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IN ITS NORMAL POSITION (FLUSH AGAINST THE WINDOW FRAME TO WHICH SAID WINDOW PANEL WAS SECURELY BONDED WITH ADHESIVE WINDOW SEALANT), AT 5:20 AM, AND SAID WINDOW PANEL WAS STILL IN ITS DESIGNATED NORMAL POSITION AT 5:28 AM (WHEN MFS ARRIVED ON SCENE AND NOTED "FAIR AMOUNT OF SMOKE", PER TRIAL TESTIMONY OF M HAMMIL, STILL GUSHING FROM THE CARRIAGE),<sup>6</sup> A POINT OF SIGNIFICANCE WHICH IS ALSO QUALIFIABLY SUPPORTED BY THE VISUAL PROOF ON TRIAL EXHIBIT P.3 PHOTOGRAPH 9, SHOWING THE DISPLACED WINDOW PANEL AND ALSO SHOWS ABSOLUTELY NO VISUAL EVIDENCE OF ANY GREYISH/BLACKISH COLOURED SMOKE/SOOT PARTICULATES STUCK TO

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THE YELLOW PAINT EXTERIOR SURFACES IMMEDIATELY SURROUNDING THE BREACHED/DISPLACED WINDOW PANEL, WHICH MUST STAND AS UNDENIABLE VISUAL PROOF THAT THE ONLY REASON (LOGICALLY), WHY NO SMOKEY/SOOT PARTICULATES WERE ABLE TO HEAT-BOND TO SAID YELLOW PAINT EXTERIOR ~~SURF~~ SURFACES IMMEDIATELY SURROUNDING SAID<sup>6</sup> 'DISPLACED WINDOW PANEL' IS BECAUSE SAID WINDOW PANEL WAS STILL FULLY SEALED UNTIL AFTER 5:28 AM WHICH ALSO MEANS THAT FIRE WAS LIT IN CARRIAGE WELL BEFORE 'WINDOW PANEL WAS DISPLACED/PUSHED-OUT' AND WHICH ALSO MEANS THAT WINDOW PANEL WAS NOT DISPLACED/PUSHED-OUT UNTIL ~~THE~~ AFTER MFS HAD ARRIVED ON SCENE',

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SO THAT, IN EFFECT, IT WAS A SERIOUS AND IMPROPERLY CREATED 'IRREGULARITY' TO THE CHARACTER AND CONDUCT OF MY SAID 1993 ARSON TRIAL, WHICH CROWN PROSECUTION RELIED UPON TO MISLEAD MY SAID TRIAL JURY, MISREPRESENT THE TRUE STATE OF PROSECUTION VALID AND ACCURATE CRIME SCENE EVIDENCE (IRRESPECTIVE OF DOING SO BY DELIBERATE CRIMINAL PROSECUTORIAL ACTION, OR PROSECUTORIAL NEGLIGENCE, OR PROSECUTORIAL INCOMPETENCE.... I DON'T CARE WHAT THE CROWN PROSECUTORS' EXCUSE OR REASONS WERE, OR ARE, THE FACT IN ISSUE IS THAT SAID 1993 ARSON TRIAL 'PROSECUTION' OF ME WAS CONDUCTED

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IMPROPERLY AND UNLAWFULLY), <sup>IMPROPERLY</sup> ~~POISON~~ POISON AND CORRUPT THE FUNDAMENTAL AND ESSENTIAL ELEMENTS OF SAID 1993 ARSON TRIAL TO THE EXTENT THAT IT WAS FUNDAMENTALLY IMPOSSIBLE FOR ME TO BE ABLE TO DEFEND MYSELF AGAINST THE TRIAL PROSECUTION PRESENTATION OF 'IMPOSSIBLE CROWN SCENARIOS' (EG 'WINDOW DISPLACED BEFORE FIRE WAS LIT', 'JARRETT PUSHED-OUT/DISPLACED THE WINDOW PANEL', 'JARRETT PUSHED-OUT WINDOW PANEL AND THEN LIT CARRIAGE FIRE'), 'FALSE PROSECUTION EVIDENCE', AND EFFECTIVELY STOLE THE CREDIBILITY OF THE JURY AND JURY VERDICT, CONSEQUENTIAL TO THE IMPROPER

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PROSECUTORIAL CONDUCT WHICH FRAUDULENTLY PREVENTED MY SAID 1993 ARSON TRIAL JURY FROM LAWFULLY PERFORMING THEIR TASK AS A JURY, LEAVING INSTEAD, AN 'IRREGULARLY CONDUCTED TRIAL', AN 'UNLAWFULLY OBTAINED JURY VERDICT OF 'GUILTY'', AND AN 'UNLAWFULLY PERFECTED VERDICT'. 'WHERE AN IRREGULARITY HAS OCCURRED WHICH IS SUCH A DEPARTURE FROM THE ESSENTIAL REQUIREMENTS OF THE LAW THAT IT GOES TO THE ROOT OF THE PROCEEDINGS, NO 'PROVISO' CAN BE APPLIED TO MY ~~APPLICATION~~ APPLICATION BY THE COURT OF APPEAL, IN ANY ATTEMPT TO DISMISS MY APPEAL AGAINST CONVICTION. 'IF SAID IRREGULARITY HAS OCCURRED, THEN IT CAN BE SAID, WITHOUT CONSIDERING THE EFFECT OF THE IRREGULARITY UPON THE JURY'S VERDICT,

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THAT THE ACCUSED HAS NOT HAD A PROPER TRIAL AND THAT THERE ~~IS~~ HAS BEEN A SUBSTANTIAL MISCARRIAGE OF JUSTICE'. 'ERRORS OF THAT KIND MAY BE SO RADICAL OR FUNDAMENTAL THAT BY THEIR VERY NATURE THEY EXCLUDE THE APPLICATION OF THE 'PROVISO'' (SEE ABOVE QUOTED TEXT FROM JUDGMENT WILDE V THE QUEEN [1988] HCA 6, AT PAGES 24 TO 27, IBID).

FOR THE TRIAL PROSECUTION OF ME, MID 1993 FOR THE CHARGE OF ARSON, TO BE CONDUCTED IN SUCH A WAY THAT I WAS IMPROPERLY AND UNFAIRLY DENIED A FAIR AND HONEST CHANCE TO BE ACQUITTED (BY JURY VERDICT), OF SAID

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1. ARSON CHARGE, CANNOT BE WITHOUT MERIT WHEN AN APPLICANT SUCH AS ME, REQUESTS JUDICIAL ACTION TO ACQUIT SAID 1993 ARSON CONVICTION, ESPECIALLY UPON JUDICIAL CONSIDERATION OF ALL MATTERS HIGHLIGHTED BY ME CONCERNED WITH THE STATE OF SOUTH AUSTRALIA AND ITS PROSECUTION OF ME FOR SAID CHARGE, FROM THE DATE OF 10-1-1991 WHEN POLICE, MFS AND AMBULANCE STAFF FIRST ATTENDED THE ADDRESS OF THE CRIME SCENE, TO THE TRIAL AND VERDICT, TO MY NUMEROUS FORMAL COMPLAINTS ABOUT CONDUCT OF STATE WHICH RESULTED IN SAID 1993 TRIAL VERDICT OF GUILTY, TO MY ORIGINALLY SUBMITTED PETITION AGAINST CONVICTION (DATED 2008), RIGHT UP TO THIS RESUBMISSION OF PETITION AGAINST SAID 1993 ARSON CONVICTION.
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- WHERE TRIAL PROSECUTOR 'ALLEGED FACTS WHICH WERE NOT IN EVIDENCE', THE TRIAL PROSECUTOR WAS EFFECTIVELY 'GIVING EVIDENCE IMPROPERLY TO MY TRIAL JURY'. IT IS IMPROPER FOR TRIAL PROSECUTOR TO CREATE PROSECUTION EVIDENCE, MERELY BY 'CLAIM, VERBALLY, THAT SOMETHING IS TRUE', YET NO FACTUALLY ACCURATE BASIS EXISTED TO SUPPORT SUCH A CLAIM (EXAMPLE, 'TRIAL PROSECUTOR SAID THE DISPLACED WINDOW PANEL WAS DISPLACED PRIOR TO CARRIAGE FIRE BEING LIT').
20. PROSECUTOR CREATING FALSE PROSECUTION EVIDENCE THEN DECLARING TO TRIAL JURY THAT SAID EVIDENCE IS 'TRUE AND ACCURATE', IS, AT THE VERY LEAST, PROSECUTORIAL IMPROPRIETY AND SUFFICIENT GROUNDS TO 'ACQUIT' MY SAID 1993 ARSON CONVICTION.

## QUESTIONS TO REFER TO THE COURT

IN CONSIDERATION OF THIS PETITION, I REQUEST THE FORMAL QUESTIONS (BELOW), TO BE PROPERLY REFERRED TO THE FULL COURT, PURSUANT TO WHAT I NOW UNDERSTAND TO BE S. 173(1)(B) 'REFERENCES BY ATTORNEY-GENERAL', OF THE CRIMINAL PROCEDURE ACT, S.A, 1921 (THIS IS INFORMATION PROVIDED TO ME, SO, IF I HAVE NOT ACCURATELY STATED THE CORRECT SECTION/STATUTE, I REQUEST 'THAT' NOT CAUSE A DETRIMENT TO MY PETITION AS A WHOLE).

I HAVE NOTED DISTINCT DIFFERENCES IN THE WORDING OF 'REFERENCE TEXT RELATING TO PETITIONS TO GOVERNOR', WHICH APPEARS TO GIVE LESS JUDICIAL WEIGHT TO 'QUESTIONS REFERRED TO THE FULL COURT', TODAY (PER S 173), THAN THE PREVIOUS TEXT IN CLCA s 369 (WHERE, S 369(1)(B), MORESO WAS TO ASSIST IN 'THE DETERMINATION OF THE PETITION'), AS FOLLOWS:

' SUPREME COURT CRIMINAL APPEAL RULES (© BUTTERWORTHS)

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[16, 100] REFERENCES ON PETITIONS FOR MERCY

19 (1) ...

(2) WHERE THE ATTORNEY-GENERAL REFERS A POINT TO THE JUDGES OF THE SUPREME COURT UNDER SECTION 369(B) OF THE ACT, SUCH REFERENCE SHALL BE DEALT WITH IN SUCH MANNER AS MAY BE DIRECTED BY THE CHIEF JUSTICE.

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(3) IN THE EXERCISE OF HIS POWERS PURSUANT TO SUBRULE (2), THE CHIEF JUSTICE MAY DIRECT THAT THE POINT BE CONSIDERED BY A FULL COURT AND IN SUCH OTHER MANNER AS THE CHIEF ~~JUDGE~~ JUSTICE MAY DIRECT.

AND,

' CRIMINAL LAW CONSOLIDATION ACT, S.A, 1935

SECTION 369

(1) ...



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(A)...

(B) IF HE DESIRES THE ASSISTANCE OF THE JUDGES OF THE SUPREME COURT ON ANY POINT ARISING IN THE CASE WITH A VIEW TO DETERMINATION OF THE PETITION, REFER THAT POINT TO THOSE JUDGES FOR THEIR OPINION AND THOSE JUDGES, OR ANY THREE OF THEM, SHALL CONSIDER THE POINT SO REFERRED AND FURNISH THE ATTORNEY-GENERAL WITH THEIR OPINION ACCORDINGLY.' ,

AND,

6 CRIMINAL LAW PROCEDURE ACT, SA, 1921

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SECTION 173

(1)...

(A)...

(B) REFER ANY POINT ARISING IN THE CASE TO THOSE JUDGES FOR THEIR OPINION AND THOSE JUDGES, OR ANY 3 OF THEM, MUST CONSIDER THE POINT SO REFERRED AND FURNISH THE ATTORNEY-GENERAL WITH THEIR OPINION ACCORDINGLY.'

