

IVANS BLOOD HAD ALREADY FORMED SO THESE
DRIPS CAN NOT HAVE COME FROM HIM

15022.PE

I understand there was an incident earlier in the evening in which Mr Kapluggin received a bleeding injury. It is not possible to determine from the blood stains to which incident these blood stains relate.

I note in photograph 185-IMG_4033, which shows both patterns in question, there is an area of blood stain in between the two patterns which appears to be ridge detail, from a blood stained hand or foot for example.

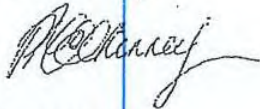
5. FINAL POINTS

This report has been prepared using information provided to me. If this information should change or additional information becomes available then it may be necessary for me to revise my findings and conclusions.

I have read the High Court Code of Conduct for Expert Witnesses and agree to abide by it. I understand that as an Expert Witness my duty is to the court. I confirm the matters on which I have provided an opinion fall within my areas of expertise.

I trust this is of assistance.

Yours sincerely



Paige McElhinney
Consultant
The Forensic Group Ltd



PA Page 4 of 5
A. I. W.

Appendix A : Brief CV

Since 2010, I have been a forensic science consultant for The Forensic Group Ltd.

Between 2001 and 2010 I was employed by the Institute of Environmental Science and Research Ltd, known as ESR, as a forensic scientist. My role at ESR involved the application of scientific techniques to item and scene examinations to assist in the investigation of crimes.

I have presented evidence in court on a number of occasions on behalf of the Crown and the Defence.

With respect to the findings in this case, I have investigated numerous criminal matters, including homicide, assault and sexual assault cases, using the same techniques applied in this investigation and have presented these findings in court.

I was trained in blood stain pattern interpretation by the National Institute of Forensic Science in Australia in 2004, and blood stain pattern interpretation was a routine part of my scene and item examinations as a forensic scientist at ESR.

Between 2003 and 2009 I was the Doctors for Sexual Abuse Care (DSAC) liaison at ESR and represented ESR at training courses on sexual abuse for medical personnel run by DSAC, as well as at the training of Police Medical Officers. I was part of the team that developed the most recent medical examination kit. I am the co-author of the chapters on *Forensic Specimens* and *Forensic Science and Drug Facilitated Sexual Assault* in *The Medical Management of Sexual Assault* (Sixth Edition 2006), published by DSAC. This is the only New Zealand textbook on medical examinations of the victims of sexual abuse.

In 2013 I was contracted to the United Nations Office on Drugs and Crime to develop an Introduction to Forensic Science Course for the Palestinian National Authority.

I have a Bachelor of Technology degree in Biomedical Science with First Class Honours from the University of Auckland.

I am a member of the New Zealand Forensic Science Society, a provisional member of the International Association of Bloodstain Pattern Analysts and a member of the New Zealand Independent Forensic Practitioners' Institute.

As an Expert Witness I understand that my overriding responsibility is to the Court and not to those instructing me.



J O B S H E E T

2ND
1-ST SEP-22.

(18.)

Due _____
File _____

OFFENCE: OPERATION TIGER

DATE and
TIME

First plan your inquiry then set out the action taken, inquiries made, oral statements of persons seen and information gained, etc.

No landline
Mobile:

VETTORI told me the following:

- ▣ I was staying here alone. Christine arrived about 2 - 3pm yesterday afternoon.
- ▣ We sat on the deck having tea. I was aware that there was music next door during the afternoon.
- ▣ We know that Tony is having a few drinks / session if the music is up loud.
- ▣ Christine and I had dinner and watched TV until 10.30 then went to bed.
- ▣ I closed the windows to this side of the house.
- ▣ I noticed all the lights on at Tony's place and thought oh that's late.
- ▣ The music was still going, not loudly.
- ▣ I went to bed. **(At 1am I was woken up by my doorbell.)** It is a bell with a rope. It went 3 or 4 times.
- ▣ I was frightened and went in and got Christine.
- ▣ We both came to the door and I yelled out asking who was there. No one answered and I couldn't see anyone through the glass in the door.
- ▣ The sensor light was on.
- ▣ I noticed all the lights on next door which was strange.
- ▣ We didn't go outside. We went on to the back deck and Christine said to me, **"that sounds like some one who is simple."**
- ▣ **I said to her, "oh that will be his friend Graeme who has parkinsons."**
- ▣ On the deck for 10 minutes.
- ▣ You couldn't understand what the person was saying just could hear voices. I don't know if it was Graeme or not it just sounded like him.
- ▣ I heard another voice straight afterwards which sounded like Tony's voice to me I'm not sure. I couldn't understand that either.
- ▣ In my mind **(I thought that is Graeme and Tony.)** I was thinking is something going on over there.
- ▣ I'm a nurse. I thought it was them that rang the door bell.
- ▣ We then went on to the door step.
- ▣ I couldn't hear anything. It would have been about 1.30 1.45 am.
- ▣ I phoned Tony twice on his cell phone. I have his phone number in my phonebook.
- ▣ I got his answer phone both times.
- ▣ I was going to call out from the deck but I didn't.
- ▣ The pull on the bell was weak so **(I thought it might have been Graeme.)**
- ▣ I thought the voices came from Tony's lounge.

N.Z. POLICE
J O B S H E E T

(19.)

Police 29
11/97

Due _____
File _____

OFFENCE: OPERATION TIGER

DATE and
TIME

First plan your inquiry then set out the action taken, inquiries made, oral statements of persons seen and information gained, etc.

- When I got up at 1am I noticed Tony's front door was closed and then by 2ish I saw that it was wide open. I said to Christine, "He'll have walked Graeme home."
- We went back to bed around 2ish.
- I think I was in bed about 20 minutes 1/2 hour when I heard voices. I walked to the bathroom and heard a noise as though someone was trying to lift someone. A grunting noise. I heard the grunts maybe a dozen times. I remember seeing other people there. I don't remember anything about them.
- Christine and I went onto the front door step and someone said they were from the police and to go inside.
- I have Tony's number in my phone book. It is 021 924 325.
- Tony is a good neighbour but through friends we have heard stories.
- I called Tony using my landline number.
- Owned massage parlours in Hamilton
- Dinner party we went to was sleazy
- 3 years ago we moved in. He wanted a key quickly and we said no. He asked my husband to have whiskeys with him in the afternoons. He said no.
- I always wanted my husband here with me when Tony was there. A feeling.
- He was a good neighbour. He looked after our gardens etc.
- I last saw Tony yesterday at 11 am. I went out on my bike. He was just wearing a sarong inside his house, around his waist.
- Once Tony came over and apologised about being naked as he walks around naked. He thought I had seen him.
- Tony told me about Graeme having Parkinsons. **(Graeme lives on Belona Road.)**
- Tony bought me cabbages from Graeme's garden at Christmas time. Tony walks there often.
- Tony told me he went to the police / doctor to get Graeme's car keys off him.
- I think he once told me Graeme had been violent towards him.
- He would hang over the fence and ramble at me while I was gardening.
- Tony told me once that Graeme was suspicious of him taking money.
- Tony lives next door. He has type 2 diabetes. Mike BOWAN is his GP. He is on a sickness benefit.
- I was concerned about his diabetes last night, concerned with his drinking health wise.
- Tony drives the red truck out the front.
- I haven't seen Graeme for a year.
- **(Tony has been inventing something. He told me he would get a nobel prize.)** Someone in Auckland was interested in it. They had presented it to someone.
- He told me he had some his marina.
- I know it was 1am when I woke. Christine and I discussed it.



Name: Richelle BROWNLIE

RLB

Checked by:



①

Formal Written Statement

Lisa Marie Melia states:

My full name is Lisa Marie Melia. I am a forensic scientist employed by the Institute of Environmental Science and Research Ltd, known as ESR, at Mt Albert, Auckland.

I hold a Bachelor of Science Degree with Honours in Biochemistry and Cell Biology. Since December 1985 I have been employed by ESR as a forensic scientist specialising in forensic biology.

ESR is a Crown Research Institute and its functions include the provision of independent forensic testing and advice. The forensic laboratories of ESR are accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors. ESR case files and any samples remaining are available for independent examination upon request and in accordance with defence access principles.

Since joining the Forensic Group I have specialised in the area of forensic biology. I have examined many items for evidence of body fluid staining and analysed such samples using DNA profiling techniques. I have given evidence in court on many occasions.

This statement updates and replaces my earlier statements (dated 20 February 2015, 24 August 2015 and 14 April 2016.)

Date of Arrest
(23.2.15)

Receipt of Samples

Laboratory records show that on and between 13 February 2015 and 15 February 2016 a number of samples were forwarded to the Forensic Biology Group of ESR for DNA analysis. A full list of samples is provided in Appendix I.

NOT LAWFULLY DISCLOSED AT TRU

The sample descriptions used in this statement have been taken from sample packaging or accompanying documentation.

Date (2 May 2016)

2.05.2016



COPY

Page 1 of 17 pages

Purpose of Examination

I understand from accompanying documentation that the samples submitted relate to an investigation into the death of Mr Ivan Kapluggin. Furthermore, I understand that Mr Anthony Ballantyne is a suspect in this matter.

I have been asked to analyse the samples and determine whether or not any DNA present could have originated from Mr Kapluggin or Mr Ballantyne.

General information about DNA profiling

The samples were analysed by a general method of DNA analysis known as STR (Short Tandem Repeat) profiling. The standard test used at ESR involves the analysis of fifteen DNA sites.

Technical details relating to these procedures are presented in Appendix II of this statement.

When suitable quality DNA profiling results are obtained from questioned samples they can be compared with DNA profiles obtained from any reference DNA samples. If a correspondence is found between DNA profiles, the results can be assessed statistically to provide an indication of the scientific strength of the correspondence.


To assist with the interpretation of the DNA profiling results, reference DNA samples have been provided from Mr Kapluggin and Mr Ballantyne.

Examination, Results and Opinions

In this statement, the results and conclusions provided are my expert opinion. By expert, I mean that my opinions are based on my scientific knowledge, forensic training and my forensic casework experience gained whilst working in an accredited forensic laboratory.

Laboratory examinations have been undertaken by trained scientific support staff under my direction.

A summary of the DNA profiling results is presented in Appendix III.


2.05.2016

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Page 2 of 17 pages

PAGE 2 of 4

Mr Kapluggin's and Mr Ballantyne's DNA profiles were obtained from their reference DNA samples. Their DNA profiles are suitable for comparison purposes to DNA profiling results from questioned samples or reference DNA profiles from other individuals.

The DNA profiling results from the following samples corresponded with Mr Kapluggin's DNA profile. Therefore, the DNA detected in these samples could have originated from him or from another person with the same DNA profile as him at the DNA sites where results were obtained:

- * • bloodstain from the upper side of a **knife handle, ASC15546/54,**
- * • bloodstain from the upper side of a **knife blade, ASC15546/55,**
- * • bloodstain from the lower side of a **knife handle, ASC15546/56,**
- * • bloodstain from the lower side of a **knife blade, ASC15546/57,**
- • dilute bloodstain on a **meat cleaver, ASC15546/17,**
- dilute bloodstain on a sink bench, ASC15546/18,
- bloodstain from a ranch slider, ASC15546/31,
- bloodstain from a curtain, ASC15546/34,
- bloodstain from a laundry wall, ASC15546/37,
- bloodstain from a laundry floor, ASC15546/41,
- bloodstain from a laundry wall, ASC15546/48,
- bloodstain from a Glenfiddich bottle, ASC15546/58,
- * • bloodstained **swab from right hand of deceased, Mr Kapluggin, item 15032, ASC15546/67,**
- bloodstain from a sarong, item 30003, ASC15546/70/2,
- sample of possible bloodstain on a bell pull, ASC15546/1/1,
- dilute blood drip from kitchen floor, ASC15546/12,
- bloodstain from kitchen cabinet, ASC15546/14,
- bloodstain from chair, ASC15546/23,
- bloodstain from deck, ASC15546/25,
- bloodstain from chair, ASC15546/26,
- bloodstain from wall, ASC15546/30,
- blood drip from hall carpet, ASC15546/40,
- blood drip from laundry floor, ASC15546/42,

MURDER WEAPONS.

Finger NAIL TIP
SWAB
"DRY"

[Signature]
2.05.2016

[Signature]


COPY

1539
AS

BIO15691/ASC15546

(4)

- blood drip from laundry floor, ASC15546/44,
- bloodstain from laundry wall, ASC15546/50,
- blood spot from laundry wall, ASC15546/51,
- bloodstain from kitchen floor, ASC15546/7,
- bloodstain from kitchen floor, ASC15546/11,
- blood drip from pantry door, ASC15546/13,
- dilute bloodstain on sink bench, ASC15546/15,
- dilute bloodstain in sink, ASC15546/16,
- bloodstain from table, ASC15546/22,
- bloodstain from deck, ASC15546/24,
- bloodstain from chair, ASC15546/27,
- bloodstain from deck, ASC15546/28,
- bloodstain from deck, ASC15546/29,
- bloodstain from curtain, ASC15546/35,
- blood drip from hall wall, ASC15546/38,
- bloodstain from hall wall, ASC15546/39;
- blood pool on rug, ASC15546/43,
- bloodstain from laundry wall, ASC15546/49,
- bloodstain from laundry wall, ASC15546/52,
- * • **swab from right hand, item 15031, ASC15546/66,**
- * • **swab from left hand, item 15033, ASC15546/68,**
- * • **swab from left hand, item 15034, ASC15546/69,**
- bloodstain from sarong, item 30003, ASC15546/70/B,
- bloodstain from sarong, item 30003, ASC15546/70/6,
- bloodstain from sarong, item 30003, ASC15546/70/8.

