

Note: **(K)**: Ref to: page 00124 ESR Case Summery: Pathology report: (4cm BLACK TELOGEN Hair with ROOT No ASC15546/63.

Note: **(L)**: Ref (B): Merit New Evidence. Item **(3)**. 4cm black Hair with ROOT. (the Appellant D.O.B. (19.3.53) HAIR COLOUR "GREY".

Note: **(M)**: ref To Page 00154 ESR Case Summery Description Finger Nail Clippings and Hair. ESR Sample No ASC15546/62.

**(MERIT DNA RESULTS NOT DISCLOSED AT TRIAL)**

Item: **16/**. Page (298) Evidence on Oath By Mr. Bary Smith ( Police Finger Print Expert).

Item: **17/**. Page (308). Para **(5)**. Knife and Meat cleaver (Murder Weapons). Para **(10)**. (NO IDENTIFIABLE FINGER PRINTS AT ALL ON IT!! Para **(30)**. The outcome of the KNIFE.)!!!

Item: **18/**. Page (309) Para **(30)** (NO IDENTIFIABLE FINGER PRINTS ON IT)!!!

Note: **(N)**: Item **(7) (8)** Minute Justice Whata j Page **(40)** ("TWO" UNIDENTIFIED FINGER PRINTS ON BOTH MURDER WEAPONS)

Note: **(O)**: Ref To page **(40)** para **(13)** Sub para **(b) (c)**... And ref To: ESR Case Summery Page 03230 ESR Sample DNA Profile results ASC15546/54. 55/. 56/. 57/. 17/.

Item: **19/**: Page (1) Re. Memorandum of Council for the appellant date (1.11.18)

Item: **20/**: Page (6). Submissions Para **(16)** Mr. Ballantynes Appeal It is not just WEAK (It is Anorexic to the Point of being Futile) Signed Mr. J. Temm (Solicitor).

Note: **(P)**: Mr. J. Temm was appointed by the Appeal court to Assist the Appellant ( Amicus Curaie).



Note: **(Q)**: Mr. J. Temm has been in possession of three large boxes of the Defence discloser transcripts passed to him be M. C. Tennet QC in early August 2018) (Which also includes all transcripts of New Evidence passed to the Appeal court in the above document and E-mails dated (20.2.19) (10.3.19) (13.3.18) (20.3.18) as Legal Submissions of Merit New Evidence to support Innocence.

To date I have not received one item of legally requested transcripts form Crown law as per My E-mail Dated (10.3.19).

I Respectfully ask the Appeal Court (Under Urgency) (Date Appeal commenced) (7.7.17) To Please request the Crown to comply with my Lawfully entitled official request and that all transcripts be sent directly and personally to my- self at Miro Unit Waikeria Prison.

Sincerely yours

Anthony Ballantyne

*Anthony Ballantyne*  
  
  
*5th July 2019*

Page 3 of 3. And Attachments are stated as TRUE and Not Misleading.

*Michael A.H. Williams JP*  
 #95175  
 TE AWAMUTU  
 Justice of the Peace for New Zealand

Legal Aid Services  
Ministry Of Justice  
DDI: 044729924 Ext 64314

8. 5. 2019

Attention: Ms. Katrina Ashford.  
: Grants officer.

Ref: **MERIT**: Fresh DNA Evidence.

Re: Anthony Ballantyne. 17813383.

Attached:

Copy: Her Hon Justice French J Minute Date (30.5.19) APPEAL GRANTED: Hearing September 2019. Page 2. Of 2.

Copy: Legal Submissions (Fresh DNA Evidence) Date (20.2.2019) Pages 11. Of 11.  
Note: Item: (E). **DNA Profile Test Results.**

Additional Evidence:

(1). Minutes Justice Whata J Date (20. August 2016)  
Note: Item: Page 40 Para 16. Sub Para (a) **(TWO UNIDENTIFIED FINGER PRINTS ON BOTH MURDER WEAPONS)**. Page 3. Of 3.

(2). Police Discloser Number 03034 E-Mail Date (10. Feb 15) From Mr. Rian Morgan-Smith ESR Scientist in charge re: Operation Tiger.  
Note: **MISSING HAIRS (VITAL EVIDENCE) .. DO NOT RECORD!! CAUSE AN ISSUE IN COURT.**

(3). The Forensic report No 15022.PE Page 5. Of 5.  
Note: Page 3. Of 5. **(Could be caused by a blood stained BOOT)**. Both The Appellant and the Deceased had BARE FEET!!

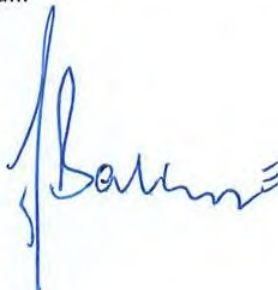
All the above Evidence of innocents **was "not lawfully" disclosed** at trial Date (2 May 2016).

Ref: To Legal Aid Services "with-draw" Legal Funding Support, on the recommendation of Ms. S. K. Green QC (No Fresh DNA Evidence) (Hair ROOT) and Mr. C. Tennet QC (I concur) (NO MERIT). Mid 2018. Re: "NOT In the Interest of Justice."

With Respect I Anthony Ballantyne (19. 3. 53) Lawfully, request, The Legal Aid Services Commission to reconsider my Legal Right and entitlements to Support (Funding to provide Legal Assistance at the Appeal Hearing), UNDER URGENCY!  
And Please provide me with a list of COMPETANT Lawyers and a details Re: Funding entitlements. By return E-Mail & Mail.

Sincerely Yours

Anthony Ballantyne.



Legal Aid Services  
Ministry Of Justice

20. 5. 2019

Attention: Senor Case Supervisor.

Ref: Anthony Ballantyne Case No: 17813383

Re: As File Noted, Date (2018) I Officially submitted a Legal Complaint Against Mr. Chris Tennet QC, To: The Legal Service Commission in Ref To: False and Misleading Legal Transcripts and Criminal Organization with-in the NZ Justice System.  
On Review: Legal Aid dismissed my complaint on the grounds of NO Substance!!

I Know Ref: legal Services Commission to my E-Mails sent Date (8.5.2019) Re: Fresh DNA Evidence of Innocents.

As Recorded (File Noted) No 17813383 Ms. S.K. Green submitted legal transcripts to Legal Aid in Ref: As To a Review as to the Merit for Mr. Anthony Ballantyne Appeal No CA138/2017.

Ms. S. K. Green Stated "NO MERIT" "NO FRESH DNA EVIDENCE" The Forensic Group Ltd, and my-self viewed the Pathology report re Hair and Finger-Nail Clipping, "NO HAIR ROOT ATTACHED"! "Due to a conflict of Interest I request to with-draw as Mr. Ballantynes. Legal Representative, bases on Mr. A. Ballantyne stating his guilt to me.  
As Merit Ms. S.K. Green produced a hand written letter to her from Mr. A. Ballantyne Stating " Justice Brewer" I Believe that the Jury got it right!  
Ms. S. K. Green unlawfully removed the Word "STATED" that was written besides the word Justice Brewer.. Note: It is still evident that part of the "S" from the word "Stated" is still clearly visible on that document and the words that follow are from His Hon Justice Brewer summing up at trial.

In Addition: Ms. S. K. Green QC has Presented the Appeal Court as Legal Submissions a Copy of all on Oath Statements of all Witnesses given at Trial Date (2.May 2016)  
Note: Mr. Tomass Sutcliffe Closing statements has been unlawfully Altered and the opening words.. Mr. Ballantyne Fully Acknowledges and Excepts that he was wrong about Mr. Daniele Heaney and Mr. Graham Dowling. "Are Missing"  
Note: That Statements was made by Mr. Sutcliffe WITH-OUT the Legal Consent of the Appellant!!

Mr. Chris Tennet QC "as File Noted" also stated "NO MERIT" "I Concur with Ms. S.K. Green and her Legal Secretary NO FRESH DNA evidence".  
Mr. C. Tennet QC also provided Legal aid with a copy of a Legal Memorandum submitted to the Appeal Court, Stating "NO Fresh DNA Evidence" etc. "One Stay Black Hair located on the finger of the Deceased, Already an issue at Trial and a Re-test would be not provide viable results, Mr. C. Tennet QC also provided transcripts from Mr. R. Morgan-Smith the ESR Scientist in Charge of Operation Tiger and Mr. Peter Hikaka P. I. supporting NO Fresh Evidence.



Mr. C. Tennet QC also provided a Legal Documents to Legal Aid, Ref TO: Martelli V The Legal Services Commission Right to Appeal " NO Merit" as a Legal Precedent!! To justify his and Ms. S.K. Green recommendation to Legal Aid to With-Draw Support to Mr. A. Ballantyne for his Appeal " Not in the Interest of Justice"

As File Noted I Presented Documented Evidence to legal Aid Date (2018) that the Martello V Legal Aid Appeal was "APROVED" and that Mr. C. Tennet QC had unlawfully Altered that Legal Transcript.

Note: The Evidence that I provided to legal Aid was Presented to me in person by Mr. Tod Martello Himself and can be verified from Court Records!!

In Addition: Mr. C. Tennet QC Has also Presented to The Appeal Court as Legal Submissions re: a Copy Of The Minutes of Justice Brewer, Justice Whata etc.

Note: That Legal Documents has also been unlawfully Altered and the Bail Hearing Transcripts from, The High Court Of Hamilton Date (15.2.2015) have been Omitted.

Note: To Hide the Statements Made By Mr. Elmo Douch. Crown Law, (That Mr. Ballantyne Bloody Finger Prints were located at His Kitchen Sink which held the Meat Cleaver Murder Weapon)!! Resulting In NO Bail.

"Forensics Prove" That was NOT a FACTUAL Statement!!

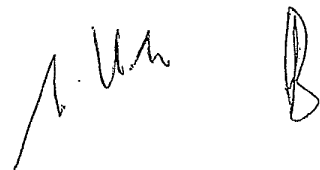
As all the Current Fresh DNA Evidence presented to the Appeal Court Date ( 20. 2. 2019 ) and Legal Aid Date ( 8. 5. 2019 ) Originated from the Defence Copy of the ESR Case Summery Report Date Completed ( 1. 9. 2015 ) and presented to the Crown and Defence Mr. Tomass Sutcliffe QC Date ( 7. 9. 2015 ) and was then Passed onto Ms. S.K. Green QC by my Solicitor Ms. Brigid Ward Solicitor "Gilliertiveson" Date ( 3. 8. 2017 ) " Fully Reviewed by Ms. S. K. Green Q C Re: New Fresh Evidence to warrant an Appeal! And then Passed onto Mr. C. Tennet QC Date ( November 2017 ) also Fully Reviewed to confirm Ms. S. K. Green QC finding NO Merit and report to Legal Aid Note: Letter Date ( 26. Feb 2017 ) "I Concur NO New Evidence"

In Reference to my legal Complain To: A Criminal organization with-in the NZ Justice system. Mr. C. Tennet QC reply to Legal Aid was " and Organization has to be more than one person to Collude to commit an Unlawful Act.

Had Mr. T. Sutcliffe Lawfully Presented all the Above Evidence of Innocence at Trial Date (2. May 2016) that Evidence would have been "Highly Prohibitive" of a Guilty Verdict and No Legal Requirements For an Appeal would there for be Needed!!

As Mr. Tomas Sutcliffe QC Ms. S. K. Green QC and Mr. C. Tennet QC have all Misused there Authority to Defraud legal Aid by submitted legal Invoices for payments to receive Large Sums of money (In Excess of 100,000 K) for work rendered on behalf of The Legal Aid Services Commission In Relation to Anthony Ballantyne V The Queen and CA438/2017.

Mr. Tomas Sutcliffe QC did not Lawfully disclose to the High Court Of Hamilton, "Trial" Date ( 2. May. 2016 ) Evidence of Mr. A. Ballantyne Innocents Provided to Him Date ( 7. 9. 2015 ) By the NZ Police as Discloser Re: The ESR Case Summery Report.

Handwritten signature and initials, possibly 'M. W.' and 'B'.

Evidence also exists that Mr. T. Sutcliffe QC with Prior knowledge of Two unidentified Finger Prints on Both Murder Weapons Note: Minute Justice Whata Date (20. Aug 2015) Page 40 Para 16 Sub para (a).. did not take Mr. Barry Smith "Police Finger Print Expert to Task for Perjury on oath when Mr. B. Smith stated on Oath under cross examination by Crown Law " Mr. Elmo Douch QC, that there were "NO" Finger-Prints on either of the Two Murder Weapons.

Nor Did Mr. T. Sutcliffe take Mr. Rian Morgan-Smith to Task for Perjury on Oath when under cross examination by Mr. Sutcliffe QC In Ref To: The 4CM Black Hair located under the Deceased Right Finger-Nails was not Tested and Mr. R. Morgan-Smith stated "NO HAIR ROOT ATTACHED"!

Note: Ref To the E-Mail sent to Legal Aid Date (8.5.19) ESR Page (00124) Pathology Report ASC15546: 4 CM Dark Brown/Black Hair with a Telogen HAIR ROOT attached in a Blood Flake Material.

Note: I Have also Contacted the Independent Police Conduct Authority in Respect to a Number of Police that have committed Perjury at my Trial (Copy Attached).

