLACED PRIOR TO FIRE STARTING' (SEE ABOVE QUOTE FROM R v DRUMMOND (No 2) SASCFC 82, PARAGRAPH 368, AT PAGES 224 AND 225, IBID), AND, CONSEQUENTIALLY, 'IS SIGNIFICANTLY UNSUPPORTIVE OF PROSECUTOR'S CLAIM OF JARRETT PUSHING-OUT WINDOW PANEL', AND, THEREFORE, 'MUST EQUATE TO MATERIAL (VISUAL) EVIDENCE WHICH IS COMPLETELY MISREPRESENTED BY TRIAL PROSECUTOR (TO TRIAL COURT AND TRIAL JURY), AS IT IS MORE COGENTLY, CREDIBLY AND RELIABLY WEIGHTED AS EXCULPATORY EVIDENCE, BUT CERTAINLY NOT AS INCUPATORY AND BLAMEWORTHY'.
- 10.

IT HAS NEVER BEEN LAWFULLY BURDENED UPON ME TO HAVE TO PROVE MYSELF AS 'NOT PUSHING OUT SAID WINDOW PANEL', AS, 'NOT SETTING FIRE TO CARRIAGE', AND YET, CONSEQUENT TO THE ACTIONS OF STATE GOVERNMENT, I ~~■~~ HAVE BEEN ILLEGALLY FORCED BY THE STATE OF SOUTH AUSTRALIA (WHO HAS ILLEGALLY PROTECTED THE ILLEGALLY OBTAINED 1993 TRIAL VERDICT OF GUILTY OF ARSON), TO FIGHT THE STATE GOVERNMENT FOR AN HONEST LOOK AT ALL EVIDENCE, ACTIONS, CONDUCT OF STATE, ETC, ASSOCIATED WITH SAID ARSON PROSECUTION AGAINST ME WHICH RESULTED IN TRIAL VERDICT OF GUILTY. PROSECUTION IS MEANT TO BE ABOUT SEEKING TRUTH, NOT, COVERING-UP CORRUPTION. WHY HAS IT BEEN SO IMPORTANT FOR SAPOL AND THE STATE GOVERNMENT TO HIDE THE ACTIONS OF PAUL RICE FOR WHAT HE ILLEGALLY AND UNLAWFULLY DID ON BEHALF OF THE STATE GOVERNMENT, AS THE TRIAL PROSECUTOR OF MY SAID 1993 ARSON TRIAL, AND IT SHOULD NOT MATTER THAT HE IS A DISTRICT COURT JUDGE ALL THESE YEARS LATER? IT WASN'T ONLY PAUL RICE WHO ACTED UNLAWFULLY/ILLEGALLY DURING MY SAID



1. 1993 ARSON TRIAL (ON BEHALF OF CROWN PROSECUTIONS), BUT, RICE WAS THE TRIAL PROSECUTOR, WHO ALONE STEERED PROSECUTION AGAINST ME AND MANIPULATED THE TRIAL JURY UNLAWFULLY SO AS TO GAIN JURY VERDICT OF GUILTY (MATTERS DESCRIBED BY ME HEREIN).

- I AM WELL AWARE OF ~~HOW~~ HOW FAR THIS STATE WILL ACT IMPROPERLY JUST TO HIDE INFORMATION IT DOES NOT WANT REVEALED TO A PETITIONER (R v KEOGH (No 3) [2014] SASCF 137, PARAGRAPH 4), AND EVEN MORESO, DOES NOT WANT REVEALED TO OR CONSIDERED BY A COMPETENT COURT OF APPEAL (R v KEOGH (No 3) [2014] SASCF 137, PARAGRAPHS 18 AND 19).
- 10.