Ballantyne
 Signed and Witnessed by
 Ann Marie Rawson
 10/03/2021
Ann Marie Rawson



WET
 DRY
 WET

Fingertip Swabs
 From Ivan

The DNA detected in these samples using the standard DNA profiling test could not have originated from Mr Ballantyne.

A statistical evaluation of the scientific weight of these DNA profiling results has been undertaken. I have compared the likelihood of two possible alternatives:

[Signature]
 2.05.2016

COPY

Page 4 of 17 pages

Page 4 of 4

NOT LAWFULLY
DISCLOSED AT
TRIAL

(1)

Victim
KAPLUGGIN/Ivan/Peter
DOB: 30.08.38 - 76yrs

Decision made to speak with BALLANTYNE when he awakes. Confirm his consent to conduct a full forensic medical examination, be photographed then interviewed in Hamilton.

0751hrs

Together with D/Sgt SINGER enter the custody area and meet BALLANTYNE. BALLANTYNE is engaging and offers out his cut and bloodied right hand to shake and greet. He is wearing an ambulance blanket wrapped around his waist (nil other) and is bare-chested.

- I note his visible injuries -
- = 2-3cm cut on palm of right hand.
 - = Bruising left elbow.
 - = Small graze outside of right knee.
 - = Possible bruising upper left cheek.

After introductions are done, BALLANTYNE is told that Police would like to complete a medical examination and interview in Hamilton. BALLANTYNE consents to this request and suggests that photographs be taken of him as soon as possible.

0757hrs

(With BALLANTYNE's full consent) S/Const NEILL obtains a series of photographs of him while in the custody area. I remain present while these photographs are being taken.

- Note that BALLANTYNE has - **Age 61 11M**
- = Blood on both feet.
 - = **Short grey hair.**
 - = Tattoo right forearm.
 - = Smells strongly of alcohol.
 - = Clear precise speech.
 - = Steady on his feet

On completion of the photographs a pair of blue overalls is made available to BALLANTYNE.

0804hrs

BALLANTYNE removed the ambulance blanket from around his waist. He rolls the blanket up and places it directly in to a large brown bag, which I hold in front of him. I secure that bag by folding and rolling down the top.

BALLANTYNE puts on the blue overalls.

0808hrs

While seated with BALLANTYNE in the custody area I advise him of his full caution and Bill of Rights. I read his caution word for word direct from the caution card attached to the front of my notebook.

- BALLANTYNE is told he is being spoken to in relation to Ivan's death.
- He is informed -
 - He is not under arrest.
 - He is free to leave at any time.
 - He does not have to answer any questions.

I Witnessed Signature
10/03/2021

Anderson

Ballantyne



Name: Alistair HILL
 Rank: Detective Constable
 Reg No: AH1370
 Date: **05.02.2015**

Checked By:
 Rank:
 Date:



PAGE 1 of 1



ASC15546
PMS 319

Rian Morgan-Smith (NZSC Chem, BAsc Chem, PGDipForSci, PGDipHighEd)
Senior Forensic Scientist
Auckland Forensic Service Centre
Institute of Environmental Science and Research Limited (ESR)
Mt Albert Science Centre: 120 Mt Albert Road, Sandringham, Auckland 1025
Private Bag 92021, Auckland 1142, New Zealand
DDI: +64 9 815 3907
E: rian.morgan-smith@esr.cri.nz
www.esr.cri.nz

From: EVERSON, Simon <Simon.Everson@police.govt.nz>
Sent: Friday, 2 November 2018 3:46 PM
To: Rian Morgan-Smith <Rian.Morgan-Smith@esr.cri.nz>
Subject: FW: Antony Ballantyne v R

Giddy Rian

As per the message I left on your phone our favourite murderer Mr. Antony Ballantyne is still persisting with his appeal.

I have received the requests from Crown Law as below.

I have managed to find the answers and documents to answer the first three requests but do not seem to be able to find the documents that pertain to the final request.

Are you able to assist?

Give me a yell next week. (I am away Monday and Tuesday).

It would be good to put this to bed finally.

Cheers

Simon

Detective Simon Everson
Coromandel/Hauraki CIB | New Zealand Police
P +64 7 863 3711 Extn: 78711 | M +64 021 1912438 | E simon.everson@police.govt.nz
55 Kenny Street Waihi, P O Box 54, Waihi 3610, www.police.govt.nz

Safer Communities Together

From: Jonathan Temm <jonathan@phoenixchambers.co.nz>
Date: 2 November 2018 at 15:27:20 NZDT
To: 'Karen Grau' <Karen.Grau@crownlaw.govt.nz>
Subject: RE: Antony Ballantyne v R

Hey Karen,

That is fantastic and so very quick.

The PM report is a tick.

So is the toxicology results via Helen Poulsen on the deceased. Tick there too.

COPY

A U the

B



NZ Police

REPORT FORM

10354

SUBJECT: OPERATION TIGER

ADDRESS:

TEXT: RE FINGERPRINT EXAMINATION

Report Date: 24/03/2015

Det Sgt Jason Perry
CIB Waihi.

On Tuesday 3rd and Thursday 5th February 2015 I conducted a fingerprint examination of a dwelling at 202 ACHILLES AVENUE, Whangamata in relation to a suspicious death that had occurred there the night before.

I was assisted in my examination by Senior Fingerprint Officer John Taylor and Fingerprint Officer Sally Bradbury.

The examination of the house lasted two non consecutive days.

There was no obvious sign of forced or irregular entry, however it was apparent that doors and windows has been opened as it was a warm night.

As a result of the examination I produced ten fingerprint lifts and three photographs from various areas around the house, namely: the front door, laundry door, kitchen floor, back bedroom and the ranch sliders on to the deck from the lounge and laundry area.

The prints from four of the lifts have been identified for Anthony Ballantyne, (Laundry door frame, and both ranch sliders). Of the remaining lifts two are unsuitable and four remain unidentified, these prints are very small and, in my opinion, have probably been made by children.

Various exhibits were removed from the venue by the O/C scene and delivered to the fingerprint section where they were chemically treated in order to develop fingerprints. These consisted of 2 Lindauer bottles, a meat cleaver, a kitchen knife, a Glenfiddich bottle, a Glentivert bottle, a jug, 2 drinking glasses a scrubbing brush and a dishwashing liquid bottle. Seventeen fingerprints were photographed on some of the exhibits. Eight have been identified for Anthony Ballantyne. seven do not contain enough detail for identification purposes and two remain unidentified.

Two of the exhibits have not yet been looked at by me as they are to be sent to ESR.

Barry Smith
Fingerprint Officer
24 March 2015.

Not Lawfully
DISCLOSER
AT TRIAL

73 Grafton Road
Roseneath
Wellington

16 July 2021

Anthony Ballantyne
Nikau Unit
Waikeria Prison
Private Bag 2400
Te Awamutu 3840

Dear Anthony,

I have received your letters and read them with interest, thank you.

You for asked my assistance in publicising your injustice to the world. I can't do that, but I am pleased to see that you have gone to the Criminal Case Review Authority. If anyone can help, they can. They seem like a genuinely independent service.

Meanwhile, you have sent me quite a lot of your documentation. I am happy to keep it, but if you would it back I'd be happy to post it to you at the prison.

I wish you well.

Best wishes,

Nicky

Nicky Hager

c/o 73 GRAFTON RD
ROSENEATH WELLINGTON 6011

093020166

nhager@astrix.nz

DISPITE A NUMBER of WRITEN REQUESTS BY ME TO
MR. HAGER TO PLEASE RETURN ALL MY DOCUMENTS
THAT I SENT HIM.

HE HAS NEVER REPLIED
TO THOSE REQUESTS

Barrone

Rian Morgan-Smith

From: Rian Morgan-Smith
Sent: Friday, 18 December 2015 8:28 a.m.
To: 'EVERSON, Simon'
Subject: RE: ASC15546 - operation tiger
Attachments: ASC15 546 samples list summary 171215.xls

Hi Simon,

I have attached a spreadsheet of the samples we have and have highlighted a number of blood samples that I think are worth doing DNA on. Once you have had your meetings with crown etc let me know if you agree with them. Alternatively we could just do them all.

The hair work could be tricky at a number of levels. Firstly most of them will be coated in blood so getting DNA profile just from the hair takes a bit of work. Also for our std techniques to work the hairs must have pulled roots to work with. The fingernail and hair samples from Mr K are all hair fragments. So we would need to consider sending them off shore for mitochondrial DNA work. From memory I think the hairs on the wall and from the cleaver are fragments as well so are in the same boat. Plus there are discussions to be had about mechanisms for legitimate transfer given they are both in the same environment for some time as well.

First I have heard of the broken wine glass. What's been done to it so far? Has the mouth area been sampled for user DNA (saliva)? The stem for handler DNA? has it been fingerprinted? I can arrange all of that if nothing has been done.

Blood congealing times we can discuss in very general terms. There will be some unknowns to be factored in with Mr K's general health, physiological factors, blood alcohol, environmental conditions, substrate, thickness of blood pool, etc etc, which might make this less useful than you might think. But we can still get into it for you.

Sending the captured images themselves seems to have been a bust. Did you get the word document I sent with the photo's in?

From now I am away for two weeks, back for a week, (4-8 Jan), then off for another two week.

Cheers

Wishing you a quiet Xmas

Rian Morgan-Smith (NZSC Chem, BASc Chem, PGDipForSci, PGDipHighEd)
Senior Forensic Scientist
Auckland Forensic Service Centre
Institute of Environmental Science and Research Limited (ESR)
Mt Albert Science Centre: 120 Mt Albert Road, Private Bag 92021, Auckland 1142
DDI: +64 9 815 3907
www.esr.cri.nz



THE SCIENCE BEHIND THE TRUTH

From: EVERSON, Simon [mailto:Simon.Everson@police.govt.nz]
Sent: Thursday, 17 December 2015 10:40 a.m.
To: Rian Morgan-Smith
Cc: PITKETHLEY, Graham; PERRY, Jason; 'Ross Douch'
Subject: RE: ASC15546 - operation tiger

Thanks Rian

It is more further analysis of blood staining in the laundry where we only sampled some of the spots (eg we did 46 but not 41 to 45). We are looking at being able to say that all the blood in that area is either the Victims or Ballantynes.

Also in the deck area having the blood analysed to again exclude any other person other than the Victim and Ballantyne.

There are also the hairs located in both the Victims hands, on the wall beside him and on the cleaver. Having these analysed to establish whose they are, linking them to the Victim or Ballantyne.

Also the dilute blood staining and whether we can identify whose blood it is either by grouping or DNA.

Testing the blood on the broken wine glass in the rubbish by the back door to again identify whose it is.

We also want to cover blood congealing times.

So a bit of work still to do. Now that we have a confirmed Not Guilty plea and know we are going to trial more money is available to do this further testing.

I will talk to the Bosses and Ross Douch at the Crown to confirm with you exactly the process to have this further analysis completed.

Cheers

Simon

Detective Simon Everson

Coromandel/Hauraki CIB | New Zealand Police

P +64 7 863 3711 Extn: 78711 | M +64 021 1912438 | E simon.everson@police.govt.nz

55 Kenny Street Waihi, P O Box 54, Waihi 3610, www.police.govt.nz

Safer Communities Together



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Follow @NZPolice



NZ Police on YouTube

From: Rian Morgan-Smith [<mailto:Rian.Morgan-Smith@esr.cri.nz>]

Sent: Thursday, 17 December 2015 09:56

To: EVERSON, Simon

Subject: RE: ASC15546 - operation tiger

Hi Simon,

Have reduced the images size by incorporating into a word document. Is this all you need?

I am away for the next couple of weeks, then back for the week of 4 - 8 jan then off for another two weeks.

Are you thinking more DNA analysis of some of the blood or more interpretation of the blood patterns? Either way I will be checking my e-mails (erratically) while on leave. Let me know whqat you need

Cheers

Rian

POSTED: 9TH 12. 22

ARRIVED 12TH 12. 22

30 November 2022

Mr Anthony Ballantyne
PRN 42581582
Tongariro Prison, Hautu Unit
Private Bag 500
Turangi 3353



Dear Anthony Ballantyne

Complaint to the Serious Fraud Office reference CON0010886

Thank you for your complaint to the Serious Fraud Office (SFO) received 7 November 2022.

The SFO is the lead law enforcement agency for investigating and prosecuting serious or complex financial crime, including bribery and corruption.

Our priorities

Our key strategic priorities are to:

1. Protect New Zealanders' financial and economic wellbeing; and
2. Maintain trust in New Zealand's public sector.

To meet these strategic priorities, we focus on a relatively small number of cases that have a disproportionately high impact on the economy and the financial wellbeing of New Zealanders. In the case of bribery or corruption; we investigate crimes that could undermine confidence in the public sector or are of significant public interest.

What we investigate

We do not have the mandate, nor the resources, to investigate every complaint which is made to us. The Director of the SFO must decide how best to use the SFO's specialised and limited resources to serve the New Zealand public.

To ensure this objective is met, the Director will only commence investigations into matters that meet the following criteria:

1. Where the suspected offence involves **serious or complex fraud**; and
2. An investigation would advance one of our **key strategic priorities**.

Serious or complex fraud

In considering whether a suspected offence involves serious or complex fraud that falls within the SFO's mandate, the Director may, among other things, have regard to:

- The suspected nature of the fraud;
- The suspected scale of the fraud;
- The legal, factual and evidential complexity of the matter; and
- Any relevant public interest considerations.

Outcome of your complaint

Your complaint and the information you have provided has been considered against our criteria.

Your complaint does not meet our criteria for investigation as the information provided does not support an allegation of serious or complex fraud offending that comes within the SFO's limited mandate.

According, we will not be investigating your complaint.