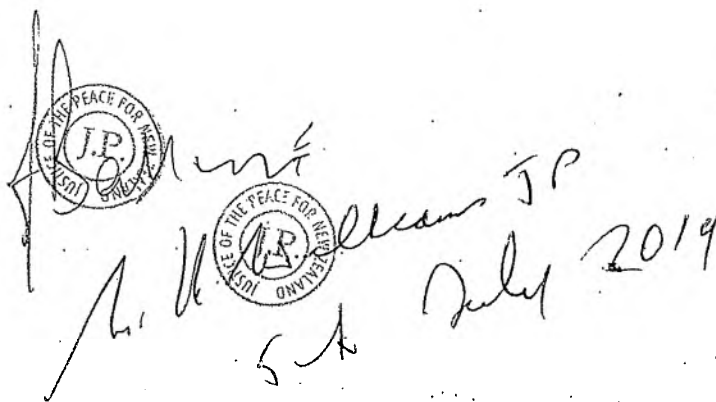
Copies of all E-mails have been sent to The Ombudsman. The Human Right Commissioner, The Privacy Commissioner and To A Media Organization who are Currently undertaking Expo into My New Green Energy Technology Invention and False Incarceration.

It Is the Legal Obligation Of The Legal Services Commission to Lay Criminal Charges against The Above QC For criminal acts unlawfully perpetrated against Legal Aid and to Sue for reimbursements of Funds illegally Obtained.

As My Current s Situation Still Requires a Legal Process to be adhered to before my release (Under URGENCY) can Legal Aid Please Review My case for Legal Assistances and Funding, Thank You.

Your Sincerely

Anthony Ballantyne



Michael A.H. Williams, JP  
#95175  
TE AWAMUTU  
Justice of the Peace for New Zealand

Michael A.H. Williams, JP  
#95175  
TE AWAMUTU  
Justice of the Peace for New Zealand

**Fines Summary - Active**

, PRN  
, Born 01-JAN-0001

Earliest outstanding fine imposed  
Time payment arrears  
Next payment due

	Total	Fines	Reparation	Enf. Fees + Costs
Imposed				\$0.00
Outstanding				\$0.00

**Active Enforcements + Costs**

Enforcement Type	Status	Amount Issued
------------------	--------	---------------

**Total Outstanding Summarised by Offence**

Offence	No of Offences	Max. Length	Unpaid
---------	----------------	-------------	--------

Document given to me by Correction's  
to show "NO COURT DEPT" on my file!  
From \$148 K TO 0!



on behalf of the Legal Services Commissioner

15 May 2019

Antony Ballantyne  
Private Bag 2400  
Te Awamutu 3840

For enquiries: Arie Boer  
Tel: 0800 2 LEGAL AID (0800 253 425)  
Email: WGNCRiminallegalaid@justice.govt.nz

Legal aid number	17813383
Your case	Conviction Criminal

Dear Antony Ballantyne,

We acknowledge receipt of your letter dated 8/5/19, which was received at our office on 8/5/19 referring to this grant (17813383).

You request that Legal Aid reconsider "...my Legal Right and entitlements to Support (Funding to provide Legal Assistance at the Appeal Hearing)".

As you are aware, our letter of 21/5/18 confirmed that legal aid was withdrawn for this matter.

Section 51 of the Legal Services Act 2011 details the provisions for reconsideration. Section 51(3) of the Legal Services Act states:

The Commissioner may accept a late application no later than 3 months after the date on which notice of the relevant decision was given to the person if the Commissioner is satisfied that exceptional circumstances prevented the application from being made within 20 working days after the date on which notice was given.

Therefore, your request (falling outside the legislative timeframe) cannot be considered.

Yours sincerely,

*Ian Trim*

Ian Trim  
Grants Officer

Wellington Office

All correspondence to WGNCRiminallegalaid@justice.govt.nz / or by post to Wellington Legal Aid Office, DX SX10146, Wellington. Tel: 0800 2 LEGAL AID (0800 253 425) www.justice.govt.nz



Page 1/1

Wellington Legal Aid Office, DX SX10146, Wellington. Tel: 0800 2 LEGAL



COURT OF APPEAL OF NEW ZEALAND  
TE KŌTI PĪRA O AOTEAROA

17 June 2019

Antony Ballantyne  
Waikeria Prison  
Private Bag 2400  
Te Awamutu 3840

COPY RECEIVED BY CARRIER POST  
DATE (27. Aug. 2019) FROM THE  
APPEAL COURT.

MIRO UNIT: WAIKERIA PRISON

Dear Mr Ballantyne,

FILE NOTED & SIGNED FOR.

CA438/2017 Antony BALLANTYNE v The Queen

Justice Harrison of the Court has considered the preliminary case on appeal in the above case and has directed as follows: Suitable for oral hearing before a Divisional Court.

**Notice of Fixture**

A fixture date has been allocated for the hearing of your appeal against Conviction on **Monday 23 September 2019**. This matter will be heard in the Divisional Court, at the Court of Appeal and High Court Hearing Centre, Level 11, 280 Queen Street, **Auckland**. Three Judges will preside. Please note that all hearings at the Court of Appeal are recorded. It is not the Court's standard practice to transcribe these recordings.

The Court sits between the hours of 10:00am and 4:00pm. Closer to the hearing date you will be advised of the allocated hearing time. One hour and 30 minutes have been estimated for the hearing of this matter. This estimate will take into consideration your 6 week letter response and may be subject to amendment by the Court.

Any written submissions in support of your appeal will need to be filed on or before **Monday 2 September 2019**. Four hard copies are required to be filed with the Court in Wellington. If filing your submissions electronically, only one hard copy of your submissions is required. Please file any electronic versions by email to [courtofappeal@justice.govt.nz](mailto:courtofappeal@justice.govt.nz). You must also file a copy of your submissions with the Crown Law Office in Wellington.

Please direct any queries to **Deborah Wyatt**. A copy of this letter is being sent to the Crown.

Yours sincerely,

Richard McKenna  
Judicial Resource Manager / Deputy Registrar

UNLAWFULLY BACK DATEING MY  
LEGAL RIGHT OF APPEAL COURT  
SUBMISSIONS





ORIGINAL  
OFFENDER COPY



COURT OF APPEAL OF NEW ZEALAND  
TE KŌTI PĪRA O AOTEARŌA

19 July 2019

Antony Ballantyne  
Waikeria Prison  
Private Bag 2400  
Te Awamutu 3840

Dear Mr Ballantyne,

CA438/2017 Antony BALLANTYNE v The Queen

Justice Harrison of the Court has considered the preliminary case on appeal in the above case and has directed as follows: Suitable for oral hearing before a Divisional Court.

**Notice of Fixture - Corrected**

A fixture date has been allocated for the hearing of your appeal against Conviction on **Monday 23 September 2019**. This matter will be heard in the Divisional Court, at the Auckland High Court, Corner Waterloo Quadrant & Parliament Street, **Auckland**. Three Judges will preside. Please note that all hearings at the Court of Appeal are recorded. It is not the Court's standard practice to transcribe these recordings.

The Court sits between the hours of 10:00am and 4:00pm. Closer to the hearing date you will be advised of the allocated hearing time. One day has been allocated for the hearing of this matter. This estimate may be subject to amendment by the Court.

Any written submissions in support of your appeal will need to be filed before **Thursday 1 August 2019**. Four hard copies are required to be filed with the Court in Wellington. If filing your submissions electronically, only one hard copy of your submissions is required. Please file any electronic versions by email to [courtofappeal@justice.govt.nz](mailto:courtofappeal@justice.govt.nz). You must also file a copy of your submissions with the Crown Law Office in Wellington.

The Crown will file and serve its submissions in the **week of 26 August 2019**.

Please direct any queries to **Deborah Wyatt**. A copy of this letter is being sent to the Crown.

Yours sincerely,

  
Richard McKenna  
Judicial Resource Manager / Deputy Registrar



# Miro Unit

On 27-8-19 prisoner <sup>ANTHONY</sup> BANANTYNE was issued with paperwork from the following People/Agencies

CROWN LAW OFFICE Ref# \_\_\_\_\_

COURT OF APPEAL Ref# \_\_\_\_\_

\_\_\_\_\_ Ref# \_\_\_\_\_

\_\_\_\_\_ Ref# \_\_\_\_\_

\_\_\_\_\_ Ref# \_\_\_\_\_

\_\_\_\_\_ Ref# \_\_\_\_\_

\_\_\_\_\_ Ref# \_\_\_\_\_

Banantyne Ref# \_\_\_\_\_

Prisoner signed Banantyne date 27-8-19

Issuing staff signed \_\_\_\_\_ date \_\_\_\_\_

PCO signed Loggoff 365 date 27-8-19

This form to be retained in prisoner file

61 Double sided documents in total, RE CROWN AND A COURIER PACK CONTAINING A LETTER FROM THE APPEAL COURT DATED (19 JULY 2019)

CUSTOMER TRACK-IT PORTION  
Product - Ticket Number  
E11 - 26510430  
nzcouriers.co.nz



11. Form accepted on 30 August 2019  
G.R.C. King, JP  
#14096

**JULY 2019**  
 s m t w t f s  
 01 02 03 04 05 06  
 07 08 09 10 11 12 13  
 14 15 16 17 18 19 20  
 21 22 23 24 25 26 27  
 28 29 30 31

**SEPTEMBER 2019**  
 s m t w t f s  
 01 02 03 04 05 06 07  
 08 09 10 11 12 13 14  
 15 16 17 18 19 20 21  
 22 23 24 25 26 27 28  
 29 30



# August 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
04 The Lord is good. Lamentations 3:25	05 He knows those who trust Him. Nahum 1:7	06 There is no God like You. 1 Kings 8:23	07 My God is my rock in whom I take refuge. 2 Samuel 22:3	08 The Lord turns my darkness into light. 2 Samuel 22:29	09 God ... makes my way perfect. 2 Samuel 22:33	10 The battle is not yours but God's. 2 Chronicles 20:15
11 I will give thanks unto you. 2 Samuel 22:50	12 Be still and know that I am God. Psalm 46:10	13 No condemnation for those ... in Christ Jesus. Romans 8:1	14 The ways of the Lord are right. Psalm 105:42	15 Give your servant a discerning heart. 1 Kings 3:9	16 He that does good is of God. 1 John 2:9	17 Remember your creator. Ecclesiastes 12:1
18 Giving thanks unto the Lord. Ezra 3:11	19 The Lord ... made them rejoice. 2 Chronicles 20:27	20 Stop and consider God's wonders. Job 37:14	21 Do not be quick with your mouth. Ecclesiastes 5:2	22 We will remember your love. Song of Solomon 1:4	23 God has not forsaken us. Ezra 9:9	24 Lord ... you are righteous. Ezra 9:15
25 You are my lamp O Lord. 2 Samuel 22:29	26 With Him is strength and wisdom. Job 12:16	27 Remember the Lord who is great. Nehemiah 4:14	28 God is my strength. 2 Samuel 22:33	29 Love is strong. Song of Solomon 8:7	30 My distress I called to the Lord. Nehemiah 12:7	31 You are a ... merciful God. Nehemiah 9:31

*Handwritten notes in blue ink:*

- Monday 26: *NOTHING TO DO?*
- Tuesday 27: *LET ME BE KNOWN*
- Wednesday 27: *27*
- Thursday 26: *26*
- Friday 27: *27*
- Friday 30: *27*
- Saturday 24: *24*
- Various circled numbers (12, 13, 14, 15, 27, 28, 29, 30) and scribbles.

Att: S.C.O Roger Viles / CARLA. 26-1-20

RE: LEGAL E-MAILS : COLOR "RED FLAG" PLEASE

REF: ANTHONY BALLANTYNE : APPELLANT CA 438/2017  
EXTENSION GRANTED DATE (28-NOV-2019)

SUBJECT: Police; Perjury, COLLUSION, COVER UP.  
RE: OPERATION TIGER; A. BALLANTYNE.

TO: pan.law@xtra.co.nz : DC

& C/C TO: andrew.coster@police.govt.nz

: kelvin.davis@ministers.govt.nz

: CeriW@jaws.co.nz : lawyer

: jwake@northendlaw.co.nz : " "

: anna.leask@nzme.co.nz : " "

: bwest.ltd@gmail.com : LEGAL ASSISTANT

: tai.ballantyne@gmail.com : SON

: jaysalvadorballantyne86@gmail.com : "

: home@rossaccounting.co.nz : LEGAL

: manohanaluminium@gmail.com : supporter.

PAGE 5 (52)

THANK YOU.

KIND REGARDS : Copy, Receipt SENT, RECEIVED

ANTHONY BALLANTYNE

THE NZ Police



11-1-20

Att: MR. ANDREW Coster .

Superintendent. ; NZ Police Commissioner

Ref: OPERATION Tiger: ANTHONY BALLANTYNE.  
42581582.

RE: EVIDENCE of: PERJURY: COLLUSION: COVER UP.

(1): NZ Police Report: Pol 258 11/12 DATE (24.3.15)  
RE: 2 UNIDENTIFIED FINGER PRINTS: KNIFE: MEAT-  
CLEAVER: MURDER WEAPONS.

(2): FORMAL STATEMENT DATE (13.4.16) BARRY SMITH  
RE: UNIDENTIFIED FINGER PRINTS  
NOTE: NOT SIGNED OR NOTORISED.

(3): PAGE (36) (40) JUDGMENT OF WHATA J (20-AUG.15)  
RE: PARA (13) SUB PARA (a) (b) (c)  
NOTE: COPY DEFENCE AND CROWN.

(4): ON OATA STATEMENT: BARRY SMITH  
RE: PAGE. (308) (309) PARA (5) (10) (30)  
NOTE: KNIFE, MEAT CLEAVER: NO PRINTS "CLEAN"

(5): JOBSHEET: GRAHAM DOWLING  
RE: NO COMPUTA ACTIVITY: DAY: NIGHT OF MURDER.