FROM THE POSITION OF THE ATTORNEY-GENERAL, THERE MAY BE NO CHANGE TO THE WEIGHT GIVEN BY THE ATTORNEY-GENERAL, TO THE OFFICIAL OPINION OF THE JUDGES OF THE

10. FULL COURT, CONCERNING 'POINTS/QUESTIONS' REFERRED TO THEM BY THE ATTORNEY-GENERAL (CLPA, s 173(1)(B)), WHEREBY, IF, IN THE SAID OPINION OF THOSE JUDGES, THERE IS SAID TO ME 'MERIT' IN THE PETITION'S STATED ISSUE/COMPLAINT, THAT, ACCORDINGLY, THE ATTORNEY-GENERAL WILL ACCEPT SAID OPINION AND EITHER 'REFER MY MATTER TO THE FULL COURT PER CLPA, s 173(1)(A)', OR, 'BY SOME OTHER PROCEDURE, INITIATE SUCH ACTION REQUIRED TO HAVE MY SAID 1993 ARSON CONVICTION OVER-TURNED, AND THE OFFICIAL RECORDS OF THE COURT CHANGED TO 'ACQUITTAL' OF SAID ARSON CHARGE' (EFFECTIVELY TO QUASH SAID ARSON CONVICTION).

FORMING PART OF THIS PETITION, THE 'QUESTIONS' WHICH FOLLOW, ARE STRUCTURED

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1. IN SUCH A WAY THAT THEY MAY BE DIRECTLY 'REFERRED' (WORDING UNCHANGED), TO THE JUDGES OF THE FULL COURT BY THE ATTORNEY-GENERAL (CLPA, s 173(1)(B)).

DUE TO THE NATURE OF SOME OF THE COMPLAINTS/ACCUSATIONS MADE BY ME, RELATING TO 'MATTERS LEADING TO 1993 ARSON TRIAL', 'MATTERS DURING 1993 ARSON TRIAL', AND 'MATTERS AFTER CONVICTION OF ARSON IN 1993 (AND GOVERNMENT PERSONS AND AGENCIES I HAVE HAD DEALINGS WITH RELATING TO SAID 1993 ARSON CONVICTION)', THE ATTORNEY-GENERAL MAY WISH TO DIRECTLY REFER MY WHOLE CASE TO THE FULL COURT (CLPA, s 173(1)(A)), SO THAT THE COURT ALONE MAKES ALL THE

10. DECISIONS CONCERNING MERIT OF THIS PETITION (RATHER ~~THAN~~ THAN 'INITIAL OPINION PER CLPA s 173(1)(B)', THEN 'TO ATTORNEY-GENERAL FOR CONSIDERATION OF PETITION').

ADDITIONAL TO THE 'QUESTIONS' WHICH FOLLOW (FORMING PART OF THIS PETITION, THE ATTORNEY-GENERAL MAY WISH TO ADD MORE QUESTIONS, AS PART OF CLPA s 173(1)(B), HOWEVER, UNLIKE THE CASE OF R v BRAIN [1999] SASC 358, IN STATE REPORTS [(1999) 74 SASR 92] AT PAGE 92 "IN ADDITION, THE APPELLANT PRESENTED A PETITION TO THE GOVERNOR ON 4 FEBRUARY 1999 SEEKING THE EXERCISE OF THE PREROGATIVE OF MERCY IN RESPECT OF THE REMITTAL OF THE BALANCE OF HIS SENTENCE, AS A RESULT OF WHICH THE ATTORNEY-GENERAL RESERVED CERTAIN QUESTIONS FOR THE

20. COURT PURSUANT TO s 369 OF THE CRIMINAL LAW CONSOLIDATION ACT 1935 (SA)", THEN AT PAGE 98, OF PARAGRAPH 40 "AS FRAMED, THE FIRST QUESTION PUT BY THE ATTORNEY-GENERAL DIRECTS ~~THE~~ ATTENTION ONLY TO THE REASON FOR THE FAILURE TO ATTEND. IT DOES NOT PERMIT CONSIDERATION OF THE BROADER QUESTION OF WHETHER IT IS IN THE INTERESTS OF JUSTICE THAT MR BRAIN'S APPEAL SHOULD BE DECIDED ON ITS MERITS, DESPITE HIS FAILURE TO ATTEND.", THEN AT PAGE 99, OF PARAGRAPH 43 "HAD THE QUESTION BEEN WHETHER, IN LIGHT OF THE CIRCUMSTANCES IN 1990, IT WAS IN THE INTERESTS OF JUSTICE THAT THE APPEAL NOW BE HEARD AND DECIDED ON ITS MERITS, I WOULD HAVE ANSWERED IN THE AFFIRMATIVE. THAT QUESTION IS A SIGNIFICANTLY DIFFERENT QUESTION, AND PERMITS THE CONSIDERATION OF A WIDER RANGE OF FACTORS.", WHEREIN THE ATTORNEY-GENERAL'S



1. REFERRED QUESTION WAS REGARDED BY THE COURT AS NOT BROAD ENOUGH TO PERMIT MORE/OTHER RELEVANT FACTORS, IN THE INTERESTS OF JUSTICE, I ASK THAT THE ATTORNEY-GENERAL FORMULATE AND ~~STRUCTURE~~ STRUCTURE ANY ADDITIONAL QUESTIONS IN SUCH A WAY, THAT INCORPORATES, REGARD TO 'THE INTERESTS OF PUBLIC PERCEPTION CONCERNING THE STATE'S PROSECUTION OF ME FOR SAID ARSON CHARGE AND THE ACTIONS OF STATE LEADING TO SAID 1993 ARSON CONVICTION', AND, 'THE INTERESTS OF JUSTICE OVERALL'<sup>9</sup>, THE ATTORNEY-GENERAL MAY WISH TO COMMISSION A REPORT CONCERNING/RELATING TO 'THE PHYSICAL CHARACTERISTICS OF THE CRIME SCENE TRAIN CARRIAGE WINDOW PANELS', THEIR 'WINDOW SEALANT BONDING STRENGTH', THE
10. 'EFFECT OF HEAT-BONDING OF SMOKE/SOOT PARTICULATES TO PAINTED AND TO WOOD-VARNISHED SURFACES', BUT, I REQUEST THAT ANY SUCH COMMISSIONED REPORT WOULD NOT EXCEED 30 DAYS IN ITS TERM OF CREATION (WHICH ADDS ADDITIONAL TIME TO THE ATTORNEY-GENERAL'S CONSIDERATION OF THIS PETITION). UNLIKE IN THE KEOGH SITUATION, WHEREBY THE ATTORNEY-GENERAL AND THE STATE OF SOUTH AUSTRALIA 'HID' THE FINDINGS OF A COMMISSIONED REPORT, FROM PETITIONER KEOGH, FOR MANY YEARS (SEE R v KEOGH (No 3) [2014] SASCF 137, PARAGRAPHS 4, 5, 6, 7 AND 8), I RESPECTFULLY ASK THAT I BE PROVIDED WITH A FULL COPY OF ANY REPORT WHICH IS COMMISSIONED BY THE ATTORNEY-GENERAL/CROWN SOLICITOR, IN RELATION TO THIS PETITION, AND, A FULL COPY OF ANY OFFICIAL OPINION OF THE
20. JUDGES (PER CLPA s 173(1)(B)), IN RELATION TO THIS PETITION.

THE FOLLOWING 'QUESTIONS' ARE EQUALLY DIRECTED TO THE JUDGES OF THE FULL COURT (PER CLPA, s 173(1)(B)), AND THE ATTORNEY-GENERAL, HOWEVER, IF ANY 'QUESTIONS' ARE SO REFERRED TO THE JUDGES OF THE FULL COURT, AND, IN THE OFFICIAL OPINION OF THOSE JUDGES (PER CLPA, s 173(1)(B)), IT IS STATED, SUGGESTED, IMPLIED AND/OR JUDICIALLY DETERMINED, THAT 'MERIT' EXISTS IN MY COMPLAINT AGAINST SAID 1993 ARSON CONVICTION, ON 'ANY GROUNDS', THAT, IN THE INTERESTS OF JUSTICE AND FAIRNESS TO ME, THE PETITIONER, THE ATTORNEY-GENERAL WILL THEN REFER-ON THIS MATTER TO THE FULL COURT

1. (PER CLPA, § 173(1)(A)), THEREBY ENSURING THAT THE CH. III COMPETENT COURT IS THE FINAL DECISION MAKER, CONCERNING MY APPEAL AGAINST SAID 1993 ARSON CONVICTION.

IN FORMING OPINION AS TO 'PETITION MERIT', I REQUEST THE ATTORNEY-GENERAL CONSIDER THE FULL CONTENTS OF 'THIS DOCUMENT' (AS WRITTEN), AS WELL AS ALL OTHER 'SUBMISSIONS BY ME SINCE ORIGINAL PETITION, DATED 20 APRIL 2008, UP TO THIS DOCUMENT PROPER, RELATING TO MY COMPLAINTS AGAINST SAID 1993 ARSON CONVICTION' (SOME OF THOSE OTHER DOCUMENTS ARE IDENTIFIED ON PAGE 6, IBID),

10. IN ADDITION TO ANY OTHER DOCUMENTATION THE ATTORNEY-GENERAL MIGHT REGARD AS RELEVANT.

### FORMAL QUESTIONS

1. PETITIONER SUBMITS THAT THE 'POLICE RECORD OF INTERVIEW DATED APPROXIMATELY 31-7-1992, WAS UNLAWFULLY CONDUCTED BY POLICE'.

QUESTION 1. DOES THE COURT AGREE? YES OR NO.

20. IN CONSIDERING THIS POINT, I DRAW ATTENTION TO TRIAL PROSECUTOR WHO ADMITTED TO THE JUDGE (I THINK IT WAS THE HEARING TO EXCLUDE RECORD OF INTERVIEW FROM TRIAL EVIDENCE), THAT 'JARRETT WAS NOT CAUTIONED PRIOR TO INTERVIEW'.

2. PETITIONER SUBMITS THAT THE 'PHYSICAL DOCUMENT OF POLICE RECORD OF INTERVIEW DATED APPROXIMATELY 31-7-1992, WAS AN UNLAWFULLY OBTAINED DOCUMENT RECORD'.

QUESTION 2. DOES THE COURT AGREE? YES OR NO.

IN CONSIDERING THIS POINT, I DRAW ATTENTION TO THEN EXISTING JUDGES' RULES CONCERNING POLICE INTERVIEWS/INTERROGATIONS OF PERSONS IN CUSTODY, AND THE ABSOLUTE OBLIGATION TO PROPERLY CAUTION SUCH A



1. PERSON PRIOR TO FORMAL QUESTIONING.

3. PETITIONER SUBMITS THAT THE <sup>6</sup> POLICE RECORD OF INTERVIEW DATED APPROXIMATELY 31-7-1992, WAS IMPROPERLY/UNLAWFULLY RELIED UPON BY CROWN PROSECUTION DURING MAGISTRATE'S COMMITAL HEARING, TO ASSIST AND BENEFIT THE STATE IN THEIR PROSECUTION OF ME FOR THE CHARGE OF ARSON, AS SAID DOCUMENT WAS NOT A LAWFULLY OBTAINED DOCUMENT RECORD AND/OR SAID POLICE INTERVIEW OF 31-7-1992 WAS NOT A LAWFULLY CONDUCTED POLICE INTERVIEW/POLICE INTERROGATION<sup>9</sup>.

QUESTION 3. DOES THE COURT AGREE? YES OR NO.

10. 4. PETITIONER SUBMITS THAT THE <sup>6</sup> STATEMENT/ANSWERS PROVIDED BY JARRETT DURING THE FORMAL POLICE INTERVIEW ON APPROXIMATELY 31-7-1992 WHILST JARRETT WAS ALREADY REMANDED INTO CUSTODY, ON AN UNRELATED MATTER, WAS IN FACT A NON-VOLUNTARY STATEMENT CONTAINING NON-VOLUNTARY ANSWERS FROM JARRETT, AS JARRETT WAS NOT PROPERLY CAUTIONED BY POLICE PRIOR TO BEING FORMALLY INTERVIEWED/INTERROGATED BY POLICE AND THEREFORE, CONSEQUENTIAL TO NOT BEING PROPERLY INFORMED OF JARRETT'S RIGHTS, NOR PROVIDED ANY FORMAL ANSWERS TO POLICE FOLLOWING NOTIFICATIONS OF JARRETT'S INTERVIEW RIGHTS, WHEREBY POLICE MUST ASK IF JARRETT WISHED TO INVOKE/EXERCISE ANY OF JARRETT'S INTERVIEW RIGHTS, ETC, SO THAT WITH THE PROPER UNDERSTANDING OF INTERVIEW RIGHTS AN INFORMED DECISION COULD THEN BE MADE BY JARRETT, ESPECIALLY CONSIDERING JARRETT WAS ALREADY REPRESENTED BY A LAWYER FOR AN UNRELATED MATTER, BUT, DUE TO POLICE FAILING TO COMPLY WITH THEIR STATUTORY AND JUDGES' RULES OBLIGATIONS REGARDING CAUTIONING JARRETT PRIOR TO FORMAL QUESTIONING OF JARRETT, IN CANNOT BE SAID THAT JARRETT VOLUNTARILY ANSWERED POLICE DETECTIVE BROWN'S QUESTIONS DURING SAID POLICE INTERVIEW, AND, IT CANNOT BE SAID THAT JARRETT VOLUNTARILY PROVIDED INFORMATION TO POLICE DETECTIVE BROWN IN REPLY TO BROWN'S FORMAL ~~QUESTIONING~~ QUESTIONING/INTERROGATION OF JARRETT ON 31-7-1992<sup>9</sup>.