Next steps

You may wish to contact Legal Aid Services regarding your concerns that the lawyers assigned to your case did not do their job properly. The contact details for Legal Aid Services are as follows:

Postal Address:

Legal Aid Providers
National Service Delivery
Ministry of Justice
Level 3, Justice Centre
19 Aitken Street
Wellington 6011

Email:

legalaidcomplaints@justice.govt.nz

You may wish to contact the Office of the Inspectorate regarding your concerns about Corrections not adequately keeping you safe in prison or helping warn you about your fellow prisoners trying to scam you. The contact details for the Office of the Inspectorate are as follows:

Phone:

0800 225 697

Post:

Office of the Inspectorate
Department of Corrections
Private Box 1206
Wellington 6140

Email:

inspectorate@corrections.govt.nz

We see that you have already contacted the Criminal Cases Review Commission regarding your concerns about a miscarriage of justice occurring in your criminal proceedings and will leave that matter for them to resolve.

While we will not be investigating your complaint, we thank you for bringing this matter to our attention.

Kind regards,

The Serious Fraud Office

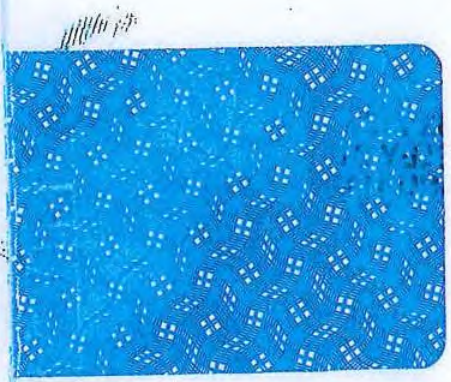
NO NAME

NOR

SIGNED



H



Department of Corrections,
Tongariro Prison
1 2 DEC 2022
RECEIVED

12th December 2022

Attention (Legal privileged Documents) To:

Her Excellency The Right Hon'ble Dame Cindy Kiro, GNZM, QSO Governor-General of NZ.

c/o Government House Private Bag 39995, Wellington mail Centre, Lower Hut 5045.

Ref: To CA 406 (9). (D). NZ 405 Crimes Act 1961 PREGATIVE OF MERCY.

I Anthony Ballantyne D.O.B. 19th March 1953 PRN 42581582 do here by give legal formal notice to her Honour the NZ Governor-General Dame Cindy Kiro that I do solemnly swear that the information (Notarised Evidence) provided with-in Items (1). to (15). Are TRUE & NOT MISLEADING.

Ref: **Incontrovertible DNA Evidence of INNOCENTS/Non Disclosure/Perjury/Evidence Tampering.**

Re: **Q v A Ballantyne CRI-2015-019-001150(2. May. 2017)**

Items:

1. Notarised Legal Submission Date: 2nd February 2022. Ref: (REBUTTALL).
 - (a). Evidence of Unlawful False dismissal of Appeal Date: 23rd September 2019.
 - (b). ESR Forensic Report: BIO15691/ASC15546 Date: 2nd 5. 2015 L. M. Melia DNA Evidence: **A. Ballantyne (Defendant) DNA is NOT located on (Murder Weapon) Knife/Meat Cleaver or on the WET & DRY Swabs taken from underneath the victim's Finger Nails.**
Note: (1). Of (1). Earlier Statements Date: 20th February 2015 (**My Arbitrarily Arrest**) Date: 23rd February 2015.
 - (c). ESR Lab Ref: ASC15525/62/63 Pathologist Dr Finton Garavan Date: 5th 3. 15 Re: ESR Case Summery (Certified) Report Pages: 00124/00138 DARK BROWN/BLACK hairs located under the deceased finger nails: one 4cm Black hair contains an intact TELOGEN HAIR ROOT.
 - (d). NZ Police Statement from Detective A. Hill date: 5th 2. 15. A. Ballantyne (SHORT GREY HAIR). (**Not lawfully Disclosed at Trial**)
2. NZ Police Report Form No Pol 25811/12 Operation Tiger Signed by Officer Barry Smith Police Finger Print Expert Ref: Meat Cleaver/Knife/Scrubbing Brush/Dish wash liquid container. (**TWO REMAIN UNIDENTIFIED**).
3. Legal Court Document Ref: CRI-2015-019-1150/2015NZHC1981 Date: 20th August 2016 Page: (36). Copy To: A. Douch Prosecutor & Defence QC T. Sutcliff (**NINE MONTHS PRIOR TO TRIAL**). Page: (40). Para (13). Sub para (a).(b).(c).(d).(e).
Ref: Sub para (a). **Two UNIDENTIFIED** finger prints on items Meat Cleaver/Knife/Dish wash liquid/Scrubbing Brush etc.
Ref: Sub para (b). The Defendants Finger Prints were **NOT** located on the Knife/Meat Cleaver (Murder Weapons).
Ref: sub para (c). The Defendants DNA was **NOT** located on either the Knife or Meat Cleaver.



2.

4. Ref: On Oath Statement Q v A. Ballantyne CRI-2015-019-001150(2nd May 2016) Mr. Barry Smith Police Finger Print Expert (**PERJURY ON OATH**).
5. Legal Appeal Court Submissions Date: 15th 6. 2019. Notarised Pages: 3. of 3. (**Incriminating**).
6. Court Of Appeal letters Dated: 17th June 2019 / 19th July 2019 Letter Dated 27th 8. 19 showing Date: that the letter Dated 19th 7 2019, arrived at Waikeria Prison for me, (**Unlawfully Back Dating Time! for my Legal Notarised Appeal Court Submissions**).
7. Ref: E-Mail Dated: 02nd September 2019 from Criminal @ Crown Law (The Attorney General personal law firm) **unlawfully dismissing notarised legal submissions** from me to the Appeal Court, with-in those document's was the Notarised submission Pertaining To: Ref: **Item (5)**.
8. Ref: ESR Formal Written report ASC15546 Date: 29th 3. 16 / 19th 4. 16 From: Rian Kier Morgan-Smith Re: Document Tampering (See ESR Case Summery Document Ref: 3 Different copies unlawfully altered etc. & different Page: Numbers/ **Evidence Tampering (Missing Hair on Meat Cleaver)/ Perjury on Oath/ Unlawful Collusion**, Ref: Police Disclosure document 00044 / E-Mails Dated 30th 4.2019/2nd 2. 2018.
9. Ref: Legal Notarised submission Date: 1st September 2022 To: The C.C.R.C. Re: Partial Work Boot Blood Stain at the crime scene (**Cover Up**) & (**Perjury**) By: ESR, Rian K. Morgan-Smith.
10. Ref: Legal Submission Date: 11th 4. 2019. Evidence of a **FALSE copy of the (214) Page Certified ESR Case Summery Report** being copied by Mr. Jonathan Temm QC & Submitted to the Court of Appeal & Myself. Note: 910) (a). Mr. Temm also presented a False copy to His Hon Justice Stevens at the Appeal Dated 23rd 9. 2019 (As recorded in the court transcripts)
11. Ref: Legal Notarised submission Date: 6th September 2022 To: The C.C.R.C Re: **False Statements** by the Killers Graham Dowling & Daniel Heaney / Police Report from Mrs Robyn P. Vittori witness who heard two male voices at the crime scene on the night of the Murder



Handwritten initials and a signature in blue ink, including the letters 'JA' and a large stylized signature.

3.

After she had been woken up at 1am & Mrs. Vittori **identified one male** as being Mr. Graham Dowling. **(Not Lawfully Disclosed at Trial Date: 2nd May 2016).**

12. Ref: legal Notarised submission Date: 25th August 2022 To; The C.C.R.C Re: **Fresh Evidence** etc. **(Crime Scene Staging).**

13. Ref: **Notarised Legal Appeal Submission.** Date: 4th September 2019.

14. Page: 3. of 3. Summary of **Points of INNOCENTS.**

15. Ref: Notarised **Summery of Facts** Date: 11th November 2020 Pages: 11. of 11.

16. Ref: **Official Notarised Legal Complaint** To: The NZ Police / SFO Date: 26th 10. 2022.

17. Notarised Information pertaining to my Energy Invention **(Motive).**

Note: The above evidence of innocence & conspiracy is only a very small portion of the irrefutable evidence that is contained in documents held by the C.C.R.C & Lawyer Garth O'Brien KC care, garth@obrien.co.nz Ma'am I also have copies out in the public domain ready to go public (8 years in Hell for a crime that I am innocent off is enough) *BUT* I would much prefer a Pardon & Settlement rather than wait for the C.C.R.C to refer me back to the Appeal Courts & *TO* safe Gard the NZ Rule of Law which will then allow the appropriate Justice departments to fix them self's without public scrutiny.

Sincerely Yours.

ANTHONY BALLANTYNE

Page: 3. of 3. **ARE TRUE & NOT MISLEADING.**

Balanti

J. Hoko JP's
16/12/2022

Joyce Hue Te Ata Hako



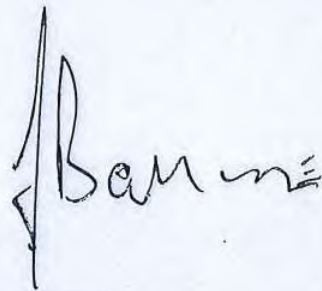
Blood stained Chux Cloth: located under the fold of the Persian rug in the wash room that the victim lay on: Re: Forensic evidence (Leuco Crystal Voilet) Testing confirmed that blood had been cleaned up (Wiped) in both the kitchen and wash room area.

Note: (22). The person, who used the New Chux cloth to wipe up the blood stains, WILL also have left His DNA as well as the victim ON that Cloth. DNA. RNA. Analysis & Comparison Results for A. Ballantyne.

Note: (23). Date: 3.2.15, I came to just before 1 am in the Alcove outdoor dining area Naked after being assaulted and knocked out, and cut my right hand on a shard of glass (Broken at Dinner) as I was getting up, located Ivan in the Wash room area, lifted a corner of the Persian rug back to get a closer look at Ivan, went next door for Help (Mrs Vitory is a Nurse) pulled there doorbell rope to wake her, went back to see Ivan bent down to pick his arm up to check his pulse FAINTED knocking my head on the floor, an came to with *no memory* and rang 111 for help at 1.26 am.

Note: (24). Crown Prosecutor Mr. A. Douch stated in his final summation to the Jury Re: That there was NO Evidence to substantiate that any one else was at the crime scene on the night of Mr Kapplugins death except the defendant & the Victim. (HE LIED) but in the absents of both innocents and (THE TRUTH), the Jury convicted me of Murder in less than 57 minutes).

Sincerely Yours: Anthony Ballantyne



Jayce Hoko
25/11/2022
J. Hoko JP13
Witness of document & signature

POINTS OF INTEREST

1. Letters to & from the Australian Consulate-General Office
2. Perjury ESR Re: Finger nails & Hair samples not Forensically tested/Broken Glass/swab/Meat Cleaver
3. Evidence Tampering ESR Re: Sample Hair ASC15546/19 removed from ASC File to BIO File
4. Police Perjure Re: Finger print Police expert NO Prints on Knife/Cleaver. Murder weapons
5. Police Document tampering Re: ESR Case Summers Report
6. DNA evidence of Innocents Re: A.B. Fingerprints/DNA NOT on Murder weapons
7. Unidentified Finger Prints on Murder Weapons & Whisky Bottles/Dish wash Brush etc.
8. Evidence of Arbitrary Arrest
9. Letters to the Attorney General & Chief Justice Office
10. Phone evidence & Photo of G. Dowling & D Heaney: Murders
11. Cover-up letter from the Police Tasman District commander
12. Letter to Police Commissioner A. Coster: Cover up
13. Appeal evidence false dismissal Documents: Rebuttal
14. Appeal Transcripts False statements Crown A. Ewing : Manipulation of Digital evidence at Appeal
15. False documents J. Temm Re: the Appeal Court & Submissions
16. False documents & Tampering by S. K. Green to Legal Aid & The Appeal Court
17. False documents & Tampering by C. Tennent Re: Legal Aid & the Appeal Court
18. Missing evidence: Hairs on Cleaver & Sarong, Manipulation by ESR Re: ASC15546/19
19. Incrimination E-Mails Police and ESR Re: As per Protocol DO NOT Record Missing Hair
20. Cover -up by the Police commissioner Bush: E-Mail
21. Cover-up by the P.I.C.A: Re: The General Manager
22. Letters to Justice Brewer Trial Judge Re: Non Discloser at Trial/DNA Evidence of Innocents
23. Appeal Court Unlawful Back dating court submissions
24. Evidence of Innocents Re: Disclosed to the Crown and Defence Prior to Trial i.e. Ten Months
25. Investigator Report Re: Peter Hikaka Re: Cannot believe Graham Dowling NOT a person of Interest
26. Letters to the Criminal Cases Review Commission/Canterbury University NZ Public Interest Project
27. Invention/Murder Attempts in Prison x Three S.H.C.F./Tongariro/MtEden Prisons
28. Time of death certificate/ Time line Re: Congealed Blood on Persian Rug/ Arm Impression
29. Witness Vitory/Clements heard two men, named Graham Dowling as one of them/ Night of the Murder
30. Partial boot heel print in Blood on vinyl by the back door Re: The Forensic Group Ltd Report
31. Thomas Sutcliffe Re: False Closing statement A. B. Expects Wrong about G. Dowling/D. Heaney
32. Ergonomic Knife, Murder Weapon can only cut fingers not Palm Re: A.B. Glass Cut to Hand , R/Palm

True & NOT MISLEADING



To:

The Criminal cases review Commission
P O Box 9168 Hamilton.

25. August. 2022

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

Ref: Anthony Ballantyne C/N 0198.