(6): PHOTO: MR. GRAHAM DOWLING.

(7): 8. 9. 10. PHONE RECORDS: GRAHAM DOWLING  
NOTE: COMPUTA RECORD ITEM (8) (9).  
: NO 83083210 RANG 11 TIMES

(11): JOBSHEET 15.30 (3.2.15) GRAHAM DOWLING  
NOTE: RE VISIT 2 WEEKS AGO  
: TRUTH IT WAS 7 MONTH Prio TO (2.2.15)

**Rian Morgan-Smith**

**From:** Rian Morgan-Smith  
**Sent:** Tuesday, 10 February 2015 9:26 a.m.  
**To:** 'BROWNLIE, Richelle'  
**Subject:** RE: ASC15546 - Operation Tiger - ESR Scene sample list  
**Attachments:** ASC15 556 Op Tiger ESR scene sketches.pdf

COPY

Richelle,

No problem, I have scanned some of the sketches in and attached them. Might not have one or two (eg missing nail on meat cleaver) but they are nearly all there.

And in general practice there is no real need for you to record where my samples come from. That's what my notes are for.

Regards  
 Rian

UNLAWFULLY ALTERED!

**From:** BROWNLIE, Richelle [mailto:Richelle.Brownlie@police.govt.nz]  
**Sent:** Saturday, 7 February 2015 11:44 a.m.  
**To:** Rian Morgan-Smith  
**Subject:** RE: ASC15546 - Operation Tiger - ESR Scene sample list

Hi Rian

Thank you for the sample list, I have forwarded it to D/S/S Pitkethley and understand that we will make a decision about what we need tested on Tuesday (10 Feb) next week.

D/S/S Pitkethley has asked that I plot the obtained samples on my scene diagram. Are you able to send me a copy of your diagram or can I please organise a time to meet up with you so that can be done?

Thank you and speak to you soon.

Richelle BROWNLIE  
 Detective RBJ103  
 Thames CIB

M: 021 190 4013



**From:** Rian Morgan-Smith [mailto:Rian.Morgan-Smith@esr.cri.nz]  
**Sent:** Thursday, 5 February 2015 09:12  
**To:** BROWNLIE, Richelle  
**Cc:** PITKETHLEY, Graham  
**Subject:** FW: ASC15546 - Operation Tiger - ESR Scene sample list

Rochelle

B  
 AUK



**Recommendation**

**Imprisonment**

Sentence Comment

Release conditions to be determined by the New Zealand Parole Board

S K GREEN QC REMOVED THE WORD "STATED"  
TO MAKE IT APPEAR TO LEGAL AID THAT I HAD  
AGREED THE JURY'S  
DISISION!

Judge Brewer ←

I HAVE NO DOUGHT THAT THE JURY  
REACHED THE RIGHT DISISION

He speculated I KILLED WAI OVER A DISAGREE-  
ON MY PERPETUAL MOTION INVENTION

TRUE & NOT MISLEADING

Ballantyne

The Appeal Court  
54 Molesworth St  
Wellington

20.2.2019

RE: CA438/2017. Anthony Ballantyne. V The Queen.

Attention: To: Her Hon Justice FRENCH J.  
And To: Crown Law: Ms K. Grau : Ms K. Growl.  
And To: Case Manager: CA438/2017

C/C To: Mr. Arthur W. Taylor. And Associates.  
: Solicitor General: Ms. U. Jagose

If it pleases the Courts: To except Submissions On.

Re: FRESH EVIDENCE.

(A) Nuclei DNA Profile.

(B) Toxicology Profile.

Ref To: Operation Tiger.  
The Deceased: Mr. I Kapluggin.  
The Appellant: Mr. Anthony Ballantyne.

Note: (1).

Trial Date (2.May. 2016) The High Court of Hamilton.  
(CRI – 2015 – 019 -1150 Ballantyne V The Queen NCHC 1981)

Ref: Merit Attachments.

- (A) ESR Case Summery Report. Page: 00001
- (B) ESR Case Summery ( Pathology Report ) Page: 00124
- (C) ESR Case Summery ( Pathology Report ) Page: 00138
- (D) ESR Case Summery ( Forensic Samples Identification No ) Page: 00154
- (E) ESR Case Summery ( DNA Profile Results ) Page: 03230
- (F) Minute of His Hon Justice Whata J. Page 40.

Note: (2).

The Defence (Mr. Tomas Sutcliffe) Copy of the ESR Case Summery Repot Document.

Presented, as evidence to the appeal Court by Mr. Jonathan Temm QC.

*Handwritten initials/signature in blue ink.*



Note: (3)

Minutes of His Hon Justice Brewer: Justice Moore: Justice Wylie: and His Hon Justice Whata J. Presented, as evidence to the appeal Court by Mr. Chris Tennet QC

Ref To: Merit Attachment.

- (A). ESR Case Summery ( Page 00001. ) Pathology Report.  
Operation TIGER: Laboratory Ref Number ASC15556:  
Total Page (214)  
Date Completed (Signed) (01-09-15)

Ref To: Merit Attachment.

- (B). ESR Case Summery Page 00124 ( Pathology Report )

- (1) ESR Laboratory Number Ref ASC15546/62
- (2) Pathologist Dr. Fintan Garavan.
- (3) Date Started and Completed (5.3.15)
- (4) Date Forensic samples sent to the Police (4.2.15) Hair and Fingernail Clippings.
- (5) Description: Hand written by Dr. F. Garavan. 3 x hair 2 Fragments.

(DARK BROWN/BLACK. HAIR **ROOT** ENCASED IN A BLOOD FLAKE 4Cm)

Appeal Merit.

- (6) The Existence of the HAIR **ROOT** and BLOOD **FLAKE** (Not lawfully Disclose at Trial ).
- (7) Nuclei DNA Profile of HAIR **ROOT** and BLOOD **FLAKE** ( Not lawfully Disclose at trial ).
- (8) Comparison DNA Profile of HAIR **ROOT** and BLOOD **FLAKE** Material ( Not lawfully Disclosed at trial ).

Note (4). :Blood Does not Flake! ( Blood "CONGEALS" )

: Epidermis. ( Outer Layer of "SKIN" ) Dries and "**FLAKES**

A. U.S. B

Note (5).

**Ref To:** Notes of Evidence Taken Before His Hon Justice Brewer and the Jury of 12 (2.May.2016)

Presented: to the Appeal Court as evidence By: Ms. S. K. Green QC.

**Ref To:** Mr. Rian Kier Morgan-Smith on oath Statement: Page (small page no) 209 Para (15)..... BOTH Mr. Tomas Sutcliffe (Defence Lawyer) and Mr Rian Morgan-Smith ESR Scientist, (In Charge of Operation Tiger), STATE KNOWLAGEMENT, of the BLACK 4 Cm Hair ( Located under the Deceased **Right Hand** Finger Nails ).

Ref To: Merit Attachment.

**(C)** :ESR Case Summery ( Page 00138 ) Pathology Report.

- (1) ESR Laboratory Number ASC15546/63
- (2) Description : Fingernail Clipping and hair : SEVERAL hairs COLOR BLACK/DARK BROWN and Colourless : Some have BLOOD FLAKE Ad levy.

**Appeal Merit.**

- (3) Existence and Total Number of DARK BROWN/BLACK Hairs located under the Deceased Finger Nails ( Several "6" or More ) (Not Lawfully Disclosed at Trial).
- (4) DNA Profile and Comparison Profile of Blood FLAKE Material ( Not Lawfully Disclosed at Trial )

Ref To Merit Attachment.

**(D)** ESR Case Summery: ( Page 00154 ) ESR Sample numbers, and Description.

- (1) Client Sample No: ESR Sample Red No: Description.
- (2) DATE Received (12 Feb 2015 ) Ms. C. Kegan

Note (7).

**(A)** ESR Sample No ASC15546/54 : /55 : /56 : /57 ( Murder Weapon ) Knife.

*Handwritten signatures and initials:*  
A signature that appears to be "M. Morgan-Smith" and a large letter "B".

The Criminal Case Review Commission  
P O Box 9168 Hamilton.

6. September. 2022

Attention: Ms. Mutsa. Case Review (Triage) Adviser Officer.

Ref: Anthony Ballantyne C/N 0198

Update: (FRESH) Evidence Not lawfully disclose at Trial Date: 2. August. 2016

Re: Mr. Graham Joseph Dowling: Person of Interest.

(1). Ref: Police Statement by Detective Chis Smith Date: 4.2.15 .Re: Mr. G. J. Dowling. Operation Tiger, Page: Ref: 29 11/97. When questioned had you any computer activity when, he had woken after midnight Date: 3.2.15. (Date: & approx. time of death of I. Kapplugins: Between 11am 2.2.15 & 1am 3.2.15).

Mr. G.J. Dowling stated: HE ADVISES THAT **HE DID NOT**.

Note: (a). Police Phone Records 2016329462 Op Tiger: Cellular Trace for 0274948695 Mr. G. Dowling registered Mobil Phone, for the period 0800 2.2.15 to 0000 on 4.2.15. (Showed Internet usage Time: 1.42.38am usage **17.30 minutes** Ref: GSAE01.

(2). Ref: Police Statement and Witness by Police Officer N. Stewart NMJ515. Mr. G. J. Dowling stated that on the night date: 2.2.15 that he went to bed at 10.30 PM and woke at 1 AM for half an hour then went back to bed.

(3). Ref: Police Record Mr. G. J. Dowling D. O. B. 28.7.1946 Sole occupant: By Police Officer Chis Smith Re: Power Usage date: 3.2.2015. Showed, no electrical usage consistent of hot water showering between the hours of Midnight and 7.am in the main dwelling. (What is not disclosed is that Mr. G. Dowling also had on his property a small one bedroom unit with a Gas hot water shower), Crime scene photo show heavy blood spatter at the crime scene consistent with a vicious Knife attack, coupled with the Pathology Report on Mr. Kapplugins multiple knife wounds, one being the partial removal of the victim's bottom lip resulting in extensive bleeding with blood entering the mouth and making it difficult to breath with any upwards motion of his head, causing the victim to spite and cough blood over his attacker, given his close proximity to his killer, in being able to remove 11 hairs from his attacker head, & Blood Flake material (Skin) the attacker would have had substantial blood of the victims on his Body.

(4). Ref: Police Disclosure. Email Date: 22.12.2015 From Crown QC Mr. Almoa Ross Douch to Jason Perry ESR Re: ASC15546 – Operation Tiger Ref: What conclusions can be reached from microscopic visual analysis of the different SAMPLES, The possibility of *COMPARING* the hair from the scene with *SAMPLES* definitely from Kapplugin and *DOWLING* and photos of the defendants to reach conclusions? I.E. **DIFFERENT COLOUR COMPLETELY TO DOWLING.**



Note: (b). Ivan (Victim aged 76 had Dyed **BLACK** Hair) myself aged 62 at the time had **GREY SHORT** Hair. Mr. G. J. Dowling age 67 at the time had **GREY GINGER** Hair!

Note: (c). This E-Mail states that hair samples HAD been taken by the NZ Police of Mr. G. Dowling, (in order to take samples the Police require probable cause) which after Mr. Dowling multiple **LIES**, and Mrs Vittori statement naming GRAHAM, as one of the voices heard by her & Mrs Clements at the crime scene, between 1.15.am and 1.30am Date: 3.2.15 around the time of Ivan's death, Mr. G. Dowling would then be classed as a person of interest (Normally DNA swabs and Finger prints are also taken at the same time).

Note: (d). There is NO record in any Disclosure documents from either the NZ Police or ESR of these events or any record of any analyse or comparison testing done on Mr. Dowling's DNA. Finger Prints. Or HAIR, with Hairs located under the deceased *finger nails* or located at the *crime scene* and the *TWO UNIDENTIFIED FINGER PRINTS* located on the murder weapon Knife & Meat Cleaver, nor were any of these vital issues disclosed at trial, in QUESTIONING with Mr. G. J. Dowling on oath or with any other witness.

Note: (e). In order for the NZ Police to obtain information of a person's Power & Phone provider a Court Order to Produce must signed by a Judge and presented to those companies, one such order was presented to Telecom to obtain Mr. G. Dowling's Phone & Internet usage Ref: (1). Note: (a). although no record of Mr. Dowling internet search was provided in discovery it is safe to state that record will show (Search) Murder Crime Scenes: Evidence etc.: Due to the following police records.

(5). Ref: NZ Police Job Sheet Re: Detective Richelle Brownlie Statements Date: 3.2.15 Time: 1530 Mr. Graham Dowling approached the cordon (He is Riding a bike. He Appears upset/agitated, that he is a friend of the people at this address (Crime Scene) that he WAS AT THE HOUSE TWO WEEKS AGO. (**HE LIED**), it was at least 7 month prior since Graham was inside my home after the night of Date: 2.2.15.

(6). Ref: NZ Police Job Sheet Re: Senior Constable Peter Read Date: 3.2.15 Time: 13.02 Mr. Daniel Steven Heaney approached the police cordon (Crime Scene) to state that HE WAS AT MY HOME ONE MONTH AGO to drop of some sea food (sea cucumbers) (**HE LIED**) it was late October 2014 approximately 30<sup>th</sup> that I was given the sea food and the next day I took in to a friend Ms Cui, Xiqocui Zhou-Taana. 55 Boundry Rd Hamilton 0212943211 Miss Zhou went to China on the 2.11.14 and I picked up my chilly bin from her sister, whom dried the sea food, around ten days later, In short Both Mr. Dowling & Heaney came to the Crime Scene to inform the NZ Police that if there DNA, Finger Prints or Body Samples are located at the crime scene that they have excuses. NZ Police & ESR ARE one of the best organizations in the world, there is *no way possible*, given All the evidence of Mr. Heaney's & Dowling's guilt that they were unaware as to whom really killed Ivan Kapplugin.