- ON P.3, PHOTO. 27, ATTACHED COPY, THE ARROW-HEAD OF 'O', WHICH SLIGHTLY OBSCURES THE VERTICAL LINE OF WHITE-COLOURED WINDOW PANEL SEALANT, DOWN FROM SAID ARROW-HEAD TO THE BOTTOM OF SAID VERTICAL SEALANT LINE, WITH THE ADDITION CAMERA-FLASH FOR BRIGHTENING EFFECT, PROVIDES GOOD VISUAL COMPARISON OF SAID PORTION OF INTERIOR SEALANT, WHICH IS 'DULLISH AND GREYISH IN APPEARANCE DUE TO IT BEING AFFECTED BY HEAT-BONDING ON SMOKE/SOOT PARTICULATES TO THE EXPOSED SURFACE OF SAID SEALANT', AGAINST THE VERTICAL LINE OF EXTERIOR WINDOW PANEL SEALANT OF THE
20. DISPLACED WINDOW PANEL (WESTERN EXTERIOR EDGE), SHOWN ON PHOTO. 9, ATTACHED COPY, THE ARROW-HEAD OF 'I' IS NEXT TO SAID VERTICAL SEALANT LINE, AND SAID SEALANT VERTICAL LINE IS 'BRIGHT AND CRISP WHITE COLOURED', SAME AS WINDOW 'M' WESTERN EDGE VERTICAL EXTERIOR SEALANT LINE, AND ~~IS~~ ALSO SAME AS WINDOW 'L' WESTERN EDGE VERTICAL EXTERIOR SEALANT LINE. SAID WINDOW 'K' WESTERN EDGE VERTICAL EXTERIOR SEALANT LINE (SHOWN ON ATTACHED COPY OF PHOTO. 9.), IS REMARKABLY CRISP IN ITS SOLIDNESS OF COLOUR (WHITE), EVEN WITH ONLY NATURAL SUNLIGHT, AND, THERE IS NO VISUAL EVIDENCE BY WAY OF 'VISUAL APPEARANCE', THAT SAID VERTICAL SEALANT LINE HAS ANY 'PARTICULATES ~~ADHESION~~' AS SEEN ON ATTACHED PHOTO. 27, INTERIOR VERTICAL SEALANT LINE

1. OF THE WINDOW PANEL CLOSEST TO LEFT SIDE OF PHOTOGRAPH (VERTICAL SEALANT LINE PARTIALLY OBSCURED BY ARROW-HEAD OF 'O'). THE MATERIAL EVIDENTIARY FACT ABOUT SAID WINDOW 'K', WINDOW 'M', AND WINDOW 'L', WESTERN EDGE VERTICAL EXTERIOR SEALANT LINES, IS THAT, NOT ONLY DO ALL THREE SEALANT LINES LOOK A REMARKABLY SIMILAR CRISP AND VIBRANT SOLID WHITE COLOUR, THEY ALSO SHOW NO VISUAL APPEARANCE OF 'GREYISH/BLACKISH SMOKE/SOOT PARTICULATES HEAT-BONDING TO THEIR EXPOSED SURFACES', SO THAT, IT CAN BE CREDIBLY STATED THAT, IF SAID THREE WINDOW PANEL EXTERIOR WESTERN EDGE SEALANT LINES WERE PLACED SIDE BY SIDE (INCHES
10. APART), THERE WOULD BE NO DIFFERENCE IN THEIR WHITENESS, THEIR BRIGHTNESS AND VIBRANCE OF COLOUR, OR THEIR CRISPNESS OF COLOUR, OR THEIR SOLIDNESS OF COLOUR (WHICH CAN ONLY BE TRUE IF ALL THREE WINDOW PANELS WERE FULLY AND COMPLETELY SEALED, AND THEIR RESPECTIVE SEALANT BONDINGS REMAINED FULLY INTACT DURING THE ACTIVE FIRE EVENT IN THE CARRIAGE, AND, 'REMAINED FULLY INTACT DURING THE ACTIVE SMOKE/SOOT EXPRESSION FROM CARRIAGE EVENT'). BASED ON THE OBVIOUS VISUAL APPEARANCE OF SMOKE/SOOT HEAT-BONDED PARTICULATE DEPOSITING (ADHESION), TO ALL THE EXPOSED SURFACES INSIDE TRAIN CARRIAGE, AS EXAMPLED AT SAID ATTACHED COPY OF PHOTO. 10, 'E' 'F' 'G', AND ATTACHED COPY OF PHOTO. 27, 'A' 'B' 'C' 'D' 'O', 'IT IS THEREFORE IMPOSSIBLE FOR NO VISUAL APPEARANCE/EVIDENCE OF SUCH SMOKE/SOOT HEAT-BONDING OF PARTICULATES (OF SMOKE/SOOT PARTICULATES), TO THE EXTERIOR YELLOW-PAINTED SURFACES SURROUNDING DISPLACED WINDOW PANEL, ESPECIALLY NEAR ARROW-HEAD LOCATIONS OF 'I' AND 'J' (FROM ATTACHED PHOTO. 9.)', SO THEN, THE ONLY LOGICAL AND CREDIBLE REASON FOR NO VISUAL EVIDENCE/APPEARANCE OF SOOTING ON THE DISPLACED WINDOW PANEL EXTERIOR CARRIAGE SURFACES, IMMEDIATELY SURROUNDING DISPLACED WINDOW PANEL, IS, THAT, THE WINDOW PANEL COULD NOT HAVE BEEN DISPLACED OR