RE: Summery of Evidence NOT Lawfully Disclosed at Trial Date: 3.7.2016 and Appeal Date: 23. 9.2019
By the NZ Police, Crown, ESR, Defence Counsel, or Appeal (Amicus Curie).

(a) **Time of Death:** of Mr Ivan Kapluggin (Victim).

Note: **(1).** Mr. Kapluggin is recorded at Trial as being the person whom rang the bell rope at 1am Date: 3.2.15 204 Achilles ave Whangamata to awaken Mrs Vitory and Clements (Residence) due to the Bell rope ASC15546/1. (Being positive for the victim's blood). Ref: ESR Lisa Marie Melia Bio15691/ASC15546 Lab Report Date 14.4.16 (ESR Analysis ASC15546/1/2 showed NO Blood on the Bell rope)

Note: **(2).** I was convicted of killing the victim between 1am and 1.26 am Date: 3.2.15, (1.26 am being recorded as the time that I rang 111 for help).

(b) **Hair on the Meat Cleaver:** Ref: ASC15546/19. Re: Description, DNA, Microscopic Analysis, & Comparison Results for A. Ballantyne.

Note: **(3).** Ref: ESR Forensic lab Report Date: 19.4.16 Numbered in consecutive order, item ASC15546/19. (ALL other ESR lab Reports by L.M. Melia & R.K. Morgan-Smith Show **NO** record of item ASC15546/19).

Note: **(4).** Ref: ESR Case Summer Report Page: 00044 Re: E-Mail Date: 10.2.15 From R.K. Morgan-Smith to Detective Brownlie. Re: One or Two MISSING HAIRS on the Meat Cleaver in some sketches, In general practice NO NEED TO RECORD where the samples come from. If our notes differ, "cause an issue in court". *REPLY:* In hind sight, I should probably recorded them when it was done.

Note: **(5).** Ref: ESR Request 89356 Initial Document Date: 15.3.16 Re: Please Reverse this item into BIO, and then *Cancel* this item from ASC To BIO ASC15546/19. Operation Tiger. (*Unlawful Manipulation of Vital evidence of Innocents*).

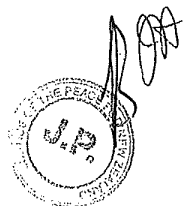
(c) **Hairs on the Sarong:** DNA, Microscopic Analysis & Comparison Results for A. Ballantyne Ref: ESR Forensic Case Summery Report Page: 00038 Re: NZ Police Report By Constable Croasdale.

Note: **(6).** Ref. ESR Forensic Report R.K. Morgan-Smith Date: 5.5.15 showed that the Sarong was covered in the Victim Blood; The majority was DILUT stains, (Water Blood mix).

Crime Scene Photo, show the Sarong was located at the feet of the victim.

Forensic evidence shows dilute blood stains at the Kitchen sink, Floor, Dining Lounge Carpet, Alcove Dinning area (Wooden Deck) all leading to the hall way entrance to the Victims feet.

Due to Ivans Valiant struggle with multiple knife wounds, Blood Spatter was 6' high and 8' long on both the hall & Wash Room Walls. Re: (Crime Scene Photos).



Forensic Evidence & Crime Scene Photos, show NO Blood Spatter on the Sarong, and apart from the Blood drips on my R/Foot from my R/Palm cut, there is *NO Blood Spatter on my Body*.

Note: (7). ESR Formal Statement Date: 19.4.16 Page: 6.of 16. By R.K. Morgan-Smith states that the blood pool under the sarong had Smear & Wipe marks MADE PRIO TO PARTIAL DRYING. Re: Para: (3) Shows a long broad impression in the centre of a large pool of blood made by the victim arm, proving that the arm was moved AFTER the blood pool had partially dried. (*Google search, a drop of blood on a hard surface at 20 deg c, congeals in one hour*).

Note: (8). There is NO evidence that any of the Sarong material had merged with-in the pool of blood when fresh, proving that the Sarong had been placed there AFTER the blood pool had partially dried.

Note: (9). The person who had deposited the victim's blood then water, on the Sarong and placed it at the feet of the victim, left HAIR samples on that garment, apart from Crime Scene Photos and Constable Croasdals Report. NO ESR Forensic Records have been disclosed of any Analytical or Microscopic tests of these Hairs.

(d) **Hairs on the Persian Rug beside the Victim:** DNA, Microscopic Analysis & Comparison Results for A. Ballantyne. Ref: email Date: 17.12.15 (Police discloser) Re: Det Simon Everson and ESR scientist Rian Morgan Smith.

(e) **A. Ballantyne Toxicology Results:** Ref: ASC15546/71. Blood and Urine.

Note: (10). Due to the large amount of Alcohol missing from the whisky and wine bottles & high content of alcohol in the victim's blood, it was *alluded* to by the crown at Trial that I was also drunk and a factor in the murder. (As a False Motive)

(f) **A. Ballantynes Medical tests Results:** taken at the Hamilton Police station: Ref: ASC15546/72. Date: 3.2.15 Re: Head hairs for comparison, finger nail clipping and swabs from both hands, swab from my right foot and nose, and swabs from both on top and inside my cut right hand palm wound.

Note: (11). The tests results from the nose swab will be positive for DNA of the victim, Re: I came too laying beside the victim with slime on the tip of my Nose and on my left Hand. (As *Voluntary* stated to the Police First Responders Hamilton Police station, interview Date: 3.2.15 Time 10 am).

Note: (12). I was convicted of cutting my right palm with the murder weapon knife during the struggle to murder the victim, in which case if true the victims DNA will be present in my wound and mine in his. Re: (Cross Contamination).

(g) DNA Analysis & Comparison Results for A. Ballantyne. **On the Victims Nail clippings and Blood FLAKE material.** Re: (Blood congeals) SKIN FLAKES Ref: ASC15546/63. & ASC15546/62.



Note: **(13)**. Ref: ESR Case Summery Report. Page: 00140 Date: 5.5.15 R.K. Morgan-Smith Item (6). **ADD RESULTS FOR LEFT HAND FINGER NAIL CLIPPINGS.**

- (h) Full & Complete DNA Analysis & Comparison Results for A. Ballantyne. On items of interest, Re: **Two Unidentified Finger Prints on the Murder weapon Knife and Meat Cleaver.**

Note: **(14)**. Ref. NZ Police Report Form Date: 24. 3.15 File No Pol 25811/12 Re: Barry Smith Finger Print Officer.

Note: **(15)**. Ref: Hamilton High Court Document. Re: Hon Justice Whata. T. Sutcliffe Defence. A. Douch Crown, (Prio to Trial) CRI-2015-019-1150 (2015) NZHC 1981 Page: (40). Para: (13) sub para: (a). **Two UNIDENTIFIED FINGER PRINTD** on items of interest, Dish Liquid container, Scrubbing Brush, Meat Cleaver & Knife. Sub para: (b). The Defendants FINGER PRINTS are NOT located on either the Meat Cleaver or Knife. Sub para: (c). The defendants DNA was not located on either the Knife or Meat Cleaver. Sub para: (d). Despite significant blood loss suffered by the victim there is little blood on the defendant. Sub para: (e). The Defendants home power supply showed no power surge consistent with hot water usage.

Note: **(16)**. Ref: Location of Murder weapons, Meat Cleaver (Kitchen Sink). Knife (**Under the Victim Body**).

Note: **(17)**. Ref: On oath statement by B. Smith Police Finger Print Expert. Re: When questioned by the defence (were there any identifiable prints on the Murder Weapon Meat Cleaver & Knife): **Mr Smith replied "NO" they were clean.**

- (i) **3 DARK BROWN/BLACK Hairs:** one 4cm long containing a *TELOGEN ROOT* located under the victims R/H Finger nails. DNA. RNA. Microscopic Analysis & Comparison Results for A. Ballantyne.

Note: **(18)**. Ref: Autopsy, Dr Fintin Garavan. Pathologist Date: 4.2.15 Auckland, ESR Re: ASC15546 ESR Case Summery Report Page: 00124.

(Google search) *TELOGEN ROOT* is one of the most important items located at the crime scene or **on the Victim**, In Solving Crimes, (World Wide).

- (j) **SEVERAL BLACK/DARK BROWN Hairs:** located under the victims L/H Finger Nails: DNA. RNA. Microscopic Analysis & Comparison Results for A. Ballantyne.

Note: **(19)**. Ref: ESR Case Summery Report Page: Number 00138.

Note: **(20)**. Ref: Police Disclosure Report Date: 5.2.15 Re: Detective Constable Alister Hill, First responder Interview Date: 3.2.15 Re: Anthony Ballantyne. (**SHORT GREY HAIR**).

Note: **(21)**. Dr F. Garavan was called at trial as a Crown witness, as such he will have had to closely review his Pathology Report in detail, and was very well aware that he HAD located 10 **BLACK/DARK BROWN** Hairs under the victims finger nails, I was sitting directly facing Dr Garavan in the witness box at court, and he could NOT have failed to see that my hair was GREY and Short, (Neither he nor the Crown or Defence disclosed this vital fact to the Jury).



ASCIS 546
PWS
319

Rian Morgan-Smith (NZSC Chem, BAsc Chem, PGDipForSci, PGDipHighEd)
Senior Forensic Scientist
Auckland Forensic Service Centre
Institute of Environmental Science and Research Limited (ESR)
Mt Albert Science Centre: 120 Mt Albert Road, Sandringham, Auckland 1025
Private Bag 92021, Auckland 1142, New Zealand
DDI: +64 9 815 3907
E: rian.morgan-smith@esr.cri.nz
www.esr.cri.nz

From: EVERSON, Simon <Simon.Everson@police.govt.nz>
Sent: Friday, 2 November 2018 3:46 PM
To: Rian Morgan-Smith <Rian.Morgan-Smith@esr.cri.nz>
Subject: FW: Antony Ballantyne v R

Giddy Rian

As per the message I left on your phone our favourite murderer Mr Antony Ballantyne is still persisting with his appeal.

I have received the requests from Crown Law as below.

I have managed to find the answers and documents to answer the first three requests but do not seem to be able to find the documents that pertain to the final request.

Are you able to assist?

Give me a yell next week. (I am away Monday and Tuesday).

It would be good to put this to bed finally

Cheers

Simon

Detective Simon Everson
Coromandel/Hauraki CIB | New Zealand Police
P +64 7 863 3711 Extn: 78711 | M +64 021 1912438 | E simon.everson@police.govt.nz
55 Kenny Street Waihi , P O Box 54, Waihi 3610, www.police.govt.nz

Safer Communities Together

From: Jonathan Temm <jonathan@phoenixchambers.co.nz>
Date: 2 November 2018 at 15:27:20 NZDT
To: 'Karen Grau' <Karen.Grau@crownlaw.govt.nz>
Subject: RE: Antony Ballantyne v R

Hey Karen,

That is fantastic and so very quick.
The PM report is a tick.
So is the toxicology results via Helen Poulsen on the deceased. Tick there too.



COPY

Handwritten signature 'N Uth'

On Saturday the 9 July 2016 I was rostered on duty Echo 7 0800-1700 hours in Unit 16 Alpha at Springhill Corrections Facility.

At approximately 0845 hours Corrections Officer (CO) Sandeep Janjua and I did a check on Prisoner BALLANTYNE Anthony as he had been unwell since Monday 4th July and had been vomiting continuously. He was unable to get himself out of bed and was running a high temperature. I notified Medical about his condition.

I spoke to (SCO) McCrae Colin who had a word to prisoner BALLANTYNE and agreed he needed urgent medical help.

At 0918 hours medical assistance arrived and prisoner BALLANTYNE was taken to hospital for further analysis.

19.07.16 Follow up

Prisoner was escorted to Waikato Hospital for further assessment and was returned to site without further incident.

On Tuesday 12th July 2016 I was officer rostered and on duty as Oscar 2 Night Watch Principal Corrections Officer 2200 - 0600hrs at Spring Hill Corrections Facility.

At about 2300hrs I was informed that prisoner BALLANTYNE Anthony was having stomach pains, vomiting and diarrhoea.

After a discussion with the On Call Nurse she decided to come in to further assess.

Follow up

Prisoner has had follow up assessments by medical, daily.

SUPPLIED ON REQUEST - Prison
BY ME: Tongario Prison
Hawke unit
SEPTEMBER
2022

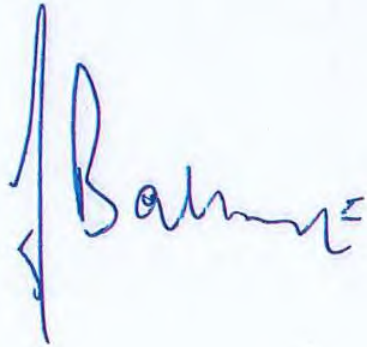


6. Of 6.

Kind Regards

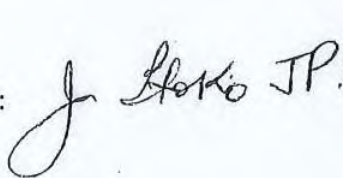

Sincerely Yours

Anthony Ballantyne.



WITNESS: NAME Joyce Hine Te Aia Hoko

Signature:

World Media (3.7.21)

Criminal Cases Review Commission (6.6.21)

Cover-up Police Commissioner : Coster

Appeal Dismissed: Evidence of unlawful Grounds



Cover-Up

TRUE & NOT MISLEADING

Criminal @ Crown Law

Attorney Gen Office/Chief Justice

Appeal Justices: Stevens. Ellis. Peters. French (23.9.19)

J. Temm QC Amicus Curie: False Documents / Crown A. Ewing False statements

DNA Evidence of Innocents

Police Commissioner cover-up: Bush

I.P.C.A cover-up

Jonathan Temm QC Amicus Curie NO grounds for an Appeal/Anorexic. Futile.