Yours Sincerely: ANTHONY BALLANTYNE

Pages: 2. of 2. Are TRUE and NOT MISLEADING

24<sup>th</sup> November 2022

Attention To: The Australian Consulate General Auckland Office.

c/o Level 7 Pricewaterhouse Copper Tower 188 Quarry Street Auckland.

Ref: Anthony Ballantyne. Australian Citizen. Passport No 8090320

Att: **Mr. Jacob Prakash. / Consulate Officer.**

Dear Jacob, in the hope that this letter finds you & your Family safe & well!

With due Respect Sir, it is lawful Duty Of Care given to all Australian's by the Overseas Australian Consulate Service to each citizen, no matter what circumstance that they might find themselves in any overseas Country & require Help!

Jacob, I am not requesting help in respect to MY INNOCENTS or with the NZ Judicial System (Broken as it IS) but my FORMAL LEGAL REQUEST is to pass on the following Legal Notarised documents to the Australian Prim Minister, as my present circumstances do not allow me the ability to forward them directly. (But thank you for his Australian address)

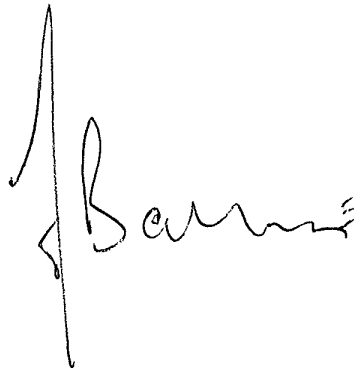
These letters pertain to *vital information* for the Wellbeing Safety & Ongoing Security of Australia (My Country) and all its citizens.

Note: If an American citizen located up in a Russian Prison, can forward a personal letter direct To the President of America then surly the Australian Consulate General NZ Office can forward these documents by e-mail to our Prim Minister.!

1. Letter Dated: 7<sup>th</sup> July 2022 to: The Australian Prim Minister. Mr. Anthony Albanese.
2. Letter Dated: 26<sup>th</sup> September 2022 to: The USA NZ Ambassador. Mr. Thomas Stewart Udall.
3. Letter Dated: 26<sup>th</sup> October 2022 to: The NZ SFO c/c to: The NZ Police Waikato Fraud Unit. Re: Official Complaint of "Fraud" by discription! & attempted Murder!

Kind Regards

Sincerely Yours



**Anthony Ballantyne.** c/o tongariro Prison, Hautu unit, Prt Bag 500, Turangi 3353.

Joyce Hoko  
J.P.  
25/11/2022  
J. Hoko J.P.  
kind nice signature

The Appeal Court  
154 Molesworth St  
Wellington.

1.4.19

Attention: Her Hon justice French J.  
And To: Crown Law. Ms. K. Grau.  
And To: Ms. D. Wyatt. Case manager.

Ref: CA438/2017.

With Respect if it Please the Court to Except the Merit: Following Transcripts as new Evidence of Innocents.

In Ref To: **(A)**. Minute Of French J. Date (9.7.18).  
Para (1). (2). (3). Hair Colour Difference! Hair with ROOT Attached! (4). Summery letter on Grounds for an Appeal! (7). Acting as My Own Defence!

In Ref To: **(B)**. Three Page Summery of Merit on Fresh Evidence Date (5.7.18)  
Para: (1). Full and Complete Toxicology and DNA results of the deceased.  
Para: (2). Full and Complete Toxicology and DNA results of the Appellant.  
Para: (3). 4 cm Dark brown/Black Hair with ROOT Attached.  
Para: (4). Time of Death of the Deceased.  
Para: (6). Sub Para (G). The Appellant Killing the Deceased between 1am and 1.26 am Date 93.2.15).  
Para: (8). Sub para A: (2). The Forensic Group Ltd (Report) Merit Blood Stain Could be made from a BOOT.

The Following Attachments:

- Item: **1/**. ESR case Summery page 00001. Date Completed (01.09.15)
- Item: **2/**. ESR Case Summery page 00124. Pathology Report. Date (5.3.15) Dark Brown/Black Telogen Hair with ROOT encased in a Blood Flake 4cm!  
(Note; Ref. **(B)** Item (3).!!!
- Item: **3/**. Abstract.. Telogen Human hair one of the most common USEFULL "Evidence" at crime scenes on Homicide Victims.
- Item: **4/**. ESR Case Summery page 00154 (ESR Sample Ref No.)
- Item: **5/**. ESR Case Summery page 03230 (DNA SAMPLE PROFILE RESULTS).
- Item: **6/**. E-Mail Dated (10.2.15) Collusion!! (Missing Evidence)!!!
- Item: **7/**. Page (1). Judgment of WHATATA J. DATE (20.Aug.2015)
- Item: **8/**. Page (40). Judgment of Judge WATA J. Pare (13) Sub Para (a) (b) (c) (d) (e). (TWO UNIDENTIFIED FINGERPRINTS ON BOTH MURDER WEAPONS).

The Above Transcripts and Evidence have already been presented to the Appeal Court and the Crown By E-mail Date; (20.2.19) (10.3.19) (13.3.19) and (20.3.19).

- Item: **9/**. The Forensic Group Report Page 5 of 5 Dated (20.Aug.15) Ref No 15022-PE.  
Note: **(A)**: Page (3). Para (3). (COULD BE CAUSED BY A BLOOD STAIN "BOOT")  
Note: **(B)**: Re. Ref To: **(B)**: Fresh Evidence. Item **(8)**. Sub Para **(A:2)**.

A W W R

(B.)

SuperDooper Print Limited  
Phone: (07) 348 4202  
Fax: (07) 349 3035  
Email: print@superdooper.co.nz  
Address: P.O. Box 10025, Rotorua



(07) 348 4202  
88 RIRI ST ROTORUA  
(CNR RIRI & PURURU)

TAX INVOICE

Jonathan Temm  
PO Box 1124  
Rotorua 3040

INVOICE NO. 010291  
DATE 1/11/18  
CLIENT ORDER NO. -  
JOB NO.

Attn: Barbara Neale

RE: Bundles

GST NO. 63-157-163

ITEM / DESCRIPTION	AMOUNT
Remove bind from original document, copy and reassemble, punch and bind copy - 30 minutes	30.00
A4 colour, one side x239 @ \$0.45	107.55
<i>2 ✓ Ballantyne - ESR Report.</i>	
Payment by Direct Credit may be made to BNZ 02 0416 0279930 00 Please quote Invoice No.	CLAIMED AMOUNT \$ 137.55 GST 20.63 AMOUNT PAYABLE \$ 158.18

Remittance Advice	Invoice N°: 010291
Please detach and return with payment to: SuperDooper Print Limited PO Box 10025 Rotorua	Client Code: TEMM_J Due Date: 20/12/18 Job N°: Invoice Amount: 158.18



*BA*

(C:)

Court of Appeal  
PO Box 1606  
WELLINGTON 6014

Taxation Invoice : 511  
GST Number : 17-506-587

RE COUNSEL TO ASSIST - ANTONY BALLANTYNE

Time as Recorded :

email correspondence on the file, Court of Appeal regarding appointment as Court appointed lawyer to assist Mr Ballantyne (M McKennie)	2	48.00	
Travel time to Tongariro Prison to meet MR Ballantyne and take instructions, return travel time 3 hours. 1.5 hours charged	15	360.00	
Attendance with Mr Ballantyne at Tongariro Prison to introduce myself and take instructions, authority to uplift file from Appeal Counsel	10	240.00	
Perusal of Documents - COA received from Court of Appeal	10	240.00	
Attendances to send authority to uplift and receive files via agent (as per client's instructions).	2	48.00	
Perusal of Documents, correspondence from Mr Ballantyne	3	72.00	
Perusal of Documents, Appeal Counsel's file received and reviewed	20	480.00	
Drafting Memorandum to the Court - Counsel to assist	5	120.00	
Review of file prior to meeting with Mr Ballantyne at Tongariro Prison	25	600.00	
Attendance with Mr Ballantyne at Tongariro Prison to confirm instructions	15	360.00	
Drafting memorandum for the Court of Appeal, filing and serving same (reviewing instructions and material to hand)	20	480.00	
Letters to Mr Ballantyne, confirming instructions, copying memorandum and providing copy of bound ESR file, providing reports and responding to written material received from Mr Ballantyne	3	72.00	
Attendance - travel to Tongariro Prison to take instructions. 3 hours total return travel time. 1.5 hours charged	15	360.00	
		3,480.00	
<b>GST on Fees</b>		522.00	<b>\$4,002.00</b>
<b>Disbursements as Listed :</b>			
Travel Rotorua/Rangipo Prison/Rotorua, 284km @ .72c per km (25/7/18)		206.64	
Travel Rotorua/Tongariro Prison/Rotorua, 284km @ .72c per km (31/10/18)		204.48	
		411.12	<b>\$411.12</b>
<b>Retrievals as Listed :</b>			
Super Dooper, copying and binding ESR Report, invoice attached		158.18	
			<b>\$158.18</b>
<b>Sundry Retrievals</b>			
Sundry office expenses		139.20	
<b>GST on Sundry Retrievals</b>		20.88	<b>\$160.08</b>





THE PRIVACY ASSISTANT:

12.12.18

Justice Centre

19 Aitket St. WELLINGTON

DX SP 20208

RE: Official Request for Legal Transcripts

REF: ANTHONY BALLANTYNE V THE QUEEN CA 438/207  
MIRRO UNIT WAIKERIA PRISON

RE: NZ CIVIL RIGHTS HANDBOOK TIM McBride 2010

REF: INFORMATION GIVEN TO YOU

RE: Full Copy of Analysis  
: Full Copy of Comparison Also.

RE: (S59)

RE: REF: PAGE 464: ACCESS TO PERSONAL INFORMATION  
HELD BY LAW:

Ministry of Justice: YES  
(PART XI OF ACT) 1993  
(NO FEE)

REF: CRIMINAL DISCLOSURE ACT 2008

RE: PAGE 312 PARAS 12: INITIAL DISCLOSURE

Page 1 of 2 Please Attachment (F)

RE: Page: S 13 Para 13: Full Disclosure

RE: Page: S 14 Para 14: Request for ADDITIONAL  
Disclosure

RE: Page 605: CRIMINAL ACT: ADAMS ON CRIMINAL ACT  
4<sup>TH</sup> EDITION 2005.

REF: Page 605: CRIMINAL ACT

RE: CA 389-02: PARA (L) & (C): FRESH EVIDENCE

RE: II. & EFFECT OF PARA (B) & (C): RELEVANT PRINCIPLES

REF: R-V ZACHAN JP/8/95 CA/304/94

WITH RESPECT PLEASE PROVIDE TO ANTHONY BALLANTYNE

RE: THE FULL AND COMPLETE: ORIGINAL COPY! OR  
CERTIFIED COPY OF THE ORIGINAL: X 2 COPIES!

REF: ESR CASE SUMMARY REPORT DOCUMENT!

RE: ISSUING AUTHORITY: PAULETTE NEWBLE  
(DATE ISSUE: SEPTEMBER 2007)

ESR LAB OPERATING INSTRUCTIONS VERSION 2.0  
Reports/FRC005

REF: ATTACHMENT II: COPY OF ALTERED PAGE ONE!

Sincerely Yours

Anthony Ballantyne

§

THE SOLICITOR GENERAL

1:1-19

CROWN LAW

LEVEL 3: JUSTICE CENTRE: 19 AITKET ST. WELLINGTON

REF: ANTHONY BALLANTYNE V THE QUEEN - CA.438/2017

C/C TO: THE APPEAL COURT

& TO: ARTHUR W. TAYLOR: LEGAL ASSISTANT FOR APPELLANT.

RE: THE FOLLOWING FORENSIC EVIDENCE. "NON DISCLOSURE"

REF: IN THE HIGH COURT OF NZ HAMILTON REGISTRY: 2 MAY 16

CRI-2015-019-001150

EVIDENCE TAKEN BEFORE THE HON JUSTICE BREWER.

NOTE: ATTACHMENT: X

ESR CASE SUMMARY REPORT PAGE 03155, 03156

Nº LAB REF: ASC15546/62: ASC15546/63

: STEM EXAMINATION Nº 15027: NAIL CLIPPINGS & HAIR

: KAPLUGGIN, IVAN DECEASED.

: DR. FINTON GARAVAN: PATHOLOGIST: DATE 4.2.15

: OPERATION TIGER

NOTE: COLOR: DARK BROWN TO BLACK.

: "ROOT" ENCASED IN A BLOOD FLAKE: 1/4 CM.

NOTE: APPELLANT'S DATE OF BIRTH: 19.3.1953

: HAIR COLOR "GREY"

ATTACHMENT: B. ESR CASE SUMMARY REPORT: P03185

RE: CLIENT SAMPLE REF: ESR SAMPLE REF: DESCRIPTION.