QUESTION 4. DOES THE COURT AGREE? YES OR NO.

1. 5. PETITIONER SUBMITS THAT THE 'POLICE RECORD OF INTERVIEW DATED APPROXIMATELY 31-7-1992, WAS WRONGLY/ERRONEOUSLY ADMITTED INTO TRIAL EVIDENCE FOR THE PROSECUTION, FOLLOWING PRELIMINARY INQUIRY INTO THE ADMISSIBILITY OF SAID POLICE RECORD OF INTERVIEW, BY JUDGE LEE, TRIAL JUDGE OF MY SAID 1993 ARSON TRIAL, WHEREBY JUDGE LEE WAS REQUIRED TO RULE ON OBJECTIONS TAKEN (FROM JARRETT), TO THE ADMISSIBILITY OF SAID POLICE RECORD OF INTERVIEW, AND, ACCORDING TO JUDGE LEE, HE 'USED HIS DISCRETION' TO RULE IN FAVOUR OF THE PROSECUTION, WHICH WAS AFTER JUDGE LEE, WHEN QUESTIONING JARRETT DIRECTLY, ~~HE~~ MADE AN UNOFFICIAL VERBAL DECLARATION TO JARRETT THAT JARRETT 'MUST HAVE KNOWN WHAT HIS RIGHTS WERE BECAUSE JARRETT WAS CAUTIONED TWO WEEKS PRIOR TO THE DATE OF INTERVIEW BY DETECTIVE BROWN, BY OTHER POLICE ABOUT AN UNRELATED MATTER' (THEREBY TREATING POLICE'S STATUTORY AND JUDGES' RULES OBLIGATION TO CAUTION PROPERLY, AS PERFUNCTORY AND INCONSEQUENTIAL)?
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QUESTION 5. DOES THE COURT AGREE? YES OR NO.

6. PETITIONER SUBMITS THAT THE 'PURPORTED FORMAL POLICE INTERVIEW OF JARRETT, BY POLICE DETECTIVE BROWN, ON APPROXIMATELY 31-7-1992, WHILST JARRETT WAS ALREADY IN CUSTODY, WAS NOT A PROPERLY CONDUCTED/LAWFULLY CONDUCTED INTERVIEW/INTERROGATION OF JARRETT, AND ~~THEREFORE~~, IN PART DUE TO FAILURE BY POLICE TO PROPERLY CAUTION JARRETT, SO THEN, CONSEQUENTIALLY, SAID FORMAL POLICE INTERVIEW OF 31-7-1992 SHOULD NOT BE REGARDED OR TREATED AS ANY KIND OR TYPE OF LAWFULLY ~~PERFORMED~~ PERFORMED ACTION/PROCESS, AND POLICE AND CROWN PROSECUTION SHOULD NOT HAVE BEEN GRANTED USE OF SAID POLICE RECORD OF INTERVIEW BY TRIAL JUDGE LEE AS SAID DOCUMENT RECORD OF POLICE INTERVIEW WAS NOT A LAWFULLY CREATED DOCUMENT, NOR WERE ITS CONTENTS LAWFULLY OBTAINED OR LAWFULLY RECORDED?'
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QUESTION 6. DOES THE COURT AGREE? YES OR NO.



1. IN CONSIDERING THIS POINT, I DRAW ATTENTION TO THE JUDGES' RULES, WHICH ARE UNEQUIVOCAL ON THIS ISSUE, STIPULATING THAT PERSONS IN CUSTODY MUST NOT BE 'QUESTIONED/INTERVIEWED' BY POLICE WITHOUT FIRST BEING PROPERLY CAUTIONED AND PROPERLY INFORMED OF THEIR RIGHTS DURING ANY SUCH POLICE INTERVIEW.

7. PETITIONER SUBMITS THAT THE 'PURPORTED FORMAL POLICE INTERVIEW OF JARRETT, BY POLICE DETECTIVE BROWN, ON APPROXIMATELY 31-7-1992, IS MISLEADINGLY AND MISREPRESENTATIVELY CLASSIFIED BY POLICE, CROWN PROSECUTION AND JUDGE LEE (TRIAL JUDGE OF MY SAID 1993 ARSON TRIAL), AS A 'POLICE RECORD OF INTERVIEW' (AND OTHER SIMILAR TERMINOLOGY), AS IT  
 10. IMPLIES LEGITIMACY IN THE EXISTENCE OF SAID DOCUMENT RECORD, EVEN THOUGH THE SAID 'INTERVIEW' OF 31-7-1992, WAS AN UNLAWFULLY/IMPROPERLY CONDUCTED EVENT, AND THE SAID DOCUMENT RECORD OF INTERVIEW IS AN UNLAWFULLY/IMPROPERLY CREATED DOCUMENT, WHICH THE JURY OF MY SAID 1993 ARSON TRIAL, LIKELY AFFORD 'UNFAIR AND SIGNIFICANTLY PREJUDICIAL WEIGHT TO TO THE IMPROPERLY OBTAINED BENEFIT OF CROWN PROSECUTION, FOLLOWING USE OF SAID DOCUMENT RECORD ~~OF~~ OF INTERVIEW BY MY TRIAL PROSECUTOR'.

QUESTION 7. DOES THE COURT AGREE? YES OR NO.

20. 8. PETITIONER SUBMITS THAT 'WITHIN THE SAID POLICE RECORD OF INTERVIEW OF JARRETT, BY POLICE DETECTIVE BROWN, ON APPROXIMATELY 31-7-1992, JARRETT HAS ANSWERED AND THEREIN DESCRIBED WHAT JARRETT CLAIMS WAS HIS 'REASON' FOR ENTERING THE TRAIN CARRIAGE ON 10-1-1991, AND JARRETT'S SAID ANSWER WAS THAT JARRETT WENT INTO CARRIAGE TO INVESTIGATE A LIGHT IN THE REAR CARRIAGE, AND ALSO, JARRETT CLAIMS THAT HE PROVIDED THE SAME 'REASON' TO POLICE CONSTABLE CAUNCE ON 10-1-1991, AND ALSO, JARRETT CLAIMS THAT HE HAS ONLY PROVIDED THE SINGLE DESCRIPTIVE REASON FOR ATTENDING THE SAID CARRIAGE, THAT 'REASON' BEING 'TO INVESTIGATE LIGHT IN REAR CARRIAGE', TO PERSONS (CIVIAN AND NON-CIVILIAN), WHO HAVE ASKED JARRETT WHY HE WENT

1. INTO THE CARRIAGE, AND, THAT SAID 'REASON' IS CONSISTENT WITH POLICE FIRE REPORT DATED 10-1-1991, WHEREIN IT STATES 'LOCATED CLEANER WHO STATED THAT HE OBSERVED A LIGHT IN THE TRAIN CARRIAGE AND UPON INVESTIGATION WAS CONFRONTED', AND, THAT SAID 'REASON' IS ALSO CONSISTENT WITH POLICE WITNESS STATEMENT OF POLICE DETECTIVE K MODRA DATED 7-8-1992, WHEREIN IT STATES 'HE ADVISED THAT HE HAD SEEN A LIGHT IN THE RAILWAY CARRIAGE', AND, THAT, THEREFORE, BETWEEN DOCUMENTS CREATED FROM 10-1-1991 UP TO 1-8-1992 IT APPEARS CONSISTENTLY THAT SAID 'REASON' HAS BEEN REPRODUCED SO AS TO SHOW CONTINUITY IN THE CLAIMED 'REASON' FROM JARRETT'.

10. QUESTION 8. DOES THE COURT AGREE? YES OR NO.

9. PETITIONER SUBMITS THAT 'JARRETT'S CLAIMED 'REASON' FOR ENTERING THE TRAIN CARRIAGE ON 10-1-1991, BEING 'TO INVESTIGATE LIGHT IN REAR CARRIAGE', WAS CONSISTENTLY DESCRIBED/PARTICULARISED WITHIN SAID POLICE FIRE REPORT DATED 10-1-1991, SAID POLICE RECORD OF INTERVIEW BETWEEN POLICE DETECTIVE BROWN AND JARRETT DATED APPROXIMATELY 31-7-1992, SAID POLICE WITNESS STATEMENT OF POLICE DETECTIVE K MODRA DATED 7-8-1992, AND 1993 TRIAL TESTIMONY FROM JARRETT WITHIN JARRETT'S 1993 ARSON TRIAL'.

QUESTION 9. DOES THE COURT AGREE? YES OR NO.

10. PETITIONER SUBMITS THAT 'SAID POLICE FIRE REPORT DATED 10-1-1991, WHICH FORMS PART OF OFFICIAL POLICE RECORDS/DOCUMENTS/FILES RELATING TO FIRE EVENT ON 10-1-1991, TO WHICH JARRETT WAS CHARGED/REPORTED FOR THE CRIME OF ARSON, APPEARS TO INCLUDE THE SIGNATURE OF POLICE CONSTABLE CAUNCE, BELOW A SECTION OF SAID DOCUMENT WHEREIN 'RELEVANT DETAILS' HAVE BEEN DESCRIBED, INCLUDING "LOCATED CLEANER WHO STATED THAT HE OBSERVED A LIGHT IN THE TRAIN CARRIAGE AND UPON INVESTIGATION WAS CONFRONTED", AND IS THEREFORE MATERIAL EVIDENCE WHICH SUGGESTS/IMPLIES THAT POLICE OFFICER CAUNCE WAS IN FACT DIRECTLY INVOLVED IN PROVIDING THE SAID 'RELEVANT DETAILS', WHICH ARE SO DESCRIBED ABOVE THE POSITION ON SAID DOCUMENT WHERE CAUNCE HAD SIGNED HIS SIGNATURE, AND, THAT SAID 'RELEVANT DETAILS', IN PARTICULAR



1. THE DESCRIPTION OF 'THE CLEANER'S REASON FOR GOING TO THE TRAIN CARRIAGE', WHICH WAS 'DUE TO OBSERVING A LIGHT IN THE TRAIN CARRIAGE', ARE CONSISTENT WITH JARRETT'S 'REASON' WHICH JARRETT STATED DURING SAID POLICE RECORD OF INTERVIEW DATED 31-7-1992, AND ALSO CONSISTENT WITH JARRETT'S 'REASON' WHICH JARRETT STATED DURING JARRETT'S 1993 ARSON TRIAL TESTIMONY, AND, IS THEREFORE SIGNIFICANT THAT CAUNCE DIRECTLY KNEW OF SAID SPECIFIC 'RELEVANT DETAILS' CONTAINED IN SAID FIRE REPORT DATED 10-1-1991, AS IT STRONGLY SUGGESTS ALSO THAT CAUNCE WAS IN FACT 'THE SOURCE' OF SAID SPECIFIC 'RELEVANT DETAILS', CONTAINED IN SAID FIRE REPORT DATED 10-1-1991, AND, IS THEREFORE QUALIFIABLY TRUE/ACCURATE THAT SAID SPECIFIC 'REASON' WHICH IS DESCRIBED ON FORMAL POLICE FORM (POLICE FIRE REPORT), OF 'DUE TO OBSERVING A LIGHT IN TRAIN CARRIAGE', IS ACTUALLY THE FIRST OFFICIAL REPRESENTATION BY POLICE OFFICER CAUNCE, OF WHAT JARRETT TOLD CAUNCE ON 10-1-1991 WAS JARRETT'S REASON FOR GOING TO THE TRAIN CARRIAGE (RE 'OBSERVING LIGHT IN CARRIAGE AND THEN GOING TO INVESTIGATE LIGHT WHICH WAS 'ON' IN THE REAR CARRIAGE')?.
- 10.