False Documents Submissions J Temm QC Re: Appeal Court

Right to Appeal (7.7.17)

S K Green QC/ C Tennent QC No grounds for an Appeal

False Documents Submissions to the Appeal Court/ Documents Tampering

Police/ESR Perjury on Oath

NON Disclosure

Evidence Tampering

Trial (2.5.16)

Incriminating e-mails Police/ESR

Evidence of Innocents Known to Crown/Defence 10 months prior to Trial

ARBITRARY Arrest (23.2.15)

Operation Tiger A. Ballantyne (2.3.15)

12th December 2022

(PRIVILEGED LEGAL DOCUMENTS)

Attention: Her Excellency, The Right Hon Dame Cindy Kiro GNZM, QSO.

Dear Ma'am.

I felt it best NOT to include the following documents in my Official request & **FOR YOUR EYES ONLY!**

ITEMS:

- Notarised Privileged letter To: His Hon Justice Stevens Date: 16th November 2022. (Forwarded by Track & Trace Courier).
- Notarised Formal Complaint To: The SFO/NZ Police Fraud Unit.
- Notarised Letter To The GM/SFO Date: 13th November 2022.
- Notarised Formal Complaint Letter To: The SFO/NZ Police (TCU).
- Notarised Letter To: The C.C.R.C. Date: 24th November 2022.
- Document (Points Of Interest).

Please Note: Ma'am, With all Due Respect, you are the KINGS Legal NZ Representative, who has taken an Oath to uphold the RULE OF LAW & JUSTICE! Should ALL my documents be made PUBLIC (World Wide) a Pandora Box WILL Open that can never be shut & will Expose a Number of persons High-Up with-in the NZ (Broken) Justice system & Current Government who knowingly broke the Rule of Law and allowed an innocent man to remain in (HELL) Jail & (Shockingly) **The Real Killers to remain free at large to Rob & Kill again**, all in order to protect the Corrupt Perpetrators of my Injustice so that the FULL TRUTH would stay (Unlawfully Hidden) so as NOT to bring their own Government Institutions into disrepute, Irrevocably damaging their word-wide reputations and making the Crown financially liable! for both my Law Suit & the Huge costs involved, in reviewing ALL past legal cases of those involved, resulting in tens of millions of dollars & adding years to our already Back Logged Court System! Their **actions NOW MAKE them all COMPLICIT** in ALL "Crimes" including Conspiracy to Murder! (ALL these People committed Multiple Crimes! I DID NOT)

Please Note: The *Connotations* alone in the (Corrupt) QC J. Temm E-Mail Statement (Go Ahead) **TICK FROM THE PM! Alone will have devastating ramifications to the Current NZ Government!!**

They ALL have made a conscious choice to sacrifice an INNOCENT man & ALLOW the Real Killers to remain Free in unlawfully protecting those Corrupt persons initially involved (ALL TO SAVE MONEY & REPUTATIONS) But they made a big mistake they picked on the wrong person, Ma'am I am writing to you for **HELP & JUSTICE!** For Ivan, our Family's & Myself! Thank You for your Support.

Ma'am. One way or another Truth WILL come to light! But it CAN be Mitigated WITH YOUR HELP!

Kind Regards.

Sincerely Yours

Anthony Ballantyne.

Anthony Ballantyne
J. P.
16/12/2022.



- (B) ESR Sample No ASC15546/62: Hair Fingernail Clippings. **Hair ROOT**
Attached : **FLAKE** material (*Right Hand*). As Confirmed By Dr. F. Garavan.
- (C) ESR Sample No ASC15546/63: Hair and Fingernail Clippings SEVERAL Hair
and BLOOD **FLAKE Material** (*Left Hand*). As Confirmed By Dr. F. Garavan.
- (D) ESR Sample No ASC15546/71 (Medical Kit Ballantyne)
(Medical Body and WOUND SWABS take By Dr. M. Travaglia Date (3.2.15)
at the Hamilton Police Station).

Merit Appeal.

- (E) Nuclei DNA and Comparison profile from the following ESR Forensic Sample
numbers ASC15546/54. /55. /56. /57. /61. /62. /63. /64. /66. /67. /68.
/69. /71. /72.
(NOT LAWFULLY DISCLOSED AT TRIAL) **Gross Miscarriage of Justice.**

Ref To: Merit Attachment.

(E). ESR Case Summery Document: Page 03230 (DNA Profile Results)

- (1) ESR Sample No ASC15546/**54. /55. /56. /57.** Knife Blade and Handle.
- (2) ESR Sample No ASC15546/**17.** Meat Cleaver.(Murder, Weapons)
- (3) ESR Sample No ASC15546/**67** SWAB From the *Right hand* of Mr.
Kapluggin.

Note. (8):

Is Linked to ESR Sample No ASC15546/**62 HAIR ROOT: BLOOD FLAKE:**
Deceased *Right hand*.

APPEAL MERIT

(4) The DNA Detected in these samples using standard DNA Profile test.

(COULD "**NOT**" HAVE ORIGINATED FROM ANTHONY BALLANTYNE!!!)

(5) Nuclei DNA and Comparison Profiles (NOT LAWFULLY DISCLOSED AT
TRIAL) **Gross Miscarriage of Justice.**

Ref To: Merit Attachment.

(F) Minutes of His Hon Justice Whata J. Page 40.

- (1) Para (13) Sub Para: (A). (B). (C). (D). (E). Evidence Submitted at the High Court Of Hamilton. Date: (20 August 2016) CRI-2015-019-1150-/2015 NZHC 1981 : By the Defence Lawyer Mr. Tomas Sutcliffe QC.
- (2) Sub Para (c). Mr Ballantyne DNA was (**NOT**) located on EITHER the KNIFE or the MEAT CLEAVER.

APPEAL MERIT

- (3) Para (13) Sub Para (a) (b) (c) (d) (e). (NOT LAWFULLY DISCLOSED AT TRIAL). **Gross Miscarriage of Justice.**

Note: (8)

The Appellant was convicted of Murder on "Hear Say" evidence only: That the Appellant did inflict a cut wound to his **own Right hand palm** (4 Stiches), as a result of the murder weapon (Knife) slipping in his grip (Due to the large amount of blood present) during the Violent knife struggle with the Victim.

Note: (9)

If the Police and Crown "Hear Say" assertion had been a True Fact: The Nuclei DNA would have been present from **both** the Victim and the Assailant (From **Cross Contamination**) in Both the parties Cut Wounds and also would be Present on the (Murder Weapon) Knife itself !!.

Yours Sincerely

Antony Ballantyne

D.O.B (19.Mar. 1953)
Hair Colour (**GREY**)

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

Ashford, Katrina

From: Sharyn Pyke <sharynpyke@criminallawyers.net.nz>
Sent: Friday, 3 November 2017 2:55 p.m.
To: Ashford, Katrina
Subject: Re: Antony Ballantyne - 17813383

Hello, I have prepared a soi so far, without the case on appeal but I left a message, as a conflict of interest has arisen. I have given the files to Chris Tennet and he has agreed to do a soi so he may get a full grant. Can I bill this please, and it be re assigned to Chris. The only issue maybe whether you want my soi written so far.

I read all his file and his letters to me.

Thank you,

SK Green barrister
Post: 12 Wairua Rd, Waiheke Is.
09 37333 43
0274 454 892
Web: criminallawyers.net.nz

APPEAL Q.C. No (1.)

STATED: NO ground's for
AN APPEAL

From: Katrina Ashford <Katrina.Ashford@justice.govt.nz>
Date: Thursday, 10 August 2017 at 2:43 PM
To: Sharyn Pyke <sharynpyke@criminallawyers.net.nz>
Subject: Antony Ballantyne - 17813383

Dear Ms. Sharyn Green,

Please find attached legal aid documentation for your client Antony Ballantyne legal aid number 17813383. If you wish to discuss this further, you can contact the managing grants officer Katrina Ashford on 04 472 9924 or by email wellington.legalaid@justice.govt.nz.

Yours sincerely,

Katrina Ashford

Katrina Ashford
Grants Officer |
Legal Aid Services
Ministry of Justice | Tāhū o te Ture
DDI: 04 472 9924 | Extn: 64314
www.justice.govt.nz

Please consider the environment before printing this e-mail.

12th December 2022

Attention: Detective sergeant Gregg Flintoff

c/o The Waikato Tactical crime Unit (TCU) & Corporate Fraud.
Waikato District Police Hamilton.

Ref: Fraud complaint Dated: 26th October 2022

Dear Sir.

Copies: copy Your Attention.

- Letter Dated: 30th November 2022. Ref: SFO Unlawful Rejection!
- Letter Dated: 13th December 2022. To the SFO.
- Letter Dated: 25th November 2022. To the SFO.
- Letter Dated: 16th November 2022. To His Hon Justice Stevens.

Detective Sergeant, in my letter dated: 26th October 2022. Re: my Official Notarised Legal complaint of Fraud to the (TCU) & SFO, I stated that you will be threatened or Coerced, what I did not explain is that the treats and or Coercion will come from the Courts, Your Superior's or the Justice Ministry, who have now unlawfully implicated themselves in multiple Crimes & unlawful Cover-Up, Including Conspiracy to commit Murder, by their own actions unwittingly or in knowledge they are now implicit in ALL the Criminal actions carried out by those initially involved.

Sir, you took an oath to uphold the NZ Rule of Law and you work in a High Integrity Unit should you succumb to unlawful pressure you to will also become complicit, Gregg, the truth WILL come to light (**In our Digital world Nothing is Hidden for ever**) I have *Overwhelming Irrevocable evidence* that is NOW out in the Public Domain & will NOT hesitate to go to the World Media if I do not receive Justice!! 8 Years in HELL is ENOUGH!!


It is with regret that I have placed you & your Unit in this situation but the world is watching and it is they who will judge your Units actions in this matter, Your Superiors allowed themselves to be Coerced & failed in the Sworn Duty to themselves there family, Institutions and to NZ Justice System, PLEASE do not let the same thing happen to your Integrity & the (TCU).

Kind Regards

Sincerely Yours

ANTHONY BALLANTYNE.

Anthony Ballantyne
J. Hoko JP13
16/12/2022.
Joyce Hui Te Ahi Hoko



13th December 2022

Attention To: The General Manager. The NZ SFO

c/o Floor 8. 188 Quay Street. Auckland. 1010

Ref: Complaint No: CON0010886

Re: Antony Ballantyne. (Victim)

Dear Sir./ Ma'am.

Thank you for your letter Date: 30th November 2022 (I note that your Rejection letter 'sat' on some one's desk for "Nine" days until it was posted Date: (9th December 2022) & reached me here in Hautu Unit, Tongariro Prison on the 12th December 2022. I also Note: that the Rejection Letter is: **NOT NAMED nor SIGNED!!**.

With all Due Respect. I find your Letter incredulous! That you claim that my Notarised Complaint DID NOT meet your criteria of SERIOUS or COMPLEX Fraud!!.

When (In this World) does **1.5 Billion/Hundreds of Billions NOT Constitute SERIOUS** in your opinion??.

And does the "PROVEN" facts that at the very least, **FOUR** Corrupt NZ Police Officers/**TWO** ESR Scientists/**SIX** QC Lawyers(**ONE** Crown Prosecutor/**ONE** Appeal QC)/**FOUR** High Court Judges/**Multiple** Corrections Staff/ **The Mongrel Mob/TWO** Contract Hit persons/**ONE** NZ Money man/**ONE** Large International Company/& **TWO** Murders! ALL Involved in Multiple Criminal acts + "BRIBES" & Coercion of NZ Citizens "**NOT CONSTITUTE A COMPLEX FRAUD**"?? (In any one's Mind) *Certainly Not in the Words Media understanding, when THEY view My Documents!!*

Accordingly: I am NOW making another Formal "Notarised" Legal complaint to the SFO C/C NZ POLICE which involves the ADDITIONAL Corrupt Persons "Complicit" in Criminal acts involving the **UNLAWFULL COVER-UP of THIS VERY SERIOUS & COMPLEX FRAUD!!!**

Named As: His Hon Justice Stevens/French/Ellice/Peters/. Police Commissioner Coster/Bush/. Crown QC Ms. A. Ewing/K. Grau/. Detective Superintendent P. Read/. The General Manager IPCA, W. Young/. ESR Manager Ms J. Vintiner/. Then Justice Minister A. Little/. The NZ Attorney General D. Parker & his Personal Lawyers (Criminal @ Crown Law)/. The NZ PM! Ref: Go Ahead TICK!

Please Note: At the time of these documents arriving at your Office they will ALL out in the Public Domain & awaiting my instructions either verbally in writing or by my silence!!

Sincerely Yours

ANTHONY BALLANTYNE

Ballantyne

*J. Aoko JP's
16/12/2022
Tape Hui Te Ata Noko*



16th December 2022

To: **The Chief Ombudsman.**

c/o L14, 70 The Terrace Wellington 6011

Ref: 480643 (Complaint Grounds: 504005)

C/C To: **The NZ HUMAN RIGHTS Ref: 123692 /**

C/C To: **Council For Civil Liberties** Ref: Letter Date: 14th 10 2019 Re: Kevin McCormack.

Re: Anthony Ballantyne Complaint of Unjustly FRAMED For Murder & Unlawfully Imprisoned.

Att: **The Chief Ombudsman/ Human Rights Commissioner/ G.M (C for C L)**

Dear Sir. Ma'am

Attached is the evidence that you require to Prove that MY CIVIL LIBERTIES, HUMAN RIGHTS have irrevocably damaged by the unlawful actions of the State its Institutions & Employee's!