ASC15546/61 : DNA Sample : BALLANTYNE  
5027 : ASC15546/62 : REF ATTACHMENT: F ROOT RIGHT HAND  
5028 : ASC15546/63 : REF ATTACHMENT: F.1 LEFT HAND  
5031 : ASC15546/66 : SWAB R/H : KAPLUGGIN  
5032 : ASC15546/67 : SWAB RIGHT HAND  
5033 : ASC15546/68 : SWAB L/HAND : KAPLUGGIN  
5034 : ASC15546/69 : SWAB " " : " "  
0101 : ASC15546/71 : MED KIT : BALLANTYNE  
0102 : ASC15546/72 : TOXICOLOGY KIT : BALLANTYNE

ef: NZ CIVIL RIGHTS HANDBOOK : TIM McBRIDE 2010

: INFORMATION GIVEN TO YOU.

: FULL COPY OF ANALYSIS : COMPARISON ALSO RE: S59

ef: Page 464 : ACCESS TO PERSONAL INFORMATION HELD BY LAW

ef: ADAMS ON CRIMINAL LAW 4<sup>TH</sup> EDITION 2005.

: Page: 514 PARA 14: REQUEST FOR ADDITIONAL DISCLOSURE

: Page: 605 RE: CA389-02 PARA L&C: FRESH EVIDENCE

ANTHONY BALLANTYNE FORMALLY REQUEST "UNDER URGENCY"  
THAT THE ABOVE EVIDENCE BE SUPPLIED TO  
THE APPEAL COURT REF CA 438/2017 AND MYSELF  
AT WAIKERIA PRISON: MIRO UNIT: PRT BAG 2400  
TE AWAMUTU. 3840.

Sincerely Yours,

Anthony Ballantyne

Page 2 of 2

B

Attention To:

3. 7. 19

Mike Bush: NZ Police Commissioner

REF TO: ESR CASE SUMMERY: OPERATION TIGER

TO DATE IN THE PAST FOUR YEARS "IN HELL" I HAVE SIGHTED  
4 ALTERED COPIES OF THE ESR CASE SUMMERY.

DET SIMON PATRICK CHARLES EVERSON, KNOWS WHAT  
ANALYSIS REPORTS "EVIDENCE OF INNOCENCE" TO REMOVE  
BUT HAS FAILED TO KEEP TRACK, OF THE DOCUMENTS  
USED TO SUBSTITUTE THOSE ANALYSIS REPORTS, HENCE  
FOUR DIFFERENT NUMBER OF PAGES IN EACH COPY!

Note (1)

RE: MISSING ANALYSIS REPORTS

REF: ESR: ITEM CONTINUITY RECORD: HIGH LIGHT  
: SAMPLE ORIGIN STATUS: " " " "

Note (2)

RE: PAGE 00001 ESR CASE SUMMER X 2 COPIES

Note (3)

RE: E-MAIL: FROM RIAN MORGAN-SMITH DATE 12-6-19.

REF: IF HE HAS A COPY OF 214 PAGES THEN HE HAS A  
DISCLOSURE MADE COO OF 8 SEPTEMBER 2015.

NOTE: (4)

A. W. S.

NINE MONTHS PRIO TO TRIAL DATE 2. MAY. 16

Which also proves that the following person's also had copies of the original certified copy of the ESR case summary, date 8 September 2015

RIAN KIER MORGAN-SMITH: ESR SCIENTIST IN CHARGE.

LISA MARIE MEHA: ESR SCIENTIST

DET: DEAN JASON JOHN ANDERSON: OFFICER IN CHARGE

DET: SIMON PATRICK CHARLES EVERSON:

"All four person gave statements on oath."

TOMAS SUTCLIFFE QC: DEFENCE.

ALMAO DOUCH QC: CROWN.

Note (5).

RE: NUMBER OF DARK BROW/BLACK HAIRS AT THE CRIME SCENE.

REF: ESR Page 00124: PATHOLOGY: RIGHT HAND: DECEASED (3) HAIRS "ONE WITH A TELOGEN ROOT ATTACHED.

: ESR Page 00138: PATHOLOGY: LEFT HAND: DECEASED. "SEVERAL" (8)

: COMMUNICATION RECORD "HAIRS ON SARONG"

: DET. S. EVERSON "ON IN BOTH HANDS: WALL: CLEAVER.

Note (6)

PHOTO: DANIEL STEVEN HEANEY: BLACK HAIR: MURDIER!

: GRAHAM JOSEPH DOWLING: MURDIER!

"2 WEAPONS X 2 PERSONS"

Michael A.H. Williams, JP  
#95175  
TEAWAMUTU  
Justice of the Peace for New Zealand



Williams JP.

5th July 2014

14.September.2022

To: The

Criminal Cases Review Commission  
P O Box 9168 Hamilton.

Attention: Ms. Mutsa Case review (Triage) Adviser Officer.

Ref: Anthony Ballantyne C/A 0198

Re: Forensic Investigator Report.

On the, Date: 7.7.16 Mr. Daniel Torson and an associate from a Licenced NZ Auckland investigative Firm accompanied by Ms Brigid Ward Lawyer, whom arranged the meeting met me at Spring Hill Corrections Facility where I handed over evidence of innocents including a False copy of the ESR Case Summer Report (certified) 214 Pages, a full forensic report was then compiled and paid for by Mr. William West, Ms. Wards Partners Father.

The report on completion, was then handed over to Ms. Ward c/o GELLERT IVANSON Level 1. Post Office Building 16-20 St Heliers Bay Road St Heliers Auckland 1071.

I have Never received a copy of that report despite numerous requests from me to Ms. Ward whom never replied to my letters.

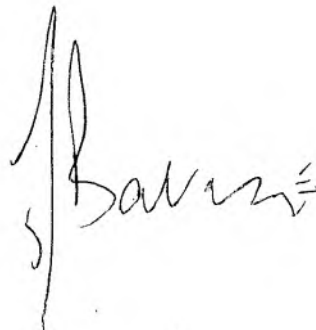
When I sent a formal written request to Mr. Torson and his company, I receive a letter stating that they did not keep a copy and that all the documents that I gave them Date: 7.7.16 were handed back to Ms. Ward with their report.

I find this very had to believe a Fully Licensed firm by the NZ Justice department having completed a legal document, and receive full payments (that would have been presented in a legal appeal) would not have keep digital records.

**Accordingly I give my full permit ion for the C.C.R.C. to obtain a copy of *that* Forensic Investigative report Pertaining to Antony Ballantyne (Operation Tiger) and copies of ALL documents provided to them by me Date: 7.7.16 : as Fresh evidence of innocents on MY BEHALF from Mr. Torson & or his licenced Investigative Firm.**

Kind Regards

Sincerely Yours: Anthony Ballantyne

A handwritten signature in black ink, appearing to read 'Anthony Ballantyne', with a vertical line drawn through the first few letters.

Court of Appeal  
PO Box 1606  
Wellington 6014

11.4.2019

Re: A. Ballantyne V The Queen CA438/2017

Attention: Her Hon Justice French J.  
And To: Crown Law: Ms K. Grau.

If it Pleases the Appeal Court to except the Following Submissions as Evidence pertaining to CA438/2017. Attachments: (A). (B). (C).

Attachment: **(A)**. ESR Case Summery. Page. 00001. Laboratory Reference ASC15546.

Note: **(1)**. Number of Official pages in File: Page **214. Of 214**. Completion Date (01.09.15)

Note: **(2)**. Re: Top Right Hand Corner, Police Discloser Number 02937.

Attachment: **(B)**. Receipt, Super Dooper Print Ltd. Date (1.11.18).

Note: **(3)**. A4 Colour, one side x **239** @ \$0.45

Note: **(4)**. R. V Ballantyne – ESR Report.

Attachment: **(C)**. Court of Appeal Taxation Invoice: From Mr. J. Temm (Solicitor).

Note: **(5)**. Re; Item 12. Providing copy of bound ESR File to A. Ballantyne.

Mr. Jonathan Temm (Solicitor) Court appointed (Amicus Curiae) Did Knowingly submit to the Court of Appeal a false document, pertaining to Case 438/2017 in Ref To: ESR Case Summery (Legal Document) Re: Operation Tiger, with full knowledge that the above legal documents is in fact an unlawful Altered Copy, and that Mr. J. Temm did unlawfully attempt to Mislead, by passing the above said false document on to the Appellant as to be the true and original Defence copy of the ESR Case Summery Page **214 of 214**.

Ref: Letter date (5.4.19) From Mr. J. Temm (Solicitor). Copy Attached.

Note: **(6)**. Ref To: Note **(2)**. Re: Police Discloser Number 02937, including the ESR report, the Number of Defence Discloser Transcripts to date total 03151. Not including the defence copies of Trial transcripts and additional Independent Forensic reports Totalling of over 04000 pages!!!

The Appellant has Repeatedly Requested both in Writing and verbally to Mr. J. Temm to produce the Full and Complete Defence Discloser Transcripts as of the (11.4.19) Mr. J. Temm has not responded or Complied to my Legal Requests.

Ref: E-Mail Page 2. of 2. To Crown Law: Ms K. Grau date (10.3.19) Lawful Request. Copy Attached. To Date the Appellant has NOT received acknowledgment and the FULL and COMPLET copies of ALL Crown Discloser Transcripts in Ref To: Operation Tiger and



B  
JA



INCLUDING The ORIGINAL COPY of the ESR CASE SUMMERY Total Paged **214. Of 214.** As is the Appellants Legal Right.

The Appellant Humbly asks the Appeal Court to assist the Appellant and to Please Direct Mr. J. Temm and Crown law to Comply with the Appellants Legal Request (Under Urgency) totalling of over 07000 legal Transcripts so that the appellant can properly Assimilate all the required Evidence for the Appeal and until such time as I am in possession off all the above legal transcripts (as is My Legal Right) I am unable to Further my Appeal. Appeal Start date (7.7.17)

I again thank the Appeal Court for the Assistance of The Courts Amicus Curiae but at present I have no further need of Mr. J. Temms (Solicitor) assistance and on urgent assimilation of the Crown Laws Discloser Transcripts, The Appellant will Retain his own legal Counsel To Assist.

Yours Sincerely

Anthony Ballantyne.



Jaye Stoko  
25/11/2022  
J. Stoko JP  
holder's of Signature



Pages two of two are True and NOT Misleading.

2



JA B

<b>E/S/R</b>	Laboratory reference	ASC15546	Page	00001
	<b>CASE SUMMARY</b>			

Case name	Operation Tiger	Police station	Whangamata Police Station
Docloc no.	150203/5731	Report to	Detective Sergeant G Pithkethly
Case type	Homicide	Telephone no.	07 865 0300
Date registered	03 February 2015	Email	
Case manager	Rian Morgan-Smith	Offence code	1100, Homicide

Secondary laboratory references TOX151470, BIO15691

Related laboratory references **COMPET FALSE COPY!**

Digital images may be available for this case

Number of pages in file	Other items	Date	Signature
140	210 R skils	24/4/15	R
<del>155</del> 156	217 4-12-15 J	J	5/5/15
181	223 29/3/16 R	5-5-15	
189	246 J 29/3/16	27/7/15	
192	247 J skils R	27/7/15	
207 214	264 K 6.4.16	06-08-2015 01-09-15	

MEK feedback sent to DSAC	Case Manager Initials/Date	
ESRlab - Scene time entered	Case Manager Initials/Date	
ESRlab - Samples status updated (screening) Examined/Not examined/Urgent/Completed	Case Manager Initials/Date	R 26/4/15
ESRlab - Test results updated	Case Manager Initials/Date	
ESRlab - Reporting time entered	Case Manager Initials/Date	
ESRlab - Subcontracted charges entered	Case Manager Initials/Date	
ESRlab - Financial summary verified	Case Manager Initials/Date	
ESRlab - Case closed	Case Manager/Admin Initials/Date	
ESRlab - Court - Police entered	Case Manager Initials/Date	

The Appeal Court  
PO Box 1606  
Wellington.

2.5.19

Re: A. Ballantyne V The Queen CA438/2017

Attention: Her Hon Justice French J.  
And To: Crown Law: Ms K. Grau.

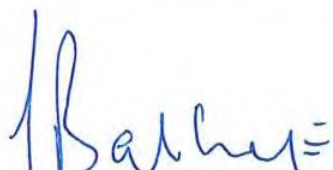
If It Pleases the Court. Ref To: Phone Conference Date (30.4.19) Justice French J,  
Appellant, Crown Law.

Re: Transcripts relating to merit: Legal Documents sent to the Appellant by Crown Law  
(Discloser Documents) and Mr. J Temm QC (Defence Discloser Documents) NOT in the  
Possession of the Appellant. Re: Operation Tiger.

- Item 1: E-Mail Crown law Ms. K. Grau Date (10.3.19) Page 2. Of 2.  
Legal Request. Page (2). Para (2) Sub para (a) NZ Police Discloser Documents.  
Sub para (b) ESR Discloser Documents.
- Item 2: Letter To: The Privacy Assistant: Legal Request of Discloser Transcripts Page 2. Of  
2.
- Item 3: Letter To: The Solicitor general: Legal Request of Discloser Transcripts Page 2. Of  
2.
- Item 4: E-Mail Date (3.8.17) Re: S. K. Green QC uplifting 3 Large Boxes of Defence Discloser  
Transcripts.
- Item 5: ESR Case Summery Transcript. Police Discloser Number (03212) Date (5. 8. 2015)  
Letter: Enquiries to Mr. Rian Morgan-Smith (Scientist in Charge of Operation Tiger)  
Re: ESR Reference Samples, Numbers ASC15546/BIO15691/TOX151470.  
Ref: Complete Copies of the ESR working Files will be provided once all Analyses  
Are complete (ESR Case summery Report Date Completed (1.9.15).
- Item 6: Transcript: Corrections (Container Packing List) Prisoner Property form. Date  
(19.4.19)  
Re: No Record of Legal Defence or Crown law (Police) Discloser Documents  
Numbered 0 to 03212 in The Appellant Anthony Ballantynes possession.