QUESTION 10. DOES THE COURT AGREE? YES OR NO.

11. PETITIONER SUBMITS THAT 'SAID POLICE FIRE REPORT DATED 10-1-1991, WAS NOT PROVIDED TO MY SAID 1993 ARSON TRIAL JURY AS PART OF THE PROSECUTION'S CASE, AND, THAT SAID POLICE FIRE REPORT 'RELEVANT DETAILS' (AS ABOVE DESCRIBED WITHIN FORMAL QUESTION No. '10' PARAGRAPH), WERE THEREFORE NOT KNOWN BY MY SAID 1993 ARSON TRIAL JURY AS 'ACTUALLY EXISTING WITHIN OFFICIAL POLICE RECORDS AS FROM THE DAY OF THE FIRE (10-1-1991)', AND, THAT SAID POLICE FIRE REPORT 'RELEVANT DETAILS' WERE DIRECTLY KNOWN BY POLICE OFFICER CAUNCE AS FROM THE DAY OF THE FIRE (10-1-1991), IN PARTICULAR THE 'DESCRIPTION OF THE ~~CLEANER'S~~ CLEANER'S REASON FOR GOING TO THE TRAIN CARRIAGE', AND, THAT, CONSIDERING THE 'CLEANER'S REASON FOR GOING TO THE TRAIN CARRIAGE' (AS PARTICULARISED WITHIN SAID 'RELEVANT DETAILS' WITHIN SAID POLICE FIRE REPORT), COULD ONLY HAVE BEEN SOURCED BY CAUNCE FROM JARRETT, SAID FIRE REPORT
- 20.

1. MUST EXIST AS THE ONLY ORIGINAL POLICE RECORDS WHEREIN CAUNCE MATERIALLY PARTICULARISES WHAT JARRETT ACTUALLY SAID TO CAUNCE ON 10-1-1991, ABOUT JARRETT'S REASON FOR GOING TO THE TRAIN CARRIAGE, AND THOSE SPECIFIC DETAILS WERE ACTIVELY RECORDED IN SAID FIRE REPORT ON THE SAME DATE AS THE CARRIAGE FIRE (10-1-1991), THE SAME DATE CAUNCE RECEIVED SAID SPECIFIC DETAILS FROM JARRETT DIRECTLY (10-1-1991), AND THE SAME DATE WHICH SAID POLICE FIRE REPORT WAS SIGNED AND DATED BY CAUNCE HIMSELF (10-1-1991)?

QUESTION 11. DOES THE COURT AGREE? YES OR NO.

10. 12. THE PETITIONER SUBMITS THAT 'SAID POLICE FIRE REPORT DATED 10-1-1991, CONTAINS, WITHIN A SECTION OF SAID DOCUMENT DIRECTLY ABOVE THE SIGNATURE OF POLICE OFFICER CAUNCE, 'RELEVANT DETAILS' IN RELATION TO THE FIRE EVENT WHICH JARRETT WAS CONVICTED OF, AND OF SAID 'RELEVANT DETAILS' THERE IS A PARTICULARISED DESCRIPTION OF MATERIAL DETAILS WHICH IMPLY THEY WERE A DIRECT REPRESENTATION OF WHAT JARRETT ('THE CLEANER') HAS SAID TO POLICE INCLUDING JARRETT'S REASON FOR GOING TO THE TRAIN CARRIAGE, SPECIFICALLY "LOCATED CLEANER WHO STATED THAT HE OBSERVED A LIGHT IN THE TRAIN CARRIAGE AND UPON INVESTIGATION WAS CONFRONTED", AND THAT WITHIN SAID POLICE FIRE REPORT THERE IS ONLY ONE PARTICULARISED DESCRIPTION OF MATERIAL DETAILS WHICH IN ANY WAY DESCRIBE WHAT JARRETT SAID ABOUT HIS ~~REAR~~ REASON FOR GOING TO THE TRAIN CARRIAGE (BEING, TO 'INVESTIGATE A LIGHT IN THE REAR TRAIN CARRIAGE'), AND, OF SAID ONE PARTICULARISED DESCRIPTION, THERE IS NO SUGGESTION IN ANY FORM WHICH INDICATES JARRETT AS PROVIDING ANY OTHER REASON FOR GOING TO THE TRAIN CARRIAGE OTHER THAN TO INVESTIGATE A LIGHT IN REAR CARRIAGE, AND, TO EXPAND 'THIS POINT', THERE IS NO INDICATION/PRESENTATION BY/FROM JARRETT (WITHIN ANY WORDING OF THE SAID FIRE REPORT), TOWARDS 'MULTIPLE REASONS FOR GOING TO TRAIN CARRIAGE', TOWARDS 'GOING TO CLEAN IT AND WAS THEN CONFRONTED AND ASSAULTED', TOWARDS 'GOING TO INVESTIGATE A FIRE



1. AND WAS THEN CONFRONTED AND ASSAULTED'.

QUESTION 12. DOES THE COURT AGREE? YES OR NO.

13. PETITIONER SUBMITS THAT 'ON 10-1-1991, THE DATE OF THE FIRE EVENT, POLICE OFFICER CAUNCE ARRIVED ON SCENE AT APPROXIMATELY 5.20AM, AT APPROXIMATELY 5.38AM AMBULANCE STAFF DEPART WITH JARRETT (TO THE HOSPITAL), THEREFORE THE ONLY TIME PERIOD FOR CAUNCE TO HAVE DIRECT CONVERSATION WITH JARRETT AT THE SCENE WAS FROM 5.20AM TO 5.38AM'.

QUESTION 13. DOES THE COURT AGREE? YES OR NO

10. 14. PETITIONER SUBMITS THAT 'POLICE DETECTIVE K MODRA PRODUCED POLICE WITNESS STATEMENT DATED APPROXIMATELY 7-8-1992, AND THEREIN MATERIALLY PARTICULARISED WHAT MODRA HAD BEEN 'INFORMED OF' AS JARRETT'S 'REASON' FOR GOING TO THE TRAIN CARRIAGE ("HE ADVISED THAT HE HAD SEEN A LIGHT IN THE RAILWAY CARRIAGE"), WHICH IS CONSISTENT WITH THE MATERIALLY PARTICULARISED DESCRIPTION OF JARRETT'S 'REASON' THAT IS CONTAINED WITHIN SAID POLICE FIRE REPORT ("CLEANER WHO STATED THAT HE OBSERVED A LIGHT IN THE TRAIN CARRIAGE")'.

QUESTION 14. DOES THE COURT AGREE? YES OR NO.

20. 15. PETITIONER SUBMITS THAT 'POLICE OFFICER CAUNCE PRODUCED POLICE WITNESS STATEMENT DATED APPROXIMATELY 7-8-1992, AND THEREIN MATERIALLY PARTICULARISED WHAT CAUNCE PURPORTS TO BE AN ACCURATE REPRESENTATION OF WHAT JARRETT ALLEGEDLY ~~SAID~~ SAID TO CAUNCE ON 10-1-1991 AS 'JARRETT'S REASON FOR GOING TO THE TRAIN CARRIAGE' ("THIS ASSAULT HAD TAKEN PLACE WHEN JARRETT HAD GONE TO INVESTIGATE A FIRE INSIDE THE RAILWAY CARRIAGE"), WHICH IS NOT CONSISTENT WITH THE MATERIALLY PARTICULARISED DESCRIPTION OF JARRETT'S 'REASON' THAT IS CONTAINED WITHIN SAID POLICE FIRE REPORT ("CLEANER WHO STATED THAT HE OBSERVED A LIGHT IN THE TRAIN CARRIAGE"), AND, WHICH IS NOT CONSISTENT WITH THE SAID MATERIALLY PARTICULARISED DESCRIPTION CONTAINED WITHIN THE SAID POLICE WITNESS STATEMENT OF POLICE DETECTIVE

1. K MODRA DATED APPROXIMATELY 7-8-1992, OF 'JARRETT'S REASON FOR GOING TO THE TRAIN CARRIAGE' ("HE ADVISED THAT HE HAD SEEN A LIGHT IN THE RAILWAY CARRIAGE")?

QUESTION 15. DOES THE COURT AGREE? YES OR NO.

16. PETITIONER SUBMITS THAT 'SAID POLICE WITNESS STATEMENT BY POLICE OFFICER CAUNCE DATED APPROXIMATELY 7-8-1992, IS A FALSE POLICE WITNESS STATEMENT PRODUCED BY POLICE OFFICER CAUNCE, AND/OR, IS A FALSE POLICE RECORD PRODUCED BY POLICE OFFICER CAUNCE, AND/OR, IS NOT A LAWFULLY PREPARED POLICE WITNESS STATEMENT, DUE TO PURPORTED FACTS THEREIN PARTICULARISED WHICH ARE FUNDAMENTALLY AND MATERIALLY FALSE IN THEIR DETAILS (IN PARTICULAR, CAUNCE'S PURPORTED REPRESENTATION OF WHAT CAUNCE CLAIMS WAS SAID TO CAUNCE BY JARRETT ON 10-1-1991, AS 'JARRETT'S REASON FOR GOING TO THE TRAIN CARRIAGE', SPECIFICALLY DESCRIBED BY CAUNCE AS "THIS ASSAULT HAD TAKEN PLACE WHEN JARRETT HAD GONE TO INVESTIGATE A FIRE INSIDE THE RAILWAY CARRIAGE")'?

QUESTION 16. DOES THE COURT AGREE? YES OR NO.

17. PETITIONER SUBMITS THAT 'SAID POLICE WITNESS STATEMENT BY POLICE OFFICER CAUNCE DATED APPROXIMATELY 7-8-1992, WAS IMPROPERLY AND/OR MALICIOUSLY AND/OR FRAUDULENTLY AND/OR UNLAWFULLY RELIED UPON BY THE CROWN PROSECUTION DURING COURT PROCEEDINGS LEADING UP TO MY SAID 1993 ARSON TRIAL, AND, ALSO, DURING MY SAID 1993 ARSON TRIAL AS WELL, IN ORDER TO, AND WITH THE INTENTION OF, GAINING A BENEFIT FOR AND ON BEHALF OF THE CROWN PROSECUTIONS FOR THE STATE OF SOUTH AUSTRALIA, ~~AND THAT~~, ON PRESENT REVIEW OF MATTERS RELATING TO SAID POLICE WITNESS STATEMENT BY CAUNCE, IT CANNOT BE SAID THAT THE PETITIONER'S SUBMISSION AGAINST SAID POLICE WITNESS STATEMENT BY CAUNCE, DOES NOT HAVE MERIT'?

QUESTION 17. DOES THE COURT AGREE? YES OR NO.

18. PETITIONER SUBMITS THAT 'SAID POLICE WITNESS STATEMENT ~~BY~~ BY POLICE OFFICER CAUNCE DATED APPROXIMATELY 7-8-1992, WAS USED AND RELIED UPON BY CROWN PROSECUTIONS, WITHIN CRIMINAL COURT PROCEEDINGS, ~~AS AN~~



1. INCLUDING MY SAID 1993 ARSON TRIAL, IN A MANNER WHICH UNLAWFULLY 'MISREPRESENTED THE TRUE STATE OF PROSECUTION EVIDENCE', AND UNLAWFULLY 'MISREPRESENTED THE TRUE WEIGHT OF PROSECUTION EVIDENCE', AND UNLAWFULLY 'MISLED MY SAID 1993 ARSON TRIAL JURY ABOUT THE ~~THE~~ TRUE STATE OF MATERIAL ~~EVIDENCE~~ EVIDENCE FOR THE PROSECUTION (OR AT THE VERY LEAST WAS USED AND RELIED UPON BY TRIAL PROSECUTOR, WITH THE INTENTION OF CAUSING MY SAID TRIAL JURY TO BELIEVE FALSE STATE'S EVIDENCE)'.

QUESTION 18. DOES THE COURT AGREE? YES OR NO.