ITEMS: NOTARISED LEGAL DOCUMENTS (Not in order of Dates)

- Letter Date: 26th October 2022 & (accompanying evidence). To: The SFO/NZ Police (TFU)
- Letter Date: 30th November 2022 (Unlawful Dismissal).
- Letter Date: 13th 12. 2022. To the G.M. NZ SFO.
- Letter Date: 25th 11. 2022. To The NZ Police/SFO Re: Complaint (Accompanying evidence).
- Letter Date: To Det Seg G. Flintoff (TCU).
- Letter Date: 24th 11. 2022. To the C.C.R.C.
- Letter Date: 16th 12. 2022. To The Right Hon Dame Cindy Kiro KSO.
- Documents pertaining to my Green ENERGY TECH INVENTION.

Please Note: Ref: **To The NZ Constitution, Legislative Laws.**

Re: **NZ Bill of Rights Act 1990.** Page: 128/ 4.2.2. **(Protection of Individual Human Right AGAINST ABUSES BY THE STATE) There Institutions or Employee's!**

Ref: **Habeas Corpus Act:** Page: 137 **(Provides that a Person is NOT to be ARBTIRARLY or UNLAWFULLY DETATINED).**

Re: **Diceys Principle's:** (b) (i) Page: 129 **(No person can be punished unless he or she has broken the law).**

Sir. With Respect your legal Mandate is to insure that No person residing in NZ suffers unconscionable actions (Abuse) by the State or Arbitrary arrest as is there fundamental enableable Right, You have a duty of care to take those responsible to task & protect the innocent!.

(On reading my evidence, it may be prudent to seek assistance from the NZ Governor General).

Sincerely Yours

Anthony Ballantyne



To: THE HIGH COURT OF AUCKLAND

16th November 2022

Ref: "PRIVILEGED" (Notarised) LEGAL DOCUMENTS "Eyes ONLY"

PERSONAL! ATTENTION: His Hon Justice Stevens J. (HIGHLY CONFIDENTIAL)

Legal Ref: Q-v-(AB)-CA438/2017/(2019)NZCA 596(28-11-19)

Dear Sir'

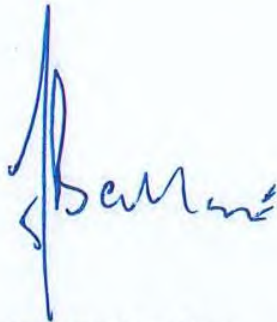
1. With "**Respect**" to the Court, & the NZ Rule of Law, Sir Yourself Justice Ellis & Peters either took a bribe, or were coerced into unlawfully dismissing my Appeal! Date: 23rd. September 2019 (I am leaning towards the latter hopefully) in either case Your Hon you were NOT informed of "**ALL**" the true facts.
2. Copies of Notarised documents Attached: The NZ SFO, C/C The Waikato Fraud Unit/ The NZ C.C.R.C./ Patent Attorney James & Wells/The NZ Patent Office/ Appeal Rebuttal Date: 2nd February 2020/ & Invention Documents.
3. At least Justice Ellis had the good sense, in not placing her signature on that false appeal dismissal document, but none the less the grounds for dismissal *were "false"* and inadvertently yourself Justice Ellis & Peters are NOW! (Irrevocably) tied to the conspiracy to frame an innocent man for murder, in order to perpetrate the fraudulent theft of my Energy invention, & Most importantly (Alarmingly "Public Outcry") allow two Murders to stay FREE AT LARGE, all part of which is now, a crime! Being party to a conspiracy to commit Murder x three, Not to mention as you must well know! A host of other criminal charged to boot.
4. I was never meant to *personally* appear at my appeal, you were not present when I entered the Court room and the Crown QC Ms Ewing's jaw dropped in seeing me, but you *were* present when she became so nervous that she referred me as her LEARNED COUNC" and then caught herself, & you were also a witness to the ESR Legal Forensic Document BIO1569/ASC15546 being swapped out in your E-Mail Appeal Document copies from ESR scientist Lisa M. Melia to ESR Scientists Mr. R. Morgan-Smith Report, Note: you your self-requested Ms Ewing to locate that copy for you from Ms L. M. Melia (but the Crown prosecutor was unable to).
5. In Your own words "Verbatim" your Hon, you stated as a request to Ms Ewing and QC Mr. J Temm (**HOW WOULD YOU STOP WHAT HAS HAPPEND TO MR BALLANTYNE FROM EVER HAPPENING AGAIN TO ANY ONE ELCE IN NZ**) at that, Ms Ewing answered WE WOULD DO NOTHING DIFFERENTLY as a Crown prosecutor she could say nothing else or implicate the Crown in the Initial Frame up, and that would mean enormous "Liabilities" to ALL INVOLVED & a Legal President! So "they" THE CROWN chose to Break the Rule of Law instead of the TRUTH & JUSTICE!



Naturally that statement has been unlawfully deleted from my copy of the written Appeal Court transcripts but it is "STILL" contained within the digital copy but "none" of the Crown arguments that I WON have been deleted (that copy is with the C.C.R.C. My Lawyer , Pastor, Friends in the UK & Australia) not to mention "YOUR" statement was heard by both the Court Security Gard & the Clark of the Court, who I am sure, on oath will confirm the truth.

6. Sir I am writing to you, because it is NOW impossible to continue for the truth & Justice to be Unlawfully Covered Up, & **OUR NZ RULE OF LAW MUST BE MAINTAINED!** as you are very well aware of the ramifications to NZ if the full truth were to come to light Re: MY APPEAL, to that end for two reasons I am writing to you now, to give you prior warning (a). To save the Rule of Law (b). I was told that YOU were one of the BEST & Fairest Appeal Justice's in NZ, the person who told me that was the security Gard present that day, he also stated in 20 years that he has been a Court Security Gard he has never ever seen an Appeal last as long as mine, nor as much evidence of innocence presented to the Court & by no less than the prisoner himself!
7. "We" have the chance to stop the SFO & Police investigation after the initial criminals involved are brought to JUSTICE and "BEFOR" the appeal process, comes to light, too safe Gard THE RULE OF LAW, by either (my "FRESH" incontrovertible evidence of INNOCENTS provided to the C.C.R.C & SPO), YOU can (Lawfully) apply to the NZ Governor General for a pardon & order the Crown to Settle with me which in effect acts as a Gag to everyone, or YOU can override Justice's Ellis unlawful dismissal, produce a court order releasing me from HELL & order the Crown to Settle, as the say Sir the ball is NOW in your court, I am sure if you discuss this matter with Justice Ellis & Peters they will both SEE the sense in my proposal, my main & ONLY objective is to NOW get my Green Kinetic Energy Invention OUT TO OUR WORLD & Mitigate Climate Change as ONLY my Energy Invention is capable off achieving!

Sincerely Yours



Anthony Ballantyne.

Pages: 2. Of 2. Are True & NOT Misleading.

J. Hoko JP13
16/12/2022
Jayce Hui Te Ata Hoko



24th November 2022

Attention To: The Criminal Cases Review Commission. c/o PO Box 9168 Hamilton.

Ref: Anthony Ballantyne / Case No0198

Att: Ms. Mutsa C.C.R.C. Case Review (Triage) Adviser. C/C To: Mr. Gannin Ormsby C/O.

Re: UPDATE:

Dear Ma'am

Copies: of the following (Attached) Notarised legal Documents. Dated: 15th June 2019/29th October 2021/ 25th August 2022/26th October 2022/ 1st September 2022/1. September 2022/15th September 2022. Have all been forwarded to the following:

- Yourselves.
- Mr. Garth O'Brien K. C.
- The NZ SFO.
- The NZ Police Waikato Fraud Unit.
- The NZ Auckland Australian Consulate General C/C The Australian Prim Minister.
- The NZ USA Ambassador Mr. Thomas Stewart Udall.
- The Canterbury University (Public Interest Program).
- His Hon Justice Stevens c/c to Justice Peters & Ellis.
- James & Wells Patent Attorneys.
- Christopher Jones Executive Pastor: The Gateway Church, Hamilton.
- Mr. Patryk Lukasik now residing in the U.K.
- Mr. Dean Thompson & Son Anductran residing in NZ & Australia.

Note: All Copies were attached with fully notarised "*irrevocable*" documents, on evidence of INNOCENTS, Corruption, Perjury, Documents & Evidence Tampering, Conspiracy to commit Murder, Criminal Organisation, Fraud, and Unlawful Cover-Up etc etc.

Ma'am with ALL the above "**incontrovertible**" evidence, *now* in your possession how much longer must I, "have to endure this *Hell*" before Justice is Served to those Criminally responsible for MY Injustice, & I AM FREED!!

Kind Regards.

Sincerely Yours.



Anthony Ballantyne.c/o Tongariro Prison, Hautu Unit, Prt Bag 500, Turangi 3353.

J. Hoko JP13
16/12/2022.
Joyce Huie Te Ata Hoko



The Appeal Court
154 Molesworth St
Wellington.

15. 6. 2019

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

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

With Due Respect: May it please the Court: To except the following: **MERIT.**
Re: Evidence of Innocence.

Item: (1):

Formal written statement: ESR Lisa Marie Melia. Page: 5.of 5. Date (20.2.15).

Note: (A):

Page: 3.of 5. DNA Comparison Profile test Results.
Re: Murder Weapon (Knife) ASC15546/54. /55. /56. /57.
(DNA Profile could "NOT" have originated from Mr. Ballantyne.)

Note: (B):

Date: Arrested for Murder (23.2.15).

Item: (2):

Formal written Statement: ESR Lisa Maria Melia. Page: 15.of 15 Date: (14.4.15).

Note: (C):

Page: 3. of 15. DNA Comparison Profile test Results.
Re: Murder Weapon (Knife): ASC15546/54. /55. /56. /57.
Re: Murder Weapon (Meat Cleaver): ASC15546/17.
Re: Swab (Right Hand) of the Deceased: ASC15546/69.

Note: (D):

Page: 4. of 15. DNA Comparison Profile tests Results.
Re: Swab Right Hand of the Deceased. ASC15546/66.
Re: Swab Left hand of the Deceased ASC15546/68.
Re: Left hand of the Deceased ASC15546/69.

Note: (E):

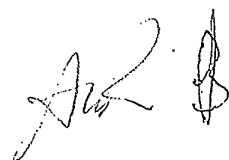
Page: 5. of 5.
(DNA Profile could "NOT" have originated from Mr. Ballantyne.)

Note: (F):

Page: 12. of 15. (Item Bell Rope) ASC15546/1/2
Re: (NO DNA Profile RESULTS).

Note: (G):

MERIT: DNA Comparison Results "NOT" Lawfully Disclosed at Trial: Date (2.5.16).



Item: (3):

Page: 43 No 78 "**CLOSE UP**" Photo Right Hand Accused.

Item: (4):

Photo
AKB
~~Photos~~ **Broken** wine glass: in Food waste (Meal Date: 2.2.15)
Re: Crime scene 202 Achilles Ave Whangamata.

Note: (H):

MERIT: Item (3) & (4) "Not" lawfully Disclosed at Trial Date: (2.5.16).

Item: (5):

Appeal Court Submission Records Re: CA438/2017 Date (early November 2018).
Re: Minute His Hon Justice WHATA J Page (36).
Re: Copy To Crown law: Mr. Almas DOUCH QC.
: Copy To Defence: Mr. Thomas Sutcliffe QC.
Re: Page (40) Para (13) Sub Para (c). and (a). (b). (d). (e).

Item: (6):

ESR Item Examination: Dr. Fintan Garavan: ESR Page No (00138)
RE: "**SEVERAL**" **HAIRS BLACK/BROWN. BLOOD FLAKE Material (Epidermis Skin)**. Located under the (Left Hand) Finger Nails of the Deceased.
Date Completed **(5.3.15)**

Item: (7):

Re: Abstract **TELOGEN HAIR (ROOT)**.

Item: (8):

ESR Item Examination: Dr. Fintan Garavan. ESR Page: No (00124)
Re: (Right Hand) "**3**" **DARK BROWN/BLACK HAIRS: ONE 4CM TELOGEN HAIR ROOT INCASED IN BLOOD FLAKE MATERIAL (Epidermis Skin)**.
Date Completed **(5.3.15)**.

Ref: To Item (1); Date Completed (20.2.15) 15 Months PRIO to Trial.
(2); Date Completed (14.4.15) 13 Month PRIO to Trail.
(5); Date Completed (20.8.15) 9 Months PRIO to Trial.
(6); Date Completed (5.3.15) 14 Months PRIO to Trail.
(8); Date Completed (5.3.15) 14 Months PRIO to Trail.

MERIT: Items (1). (2). (3). (4). (5). (6). (8). NOT LAWFULLY DISCLOSED AT TRIAL DATE (2. MAY 2016)

At Trial: The Appellant was unlawfully convicted! of inflicting a cut wound to the right hand palm with the murder weapon (Knife) Re: Slipping: during a violent Bloody struggle with the deceased Date: (3.2.15). (TIME of death 1am to 1.26am)
Re: The Deceased being assaulted by the Appellant bleeding with Blood on both his face and (Hands), going next door to 204 Achilles Av, waking the two occupants Mrs. Robyn Vettori and Mrs. Christine Clements, (Inticed) back! "Murdered" and **the Appellant ringing 111 at 1.26am for Help.**

AKB

Note: (1):
NO Time of Death Certificate was Presented in Court at Trial or in Discloser Transcripts.

The ORIGINAL Court Records Produced by the Crown at trial Date: (2.5.16) Stated that the DNA located on the Next door neighbour "BELL ROPE" Re: ASC15546/2 was proven to originate from the Deceased!! And was NOT Contested by either the Crown or the Defence!! As False.