Note: With respect I wish to thank the Appeal Court (Her Hon Justice French J) In her  
understanding and assistance in the Appellants legal Request in Obtaining from The Crown  
The NZ Police and Environmental Science and Research Ltd Discloser Transcripts In Relation  
to Operation Tiger, and Pertaining To: All Analyses Profile test Results in Reference to ESR  
Case Summery Numbers ASC15546/BIO15691/TOX151470.

Yours Sincerely Anthony Ballantyne



MELVILLE, Carla (WAIKPP)

From: MELVILLE, Carla (WAIKPP)  
Sent: 13 May 2019 01:28 p.m.  
To: 'enquires@ipca.gov.nz'  
Subject: FW: from A Balantyne  
Attachments: melvilca\_13-05-2019\_13-19-54.pdf

info@ipca.govt.nz

Follow Up Flag: Follow up  
Flag Status: Flagged

ATT: CARLA  
PLEASE: "RE-SEND"

~~ATT: RODGER .      THANK YOU  
PLEASE E-MAIL TO THE FOLLOWING:~~

- ~~1/ THE POLICE COMMISSIONER: OFFICE  
ATT: MR. MIKE BUSH .~~
- ~~2/ THE INDEPENDENT POLICE CONTACT AUTHORITY  
"enquires@ipca.govt.nz"~~

~~E-MAIL: DATE 15-6-19 PAGE: 33 OF 33.  
E-MAIL: DATE 15-6-19 PAGE: 12 OF 12.~~

~~PLEASE: REO FLAG AS URGENT~~

~~THANK YOU,  
ANTHONY BALANTYNE~~

Subject: Collusion

**Teng, Gus (WAIKPP)**

**From:** Teng, Gus (WAIKPP)  
**Sent:** 23 February 2020 11:43 a.m.  
**To:** 'courtofappeal@justice.govt.nz'  
**Cc:** 'courtofappeal@justice.govt.nz'; 'andrew.coster@police.govt.nz'; 'case.resolution@ipca.govt.nz'; 'pan.law@xtra.co.nz'; 'bwest.ltd@gmail.com'  
**Subject:** Affidavit, Att: Justice Stevens. J., Ellis. J., Peters. J.(2019 NZCA 596  
**Attachments:** Ballantyne\_appeal\_email\_23-02-2020\_01.pdf

Pl see attached which is self-expletory.

**Gus Teng Chuan Hak**  
Corrections Officer  
Department of Corrections, Ara Poutama Aotearoa  
a: Waikeria Prison / Miro  
m: 021 100 4467 ext: 77656  
[Gus.Teng@corrections.govt.nz](mailto:Gus.Teng@corrections.govt.nz)



APPEAL  
Court.

Rebuttal

41 page



## MELVILLE, Carla (WAIKPP)

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**From:** A Little Office (MIN) <[a.little@ministers.govt.nz](mailto:a.little@ministers.govt.nz)>  
**Sent:** 17 September 2019 01:36 p.m.  
**To:** MELVILLE, Carla (WAIKPP)  
**Subject:** OFFICE OF HON ANDREW LITTLE MP: Automatic response

Tēnā koe

Thank you for contacting the office of Hon Andrew Little MP, Minister of Justice, Minister for Courts, Minister for Treaty of Waitangi Negotiations, Minister Responsible for the NZSIS, Minister Responsible for the GCSB and Minister Responsible for Pike River Re-entry.

Minister Little receives a significant volume of correspondence:

- If your message is for Minister Little's advice, or if you have copied your email to another Minister and/or Member of Parliament with more appropriate portfolio responsibilities, then this will be noted,
- If you have invited Minister Little to an event then a member of staff may contact you for more information if the Minister's attendance might be possible,
- If you have made a request for official information then this will be managed in accordance with the provisions of the Official Information Act 1982, which may include transfer to a more relevant Minister or agency,
- If you have made a request under the Privacy Act then this will be managed in accordance with the principles of the Privacy Act 1993, which may include transfer to a more relevant Minister or agency,
- If you are a journalist then your request will be triaged by a press secretary,
- To find out more about Minister Little read his [biography](#) or recent [statements](#).

Ngā mihi

### Office of Hon Andrew Little MP

Reception +64 4 817 8707 | Ministerial Email [a.little@ministers.govt.nz](mailto:a.little@ministers.govt.nz) | Web [beehive.govt.nz](http://beehive.govt.nz) | Postal Freepost Parliament, Private Bag 18 041, Parliament Buildings, Wellington 6160, New Zealand



Authorised by Hon Andrew Little MP, Parliament Buildings, Wellington 6160, New Zealand



**MELVILLE, Carla (WAIKPP)**

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**From:** Criminal <Criminal@crownlaw.govt.nz>  
**Sent:** 13 August 2019 09:25 a.m.  
**To:** MELVILLE, Carla (WAIKPP)  
**Subject:** FW: CA438/2017 Antony BALLANTYNE v The Queen [CLO-Docs.POL093.1153.FID365526]  
**Attachments:** Affidavit of Thomas Sutcliffe, Trial Counsel.pdf

Good morning

Please find **attached** by way of service an affidavit of Thomas Sutcliffe which has been filed with the Court this morning. We would be grateful if you could please print and provide this to Mr Ballantyne, and confirm by reply e-mail that this has been done.

Kind regards

**Crown Law**

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**Confidentiality Notice:** This email may contain information that is confidential or legally privileged. If you have received it by mistake, please:  
(a) reply promptly to that effect, and remove this email and the reply from your system; (b) do not act on this email in any other way. Thank you.

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LEGAL DOCUMENTS  
ANTHONY BALLANTYNE

VILES, Roger (WAIKPP)

From: BINKS, Elizabeth <Elizabeth.Binks@police.govt.nz>  
Sent: 01 August 2019 08:54 a.m.  
To: VILES, Roger (WAIKPP)  
Subject: RE: On Behalf of A Ballantyne.  
Attachments: vilesro\_31-07-2019\_9-34-28.pdf

PRN ~~42581582~~  
42581582

RE: 120 PAGES of EVIDENCE  
PAYING INNOCENTS

Good morning

I am writing to confirm receipt of the attached correspondence at the office of Commissioner Bush.

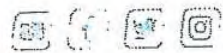
The correspondence has been passed to our legal department for consideration.

Kind regards,

COVER-UP

Lizzie

Lizzie Binks  
EA to Commissioner Bush  
Executive Services



From: VILES, Roger (WAIKPP) [mailto:roger.viles@corrections.govt.nz]  
Sent: Wednesday, 31 July 2019 11:37 AM  
To: courtofappeal@justice.govt.nz; andrea.ewing@crownlaw.govt.nz; chr@crownlaw.govt.nz;  
a.little@ministers.govt.nz; d.parker@ministers.govt.nz; BINKS, Elizabeth <Elizabeth.Binks@police.govt.nz>;  
EVERSON, Simon <Simon.Everson@police.govt.nz>; Jill Vintiner <Jill.Vintiner@esr.cri.nz>; CER1@JAWS.CO.NZ;  
est.ltd@gmail.com  
Subject: On Behalf of A Ballantyne.

Roger Viles | Senior Corrections Officer (SCO) |  
Miro Unit, Waikeria Prison | Department of Corrections Ara Poutama Aotearoa |  
Waikeria Road, Te Awamutu 3874 | Private Bag 2400, Te Awamutu 3840 |  
Phone 07 372 6656 | Ext 77656 | email roger.viles@corrections.govt.nz |

From: roger.viles@corrections.govt.nz [mailto:roger.viles@corrections.govt.nz]  
Sent: 31 July 2019 9:37 a.m.  
To: VILES, Roger (WAIKPP)  
Subject: Equitrac Scan-to-Me

The information in this message is the property of the New Zealand Department of Corrections. It is intended only for the person or entity to which it is addressed and



**MELVILLE, Carla (WAIKPP)**

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**From:** MELVILLE, Carla (WAIKPP)  
**Sent:** 23 June 2019 04:10 p.m.  
**To:** 'david.parker@parliament.govt.nz'  
**Subject:** FW: Notorised "merit" Gross prosecutorial misconduct & collusion  
**Attachments:** melvilca\_23-06-2019\_15-45-00.pdf

**From:** [carla.melville@corrections.govt.nz](mailto:carla.melville@corrections.govt.nz) [mailto:[carla.melville@corrections.govt.nz](mailto:carla.melville@corrections.govt.nz)]  
**Sent:** 23 June 2019 3:47 p.m.  
**To:** MELVILLE, Carla (WAIKPP)  
**Subject:** Equitrac Scan-to-Me



IPCA  
PO Box 25221 Wellington.

16. August 2019

Ref: IPCA: 19-0118

Attention: Mr. Warren Young: General Manager: Case Resolution Team.

Thank You for your letters Dated: (9. 8. 19)

Ref: To: Police Officers: Re: Operation TIGER. Committing CRIMINAL Acts.

- Perjury on Oath.
- Falsified Evidence.
- Suppression of Evidence.
- Disobeyed a High Court Order to Produce: Re; His Hon Justice Brewer.
- Perverting the Course of Justice.
- To Name, But a few of the NZ Laws Broken by a number of Police Officers.

It is my understanding that any person in NZ that commits a criminal act other than a sworn NZ Police Officer, is first investigated by the NZ Police and charged if an offence has occurred under The NZ Crimes ACT.

In the Case of sworn NZ Police Officers Who have committed Criminal acts, the Legal Responsibility to Investigate and Charge those Police Officers is the responsibility of the I.P.C.A.

As you have stated the proper place if a miscarriage of Justice has occurred Re: My conviction of Murder, lays with and is decided by the Appeal court where I can, as you have stated "obtain legal remedies".

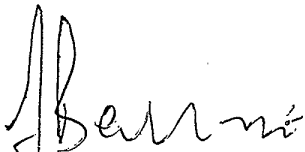
As part of "MY APPEAL" (Gross miscarriage of Justice), criminal actions that were undertaken by a number of person in NZ including NZ Police Officers who Colluded with-in a *criminal organization* to frame an innocents person for Murder (While letting the REAL Murder go Free) for the purpose of theft of Intellectual property.

Under the Legal Mandate passed onto the I.P.C.A. and the NZ Police by the NZ Constitution, Sir. your Authority is legal bound to investigate criminal actions undertaken by any NZ Police Officers, at any time be it, Prior, during and or after any NZ Court Hearing "if a complaint is justified" (Please refer to your previous letters to me and the Numerous E-Mails of evidence sent to the IPCA).

Sir, The Legal remedy that I SEEK is JUSTICE for the Deceased, our Family and my Self and that those persons that have committed criminal acts in relation to **MY GROSS MISCARRAGE OF JUSTICE** face proper justice under NZ Law.

Yours Sincerely

Anthony Ballantyne.



SWORN BEFORE ME ON THE 30 August 2019 AT  
WAIKĪAIA  
G.R.C. King, JP

IPCA: 19-0118/cj

12 September 2019

Mr Anthony Ballantyne  
C/o Waikeria Prison  
Private Bag 2400  
Huntly  
Te Awamutu  
Waikato 3840

Dear Mr Ballantyne

Thank you for your letter dated 16 August 2019.

The allegations you make about Police are matters that need to be considered by the courts, as they are your grounds of appeal.

If at the end of the appeals process there is evidence the court has not already considered, or the court makes a decision supporting your allegation that Police officers have committed perjury or otherwise engaged in misconduct, the Authority may examine that evidence and take appropriate action.

The Authority does not have the power to bring criminal proceedings against the Police, nor can we overturn a court decision. Our mandate is to investigate and report our findings. While we may potentially recommend criminal proceedings, ultimately it would for the Police to determine whether to bring any charges in those circumstances.

We will not consider this matter until you have explored more appropriate remedies. For that reason, we have decided to take no action in accordance with s18 (1)(b) (v) of the Independent Police Conduct Act 1988.

Yours sincerely



Warren Young  
General Manager  
INDEPENDENT POLICE CONDUCT AUTHORITY



338  
W

**Grace Kegan**

**From:** ServiceDesk  
**Sent:** Monday, 15 February 2016 2:50 p.m.  
**To:** Grace Kegan  
**Subject:** Request 89356 Initial

**Request 89356 Initial Notification**

**Contact:** Kegan, Grace  
**Phone:** +34 9 8153944  
**Email:** Grace.Kegan@esr.cri.nz

**Summary**

\*\*\*Urgent\*\*\* Can you please reverse the receipt of this ite...