1. BREACHED, EITHER PRIOR TO OR EVEN DURING THE CARRIAGE FIRE EVENT, WHEN SMOKE/SOOT PARTICULATES WERE BREACHING THE CONFINEMENT OF THE TRAIN CARRIAGE. THE TRIAL PROSECUTOR STATED AS A SIGNIFICANT PROSECUTION 'FACT', THAT SAID WINDOW PANEL (ATTACHED COPY OF PHOTO. 10 AT 'N', ATTACHED COPY OF PHOTO. 9 ~~■~~ AT WINDOW 'K', AND ~~■~~ KEY AREAS AROUND WINDOW PANEL INCLUDING 'I' AND 'J', SEE ALSO 'ILLUSTRATION C.' ON PAGE 192, IBID, AND DESCRIPTION RE 'ILLUSTRATION C.' AT PAGES 193 TO 199, IBID), 'WAS PUSHED-OUT BEFORE FIRE WAS LIT', THEREBY CREATING THE SIGNIFICANT GAPS BETWEEN WINDOW PANEL AND ITS
10. WINDOW FRAME, WHICH MUST HAVE BEEN AN 'EASILY REACHED EXIT SPACE FOR THE 'HOT AIR AND SMOKE/SOOT PARTICULATES' GUSHING OUT OF ANY HOLES/GAPS AVAILABLE IN CARRIAGE', ~~SO THAT THE~~ AND, ALSO, 'DUE TO THE DIMENSIONS OF SAID GAPS (CONSEQUENTIAL TO THE ANGLE OF DISPLACEMENT OF SAID WINDOW PANEL, CLEARLY DISTINGUISHABLE IN EXHIBIT P.3, PHOTO. 9), THE COMBINED SPACE OF THE 'VERTICAL GAP (ALONG BOTTOM CORNER OF WESTERN EDGE OF WINDOW PANEL AND UPWARDS FROM THAT POINT, TO WHERE WINDOW PANEL MEETS WINDOW FRAME AND THE 'GAP' ENDS), ON WESTERN EDGE', PLUS, THE OTHER 'VERTICAL GAP (ALONG BOTTOM CORNER OF EASTERN
20. EDGE OF WINDOW PANEL AND UPWARDS FROM THAT POINT, TO WHERE WINDOW PANEL MEETS WINDOW FRAME AND THE 'GAP' ENDS), ON EASTERN EDGE', PLUS, THE 'HORIZONTAL GAP (ALONG BOTTOM EDGE OF WINDOW PANEL, BETWEEN BOTH VERTICAL EDGES OF SAID PANEL), ALONG BASE OF DISPLACED PANEL', MUST HAVE ENABLED QUITE A SIGNIFICANT VOLUME OF 'HOT AIR CONTAINING THICK AND DARK-COLOURED SMOKE/SOOT PARTICULATES', TO ESCAPE THE CARRIAGE', AND, ALSO, 'DUE TO THE SIZE OF SAID GAPS AROUND SAID ~~■~~ THREE EXPOSED EDGES OF THE DISPLACED WINDOW PANEL, MUST HAVE LEFT EASILY DISTINGUISHABLE DEPOSITS OF HEAT-BONDED SMOKE/SOOT PARTICULATES AROUND IMMEDIATE PROXIMITY, ON EXTERIOR PAINTED SURFACES, OF GAPS DESCRIBED (SEE ATTACHED COPY OF PHOTO. 9,