Both the Crown Mr. Almao Douch QC and the Defence Mr. Tomas Sutcliffe QC HAD PRIO Knowledge of Items (1). (2). (3). (4). (5). (6). & (8). And DID NOT LAWFULLY disclose that evidence to the Court or the Jury of 12 date (2.5.16).

The Crown is Guilty of Gross Prosecutorial Misconduct due to Mr. Almao Douch actions as Crown prosecutor Re: Murder Operation Tiger.

The Defence Mr. Tomas Sutcliffe QC as an agent of the NZ Justice System has committed criminal acts and is also guilty of gross professional Misconduct.

Yours Sincerely

Anthony Ballantyne.

Anthony Ballantyne

Ann Marie Rawsen



Witnessed by Ann Marie Rawsen of Kihikihi at Waikeria on 17 June 2019

Pages: 3. Of 3. Are True and NOT Misleading.

MISLEADING

B

B

Note: **(C)**: A Mathematical Blood Stain which can be Described as being made By a BOOT, is NOT a Finger, Palm, Toe, or Foot PRINT. And Neither can Form the other,, (Boot etc. Foot!!)

Note: **(D)**: BOTH the Deceased and the Appellant 'HAD BARE FEET' on the Night of the Murder (2.2.15).

Note: **(E)**: The Detailed Blood impression Stain in question was situated on the washroom vinyl floor just feet from the Appellants Back door, hence the reason there were no repeat blood stain of the same nature!!!

(MERIT: NOT Disclosed at Trial)

Item: **10/**. Page (1). Report. From Professor Nicholas John BIRCH, Pharmacologist. Date (2.April.2016) Ref No ACS 1029.

Item; **11/**. Page (24). Pro Birch Report (TIME OF DEATH AROUND MIDNIGHT 2nd/3rd Feb. 2015).

(Ref To: **(B)**. Merit of Fresh Evidence. Item: **(4)**. **(6)**. Sub para **(G)**. (The Appellant convicted of Killing the Deceased between 1am and 1.26 am)

(MERIT NOT Disclosed at Trial)

Item: **11/**. Page 3 of 3: Medical record Examination Date (3.2.15) of the Appellant by Dr. M.G. Travalia.

Note: **(E)**: Page (1). Body Diagram markings of Blood Spatter on the Appellant Re Tip of nose and Right Foot..(blood drips from the appellants cut right hand palm).

Note: **(G)**: The deceased suffered EIGHT deep Knife cut wound in a vicious prolonged attack with Blood Spatter up to six feet high and eight feet long on both the washroom and hallway Walls. (Yet the Appellant had 'NO' Blood Spatters on his Body) and it was proven that that the Appellant did not shower or wash up on the night of the (2.nd 3.rd Feb. 15).

Note: **(H)**: Page (2) Of the Medical Repot. (Bottom right Corner) (DNA SWAB TAKEN FROM WOUND).

Note: **(I)**: Ref to Page. 00154 ESR Case Summery (ESR Sample Ref No) Clients No 70101 and ESR Sample ref No ASC155525/71 (MEDICAL EXAMINATION KIT Mr Ballantyne).

Note: **(J)**: Ref To: Merit New Evidence (B): Item (2).

(MERIT DNA Results NOT Disclosed at Trial)

Item: **12/**. Note of Evidence Taken before his Hon justice Brewer and the jury of Twelve.

Item: **13/**. Page. (125) Sworn Evidence: By Rian Kier Morgan-Smith: ESR Scientist in charge of Operation (Tiger).

Item: **14/**. Page. (208) Para (5). (Hair Sheath and Root) Para (10). NO real Examination was done on those Hairs).

Item: **15/**. Page. (209) Pars (15) (Long BLACK hair located under the Deceased Right Hand 4cm in Length). Para (20). (25). (Mr. Morgan-Smith Stated that it was his Decision NOT to TEST those Hairs)!!

A. M. B.

SUMMARY OF FACTS.

11. NOV. 2020 (1)

1. ^{"VICTIM"} IVAN E-MAILED ME APPROX 10 DAYS PRIOR TO 2-2-15, THAT HE WAS VISITING NZ FOR 10 DAYS TO PREPARE & SELL HIS HOME IN WAIKINO & WOULD LIKE TO CATCH UP FOR A NIGHT.

2. AS ARRANGED I PICKED UP IVAN AT THE WAIHI B.P. SERVICE STATION AT APPROX 3.30 PM 2-2-15, A MEAL WAS PREPARED & CONSUMED AROUND 6 PM. AS AGREED, IVAN PURCHASED EXPENCE SINGLE PINE MALT WHISKY FOR ME, PRIOR TO OUR MEAL IVAN SHOWED ME A LARGE AMOUNT OF CASH, SAID HE HAD A QUOTE ALREADY FOR 30K BUT WAS LOOKING FOR A CHEAPER BUILDER & ASKED IF I KNEW ANY!

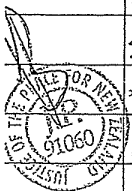
3. PRIOR TO IVAN ARRIVING I SPOKE TO GRAHAM DOWLING, G.D HAD PARKINSON, HAD MET IVAN BEFORE & PREVIOUSLY LIVED IN TAWANGA, G.D WAS INVITED AROUND FOR DRINKS & TO COME WITH ONE ON THE 3RD WHEN I WOULD DROP IVAN TO HIS BROTHERS HOME IN TAWANGA AS ARRANGED & MAKE A DAY OF IT WITH G.D VISITING SOME OF HIS OLD FRIENDS.

4. G.D ARRIVED AT MY HOME 202 ACHILLER AVE WILKINGMERE JUST AFTER 9:30 PM 2-2-15, IVAN ALSO ASKED G.D IF HE KNEW OF A CHEAP BUILDER & I CONFIRMED THAT IVAN HAD CASH TO PAY, G.D SAID THAT HE HAD ARRANGED TO GO SWF CARSTING LATER THAT NIGHT AT THE CHARGE OF THE WIFE WITH A FRIEND DANIEL HEANEY A BUILDER'S ASSISTANT HAN

5. G.D WAS RIDING HIS PUSH BIKE & DID NOT HAVE HIS H ON HIM, & LEFT TO MET DANIEL AT HIS HM 206 BELLONA & ARRIVED BACK WITH D.H AROUND 10:20 PM. D.H WAS DRESSED FOR NIGHT FISHING AND WORE HIS WORK BOOTS. G.D HAD SNEAKERS BOTH IVAN & MYSELF BARE FEET. NOTE: THE PARTIAL BOOT HEEL PRINT WAS MADE FROM D.H.

BOOT. IE: BLOOD STAIN ON VINYL BY THE BACK DOOR

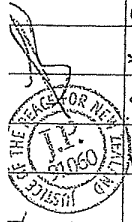
D.H. ALSO LIED TO THE POLICE WHEN ON THE 3-2-15 HE ARRIVED AT MY HOME AT 1:05 PM & INFORMED THE POLICE THAT HE WAS A FRIEND & WAS AT MY HOME JUST



Weeks prior to give me some sea cucumbers,
 In mid to late Nov 2014 after my peer review, D.H. was at G.D Home when I told Graham about my offer from General Electric, a week prior a Chinese friend asked me if I could dive & get her some sea cucumber, D.H. dived so I asked him if he knew where I could locate some!

The very next day D.H. arrived at my home with 36 of them I cleaned them up and traveled to Hamilton the next day & dropped them at Cui Zhou Hm 55 Boundary Rd 0212943211 Cui txt me to say thank you that she was leaving to China in a few days (02 Nov-14) & to pick my chilly Bin up from her sister, who would dry the sea cucumbers I did, 10 day later, I met the sister saw the dried sea food, commented how small they are when dried picked up my chilly Bin & went back to Whanga.

6. Ivan had been acting strange all night, ie face going blank half way thru conversation, for awhile now Ivan became aggro when drunk, & I warned him not to, "due to the last time he was at my home" was drunk, aggro & broke my expensive front door glass. Ivan mentioned that he has been attacked twice & robbed in Thailand in the last few months. Ivan did get drunk & tripped over G.D feet hit my alcove wall, was bleeding, got up & tried to pour him self another whisky, I got up of my chair & took the whisky glass from Ivan's hand & put it on the table, Ivan sat back & asked out at me with both feet, striking me in the groin, causing my sarong to slip down & as I stepped back, fell & hit my head, knocking my self out cold.



7. During our meal I knocked over a wine glass which fell off the table, not all the pieces were picked up, as when I awoke still laying down on my alcove wooden decking I put my right hand on

TOP OF A LARGE SECTION OF BROKEN GLASS, IT WAS A DEEP CUT LATER REQUIRING 4 STICHES, I SAW NO ONE, SO I MOVED OVER TO A SIDE BUSH, & PULLED THE GLASS SHARD OUT & THREW IT IN THE GARDEN, I WAS DAZED & STUMBLING MOVED INTO MY LOUNGE AREA, THEN INTO THE KITCHEN & SAW IVAN COVERED IN BLOOD ON MY LARGE PERSIAN RUG IN THE WASH RM.

I PLACED MY CUT RIGHT HAND ONTO MY RIGHT HIP & BENT DOWN & TURNED THE CORNER OF THE RUG BACK SO I COULD ENTER THE RM, IN DOING SO I WAS DRIPPING FRESH BLOOD ONTO THE VINYL IN THAT EXPOSED SECTION STANDING ON ONE BLOOD DRIP WITH MY RIGHT FOOT LEAVING A CLEAR DETAILED RIGHT BIG TOE PRINT.
NOTE: ESR FORENSICS PROVES THAT WHEN THE CORNER OF THE RUG WAS TURNED BACK IVAN'S BLOOD HAD ALREADY CONGEOLED IE NO RUNNING OR BLOOD SMEARING IN THE FOLD.

8 REMEMBERING THAT MRS VITTORI NEXT DOOR AT 206 WAS HOME & A TRAINED NURSE, I WENT NEXT DOOR DRIPPING FRESH BLOOD ON MY TWO OUTSIDE FRONT STEP MATS, & PULLED THE BELL ROPE TO MRS VITTORI'S LARGE BELL WAKING HER & MR CLEMENTS A FRIEND STAYING WITH HER AT 1 AM, THE INSIDE LIGHTS CAME ON & I WAS WORRIED ABOUT IVAN SO I RETURNED TO CHECK HIS PULSE, AS I BEND FORWARD & LIFTED IVAN'S RIGHT ARM, I FAINTED & NEVER PLACED HIS ARM BACK INTO ITS ORIGINAL POSITION!

NOTE: ESR FORENSICS PROVES THAT WHEN IVAN'S RIGHT ARM WAS MOVED, THE LARGE POOL OF BLOOD AROUND HIS ARM HAD ALREADY CONGEOLED AS IVAN'S ARM HAD LEFT A LARGE IMPRESSION IN THAT BLOOD POOL!

AS I LAY THERE I HEARD A FAINT CLICK OF THE BACK DOOR BEHIND ME AS THE DOOR WAS SHUT.

NO PRINTS WERE LOCATED ON THAT DOOR HANDLE INSIDE OR OUT, AS BOTH MRS CLEMENTS & VITTORI HEARD TWO MALE VOICES JUST AFTER 10P, AND THE BOOT HEEL BLOOD IMPRESSION WAS ALSO CLEAR & DETAILED, ALSO FORMED FROM MY FRESH BLOOD & IN THE SAME AREA AS MY BIG TOE PRINTS, BOTH G.D. & D.H WERE STILL AT MY HOME, BUT NO



APPROX 30k 4.

TRACE OF NANO MONEY WAS EVER FOUND. WHEN I Woke up By Ivan AT 129 AM 3-2-15 I RANG III STRAIGHT AWAY. But was still in shock & HAD NO MEMORY PAST 9.30 pm THE NIGHT BEFORE!

9. I WAS ARRESTED 21 DAYS LATER By DET DEAN ANDERSON! WHEN I ASKED WHY! He said Forensics Proven I Did It, ON THE LONG RIDE TO MORRISVILLE POLICE STATION, I WAS TALKING ABOUT MY INVENTION, & THAT IT CAUSED ME TO GO BANKRUPT AT ONE STAGE, & HE STATED THAT HE STILL OWED THE IRD 1 MIL FOR HIS DEFUNKED HELICOPTER BUSINESS, AT MY TRIAL DATE 2-MAY-2016 ALMOA DOUGHERTY PC THE CROWN PROSECUTOR STATED THAT THERE WAS NO EVIDENCE TO SUBSTANTIATE ANY ONE ELSE BEING AT MY HOME ON THE NIGHT OF NANO'S DEATH, THE JURY TOOK 59 MIN TO CONVICT ME! WHEN I HEARD THE WORD GUILTY, ELECTRIC SHOCK STARTED IN SLOW MOTION AT MY TOES & ENDED IN MY HEAD! SOON AFTER THAT MY MEMORY STARTED TO RETURN!