Affected End User	Request Area	Status	Priority
Kegan, Grace	Software.ESRLab	Open	3
Reported By	Assignee	Group	
Kegan, Grace	Maggs, Dwyllis	Application Support	
Severity	Urgency	Impact	
		None	

**Request Description**

\*\*\*Urgent\*\*\*

Can you please reverse the receipt of this item into BIO, and then cancel the transfer of this item from ASC to BIO. ASC15546/19 - Operation Tiger

ASC15546/19. RE: HAIR ON THE MEAT CLEAVER.  
WAS REMOVED FROM THE ASC FILE, THEN  
ON COMPLETION OF THE ASC FILE IT WAS  
RETURNED BEFORE THE BIO FILE WAS, THEN  
COMPLETED, AND "NOT" PRESENT IN  
EITHER THE BIO OR ASC FILES FOR  
LAWFULL DISCLOSURE



COPY



## MELVILLE, Carla (WAIKPP)

---

**From:** MELVILLE, Carla (WAIKPP)  
**Sent:** 26 January 2020 11:44 a.m.  
**To:** 'pan.law@xtra.co.nz'; '[andrew.coster@police.govt.nz](mailto:andrew.coster@police.govt.nz)'; CeriW@jaws.co.nz;  
'jwake@northendlaw.co.nz'; '[anna.leask@nzme.co.nz](mailto:anna.leask@nzme.co.nz)'; bwest.ltd@gmail.com;  
'tai.ballantyne@gmail.com'; jaysalvadorballantyne86@gmail.com;  
'home@rossaccounting.co.nz'; 'manohanaluminium@gmail.com'  
**Subject:** Police Perjury, collusion, cover up. Re: Operation TIGER A Ballantyne  
**Attachments:** Equitrac Scan-to-Me

1 of 3 emails. Attachments too large to send as one.

**VILES, Roger (WAIKPP)**

---

**From:** CourtofAppeal <CourtofAppeal@justice.govt.nz>  
**Sent:** 31 July 2019 11:40 a.m.  
**To:** VILES, Roger (WAIKPP)  
**Subject:** RE: On Behalf of A Ballantyne.

The Court of Appeal acknowledges receipt of your e-mail.

Please note civil appeals cannot be filed electronically. They must be received in the Registry in hard copy together with the appropriate filing fee or application for fee waiver.

If you are filing a criminal appeal and it is accepted for filing you will be notified in due course as to the name of your case officer and the file reference number for this Court.

All other documents for filing or general correspondence will be actioned as soon as practicable.

Regards

---

**Confidentiality notice:**

This email may contain information that is confidential or legally privileged. If you have received it by mistake, please:

- (1) reply promptly to that effect, and remove this email and the reply from your system;
- (2) do not act on this email in any other way.

Thank you.

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**MELVILLE, Carla (WAIKPP)**

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**From:** MELVILLE, Carla (WAIKPP)  
**Sent:** 11 July 2019 11:41 a.m.  
**To:** 'TIM.MCKINNEL@zavest.co.nz'  
**Subject:** FW: Notarised Merit: Gross Miscarriage of Justice and Collusion Re: A Ballantyne: Operation tiger  
**Attachments:** melvilca\_11-07-2019\_10-38-19.pdf

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**From:** MELVILLE, Carla (WAIKPP)  
**Sent:** 11 July 2019 10:46 a.m.  
**To:** 'maried@mariedyhrberg.co.nz'; 'hclarke@nine.com.au'; 'TIM.KCKINNEL@zavest.co.nz'; [CeriW@jaws.co.nz](mailto:CeriW@jaws.co.nz)  
**Subject:** Notarised Merit: Gross Miscarriage of Justice and Collusion Re: A Ballantyne: Operation tiger

**From:** [carla.melville@corrections.govt.nz](mailto:carla.melville@corrections.govt.nz) [<mailto:carla.melville@corrections.govt.nz>]  
**Sent:** 11 July 2019 10:41 a.m.  
**To:** MELVILLE, Carla (WAIKPP)  
**Subject:** Equitrac Scan-to-Me

*Handwritten initials: B and Sub*





**KARUMENI, Raj (WAIKPP)**

---

**From:** donotreply\_Securemailv4@sparkdigital.co.nz  
**Sent:** 29 October 2020 05:35 p.m.  
**To:** KARUMENI, Raj (WAIKPP)  
**Subject:** Undeliverable Mail: "ATT: CHRISTOPHER JONES PASTER - 2"

Your message:  
From: [Raj.Karumeni@CORRECTIONS.GOVТ.NZ](mailto:Raj.Karumeni@CORRECTIONS.GOVТ.NZ)  
Subject: ATT: CHRISTOPHER JONES PASTER - 2

Could not be delivered because of

550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's email address for typos or 550-5.1.1 unnecessary spaces. Learn more at 550 5.1.1 [https://support.google.com/mail/?p=NoSuchUser\\_j135si1608404pfd.246-gsmtp](https://support.google.com/mail/?p=NoSuchUser_j135si1608404pfd.246-gsmtp)

The following recipients were affected:  
[ballantyne.anthony19053@gmail.com](mailto:ballantyne.anthony19053@gmail.com)



Additional Information

=====  
Original Sender: <[Raj.Karumeni@CORRECTIONS.GOVТ.NZ](mailto:Raj.Karumeni@CORRECTIONS.GOVТ.NZ)>  
Sender-MTA: <10.241.92.221>  
Remote-MTA: <172.217.194.26>  
Reporting-MTA: <securemailv4.gen-i.co.nz>  
MessageName: <B5f9a46570000.000000000001.0001.mml>  
Last-Attempt-Date: <17:34:34 Thu, 29 October 2020>

The Independent Police conduct Authority  
P O Box 5025  
Lambton Quay  
Wellington 6145

13. 5. 2019

Attention: Senor Officer in Charge.

Re: Merit: Perjury: Collusion: Falsifying legal transcripts.

Ref To: Anthony Ballantyne V The Queen. (Operation Tiger: Murder).

**Item: (1).** Minute Justice Whata J. Date **(20.Aug.2015)** 10 Months Prior to Trial. **(2. May 16).**

Ref: Page 40. Para (16). Sub Para (a). (a). (b). (c). (d). (e). Evidence Submitted to the High Court Of Hamilton, By the Defence Mr. T. Sutcliffe and Acknowledged by the Crown.

Note: Sub Para (a). 'Two UNIDENTIFIED Finger Prints On Items of Interest'. (Both Murder Weapons).

**Item: (2).** On Oath Statement By Mr. Barry Smith. (Police Finger Print Expert) Cross examined by Mr. Almo Douch Crown Prosecutor.

Ref: Page (308) and (309) "NO Finger Prints on Both Murder weapons! "None at All" "Clean".

Note: "Neither the Defence or the Crown took Mr. B. Smith to task for Perjury!!"

**Item: (2). (A).** On Oath statement by Mr. Rian Morgan-Smith ESR Scientist in Charge of Operation Tiger.

Ref: Page (208) and (209) "No Real Examination of the Hairs located under the Deceased Finger Nails" "4CM Black Hair Located under the Deceased Right Hand Finger Nails NO ROOT ATTACHED".


**Item: (3).** Letter Legal Submissions Date (20.4.2019 "Merit DNA Evidence of Innocents" (A). (B). (C). (D). (E). Page 11. Of 11.

Note: Page (B). ESR Case Summery Pathology Report. " 4CM Dark Brown/Black Hair with a Telogen Hair ROOT ATTACHED". Page No 00124.

Note: Page (E). ESR DNA profile results. item no ASC15526/54. 55/. /56. 57/. And 17/. Relate to Page 40 Justice Whata J. Para 16 Sub Para (c).

Note: Page (00001) ESR Case Summery report. Completion Date **(1.9.15)** Sent to the Crown By Det Dean Anderson. (Officer in Charge of Operation Tiger). and passed onto the Defence in **(7.9.15)** NINE months Prior to Trial!!!

Note: "Again Neither the Crown or Defence took Mr. R. Morgan-Smith to Task for Perjury!!"

*h W 3* 

**Item: (4).** E-Mail Date (10. Feb. 2015) From Mr. Rian Morgan-Smith to Police Rachille Brownlie. "Missing Hairs" (Vital Evidence in Murders Trails) "NO real Need for you to Record" "Cause an issue in Court" (Evidence of Collusion!)

**Item: (5).** Names of Persons Unlawfully Colluding to Pervert the Course of Justice for the Motive of Theft of Intellectual Property.

**Item: (6).** Letter Appeal Court Date (11.4.2019) "Complaint and Merit, of the ESR Case Summery Transcript Unlawfully Altered and presented to The High Court of Appeal and to the Appellant. Page. 7. Of 7.

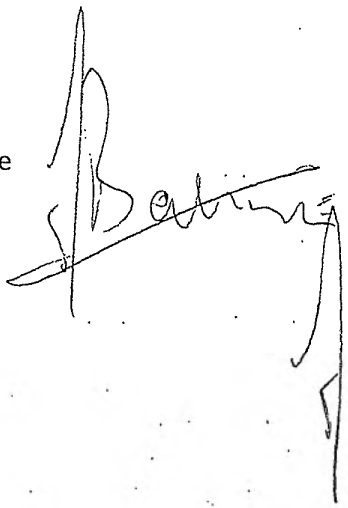
Note: ESR Page no (00124) and (00138) are non-consecutive numbers but the Same Transcripts also contain Police Discloser no as well (03155) and (03156) which are consecutive and shows intentional unlawful tampering with this Vital Legal Documents from ESR.

**Item: (7).** E-Mail Dated (24. July 2016) Merit:" New Clean ENERGY Technology."

I am also able to provide detail information and evidence on the Majority of persons noted on the Collusion list, and as my Legal right to go to the Media has been exercised a number of media organizations are in possession of all the above transcripts and a great deal more, for seven day now, "some urgency on my complaint would be greatly appreciated" Four and a half years in hell for a Crime that I did NOT Commit is a daily Living nightmare for my- self and Family.

Sincerely Yours

Anthony Ballantyne



Michael A.H. Williams, JP  
#95175  
TE AWAMUTU  
Justice of the Peace for New Zealand



5th July 2019

Ref: CAMDEN "ROSS" HyLAND  
CHAIR PERSON



RE: PEER REVIEW DATE: 28 OCTOBER 2014  
AUCKLAND UNIVERSITY; UNI-SERVICE BUILDING

AFTER A CHANCE MEETING AT MY HOME IN WANGAMATA  
IN SEPTEMBER 2014, RE: LEASE OF MY MARINA BETH.

ROSS NOTICED MY MANY PROTOTYPES SITTING ON MY  
DINING RM TABLE, HE ASKED WHAT THEY WERE IN RELATION  
TO, 4 HOURS LATER! WITH NOT A WORD SPOKEN ON MY  
MARINA.

ROSS OFFERED HIS HELP, RE: A PEER REVIEW, AFTER HE  
LEFT I RECEIVED A COPY OF HIS TXT THAT HE HAD SENT TO HIS  
COLLEGES.

: I MAY HAVE JUST MET A MAD INVENTOR, BUT WE  
OWE IT TO THE WORLD TO PEER REVIEW HIS INVENTION!

AT THAT MEETING, MR GRAHAM SCOWN DIRECTOR OF  
THE A.U. RETURN ON SCIENCE DIV, WHO WAS GOING TO  
ATTEND BY A.V.L, CAME IN PERSON. HE STATED THAT AFTER  
BEING PRESENT, AT THE MOST DISTRUCTIVE ACADEMIC MEETING HE  
HAS EVER ATTENDED AT ANY UNIVERSITY, RE: MY INVENTION.

I THOUGHT THEY WERE DEBATING IF MY INVENTION WORKS  
OR NOT, GRAHAM SAID SOME PHYSICS ACADEMICS CLAIMED  
THAT MY ENERGY INVENTION COULD BE PERPETUAL OTHERS  
CLAIMED EVENTUALLY FRICTION WOULD COME INTO PLAY!

NO ONE DEBATED THAT IT DID NOT WORK! WHERE  
A INVENTION CAN PRODUCE FREE KINETIC ENERGY, FOR 1 HOUR  
OR 1 WEEK IT IS STILL FREE, AS TO FRICTION, MY CONCEPT  
IS FRICTION FREE: IE VORTEX LAMINAR FLOW,

IT WAS ALSO ROSS AT THE END OF THAT MEETING  
WHEN I WAS PACKING UP & WE WERE ALONE, DID OFF & ME  
A DINNER FOR A SPECIAL SALE TEAM GENERAL



ELECTRIC, AS IT WAS ALREADY ARRANGED AT OUR MEETING THAT OUR NEXT STEP WOULD BE TO ARRANGE A MEETING IN THE EARLY NEW YEAR WITH THE CALLAGHAN INCUBATOR TO FURTHER MY INVENTION, RE: PROTECTION, PRODUCTION ETC.

I ALSO INFORMED THEM AS OF THE 2. OCT. 2014 MY WORLD P.C.T PATENT APPLICATION HAD BEEN EXCEPTED AND PUBLISHED IN GENEVA.

THE OFFER THAT ROSS WAS KINDLY REJECTED, YOU DO NOT SPEND OVER HALF YOUR LIFE ON A INVENTION NOT TO UNDERSTAND ITS TRUE WORTH, & MR SCOWN STATED THAT MY TECHNOLOGY HAD GLOBAL APPLICATIONS

MONEY IS NOT MY MOTIVE FOR INVENTING & MY ENERGY TECHNOLOGY IS FOR THE WORLD, NOT ONE COMPANY!

I NEVER GOT MY MEETING WITH THE INCUBATOR, 3 MONTHS LATER I WAS ARRESTED FOR MURDER, THAT I DID NOT COMMIT.

AFTER BEING IN PRISON FOR EIGHT MONTHS ROSS ARRANGED TO GET PERMISSION TO VISIT ME OF HIS OWN ACORD DURING THAT VISIT, I TOLD HIM THAT I WAS INNOCENT & ROSS PROMISED TO SUPPORT ME, HE THEN ASKED ME A KEY TECHNICAL QUESTION RE MY DESIGN, A QUESTION THAT YOU WOULD ONLY ASK IF YOU WERE BUILDING A MACHINE OUR CONFIDENTIAL AGREEMENT WAS STILL VALID & I TRUSTED ROSS SO I TOLD HIM!