1. ARROW-HEAD PROXIMITY FOR 'I' AND 'J' AND 'EXTERIOR PAINTED AREA DIRECTLY BELOW BOTTOM EDGE OF DISPLACED PANEL WHICH WOULD EXPECTEDLY INCLUDE AT LEAST THREE TO FOUR INCHES LEADING DOWNWARDS FROM THE GAP OF BOTTOM EDGE OF SAID WINDOW PANEL, WHEREBY SUCH HEAVY ACCUMULATION OF HEAT-BONDED DEPOSITING OF SMOKE/SOOT PARTICULATES SHOULD BE CLEARLY/EASILY SEEN, AT LEAST AS EASILY SEEN AS THE HEAT-BONDED SMOKE/SOOT DEPOSITS AT ARROW-HEAD LOCATIONS OF 'E' AND 'F' OF ATTACHED COPY OF PHOTO. 10.)'.....

10. EXCEPT THAT, AS EXTENSIVELY DESCRIBED BY ME ALREADY (THROUGHOUT THIS DOCUMENT, WITH SUPPORTING VISUAL EVIDENCE ALSO PROVIDED BY TRIAL EXHIBIT P. 3, PHOTOGRAPHS), THE SO-CALLED 'PUSHED-OUT WINDOW PANEL' COULD NOT HAVE BEEN DISPLACED PRIOR TO 5:28AM (BECAUSE AT THAT TIME, MFS NOTICED SMOKE "FAIR AMOUNT", STILL GUSHING FROM CARRIAGE, AS MFS ARRIVED ON SCENE), WITH PROBABLY THE MOST SIGNIFICANT PROOF, IN QUALIFICATION OF SUCH A BOLD STATEMENT, BY ME, IS 'EXHIBIT P. 3, PHOTOGRAPH 9', PRIMARILY BECAUSE AT THE TIME PHOTO. WAS TAKEN, THERE WAS STILL NO SMOKE/SOOT PARTICULATES ADHESION TO THE EXTERIOR EXPOSED SURFACES IMMEDIATELY SURROUNDING DISPLACED WINDOW PANEL, WHICH STANDS AS PROOF THAT BETWEEN 5:20AM AND 5:28AM (WHILE INTENSE HEAT AND SMOKE/SOOT PARTICULATES GUSHED OUT OF CARRIAGE), NO SAID HOT-AIR OR SMOKE/SOOT PARTICULATES EXITED CARRIAGE VIA SAID WINDOW FRAME, AND 'THEY' COUDN'T BECAUSE THE WINDOW PANELS OF CARRIAGE (THE FIVE WINDOW PANELS OF WESTERN CARRIAGE, SEEN IN EXHIBIT P. 3, PHOTOGRAPH 9), WERE ALL STILL FULLY INTACT (AS PROVEN BY THE FACT THAT NO EVIDENCE HAS EVER EXISTED, WHICH IN ANY WAY SHOWED ~~██~~ SMOKEY/SOOTY DEPOSITS ON EXTERIOR YELLOW-PAINTED SURFACES IMMEDIATELY SURROUNDING DISPLACED WINDOW PANEL, AND IF THE EVIDENCE SHOWS NO 'GREYISH-BLACKISH PARTICULATES OF SMOKE/SOOT', THEN IT MUST BE