10. 19. PETITIONER SUBMITS THAT 'SAID POLICE WITNESS STATEMENT BY POLICE OFFICER CAUNCE DATED APPROXIMATELY 7-8-1992, CONTAINS MATERIALLY PARTICULARISED DETAILS; AS PURPORTED REPRESENTATION OF PREVIOUSLY KNOWN (BY CAUNCE PERSONALLY/DIRECTLY), AND PREVIOUSLY RECORDED (IN WRITTEN DOCUMENT FORM), MATERIAL DETAILS (SPECIFICALLY IN RELATION TO 'JARRETT'S REASON FOR GOING TO THE TRAIN CARRIAGE'), BUT WHICH ACTUALLY SIGNIFICANTLY CONFLICTS WITH SAID PREVIOUSLY KNOWN AND PREVIOUSLY RECORDED WRITTEN MATERIAL DETAILS, SO THAT A SIDE-BY-SIDE-COMPARISON OF SAID TWO DOCUMENTS, THE SAID POLICE FIRE REPORT DATED 10-1-1991, AGAINST, SAID POLICE WITNESS STATEMENT BY CAUNCE DATED 7-8-1992, EFFECTIVELY STANDS AS QUALIFICATION THAT CAUNCE PRODUCED/PROVIDED (AS AT 8-8-1992), TWO INCONSISTENT MATERIALLY PARTICULARISED 'DESCRIPTIONS' WHICH CROWN PROSECUTION CLAIM ARE ACCURATE REPRESENTATIONS OF 'WHAT JARRETT SAID AS HIS 'REASON' FOR GOING TO THE TRAIN CARRIAGE'.

QUESTION 19. DOES THE COURT AGREE? YES OR NO.

20. PETITIONER SUBMITS THAT 'WITHIN JARRETT'S 1993 ARSON TRIAL, POLICE OFFICER CAUNCE STATED DURING HIS TRIAL TESTIMONY, AS A PURPORTED REPRESENTATION OF PREVIOUSLY KNOWN (BY CAUNCE PERSONALLY/DIRECTLY), AND PREVIOUSLY RECORDED (IN WRITTEN DOCUMENT FORM), MATERIAL DETAILS (SPECIFICALLY

1. IN RELATION TO WHAT CAUNCE CLAIMS TO BE DETAILS WHICH CAUNCE RECEIVED FROM JARRETT DIRECTLY, AND IN PERSON, OF 'JARRETT'S REASON FOR GOING TO THE TRAIN CARRIAGE'), DURING 'XN TESTIMONY BY CAUNCE' (AND THEREFORE AS PART OF THE CROWN PROSECUTION CASE IN CHIEF, EVIDENCE IN-CHIEF), THAT, 'JARRETT HAD SAID TO CAUNCE ON 10-1-1991 THAT JARRETT WENT TO THE TRAIN CARRIAGE TO "CLEAN IT", AND WAS ASSAULTED AFTER ENTERING CARRIAGE', EXCEPT, THERE IS NO PRIOR DOCUMENTATION BY/FROM CAUNCE WHICH IN ANY WAY IMPLIES/PURPORTS JARRETT'S 'REASON FOR GOING TO TRAIN CARRIAGE', AS HAVING ANYTHING TO DO WITH 'JARRETT CLEANING THE ~~TRAIN~~ TRAIN CARRIAGE',
10. AND, THEREFORE, NOT ONLY IS CAUNCE'S CLAIM (RE 'JARRETT'S REASON FOR GOING TO TRAIN CARRIAGE'), ABOUT JARRETT'S 'PURPORTED REASON', NOT A 'REPRESENTATION OF ~~THE~~ PREVIOUSLY <sup>KNOWN</sup> ~~KNOWN~~ DETAILS' (AS THE ONLY ~~THE~~ PRIOR KNOWN ALLEGED REASONS OF JARRETT, ACCORDING TO CAUNCE, ARE, FIRSTLY, AS STATED IN THE SAID POLICE FIRE REPORT DATED 10-1-1991 "CLEANER WHO STATED THAT HE OBSERVED A LIGHT", AND SECONDLY, AS STATED IN THE SAID POLICE WITNESS STATEMENT BY CAUNCE DATED 7-8-1992 "THIS ASSAULT HAD TAKEN PLACE WHEN JARRETT HAD GONE TO INVESTIGATE A FIRE INSIDE THE RAILWAY CARRIAGE"), SAID EVIDENCE-IN-CHIEF CLAIM BY CAUNCE (RE "TO CLEAN IT"), IS ACTUALLY INCONSISTENT WITH PRIOR/
20. PREVIOUS CLAIMS BY CAUNCE AS TO WHAT CAUNCE CLAIMS TO HAVE BEEN TOLD BY JARRETT ON 10-1-1991, ADDITIONALLY, DUE TO THE ALREADY DOCUMENTED CLAIMS BY/FROM CAUNCE PERTAINING TO CAUNCE'S CLAIM OF WHAT JARRETT ALLEGEDLY SAID TO CAUNCE, IT APPEARS THAT CAUNCE'S SAID EVIDENCE-IN-CHIEF CLAIM AGAINST JARRETT, IS IN FACT THE THIRD VERSION OF ALLEGED MATERIALLY PARTICULARISED DETAILS ~~THE~~ PURPORTED BY CAUNCE (AND, FUNDAMENTALLY, ALL THREE VERSIONS BY CAUNCE ARE ONLY IN RELATION TO A SINGLE CONVERSATION BETWEEN JARRETT AND CAUNCE ON 10-1-1991, WITHIN AN 18 MINUTE WINDOW BETWEEN 5.20 AM AND 5.38 AM, ~~WHEN~~ DURING WHICH THE ORIGINAL VERSION, AS DESCRIBED



1. WITHIN SAID POLICE FIRE REPORT, 'OBSERVED A LIGHT', IS THE ONLY TRUE VERSION OF SAID MATERIALLY PARTICULARISED DETAILS, WHICH ALSO MEANS THAT CAUNCE FUNDAMENTALLY CHANGED KEY ~~THE~~ DETAILS BETWEEN ALL THREE SAID VERSIONS, IRRESPECTIVE OF WHY, THEREFORE, CAUNCE CANNOT HAVE CREDIBILITY OR RELIABILITY IN HIS CROWN EVIDENCE, AS CAUNCE'S SAID THREE VERSIONS ~~THE~~ MUST STAND AS QUALIFICATION THAT CAUNCE HAS SIGNIFICANTLY, SERIOUSLY AND UNLAWFULLY MISREPRESENTED STATE'S TRUE EVIDENCE (PERTAINING TO WHAT CAUNCE CLAIMS TO HAVE BEEN TOLD BY JARRETT ON 10-1-1991 AS JARRETT'S REASON FOR ATTENDING TRAIN CARRIAGE),
10. FRAUDELENTLY TAILORED HIS PROSECUTION WEIGHTED EVIDENCE, WRITTEN AND VERBAL, TO ~~THE~~ CREATE A PERCEPTION OF HIS PROSECUTION EVIDENCE, WHICH, AT ITS PRESENTATION IS CRIMINALLY MANIPULATIVE, CRIMINALLY DECEPTIVE AND TAINTED TO ILLEGALLY ASSIST CROWN PROSECUTION IN THE STATE'S PROSECUTION OF ME FOR SAID ARSON CHARGE), PLUS, CAUNCE'S SAID 'XN TESTIMONY' PURPORTING JARRETT ~~HE~~ SAID THAT 'JARRETT'S REASON FOR GOING TO TRAIN CARRIAGE WAS TO "CLEAN IT", AND WAS ASSAULTED AFTER ENTERING CARRIAGE', IN FACT EQUATES TO NEW PROSECUTION EVIDENCE WHICH HAD NEVER PREVIOUSLY BEEN ALLEGED/STATED IN ANY PROSECUTION/CROWN/POLICE/CIVILIAN DOCUMENTS THAT JARRETT HAD RECEIVED FROM CROWN PROSECUTION PURSUANT TO 'RULES OF DISCLOSURE', AND APPEARS CAUNCE ONLY DECLARED SAID MATERIAL DESCRIPTION "TO CLEAN IT" (CONFLICTING WITH CAUNCE'S VERSION IN CAUNCE'S SAID POLICE WITNESS STATEMENT "TO INVESTIGATE A FIRE", AS WELL AS ALSO CONFLICTING WITH CAUNCE'S VERSION WITHIN SAID POLICE FIRE REPORT "OBSERVED A LIGHT"), FOR THE VERY FIRST TIME, IN CAUNCE'S POLICE EMPLOYMENT, ACTUALLY DURING CAUNCE'S SAID XN TESTIMONY.
20. PURSUANT TO 'RULES OF DISCLOSURE', AND APPEARS CAUNCE ONLY DECLARED SAID MATERIAL DESCRIPTION "TO CLEAN IT" (CONFLICTING WITH CAUNCE'S VERSION IN CAUNCE'S SAID POLICE WITNESS STATEMENT "TO INVESTIGATE A FIRE", AS WELL AS ALSO CONFLICTING WITH CAUNCE'S VERSION WITHIN SAID POLICE FIRE REPORT "OBSERVED A LIGHT"), FOR THE VERY FIRST TIME, IN CAUNCE'S POLICE EMPLOYMENT, ACTUALLY DURING CAUNCE'S SAID XN TESTIMONY.

QUESTION 20. DOES THE COURT AGREE? YES OR NO.

21. PETITIONER SUBMITS THAT 'AT THE POINT OF CLOSE OF THE CASE FOR THE CROWN PROSECUTION, ~~WITH SA~~ WITHIN SAID 1993 ARSON TRIAL, IT IS A JUDICIALLY QUALIFIABLE FACT THAT POLICE OFFICER CAUNCE, BETWEEN 10-1-1991 (DATE OF

1. FIRE EVENT), AND THE DATE OF SAID CLOSE OF CASE FOR THE CROWN PROSECUTION, HAD PRODUCED/CREATED/PRESENTED THREE OFFICIAL VERSIONS, MATERIALLY PARTICULARISING IN SPECIFIC DETAIL, WHAT CAUNCE CLAIMS TO BE AN ACCURATE REPRESENTATION OF WHAT JARRETT ALLEGEDLY SAID TO CAUNCE ON 10-1-1991 AS JARRETT'S REASON FOR GOING TO THE TRAIN CARRIAGE, AND THAT EACH OF SAID THREE OFFICIAL VERSIONS IS SIGNIFICANTLY CONFLICTING WITH, AND THEREFORE ALSO SIGNIFICANTLY INCONSISTENT WITH, EACH OTHER RESPECTIVE OFFICIAL VERSION, AND THEREFORE, THE SPECIFIC KEY DETAILS COULD NOT MARRY INTO EACH OTHER, AND, CONSEQUENTIALLY, DUE TO THE EXISTENCE OF  
 10. ~~SET~~ CAUNCE AND HIS VERBAL AND/OR WRITTEN EVIDENCE ASSOCIATED WITH CROWN PROSECUTION OF ME, INCLUDING SAID 1993 ARSON TRIAL, IT CANNOT BE SAID THAT JARRETT'S SAID 1993 ARSON TRIAL WAS A FAIR TRIAL ACCORDING TO LAW, IT CANNOT BE SAID THAT THE TRIAL EVIDENCE FROM CAUNCE (INCLUDES TESTIMONY FROM CAUNCE DIRECTLY, AS WELL AS PROSECUTION PRESENTATION OF TRIAL EVIDENCE ASSOCIATED WITH CAUNCE'S SAID POLICE WITNESS STATEMENT DATED 7-8-1992), WAS INCONSEQUENTIAL TO THE PRESENTATION OF CASE FOR THE PROSECUTION WITHIN JARRETT'S SAID 1993 ARSON TRIAL, IT CANNOT BE SAID THAT THE TRIAL EVIDENCE FROM CAUNCE WAS INCONSEQUENTIAL TO THE VERDICT OF GUILTY BY THE TRIAL JURY.

QUESTION 21. DOES THE COURT AGREE? YES OR NO.