OVER SEVEN YEARS LATER I HAVE NEVER SEEN OR HEARD FROM ROSS, WHYLAND AGAIN BUT WHEN I WAS LATER FORCED TO SELL MY BO MARINA BERTH, AT A LOSS ROSS WAS THE PERSON WHOM PURCHASED IT FOR HIS NEW BOAT.

ANTHONY BALLANTYNE  
Pages 2. of 2. Are True & NOT MISLEADING

TO: THE COMMISSIONER 18. May - 2022  
INTELLECTUAL PROPERTY OFFICE OF NZ  
PO Box 9241 DX: SX 111 29 WELLINGTON

REF: ANTHONY BALLANTYNE, INVENTOR, D.O.B 19. MARCH 1953  
C/O TONGARIRO PRISON, CEDAR ONE, PPT BAG 500 TURANGI 3353

DEAR SIR, MA'AM,

I HAVE PREVIOUSLY WRITTEN TO THE COMMISSIONER, TO INFORM YOUR OFFICE THAT I HAVE BEEN UNLAWFULLY CONVICTED & IMPRISONED!  
(COPY ATTACHED)

IT HAS TAKEN ME OVER FOUR & A HALF YEARS TO PROCURE EVIDENCE OF INNOCENTS, DNA CORRUPTION, FRAMED, & TO SUPPRESS MY ENERGY INVENTION, PEER REVIEWED BY THE AUCKLAND UNIVERSITY & UNISERVICED & FACULTY DATE 28. OCT. 2014, AUTHENTICATED! & GLOBAL APPLICATIONS.

NOTE: AN OFFER FOR 1.5 BILLION DOLLARS WAS PRESENTED TO ME BY MR. ROSS HYLAND "CHAIR PERSON" ON BEHALF OF GENERAL ELECTRIC. "AND REJECTED!"

MAY EVIDENCE AND CASE HAS NOW BEEN EXCEPTED BY THE NZ CRIMINAL CASES REVIEW COMMISSION NO 0198  
"COPY ATTACHED"

DUE TO PROVEN DATA & MY ABILITY I AM ABLE TO CONTINUE TO INVENT WHILE IN "HELL" PRISON!

ON THE 22-5-19 JAMES & WELLS IE CERI WELLS WAS E-MAILED 3 NEW INVENTIONS FOR PATENT PENDING LODGING.

DUE TO FUNDING THE LODGING DID NOT PROCEED, BUT COPIES REMAIN WITH JAMES & WELLS, AS WELL AS MR BILL WEST, IN TRUST  
(COPIES ATTACHED)

IN OCTOBER 2020 DUE TO A NUMBER OF ATTEMPTS ON MY LIFE, COPIES OF MY 3 INVENTIONS, IE ELECTRO MAGNETIC ENERGY & DYNAMICAL ATOMS & MOLECULES & EVIDENCE

2.  
OF INNOCENCE WAS PERSONAL HANDED TO MR. CHRISTOPHER JONES EXT PASTOR GATEWAY CHURCH, HAMILTON 021776642 chris@gatewaychurch.org.nz, IN CONFIDENTIAL TRUST IN THE EVENT OF MY DEATH!

IN DECEMBER 2021, I WAS MISLEAD INTO SIGNING A EPA TO ANOTHER PRISONERS WIFE \$ 980 K PROCEED'S FROM THE SALE OF TRUST PROPERTY, WITH THE PROMISE OF BUILDING PROTO TYPES PATENTS & SECURING LEGAL ASSISTANCE FROM OVERSEAS.  
"SADLY MY MONEY WAS STOLEN"

ON THE 22. MARCH 2022 I ENGAGED THE SERVICES OF MR GARTH O'BRIEN BARRISTER TO REVOKE THE EPA & SEE IF HE CAN RECOVER MY FUND'S. 021891142 garth@obrien.co.nz

ON THE 2. APRIL 2022 I POSTED COPIES OF MY THREE PATENT INVENTION, IN BOTH WRITING & LETTER 4<sup>TH</sup> BY PHONE, INSTRUCTED MR O'BRIEN TO PROCESS MY 3 PATENT PENDING APPLICATION DIRECT WITH THE PATENT OFFICE BY INTERNET

HAVING PREVIOUSLY SIGNED CONFIDENTIAL AGREEMENTS WITH A.U. UNISERVICES I WROTE TO MS NICOLA JOHNSTON HEAD OF I. P. "STATEING" PRIVILEGED CONFIDENTIAL LEGAL DOCUMENTS AND EXPRESSED INTEREST IN WORKING WITH UNISERVICES ON BUILDING A NUMBER OF PROTO TYPE IN RELATION TO: ELECTRO MAGNETIC ENERGY, DIVISION & PROPULSION OF ATOM'S & MOLECULES,

NOTE: I ALSO MENTIONED THAT AT THE TIME OF GENERAL ELECTRIC'S OFFER I WAS SO ELATED THAT MY ENERGY INVENTION & 34 YEARS OF MY LIFE HAD BEEN VALIDATED, THAT G.E HAD NO LEGAL RIGHT TO ANY KNOWLEDGE OF MY INVENTION!

MS N. JOHNSTON'S REPLY IS VERY ALARMING, IE: MAY NOT BE PRIVILEGED.  
(COPY ATTACHED)

IN THE EVENT MR GARTH O'BRIEN QC HAS NOT BEEN ABLE TO DATE TO SECURE MY MONIES AND NOT CONTACTED THE NZ PATENT OFFICE TO PROCESS MY 3 PATENTS.

AS OF 2014 P.P. COSTS WERE UNDER 100 NZ. I HAVE 700 IN MY PRISON ACCOUNT.

PLEASE! IS IT POSSIBLE TO INCLUDE A FOURTH INVENTION MEANS FOR FACILITATING THE AMAGGLOMERATION OF PARTICLES ATOMS AND OR MOLECULES, COPIES ATTACHED.

PROCESS ALL FOUR APPLICATIONS, AND TO E-MAIL YOUR ACCOUNT DETAILS SO THAT I CAN ARRANGE TO TRANSFER THE MONIES REQUIRED, HOPEFULLY UNDER 700.

I BELIEVE THAT I HAVE Prio RIGHTS BUT TO BE SAFE I ALSO HAVE CONCERNS THAT MR KUMEMANUS, CON, MAN! "CONVICTED FRAUDSTER" SO I LATER FOUND OUT! BUT TOO LATE ALSO HAD INTENTIONS TO STEAL MY INVENTIONS!

NOTE: MY STORY IS EXTRAORDINARY BUT SADLY VERY TRUE, & HOW THIS IS ABLE TO OCCURE TO ME. IN NZ, BEGGERS BELIEF.

COPY ATTACHED, LETTER & RESPONSE TO THE AUSTRALIAN CONSULS GENERAL OFFICE "SUMMARY OF FACTS"

SHOULD YOU REQUIRE VALIDATION OF MY STATEMENTS PLEASE FEEL FREE TO CONTACT MR CHRIS JONES PASTOR.

E-MAIL  
E Prisoner Tongariro  
SUB:  
A. BALLANTYNE  
P.R.N 42581582

YOURS SINCERELY  
ANTHONY BALLANTYNE

INVENTOR



Att: S.C.O. Roger Viles

26.1.20

RE: LEGAL E-MAILS

Ref: ANTHONY BALLANTYNE : APPELLANT CA438/2017

Subject: Police, Perjury, Collusion, Cover up.  
OPERATION TIGER A. BALLANTYNE.

To:

pan.law@xtra.co.nz : QC

c/c : andrew.coster@police.govt.nz

: kev

RED FLAG

pan.law@xtra.co.nz

mariedgc@mariedyhberg.co.nz

TIM: MCKINNEL@zavest.co.nz

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richard.chambers@police.govt.nz /

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bwest.ltd@gmail.com

tai.ballantyne@gmail.com

anna.leask@nzme.co.nz

Subject.

Police Perjury Collusion, Cover up.

RE OPERATION TIGER A. BALLANTYNE.

case.resolution@ipca.govt.nz /

1. ST SEP 22

15022.PE

THE FORENSIC GROUP

(26 August 2015)

Mr Thomas Sutcliffe  
Thackeray Chambers  
PO Box 19021  
HAMILTON 3244

THIS REPORT WAS NEVER PRESENTED AT TRIAL (2 MAY 16)

By email : Tom@thackeraychambers.co.nz

Dear Mr Sutcliffe,

**Re: Mr Anthony BALLANTYNE**

Instructions were received from you acting on behalf of Mr Anthony Ballantyne, who has been charged with the homicide of Mr Ivan Kapluggin. Consideration of a scientific aspect of this case has been undertaken by Paige McElhinney, Consultant Forensic Scientist. The purpose of this letter is to provide advice to you in relation to issues raised. It is not necessarily for disclosure. Should you wish to disclose it, please contact me; a formal court document can be prepared, if required.

I have been asked to consider photographs containing what appear to be blood staining and determine whether or not any comment can be made on the event that caused them. To do this I have been provided with a pdf document containing the photographs in question, namely photographs labelled "185-IMG\_4033", "186-IMG\_4034", "187-IMG\_4035", and "188-IMG\_4036", respectively, as well as digital copies of these images. I have also been provided with handwritten notes made by Mr Ballantyne. S/A,

I have previously been provided with the Police Summary of Facts and a statement from ESR scientist Mr Rian Morgan-Smith dated 05 May 2015.

I have provided an opinion based on these documents alone. There may be additional photographs or information in the ESR casefiles that may affect this opinion.



Handwritten signatures and initials

## 1. CIRCUMSTANCES

It is alleged by the Crown that on 02 February 2015 Mr Ballantyne murdered Mr Kapluggin. I understand there were two altercations on the night in question. The first is alleged to have involved Mr Ballantyne striking Mr Kapluggin to the face and Mr Kapluggin bleeding as the result of injuries received. Later in the evening a second incident occurred in which it is alleged Mr Ballantyne used a knife to stab Mr Kapluggin in the chest, neck and back and struck his head with a meat cleaver.

I understand Mr Ballantyne denies killing Mr Kapluggin and alleges that two other individuals carried out the fatal assault upon Mr Kapluggin.

I have been asked to consider photographs taken of blood stains on a tiled floor. I have no information regarding from where in the scene the photographs were taken but from the order of the photographs I presume they were located near the body of Mr Kapluggin in the laundry. I understand Mr Ballantyne alleges that the blood stains in the photographs could be footwear impressions from a boot.

## 2. BLOOD STAIN PATTERNS – Introduction

The identification of blood staining by forensic scientists is based on the visual appearance of the stain and a positive result being obtained in a chemical test for blood. The chemical test for blood is a presumptive test as it reacts with blood and some other substances. The analyst relies upon their training and experience to recognise the features of blood and to identify the chemical reaction as that obtained from blood rather than from another substance that may react with the test.

Please note blood stain pattern interpretation should ideally be done in person. Any interpretation from photographs is limited and is based on the assumption that the staining represented in the photographs is blood and that the photographs fully represent the actual pattern.

I note that only one of the photographs in question contains a scale. This is not what I would expect of comparison-level photographs taken at a homicide scene by a Police Photographer. Any photographs containing patterns of interest should be photograph with a rectilinear scale on both the x and y axes in order for the true size of the pattern to be recorded. From the photographs taken it is not possible to determine the true size of the pattern or if the photograph is a true representation of the pattern; if, for example, the camera was not truly parallel above the surface this can distort the image.



*[Handwritten signatures and initials]*

### 3. PHOTOGRAPHS

The photographs contain, amongst other blood stains, two patterns that I have been asked to consider.

The first of these is most clearly shown 187-IMG\_4035. I understand Mr Ballantyne has proposed that this pattern could be caused by a cross-shaped element on the sole of a safety boot. This pattern does not appear to be a cross-shaped transfer stain but appears to be more consistent with a contact or transfer stain on the floor with drops of water, for example, dropped on a blood stain from above. This is identifiable as the distorted and dilute staining in the centre with the ring around the edges. *compare other dilute stains in the house*

The second pattern is most clearly shown in 186-IMG\_4034. I understand Mr Ballantyne has proposed that this pattern could be a blood stain transfer pattern from a heel element of a safety boot. The blood stain appears to be curved in shape and appears to be caused by a blood stained object contacting the surface. The blood stain could be caused by a blood stained boot or any other object stained with wet blood contacting the surface.

In addition, without further information, it is possible that an object was present along the right edge of the stain which was subsequently moved which means the blood stain may not be a true representation of the shape of the object that made the stain. There is blood staining around the edges of the proposed "block" element and as indicated below additional chemical enhancement of the stain may have provided more information on what may have caused it.

### 4. ADDITIONAL COMMENTS

I note that Mr Morgan-Smith used a chemical called Leuco-Crystal Violet (LCV) to enhance the blood stain patterns on the floor. This is a standard method used in crime scene investigations and the chemical enhancement can enable more detail in blood stain patterns to be visualised. There may be additional information or photographs of the enhanced blood stains in Mr Morgan-Smith's file; the images provided are not the enhanced LCV photographs. In addition, Mr Morgan-Smith will have examined the area and made notes on the staining. If he observed a repeating pattern on the floor such as that depicted in photograph 186-IMG\_4034, this could support the proposition that the pattern is a blood stained footwear impression.

I also note in Mr Ballantyne's notes he refers to the sole of a "Size 10" safety boot. If there is a pair of boots in question with which you would like me to compare to the blood stain patterns please contact Dr Sandiford of The Forensic Group Ltd to discuss.



*Handwritten signatures and initials, including 'J.P.' and 'A. R. M.'.*