1. AN ESTABLISHED FACT, ON PRESENT REVIEW AND ASSESSMENT OF ~~THE~~ EXHIBIT P.3. PHOTOGRAPHS, THAT SAID WINDOW PANEL MUST HAVE BEEN BREACHED/DISPLACED WELL AFTER 5.28AM<sup>9</sup>; WHICH THEREFORE MAKES SAID 'PROSECUTION CENTRAL-PILLAR SCENARIO' ('WINDOW PANEL WAS PUSHED-OUT BY JARRETT, BEFORE JARRETT LIT FIRE IN CARRIAGE, AND THEN RANG '000' FIRE BRIGADE'), IMPOSSIBLE TO IN ANY WAY BE TRUE, AND, 'AS SAID WINDOW PANEL WAS STILL FULLY INTACT AND SEALED AT 5.28AM, AND ST JOHN AMBULANCE ARRIVED ON SCENE AT 5.32AM TO ATTEND TO JARRETT (WHO ~~WAS~~ HAD RECEIVED ~~THE~~ OCCIPUT INJURY, '2CM WIDE AND 1CM RAISED'), AND ST JOHN AMBULANCE LEFT THE SCENE WITH JARRETT AT 5.38AM, THEN, BETWEEN 5.20AM (WHEN POLICE ARRIVED ON SCENE AND HAD VIEW OF JARRETT FROM THAT TIME ONWARDS, UNTIL JARRETT WAS ATTENDED BY ST JOHN AMBULANCE STAFF), AND 5.38AM (WHEN JARRETT WAS TAKEN TO HOSPITAL BY AMBULANCE), THERE WAS NO PERIOD OF TIME THAT JARRETT COULD POSSIBLY HAVE BEEN OUT OF SIGHT OF 'EVERYONE' AND THEN RUSHED-OFF TO 'PUSH-OPEN THE WINDOW PANEL', SO THAT, WHEN THE MATERIAL FACTS ARE ACCURATELY STATED, SUCH AS, 'WINDOW PANEL WAS STILL FULLY INTACT UNTIL SOME TIME AFTER 5.28AM AND SO COULD NOT HAVE BEEN DISPLACED BY ANY PERSON PRIOR TO 5.28AM', 'WINDOW PANEL WAS DISPLACED BY SOMEONE AFTER 5.28AM BUT JARRETT HAD BEEN IN FULL VIEW FROM 5.20AM UNTIL 5.38AM WHEN TAKEN TO HOSPITAL, SO IT WAS NEVER EVEN POSSIBLE FOR JARRETT TO HAVE BEEN THE PERSON WHO ACTUALLY DISPLACED SAID WINDOW PANEL', 'WINDOW PANEL WAS DISPLACED BY SOMEONE AFTER 5.28AM AND THAT IS 8. MINUTES AFTER POLICE ARRIVED ON SCENE SO THAT AT LEAST 8. MINUTES OF 'FIRE EVENT AND SMOKE EVENT' HAD BEEN IN EFFECT AS AT 5.28AM (POLICE SAID THEY ~~WAS~~ SAW SMOKE GUSHING FROM CARRIAGE AS THEY DROVE THEIR PATROL CAR NEAR THE RESTAURANT, WHICH ~~WAS~~ MEANS THE 'EMINATING SMOKE IS WHAT DREW POLICE

ATTENTION'), SO THEN IT WAS NEVER EVEN POSSIBLE FOR SAID DISPLACED WINDOW PANEL TO HAVE BEEN DISPLACED PRIOR TO FIRE BEING LIT, AND IT WAS NEVER EVEN POSSIBLE FOR SAID DISPLACED WINDOW PANEL TO HAVE EVER BEEN PART OF ANY KIND OF FAKE WINDOW BREAK-IN, AND IT WAS NEVER EVEN POSSIBLE FOR SAID DISPLACED WINDOW PANEL TO IN ANY WAY BE ASSOCIATED/LINKED TO JARRETT BEING ON SITE PRIOR TO 5:20 AM (AS JARRETT WAS LEGITIMATELY ON SITE FOR HIS SHIFT WORK), TO THE FIRE BEING LIT (AS SAID WINDOW PANEL WAS STILL FULLY INTACT AND SEALED AS AT 5:28 AM WHEN MFS ARRIVED ON SCENE)', IT BECOMES

10. UNDENIABLE THAT MY SAID 1993 ARSON TRIAL JURY WERE PRESENTED WITH 'PROSECUTION REPRESENTATIONS OF CROWN EVIDENCE (WHICH INCLUDES PROSECUTION SCENARIOS), WHICH IN NO WAY ACCURATELY DESCRIBED THE TRUE STATE OF SUCH MATERIAL EVIDENCE', INCLUDING, WHERE TRIAL PROSECUTOR PRESENTED DISPLACED WINDOW PANEL 'SCENARIO' AS INCULPATORY WEIGHTED CRIME SCENE EVIDENCE, WHEN IN FACT, SAID DISPLACED WINDOW PANEL (AS DESCRIBED/REVEALED BY ME WITHIN THIS PETITION, SINCE FIRST LODGED IN 2008), IS MORE ACCURATELY REGARDED AS EXCULPATORY WEIGHTED CRIME SCENE EVIDENCE.