20. ~~20~~ 22. PETITIONER SUBMITS THAT 'CONSEQUENTIAL TO THE PRODUCTION/CREATION/PRESENTATION, BY AND/OR FROM CAUNCE, OF SAID THREE CONFLICTING AND THEREFORE INCONSISTENT OFFICIAL VERSIONS OF MATERIAL PARTICULARISATION, THE FIRST VERSION IS CONTAINED WITHIN SAID POLICE FIRE REPORT DATED 10-1-1991 ("CLEANER WHO STATED THAT HE OBSERVED A LIGHT IN THE TRAIN CARRIAGE", AS JARRETT'S REASON FOR GOING TO THE TRAIN CARRIAGE), SECOND VERSION IS CONTAINED WITHIN SAID POLICE WITNESS STATEMENT BY CAUNCE DATED 7-8-1992 ("WHEN JARRETT HAD GONE TO ~~INVESTIGATE~~ INVESTIGATE A FIRE", AS JARRETT'S REASON FOR GOING TO THE TRAIN CARRIAGE), THIRD VERSION IS CONTAINED WITHIN TRANSCRIPT OF PROCEEDINGS OF JARRETT'S SAID 1993 ARSON TRIAL DURING



1. CAUNCE'S TRIAL TESTIMONY ("TO CLEAN IT", AS JARRETT'S REASON FOR GOING TO THE TRAIN CARRIAGE), IT CANNOT BE SAID THAT JARRETT WAS LAWFULLY PROSECUTED BY CROWN PROSECUTION LEADING UP TO START DATE OF SAID 1993 ARSON TRIAL, IT CANNOT BE SAID THAT JARRETT WAS LAWFULLY PROSECUTED BY CROWN PROSECUTION DURING SAID 1993 ARSON TRIAL, IT CANNOT BE SAID THAT MY SAID 1993 ARSON TRIAL DID NOT INCUR AND/OR SUFFER A 'DEPARTURE FROM THE REQUIREMENTS OF A PROPERLY CONDUCTED TRIAL', IT CANNOT BE SAID THAT THE JURY VERDICT OF GUILTY WAS LAWFULLY REACHED/DETERMINED BY MY SAID 1993 ARSON TRIAL JURY (NOT DUE TO DELIBERATE ACTION BY JURY OR JUROR, BUT DUE INSTEAD, TO THE ACTIONS BY TRIAL PROSECUTOR AND/OR CROWN PROSECUTION EVIDENCE PRESENTED TO SAID TRIAL JURY WHICH WERE NOT PROPERLY/LAWFULLY PRESENTED AS PART OF CASE FOR/EVIDENCE FOR CROWN PROSECUTION)?

QUESTION 22. DOES THE COURT AGREE? YES OR NO.

23. PETITIONER SUBMITS THAT 'DURING TRIAL TESTIMONY OF CAUNCE, WITHIN JARRETT'S SAID 1993 ARSON TRIAL, CAUNCE PURPORTED, THAT, 'CAUNCE HAD A GOOD MEMORY OF CONVERSATION ~~BETWEEN~~ BETWEEN CAUNCE AND JARRETT THAT WAS SAID TO HAVE OCCURRED ON 10-1-1991', WITHIN 'XN TESTIMONY' OF CAUNCE (AS A PROSECUTION WITNESS), AFTER CAUNCE WAS FIRST 'SWORN IN/AFFIRMED' FOR THE EVIDENCE/TESTIMONY THAT CAUNCE WAS ABOUT TO GIVE, THEN, CAUNCE ANSWERED PROSECUTOR'S QUESTION OF HIM (WHICH PERTAINED TO WHAT CAUNCE WAS ALLEGED TO HAVE BEEN TOLD BY JARRETT AS JARRETT'S REASON FOR GOING TO THE TRAIN CARRIAGE), WITH MATERIAL PARTICULARISATION OF JARRETT'S ALLEGED 'REASON' AS BEING "TO CLEAN IT", THEN, WITHIN 'XXN TESTIMONY' OF CAUNCE, CAUNCE INITIALLY QUALIFIED HIS PRIMARY XN ANSWER (OF 'TO CLEAN THE TRAIN'), BUT THEN, UPON FORMAL CHALLENGE OF INCONSISTENT PRIOR STATEMENT/EVIDENCE, CAUNCE SUBMITTED TO HIS VERSION OF MATERIAL PARTICULARISATION CONTAINED WITHIN CAUNCE'S SAID POLICE WITNESS STATEMENT DATED 7-8-1992, THEREBY QUALIFYING HIMSELF AS AN ESTABLISHED LIAR, A CRIMINAL DECEIVER,

1. AN UNRELIABLE AND DISHONEST CROWN WITNESS, AND, A POLICE OFFICER WHO BY HIS OWN ACTIONS HAD COMMITTED PERJURY WITHIN HIS SAID TRIAL TESTIMONY<sup>9</sup>.

QUESTION 23. DOES THE COURT AGREE? YES OR NO.

24. PETITIONER SUBMITS <sup>THAT</sup> ~~THAT~~ <sup>6</sup> SIGNIFICANT ELEMENTS, AND, SIGNIFICANT PORTIONS, AND, SIGNIFICANT FEATURES OF THE CROWN PROSECUTION OF ME FOR SAID CHARGE OF ARSON, NOT ONLY PRIOR TO TRIAL (POLICE ACTIONS AGAINST JARRETT, AS WELL AS JUDICIAL PROCEEDINGS AGAINST JARRETT, WITHIN MAGISTRATE COURT JURISDICTION AND DISTRICT COURT JURISDICTION), BUT ALSO DURING SAID 1993 ARSON TRIAL, ARE
10. FUNDAMENTALLY ATTRIBUTABLE TO POLICE OFFICER CAUNCE, INCLUDING, DOCUMENTS BY/FROM CAUNCE WHICH CONTAIN CRIMINALLY FALSE/MISLEADING ALLEGED FACTS, AND TRIAL TESTIMONY BY CAUNCE WHICH IS CRIMINALLY FALSE/MISLEADING IN RELATION TO KEY MATERIAL PARTICULARISATIONS, AND KEY PART OF PROSECUTION CASE (ACCUSING JARRETT OF PROVIDING CONFLICTING/INCONSISTENT REASONS FOR JARRETT GOING TO TRAIN CARRIAGE) BUT IN FACT IT WAS CAUNCE'S FALSE TESTIMONY/DOCUMENT AND NOT JARRETT ALLEGEDLY PROVIDING 'INCONSISTENT REASONS', SO THAT, BUT FOR THE FACT OF CAUNCE'S INVOLVEMENT AND INFLUENCES PERTAINING TO THE POLICE INVESTIGATION OF THE SAID FIRE EVENT OF 10-1-1991, AND, THE CROWN
20. PROSECUTION OF JARRETT DURING CRIMINAL TRIAL, THE CROWN PROSECUTION ACCUSATION AGAINST JARRETT OF ALLEGEDLY PROVIDING INCONSISTENT REASONS FOR GOING TO THE TRAIN CARRIAGE COULD NOT EXIST (AS IT FUNDAMENTALLY RELIED UPON THE FALSE POLICE WITNESS STATEMENT BY CAUNCE DATED 7-8-1992, AS WELL AS THE FALSE TRIAL TESTIMONY BY CAUNCE), THE CROWN PROSECUTION 'SCENARIO' AGAINST JARRETT 'WHICH WAS STATED TO THE TRIAL JURY WHEREIN TRIAL PROSECUTOR DECLARED THAT JARRETT'S INCONSISTENT REASONS FOR GOING TO THE TRAIN CARRIAGE WERE A DIRECT SIGN OF JARRETT'S GUILT OF THE CHARGE OF ARSON' COULD NOT EXIST (AS IT FUNDAMENTALLY RELIED UPON THE FALSE POLICE WITNESS STATEMENT BY CAUNCE DATED



1. 7-8-1992, AS WELL AS THE FALSE TRIAL TESTIMONY BY CAUNCE), AND SO,  
IT CANNOT BE SAID THAT CAUNCE'S INVOLVEMENT WITHIN JARRETT'S SAID 1993  
ARSON TRIAL, AS A PROSECUTION WITNESS, WAS INCONSEQUENTIAL TO THE  
JURY'S CONSIDERATION OF PROSECUTION EVIDENCE OR THE ARRIVED AT VERDICT  
OF THE JURY, OF 'GUILTY'.

QUESTION 24. DOES THE COURT AGREE? YES OR NO.

25. PETITIONER SUBMITS THAT 'WITHIN JARRETT'S SAID 1993 ARSON TRIAL, THE TRIAL  
 PROSECUTOR DID NOT COMPLY WITH S. 10A OF DEPARTMENT FOR ~~THE~~ PUBLIC  
 PROSECUTIONS ACT, CONSEQUENTIALLY, SAID ARSON TRIAL WAS NOT A LAWFULLY  
 10. CONDUCTED TRIAL AND ITS RESPECTIVE JURY VERDICT OF GUILTY WAS NOT LAWFULLY  
 OBTAINED?.

QUESTION 25. DOES THE COURT AGREE? YES OR NO.

26. PETITIONER SUBMITS THAT 'DURING JARRETT'S SAID 1993 ARSON TRIAL, PROFESSIONAL  
 PROSECUTION WITNESSES, IN THEIR RESPECTIVE TRIAL TESTIMONY, MISLED THE TRIAL  
 JURY ABOUT SPECIFIC EVENTS HAPPENING AT SPECIFIC TIMES, TO THE EXTENT THAT  
 THE JURY WERE MISINFORMED ABOUT MATERIAL EVIDENCE WHICH PETITIONER  
 SUGGESTS 'THEN REQUIRED TRIAL JURY TO MAKE ASSUMPTIONS FOR WHICH THERE  
 WAS NO VALID EVIDENCE, YET SAID ASSUMPTIONS WERE ASSOCIATED WITH  
 SIGNIFICANT TIMES INTRINSIC TO SPECIFIC EVENTS', AND, SAID MISREPRESENTED  
 20. TIMES FUNDAMENTALLY EQUATED TO RESPECTIVE CROWN WITNESS PRESENTING  
 CONFLICTING/INCONSISTENT VERSIONS OF 'POLICE INVESTIGATION RECORDS' (SOME OF  
 WHICH WERE INCONSISTENT WITH THEIR OWN PRIOR RECORDS COMPARED TO THEIR OWN  
 TRIAL TESTIMONY, OTHERS WERE INCONSISTENT WITH PRIOR RECORDS OF OTHER  
 PROFESSIONAL WITNESSES), AND, SAID MISREPRESENTED TIMES ALSO EQUATED TO  
 CERTAIN SAID PROSECUTION WITNESSES PRESENTING NEW PROSECUTION  
 EVIDENCE WITHIN THEIR TRIAL TESTIMONY WHICH HAD NOT PREVIOUSLY BEEN  
 DISCLOSED BY CROWN PROSECUTION (PER RULES OF DISCLOSURE), AND, IT WAS  
 UNFAIR TO JARRETT'S RIGHT TO A FAIR TRIAL, FOR THE JURY TO BE SO  
 MISINFORMED BY PROSECUTION PROFESSIONAL WITNESSES ABOUT RELEVANT TIMES

1. AT WHICH SPECIFIC EVENTS HAPPENED?

QUESTION 26. DOES THE COURT AGREE? YES OR NO.

IN CONSIDERING THIS POINT, I DRAW ATTENTION TO JUDGMENT R V FREDERICK [2004] SASC 404, PARAGRAPHS 31, 33, 38 AND 39, CONCERNING INCONSISTENT PROSECUTION EVIDENCE, AND, IMPROPER EXPECTATION UPON TRIAL JURY TO ATTEMPT TO RECONCILE CONFLICTING VERSIONS OF PROSECUTION EVIDENCE,

IN CONSIDERING THIS POINT, I DRAW ATTENTION TO THE FOLLOWING EVIDENCE:

5.20 AM '000' PHONE FROM JARRETT TO REPORT FIRE (SEE PAGE 2 AFFIDAVIT FROM POLICE DETECTIVE BROWN, DATED 21-8-1992, "AMB 2").

10; 5.20 AM POLICE ARRIVE AT FRONT DOOR, ON SCENE, CAUNCE AND KITTO (SEE CAUNCE'S POLICE WITNESS STATEMENT, DATED 7-8-1992, SEE KITTO'S POLICE WITNESS STATEMENT, DATED 7-8-1992)

5.28 AM MFS ARRIVE ON SCENE (SEE HAMMILL'S POLICE WITNESS STATEMENT, DATED 21-8-1992).

5.32 AM AMBULANCE STAFF ARRIVE ON SCENE (SEE HOSPITAL FILE DATED 10-1-1991, PAGE 8 RE AMBULANCE STAFF RECORDS).

6.10 AM DETECTIVE K MODRA ARRIVED ON SCENE (SEE CAUNCE'S STATEMENT DATED 7-8-1992, PAGE 2 LAST PARAGRAPH, SEE KITTO'S STATEMENT DATED 7-8-1992, PAGE 2 3RD PARAGRAPH, SEE MODRA'S POLICE WITNESS STATEMENT, DATED 7-8-1992.

6.30 AM ARSON INVESTIGATOR POLLARD ARRIVED ON SCENE (SEE KITTO'S STATEMENT DATED 7-8-1992, PAGE 2 LAST PARAGRAPH, SEE CAUNCE'S STATEMENT DATED 7-8-1992, PAGE 2 LAST PARAGRAPH, SEE CRIME SCENE REPORT BY POLLARD, DATED 10-11-1992).

POLLARD, IN STATEMENT DATED 10-11-1992, PAGE 2 LAST PARAGRAPH "6.10 AM" IS DECLARED AS ARRIVING ON SCENE, 20 MINUTE TIME ERROR. SEE ALSO THE TRIAL TESTIMONY OF POLLARD AND HIS PURPORTED ARRIVAL TIME.

MODRA, IN STATEMENT DATED 7-8-1992, "5.15 AM... ATTENDED", 55 MINUTE TIME ERROR. SEE ALSO THE TRIAL TESTIMONY OF MODRA, PURPORTING FIRE WAS



1. REPORTED AT "4.30 AM", 50 MINUTE TIME ERROR, PURPORTING MODRA ARRIVAL ON SCENE AT "5.15 AM", 55 MINUTE TIME ERROR.

- IT MAY APPEAR THAT NOT MUCH IS TO ~~BE~~ BE MADE OF THE SIGNIFICANT 'TIME ERRORS' ~~IDENTIFIED~~ IDENTIFIED ABOVE, FROM SAID CROWN WITNESSES, HOWEVER, THE POINT OF PROSECUTION PROOFING THEIR WITNESSES IS TO IDENTIFY 'INCONSISTENCIES' WITHIN CROWN 'PROPOSED EVIDENCE', TO EITHER DECLARE (AS IS), OR, TO PRODUCE UPDATED WITNESS STATEMENTS WITH ANY ALTERATIONS FROM PRIOR STATEMENTS, AND THEN TO DISCLOSE THE NEW INFORMATION (FROM RESPECTIVE CROWN WITNESS), TO THE 'ACCUSED' (PER DISCLOSURE OBLIGATIONS). PROSECUTION EVIDENCE AT TRIAL, IS REQUIRED TO REPRESENT WHAT IS PREVIOUSLY DISCLOSED, PARTICULARISED, DESCRIBED, SO THAT 'NO NEW ALLEGED FACTS ARE CREATED IN TRIAL, BY PROSECUTION WITNESSES, WHICH CONTRADICT EXISTING CROWN PROSECUTION DOCUMENTED EVIDENCE', PARTICULARLY FROM THE SAME WITNESS'S PRIOR STATEMENTS. IT IS ALSO THE OBLIGATION OF TRIAL PROSECUTOR TO PROPERLY INFORM THE TRIAL COURT, WHEN A PROSECUTION WITNESS PRESENTS CONFLICTING/INCONSISTENT TESTIMONY/EVIDENCE, SO THAT THE TRIAL COURT AND TRIAL JURY ARE PROPERLY INFORMED OF SUCH MATERIAL CHANGES TO PREVIOUSLY RECORDED EVIDENCE FROM RESPECTIVE PROSECUTION WITNESS.
20. 27. PETITIONER SUBMITS THAT <sup>6</sup> ON 10-1-1991, JARRETT WAS TAKEN BY AMBULANCE, FROM THE SCENE AT 5.38 AM (SEE HOSPITAL FILE FROM AMBULANCE STAFF), TO THE HOSPITAL, ARRIVING AT 5.44 AM, AND "TIME SEEN" BY HOSPITAL STAFF IS RECORDED AS 5.55 AM (SEE HOSPITAL FILE), THAT DR BEHRENS EXAMINED JARRETT AND IDENTIFIED "SMALL ~~■~~ LUMP ON OCCIPUT 2 CM WIDE, 1 CM RAISED" (SEE PROOF OF ~~■~~ TEXT IN HOSPITAL FILE), THAT DR BEHRENS LATER DESCRIBED IN POLICE WITNESS STATEMENT DATED 20-8-1992, PAGE 2 OF, "JARRETT'S BEHAVIOUR DURING EXAMINATION INDICATED TO ME THAT HE WAS AGITATED AND UPSET.", BUT THEN, IN TRIAL TESTIMONY BY DR BEHRENS DECLARED "HE WAS REMARKABLY CALM AND SELF-POSSESSED, AND DIDN'T SEEM AT ALL AGITATED OR CONCERNED.", WHICH, EQUATED TO NEW EVIDENCE FROM BEHRENS, AN

1. INCONSISTENT AND SIGNIFICANTLY CONFLICTING PRIOR CLAIM BY BEHREMS, AND WHICH I ARGUE IS TRIAL TESTIMONY BY BEHRENS WHICH IS IMPROPERLY ALTERED FROM PREVIOUS STATEMENT, SO AS TO UNLAWFULLY ASSIST CROWN PROSECUTION TO UNLAWFULLY OBTAIN TRIAL VERDICT OF GUILTY (FORGET THAT BEHRENS WAS A DOCTOR, AND LOOK AT THE SIGNIFICANT CHANGE PURPORTED TO REPRESENT JARRETT'S PSYCHOLOGICAL STATE IN HOSPITAL ON 10-1-1991), AND, IT CAN NEVER BE PROVEN WHY BEHRENS DRAMATICALLY ALTERED HIS PROSECUTION WITNESS EVIDENCE, BUT, THE MATERIAL FACT IS THAT HE DID, WITH PROOF EXISTING IN TRANSCRIPT OF ~~PROVE~~ PROCEEDINGS OF JARRETT'S SAID 1993 ARSON TRIAL, AND, ON 10-1-1991, AFTER SHIFT CHANGE OF DR BEHRENS, THE NEXT DOCTOR OVERSEEING JARRETT WAS DR ALLEN, WHO, IN HIS POLICE WITNESS STATEMENT OF DR ALLEN, DATED 6-8-1992, DECLARED AS A HOSPITAL RECORD PURPORTED FACT, THAT "AN EXAMINATION ... FOUND NO INJURIES ... THERE WAS NO SIGN OF LOCAL TRAUMA", WHICH, MATERIALLY MISREPRESENTS THE AMBULANCE STAFF RECORDS CONTAINED WITHIN SAID HOSPITAL FILE, AND MATERIALLY MISREPRESENTS WHAT WAS ALREADY QUALIFIABLY ESTABLISHED BY DR BEHRENS WITHIN SAID HOSPITAL FILE, THEREBY PROVIDING SIGNIFICANT MATERIAL PARTICULARISATION CONFLICTING EVIDENCES, BETWEEN THE SAID HOSPITAL RECORDS AND POLICE WITNESS STATEMENTS AND/OR TRIAL TESTIMONY, PLUS, IN THE SAID POLICE WITNESS STATEMENT BY DR ALLEN, DATED 6-8-1992, THERE APPEARS TO BE NO MENTION OF ANY 'CLOCK', OR ANYTHING TO DO WITH 'SMOKE' OR 'FIRE', HOWEVER, IN TRIAL TESTIMONY BY DR ALLEN, ALLEN CREATES BRAND NEW EVIDENCE WHICH IS THEN DECLARED AS FACT BY ALLEN, TO THE EFFECT THAT DR ALLEN CLAIMS TO HAVE GOOD MEMORY OF A CONVERSATION WITH JARRETT ABOUT JARRETT "SEEING SMOKE ... CHECK CLOCK ... WENT TO SMOKE ... THEN ASSAULTED ... THEN REGAIN CONSCIOUSNESS ... SEEING CLOCK AND RINGING 000", AND WHEN DR ALLEN IS ASKED IF HE RECORDED SAID ALLEGED CONVERSATION ANYWHERE, DR ALLEN STATED "I DIDN'T RECORD
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1. THIS CONVERSATION", WHICH, IS IRONICALLY CONVENIENT THAT THERE IS NO PRIOR RECORD OF A PURPORTED ~~CONVERSATION~~ CONVERSATION, ESPECIALLY CONSIDERING SAID ALLEGED CONVERSATION APPEARS TO HAVE SIMILARITIES WITH A SIMILAR CLAIM BY CAUNCE IN CAUNCE'S POLICE WITNESS STATEMENT DATED 7-8-1992, CLAIMED THEREIN BY CAUNCE, THAT 'JARRETT SAID HE WENT TO TRAIN CARRIAGE TO INVESTIGATE A FIRE', EXCEPT THAT SAID CLAIM BY CAUNCE WAS CRIMINALLY FALSE, AS IS THIS SAID CLAIM BY ALLEN ABOUT ~~JARRETT~~ JARRETT ALLEGEDLY SAYING TO DR ALLEN THAT 'HE RAN INTO ~~CARRIE~~ CARRIAGE AFTER JARRETT SAW SMOKE, ETC, ETC, ETC', SO THAT, IT APPEARS THAT SOME PROFESSIONAL PROSECUTION WITNESSES HAVE CREATED FALSE 'EVIDENCE' FOR USE BY CROWN PROSECUTION, AS ABOVE HIGHLIGHTED, AND, THE RESULT HAS EFFECTIVELY CAUSED MY SAID 1993 ARSON TRIAL TO MISCARRY AS A DIRECT ~~■~~ CONSEQUENCE OF FALSE PROSECUTION EVIDENCE WHICH IS IMPROPERLY PURPORTED ~~■~~ <sup>AS</sup> PROSECUTION FACTS, MISREPRESENTED TRIAL EVIDENCE FROM PROSECUTION WITNESSES THAT ~~THAT~~ IS NEW CROWN EVIDENCE (WHICH SIGNIFICANTLY CONFLICTS WITH PRIOR EVIDENCE FROM PROSECUTION RECORDS), CREATING FUNDAMENTAL IRREGULARITIES IN JARRETT'S SAID 1993 ARSON TRIAL WHICH BLEMISH THE CHARACTER OF SAID 1993 TRIAL TO THE EXTENT THAT SAID TRIAL CEASES TO BE A PROPERLY CONDUCTED TRIAL ACCORDING TO LAW'.

QUESTION 27. DOES THE COURT AGREE? YES OR NO.

28. PETITIONER SUBMITS THAT 'DURING JARRETT'S SAID 1993 ARSON TRIAL, WHILE ~~JARE~~ JARRETT WAS GIVING HIS TESTIMONY, TRIAL PROSECUTOR, IN 'XXN OF JARRETT', IMPROPERLY ATTEMPTED TO REINVIGORATE A CRIMINALLY FALSE CLAIM WHICH CAUNCE HAD ALLEGED AS FACTUALLY ACCURATE DURING CAUNCE'S TRIAL TESTIMONY (INITIALLY DURING 'XN TESTIMONY' AS PART OF PROSECUTION EVIDENCE-IN-CHIEF, THEN, INITIALLY DURING 'XXN TESTIMONY', UNTIL CAUNCE WAS CHALLENGED WITH PRIOR INCONSISTENT STATEMENT, TO WHICH CAUNCE

1. RESPONDED BY QUALIFYING CAUNCE'S POLICE WITNESS STATEMENT CLAIMED CONVERSATION VERSION AS THE TRUE ACCOUNT, THEREBY PROVING CAUNCE'S OWN TESTIMONY DURING 'XN', WAS CRIMINALLY FALSE, RE 'CAUNCE CLAIMED JARRETT SAID WENT TO TRAIN CARRIAGE "TO CLEAN IT"', AND, THAT, ALTHOUGH CAUNCE HAD ALREADY TESTIFIED TO THE EFFECT THAT CAUNCE'S INITIAL TESTIMONY RE 'JARRETT SAID "TO CLEAN IT" AS REASON FOR GOING TO TRAIN CARRIAGE', WAS A LIE WHICH CAUNCE HAD ATTEMPTED TO SEED INTO THE MIND OF THE JURORS, ILLEGALLY, IT WAS VIA CAUNCE'S FORMAL QUALIFICATION TOWARDS A DIFFERENT CLAIMED CONVERSATION VERSION, WHICH DISQUALIFIED CAUNCE'S INITIAL TESTIMONY CLAIMED VERSION ("TO CLEAN IT"), AS EVER BEING ACCURATE/TRUE, AND YET, TRIAL PROSECUTOR FRAUDULENTLY TRIED TO ACCUSE JARRETT, NOT ONLY OF 'ACTUALLY SAYING SUCH VERSION OF WHY JARRETT ACTUALLY WENT TO TRAIN CARRIAGE', BUT ALSO, THAT 'JARRETT WAS ATTEMPTING TO LIE TO THE TRIAL JURY BY CLAIMING THAT JARRETT NEVER SAID TO ANYONE THAT HE WENT TO THE CARRIAGE TO CLEAN IT AND THEN WAS ASSAULTED IN THE TRAIN CARRIAGE', AND SO, IT APPEARS TRIAL PROSECUTOR WAS MALICIOUSLY PROSECUTING JARRETT, IN ADDITION TO IMPROPERLY BADGERING JARRETT?