20. A TRIAL PROSECUTION SCENARIO PRESENTED TO MY SAID 1993 ARSON TRIAL JURY, WHICH IS PRESENTED TO THE JURY IN SUCH A WAY BY TRIAL PROSECUTOR, THAT EFFECTIVELY, THE CASE FOR THE PROSECUTION GETS BUILT AROUND A SINGLE AND SIGNIFICANT FOCUS POINT, BY TRIAL PROSECUTOR, LIKE A 'CENTRAL-PILLAR' OF UNDENIABLE FACT, A 'FOUNDATION OF INFALLIBILITY', WHICH IN MY SAID 1993 TRIAL, THE PROSECUTOR SUCCESSFULLY ACCOMPLISHED USING THE 'DISPLACED WINDOW PANEL' (I SAY SUCCESSFULLY BECAUSE JURY VERDICT WAS GUILTY), DECLARING 'WINDOW PANEL WAS 'PUSHED-OUT BY JARRETT' PRIOR TO JARRETT LIGHTING FIRE IN CARRIAGE' (SEE ABOVE ON PAGE 216,



1. IBID, PARAGRAPH AT BOTTOM OF PAGE, AND PAGE 217, IBID, RE 'PROSECUTION CLAIMS FOUNDED ON 'DISPLACED WINDOW PANEL')', BUT, WHICH, WHEN PROPERLY INVESTIGATED FROM AN INDEPENDANT AND ACCURATE PERSPECTIVE, SUCH AS WHAT IS REVEALED WITHIN THIS PETITION AS THE TRUE STATE OF EVIDENCE COLLECTED FROM CRIME SCENE (PHOTOGRAPHS, WHICH BECAME EXHIBIT P.3), UPON PRESENT REVIEW OF SUCH MATTERS, AT THE VERY LEAST, APPEARS THAT SAID 'CENTRAL-PILLAR OF UNDENIABLE FACT' (FOR THE PROSECUTION), WAS A FALSE AND MISLEADING PRESENTATION OF CROWN PROSECUTION CASE (AGAINST ME), WAS A MISREPRESENTATION OF THE TRUE STATE OF KNOWN CRIME
10. SCENE AND CRIME SCENE EVIDENCE, WAS A SERIOUS AND SIGNIFICANT INFRACTION UPON THE FUNDAMENTAL OBLIGATION OF CROWN PROSECUTION TO PRESENT CASE FOR THE PROSECUTION FAIRLY AND HONESTLY, AND FAILED TO COMPLY WITH THE REQUISITE CONDITIONS AND ELEMENTS OF A PROPERLY CONDUCTED TRIAL, ACCORDING TO LAW. THE TRIAL PROSECUTION'S 'CENTRAL PILLAR' IS IN FACT A FALSE DECLARATION (OF 'PURPORTED CROWN EVIDENCE'), WHICH DISINTEGRATES SO MUCH OF THE PROSECUTION CASE, UPON TRUE ~~RE~~ ACKNOWLEDGEMENT OF THE ACTUAL PHYSICAL STATE OF SAID 'DISPLACED WINDOW', AT 5.28AM ON 10-1-1991 WHEN MFS ARRIVED ON SCENE TO EXTINGUISH THE CARRIAGE FIRE, SAID WINDOW PANEL WAS STILL FULLY INTACT AND SEALED, AS WERE ALL CARRIAGE WINDOW PANELS AT 5.28AM, 'WHICH IS ONE OF THE REASONS WHY THERE IS NO HEAT-BONDED SMOKE/SOOT PARTICULATE ADHESION IMMEDIATELY SURROUNDING EXTERIOR SURFACES OF THE DISPLACED WINDOW PANEL, BEING, THAT, SAID PANEL WAS DISPLACED AFTER 5.28AM, BY SOMEONE WHO COULD NOT POSSIBLY HAVE BEEN JARRETT'.
20. THE 1993 ARSON TRIAL JURY TO BE TOLD BY TRIAL PROSECUTOR, THAT THE CARRIAGE FIRE WAS LIT 'AFTER THE WINDOW PANEL WAS DISPLACED', EVEN THOUGH CARRIAGE FIRE WAS ACTIVE PRIOR TO 5.20AM (WHEN POLICE ARRIVED ON ~~THE~~ SCENE), AND WINDOW PANEL WAS STILL FULLY INTACT AND