QUESTION 28. DOES THE COURT AGREE? YES OR NO.

20.  IN CONSIDERING THIS POINT, ATTENTION IS DRAWN TO TRIAL TESTIMONY BY JARRETT, TRANSCRIPT OF PROCEEDINGS, XXN TESTIMONY, 'STILL JUST YOUR VERSION WHY YOU TOLD HIM YOU WERE GOING TO CLEAN IT'.
29. PETITIONER SUBMITS THAT 'DURING JARRETT'S SAID 1993 ARSON TRIAL, THE TRIAL PROSECUTOR ALLEGED 'FACTS' THAT WERE NOT IN EVIDENCE, PARTICULARLY IN RELATION TO 'A DISPLACED WINDOW PANEL ON SOUTHERN SIDE OF TRAIN CARRIAGE', AN 'ALLEGED STAGED CRIME SCENE OF WINDOW BREAK-IN', 'BEING ABLE TO PUSH-OUT WINDOW PANEL', 'WHO WAS RESPONSIBLE FOR DISPLACING THE WINDOW PANEL', 'WHEN THE WINDOW PANEL WAS DISPLACED', 'WHY THE WINDOW PANEL WAS DISPLACED', 'HOW THE WINDOW PANEL WAS DISPLACED', 'TRAIN CARRIAGE CRIME SCENE EVIDENCE', AND, THE



1. TRIAL PROSECUTOR ALLEGED 'FACTS' WHICH CONFLICTED WITH CRIME SCENE EVIDENCE, BY MISREPRESENTING THE TRUE STATE OF SPECIFIC CRIME SCENE EVIDENCE, PLUS, THE TRIAL PROSECUTOR RELIED UPON SIGNIFICANT AMOUNT OF ~~THE~~ INADEQUATE FORENSIC TESTING ASSOCIATED WITH THE DISPLACED WINDOW PANEL AND SURFACES IMMEDIATELY SURROUNDING INTERIOR AND EXTERIOR AREAS OF SAME PANEL, AND, DUE TO SUCH LACK OF FORENSIC TESTING, THERE WAS NO EVIDENCE PRESENTED FROM 'PROSECUTION', TO THE TRIAL JURY, TO ESTABLISH THE REQUIRED PHYSICAL FORCE/PHYSICAL PRESSURE NEEDED TO CAUSE ANY OF WINDOW PANELS TO BREAK THEIR ADHESIVE BOND TO WINDOW FRAME, SO THAT, IT WAS NOT LEGITIMATELY 'OPEN' TO THE PROSECUTION TO CLAIM AS 'AN ESTABLISHED FACT' THAT THE DISPLACED WINDOW PANEL WAS "PUSHED OUT" (AS IF TO BE PUSHED OUT BY HAND), AND, DUE TO SUCH LACK OF FORENSIC TESTING, THERE WAS NO EVIDENCE PRESENTED FROM 'PROSECUTION', TO THE TRIAL JURY, TO ESTABLISH IF THERE WAS ANY SMOKE/SOOT PARTICULATE ADHESION TO THE EXTERIOR SURFACE OF THE WINDOW FRAME AREA OR EVEN SAID DISPLACED WINDOW PANEL ITSELF, WHICH WOULD BE EXPECTED TO BE PRESENT IF WINDOW PANEL WAS DISPLACED FOR THE DURATION OF SAID FIRE EVENT, SO THAT, IT WAS NOT LEGITIMATELY 'OPEN' TO THE PROSECUTION TO CLAIM AS 'AN ESTABLISHED FACT' THAT SAID DISPLACED WINDOW PANEL WAS 'DISPLACED/DISLODGED PRIOR TO FIRE BEING LIT', AND, DUE TO SUCH LACK OF FORENSIC TESTING, THERE WAS NO 'LEGITIMATE PROSECUTION EVIDENCE, OR EVEN 'TRUE' PROSECUTION EVIDENCE, PRESENTED FROM 'PROSECUTION', TO THE TRIAL JURY, TO QUALIFIABLY PRESENT THE EVIDENTIARY WEIGHT OF SAID DISPLACED WINDOW PANEL AND ITS WINDOW FRAME EXTERNAL SURFACES (IMMEDIATELY SURROUNDING SAID DISPLACED WINDOW PANEL), AS PURPORTED BY TRIAL PROSECUTOR (WHO 'REPORTED TO TRIAL COURT THAT THE DISPLACED WINDOW PANEL WAS EFFECTIVELY INCULPATORY EVIDENCE, AS PROOF OF GUILT OF ARSON, DUE TO THE MATERIAL FACT THAT NO PERSON COULD HAVE GONE THROUGH WINDOW FRAME OPENING WITHOUT WINDOW PANEL SEALANT BEING COMPLETELY DETACHED/BROKEN, SO THEREFORE THE DISPLACED WINDOW PANEL WAS A
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1. FAKE WINDOW BREAK-IN IN AN ATTEMPT TO MISLEAD POLICE, AND THEREFORE PROOF OF GUILT AGAINST JARRETT'), EVEN THOUGH, THERE DID EXIST WITHIN CRIME SCENE PHOTOGRAPHS, QUALIFIABLY RELIABLE CRIME SCENE MATERIAL EVIDENCE, WHICH, IF HONESTLY REPORTED TO SAID TRIAL COURT, STANDS AS EVIDENTIARY WEIGHTED PROOF, OF AN EXCULPATORY NATURE, IN ITS 'VISUAL REPRESENTATION OF THE TRUE STATE OF SPECIFIC CRIME SCENE EVIDENCE, AS TO IDENTIFY THAT NO SMOKE/SOOT PARTICULATE APPEAR TO BE PRESENT ANYWHERE IMMEDIATELY SURROUNDING EXTERNAL SURFACES AROUND SAID DISPLACED WINDOW PANEL' (REFER TRIAL EXHIBIT P. 3, PHOTOGRAPH 9.), PLUS,
10. 'NOT ONLY DOES ~~THE~~ SAID PHOTOGRAPH 9, PROVIDE VISUAL PROOF THAT NO SOOTING APPEARS AT ALL, ON IMMEDIATE EXTERNAL SURFACES SURROUNDING THE DISPLACED WINDOW PANEL, IT ALSO PROVIDES VISUAL PROOF OF THE ACTUAL ~~THE~~ COLOURS OF SAID EXTERNAL WINDOW SURFACES, INCLUDING THE 'CRISP WHITE' OF WINDOW PANEL SEALANT, ESPECIALLY ON WESTERN EXTERNAL VERTICAL EDGE OF DISPLACED PANEL, AND THE 'CLEAN YELLOW' OF SURROUNDING EXTERNAL WINDOW FRAME (EVEN WITH THE TREE SHADOW EFFECT FROM RIGHT SIDE), THEREFORE, IT WAS NOT LEGITIMATELY 'OPEN' TO THE PROSECUTION TO CLAIM AS 'AN ESTABLISHED FACT' THAT SAID DISPLACED WINDOW PANEL WAS DISLODGED/DISPLACED AS PART OF ANY KIND OF ATTEMPT TO SET UP/TO
20. CREATE, A FALSE CRIME SCENE (A FAKE WINDOW BREAK-IN), AND, UPON PRESENT REVIEW OF THE TRUE STATE OF CRIME SCENE EVIDENCE ASSOCIATED WITH SAID DISPLACED WINDOW PANEL, IT QUALIFIABLY APPEARS THAT SAID WINDOW PANEL WAS NOT DISPLACED UNTIL SOME TIME AFTER MFS ARRIVED ON SCENE, WHICH ALSO MEANS JARRETT COULD NOT HAVE DISPLACED SAID WINDOW PANEL, AND ALSO MEANS THAT THERE WAS NOT ANY TYPE OF FALSE WINDOW BREAK-IN (WHICH IS SIGNIFICANT TOWARDS UNRAVELLING CROWN SCENARIO WHICH TRIAL PROSECUTOR PURPORTED AGAINST JARRETT, EXPLOSIVELY TOO, WHEN QUALIFIABLE CRIME SCENE EVIDENCE STANDS AS PROOF THAT SAID WINDOW PANEL WAS ONLY 'DISLODGED/DISPLACED' AFTER POLICE, AMBULANCE STAFF



1. AND MFS CREW HAD ALREADY ARRIVED ON SCENE, AND, QUITE LIKELY DONE AFTER 5.38AM WHICH MEANS JARRETT WASN'T EVEN ON THE PREMISES WHEN SAID WINDOW PANEL WAS DISPLACED<sup>99</sup>?

QUESTION 29. DOES THE COURT AGREE? YES OR NO.

30. PETITIONER SUBMITS THAT 'JARRETT DID NOT RECEIVE A FAIRLY PROSECUTED 1993 ARSON TRIAL, OR, AN HONESTLY PROSECUTED 1993 ARSON TRIAL, OR, A PROPERLY CONDUCTED 1993 ARSON TRIAL, ACCORDING TO LAW'.

QUESTION 30. DOES THE COURT AGREE? YES OR NO.

10. 31. PETITIONER SUBMITS THAT 'SUFFICIENT GROUNDS AND/OR EVIDENCE EXISTS TO LEGITIMATELY ACQUIT JARRETT OF SAID 1993 ARSON CONVICTION'.

QUESTION 31. DOES THE COURT AGREE? YES OR NO.

32. PETITIONER SUBMITS THAT 'SUFFICIENT REASONABLE DOUBT EXISTS ABOUT THE ALLEGED GUILT OF JARRETT TOWARDS THE 10-1-1991 FIRE EVENT, AND THEREFORE IT CANNOT BE 'OPEN' TO THE COURT, TO PERMIT JARRETT'S 1993 ARSON CONVICTION TO REMAIN WITHIN OFFICIAL COURT RECORDS, AND SO, IT IS THE RESPONSIBILITY OF THE COURT TO INTERFERE WITH SAID 1993 ARSON CONVICTION, AND, IN SO ACTING, OVERTURN JARRETT'S SAID ARSON CONVICTION'.

QUESTION 32. DOES THE COURT AGREE? YES OR NO.

20. 33. PETITIONER SUBMITS THAT 'JARRETT'S 1993 ARSON CONVICTION IS UNFAIRLY AND UNREASONABLY CONSEQUENTIAL TO THE TOTALITY OF THE ACTS OF THOSE CONCERNED ON BEHALF OF THE CROWN, IN THE PREPARATION AND CONDUCT OF THE PROSECUTION WHICH EFFECTIVELY OPERATED UNFAIRLY/~~■~~ IMPROPERLY AGAINST JARRETT'.

QUESTION 33. DOES THE COURT AGREE? YES OR NO.

34. PETITIONER SUBMITS THAT 'SAID POLICE RECORD OF INTERVIEW OF JARRETT, DATED 31-7-1992, SHOULD NOT HAVE BEEN ADMITTED INTO TRIAL EVIDENCE, AS IT EFFECTIVELY ENABLED CROWN PROSECUTOR TO USE AND RELY ON UNLAWFULLY OBTAINED 'EVIDENCE/INFORMATION', DURING TRIAL PRESENTATION OF CASE FOR THE PROSECUTION'.

1. QUESTION 34. DOES THE COURT AGREE? YES OR NO.

IN DETERMINING ~~'ANSERS'~~ 'ANSWERS' TO THE ABOVE FORMAL QUESTIONS, THE COURT MAY DEEM SAID QUESTIONS TO BE COMPOUND-QUESTIONS, SO THAT A SINGLE YES OR NO ANSWER IS NOT ACCURATE, IN WHICH CASE, IT WOULD BE APPROPRIATE TO ~~DIVIDE~~ DIVIDE RESPECTIVE QUESTIONS ACCORDINGLY, SO THAT EACH SAID FORMAL QUESTION HAS A COMPLETE 'ANSWER' ANCHORED TO IT.

10,

I EAGERLY AWAIT YOUR REPLY TO THIS PETITION, AT YOUR EARLIEST CONVENIENCE

RESPECTFULLY



20.

DAVID P JARRETT

22-1-2019

PS: ADDITIONAL DOCUMENTS ATTACHED

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