10 DURING MY TRIAL THE PATHOLOGIST ON OATH WAS LOOKING AT ME & HE STATED THAT HE LOCATED HAIRS UNDER THE DECEASED'S FINGER NAILS, EVEN AT THE TIME I THOUGHT IT STRANGE THAT NEITHER MY DEFENCE PC OR THE CROWN QUESTIONED HIM IN REGARDS TO THOSE HAIRS! THERE WAS ALSO A FORENSIC REPORT FROM THE FORENSIC GROUP RE: THE PARTIAL FOOT PRINTS & THE COMMENT THAT "IT COULD BE" AND A REPORT FROM ENGLAND WHICH QUESTIONED THE POLICE TIME OF DEATH 1 AM TO 4-29 AM, NO TIME OF DEATH CERTIFICATE WAS EVER PRESENTED AT COURT, I QUESTIONED TOM SELKIFFE ABOUT THE 2 REPORTS & HAIR & HE SAID THROUGH HIM HE KNOWS BEST! AT HIS CLOSING SPEECH THE FIRST WORDS OUT OF HIS MOUTH, WERE, MR BARNASTINE FULLY ACKNOWLEDGES & EXCEPTS HE WAS WRONG ABOUT MR GRAHAM BOWLIN AND DANIELE HEANEY, I TRIED TO STAND UP & DISPUTE THAT, BUT WAS PULLED BACK DOWN BY THE CARDS ON EITHER SIDE OF ME, TWO YEARS LATER WHEN I GOT A COPY OF THOSE COURT HEARING FROM THE POLICE, THOSE WORDS WERE

MISSING, BUT ALL MY FAMILY & FRIENDS HEARD HIM SAY THOSE WORDS & THEY WILL BE IN THE COURT'S DIGITAL COP

11 AFTER MOST OF MY MEMORY HAD RETURNED & I HAD LOCATED THE PATHOLOGY REPORT SHOWING A LARGE NUMBER OF DARK BROWN / BLACK HAIRS LOCATED UNDER IVAN'S FINGER NAILS ON 4 CM ONE WITH A ROOT ATTACHED, I WROTE A 14 PAGE LETTER DETAILING ALL I COULD REMEMBER & A COPY OF THE PATHOLOGIST REPORT & SENT IT OFF TO TOMAS SUTCLIFFE & GLEN TINSLEY, RE PETER HUKAKA INVESTIGATIONS, I NEVER HEARD BACK FROM EITHER ONE!

12 ON SUNDAY THE 3. JULY 2016 AT 16A CONVICTED, AT AROUND 12-30 PM I WAS REMOVED FROM MY CELL & TAKEN TO THE POD OFFICE, WHERE A LADY WAS, THAT I HAD NEVER SEEN BEFORE, SHE STATED THAT SHE WAS THE NEW DIABETIC NURSE

I EXPLAINED THAT ON THE PREVIOUS FRIDAY I HAD FULL BLOOD TAKEN! SHE THEN SAID AS SHE WAS NOW HERE, SHE WILL DO A FINGER PRICK BLOOD TEST, THERE WAS NO TISSUE & THE TESTER WAS ALREADY SET UP SO I AGREED. NORMALLY AFTER YOU GET YOUR FINGER PRICKED THEY HAVE TO SQUEEZE YOUR FINGER TO DRAW BLOOD, BUT HER NEEDLE WAS SET SO DEEP. A LARGE AMOUNT OF BLOOD CAME OUT & WITH NO TISSUE I SUCKED ON MY FINGER TO STOP IT BLEEDING & SHE SAID THAT TEST DID NOT WORK & TO GIVE HER ANOTHER FINGER & AGAIN A DEEP PRICK MORE BLOOD & I SUCKED ON THAT FINGER AS WELL!

THE PAIN VOMITING & THE RILLS STARTED APROX 3 HOURS LATER, & GOT WORSE. BY 7 PM I WAS PUSHING THE EMERGENCY BUTTON FOR HELP, 3 TIMES, ALL THEY DID WAS ASK ME TO SPELL MY NAME & DID NOT ANSWER A WORD THAT. BY 8 PM I WAS SCREAMING IN AGONY LYING ON THE COLD FLOOR KICKING THE DOOR WHEN THE GUARDS CAME THEY OFFERED ME PANADOL SAID IT TAKES 3 GUARDS TO BE ALLOWED TO OPEN A CELL AFTER HOURS, 10, 11, 12, 1, 2 AM I WAS STILL SCREAMING SO AT 3 AM THEY ARRIVED TO TAKE ME TO THE MEDICAL CENTRE WHERE THE 3RD GUARD WAS AN A WHISPERY INDIAN NURSE I HAD SEEN BEFORE WHO DID

6.

NOT KNOW WHAT TO DO OTHER THAN GIVE ME A LARGE AMOUNT OF ANADOLE SHE SAID IT MUST BE FOOD POISON & IT WILL PASS THRU IN TIME, WITH IN DAYS THE BLOOD APPEARED BY THE GTH I WAS SO ILL THAT A FEMALE GARD "BRENDA F." RANG ILL FROM THE POD OFFICE & I WAS TAKEN TO HOSPITAL & REIDENTIFIED, AND WAS VERY ILL FOR MANY WEEKS AFTER! TWO YEARS LATER WHEN I GOT A COPY OF MY MED RECORDS FOR THOSE DAYS TWO THINGS WERE MISSING ONE BEING TAKEN FROM MY CELL FOR THAT DIABETIC TEST, & TWO TAKEN FROM MY LOCKED CELL AT 3AM IN THE MORNING 4-7-16. TO THE MED CLINIC.

13 WHEN I WAS TRANSFERRED TO 15C SENTENCED UNIT A SHCF WITH IN 3 WEEKS A NEW PCO ARRIVED WITH IN A FEW DAY HE & 2 OFFICERS DID A CELL SEARCH ON MY CELL & CONVICATED ALL MY LEGAL DOCUMENTS SAYING THAT OTHER PRISONERS WERE COMPLAINING I WAS SHOWING ANTSY PUSHS TO THEM, WHICH WAS A LIE BECAUSE OVER A YEAR EARLYER A WAKRATS PRISON NORTH-WEST WING, MY CELL MATE AT THE TIME, WHEN I WAS AT VISITS STOLE ALL THOSE PHOTOS & TOOK THEM OUT TO THE YARDS, & GAVE THEM AWAY, AFTER I FOUND OUT, IT WAS THEN FILE NOTED BY OFFICER HULLAHAN, I WAS THEN TOLD IF I DID NOT SEND MY PAPER OUT THAT THEY WOULD BE DESTROYED, ON MAKING THOSE ARRANGEMEN VERY LITTLE OF MY DOCUMENTS ARRIVED, IE LOST IN TRANSIT, THE NEW PCO CARL TAKKA HAD A BROTHER WHO WAS A DETECTIVE & WORKED FOR THE POLICE OFFICER WAS ACCUSED ME! DET DEAN ANDERSON

14 TOM SUTCLIFFE WANTED MY SON TAI TO UPLIFT ALL HIS COPIES OF MY DISCLOSURE RECORDS, I SAID NO, THAT THEY WERE TO BE ITEMIZED & SHIPED TO A FRIENDS SOLICITOR BRIDGET WARD FOR SAFE KEEP, MY FRIEND REX WAS TRYING TO LOCATE ANOTHER LAWYER FOR ME AT THE TIME, ONE DAY I WAS TAKEN FOR AN AVL MEETING WITH A APPEAL DC A MS SHARON GREEN WHO SAID THAT SHE WAS AVAILABLE, & HEARD I NEEDED SOME ASSISTANCE FOR AN APPEAL I ASKED IF REX COULD HER SHE SAID YES, I WAS HAPPY SO I GAVE MY CONSENT WITH IN 2 DAYS SHE HAD PICKED UP ALL MY DOCUMENTS FROM BRIDGET, AFTER GETTING A LETTER FROM LEGAL AID APPROVING SOME FUNDS & A LETTER FROM THE APPEAL COURT DATED 7-7-17 GIVING ME AN EXTENSION OF TIME TO APPEAL, I DID NOT AUTOMATICALLY APPEAL WITH IN MY 28 DAY TIME BECAUSE SUTCLIFFE SAID THAT HE WOULD GET BACK IN TOUCH WITH ME BEFORE THAT TIME, BUT NEVER DID! I NEVER SAW,

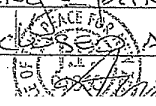
L A 11 22/11/17

any of Sutcliffe's copies ever again, NOR GREEN, SEVEN MONTHS
 AFTER OUR AYL legal aid contacted me to say that she was WITHDRAW
 stating conflict of interest, TURNS out she and Sutcliffe had been good
 friends for over 15 years & today shared an office with him, she did
 arrange another QC A CHRIS TENNET QC, APART FROM A introductory
 letter I NEVER SAW OR HEARD FROM HIM UNTIL just days before my
 APPEAL COURT DEAD LINE for evidence to be submitted 3-3-18 A
 letter arrived from legal aid, c/p the court from C. TENNET which
 STATED, "I CONCUR WITH SK GREEN, NO GROUNDS FOR APPEAL!"

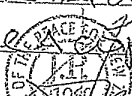
I WAS ABLE TO E-MAIL THE APPEAL COURT ASKING for some extra
 TIME TO FIND OUT WHAT WAS GOING ON, AS I HAD NEVER SPOKEN
 OR SEEN CHRIS TENNET, WHICH THEY, APPEAL JUDGE HARRISON found
 strange, I WAS GIVEN EXTRA TIME & TENNET WAS ASKED TO explain
 & show grounds for his & GREENS REASONS, I THEN got a 6 page
 copy of TENNET'S REASONS "ALL GOOD" it was also NOT in affidavit
 form AND it was NOT presented to JUSTICE HARRISON, BUT AFTER HON
 JUSTICE FRENCH, I THEN I SENT A 10 page ReButtal & Fired TENNET
 TAKING ON MY OWN CASE, LEGAL AID ALSO SENT me a letter stating
 as two top QC stated NO GROUNDS FOR AN APPEAL THAT IT WAS NOT
 IN THE INTEREST OF THE PUBLIC TO SUPPORT ME, & WITH-DREW ALL FUNDING

13. I wrote a number of long letters to the courts BUT NEVER received
 any Reply, ^{BUT} I wrote & stated THAT there was a CRIMINAL ORGANIZA
 WITH-IN THE NZ Justice System, "that got there ATTENTION" just days
 later JUSTICE FRENCH was on the PH with a crown lawyer Ms GRU
 who suggested to JUSTICE FRENCH THAT I would need legal help
 & would the courts provide a court paid AMICUS CIVILE for me, &
 foolishly said yes!

14 IN LATE July 2018 JONATHAN TEMM QC ARRIVED AT TONGARIRO'S
 Prison, "my COURT paid for help", First thing THAT he asked for was
 all my notes letters & evidence, said THAT he would copy
 them & send them BACK, I said NO! THAT he can get my
 disclosure doc from GREEN & copies of my letters from the
 courts He left promising to get all the DNA testings for
 the hairs & FINGERNAIL TOX & MED Reports for me, etc AND
 information RE: THE 2 UNIDENTIFIED FINGER PRINTS ON BOTH MURDER
 WEAPONS WHISKY Bottle, etc: NOT DISCLOSED AT TRIAL.



15 THE NEXT TIME, I HEARD FROM TEMM WAS ON THE 30-OCT-18 WHEN HE SHOWED UP AT TONGARIRO AGAIN, ON ENTERING THE ROOM THAT HE WAS IN I NOTICED A COPY OF THE ESR CASE SUMMARY REPORT DOCUMENT ON A TABLE BEHIND HIM, & IN FRONT WAS 3 PAGES OF DISCLOSURE DOCUMENTS NO 113, 114, & 115, BUT THEY WERE NOT THE PATHOLOGY REPORT PAGES THAT I REMEMBERED FINDING & SENDING TO SUTCLIFFE, I RE HAIR & IAN'S FINGERPRINTS SO I PICKED UP THE COPY OF THE ESR REPORT & HELD OUTS IT & ASKED ABOUT THE DNA RESULTS, HE SAID "WHAT RESULTS" AND HIS ADVICE TO ME WAS TO DROP MY APPEAL ON FREDA EVIDENCE & GO ON DEFENCE LAWYER INCOMPANLY HE THEN LEANED OVER THE TABLE & THREATENED ME TO GIVE HIM BACK THAT DOCUMENT, SAID I WILL NOT LEAVE THIS ROOM WITH IT, I GAVE IT BACK ^{UNDER DURESS} BECAUSE I KNEW THAT TO DISCREDIT ME & ALL MY LETTERS TO THE APPEAL COURT STATING THAT THE PATHOLOGY DOCUMENTS WERE NUMBERED 00113, 00114, & 00115 HE WOULD HAVE HAD TO SUBMIT THAT ALTERED REPORT TO THE COURTS, & "I WAS RIGHT", I LEGALLY REQUEST ALL COPIES OF DOCUMENTS SUBMITTED BY GREEN, TENNET, & TEMM, NOTHING CAME FROM TENNET, GREEN SUBMITTED ALTERED COPIES OF TRIAL DOCUMENTS, WHICH CONTAINED INFORMATION ABOUT THE TWO UNIDENTIFIED FINGERPRINTS IN JUSH'S WATA REPORT & TEMM ALTERED COPY OF THE ESR CASE SUMMER REPORT, WHICH HAD ~~many~~ many PAGES IN IT & SAID REDAKTED, ON THE FRONT PAGE, BUT SOME ONE STUFFED UP, BECAUSE IT WAS NOT REDAKTED, AND INSIDE I FOUND DNA REPORTS ON THE MURDER WEAPONS, IAN FINGER TIP SWABD AN THE PATHOLOGIST HAD MADE AMEJOMENTS TO PAGES 113 & 114 WHICH WERE IN PAGES 124 & 138 (BOOK), NOW I HAD REAL EVIDENCE TO SUBSTANTIAT MY CLAIMS OF FREDA EVIDENCE FOR MY APPEAL!

16 I ALSO COMPLAINED TO THE APPEAL COURT & TO THE CROWN THAT TEMM UNLAWFULLY SUBMITTED A FALSE DOCUMENT, TO THE COURTS BUT NOTHING CAME OF IT & LATER WHEN I AGAIN REQUESTED DOCS FROM THEM I GOT TENN'S AFFIDAVIT DATED 1-NOV-18 WHICH STATED THAT MY APPEAL WAS "FUTILE & ANDREXIC AT BEST" & A RECEIPT FOR HIS COSTS TO PHOTOS COPIES THAT FALSE ESR REPORT, HE COULD NOT RISK GETTING HIS SECRETARY TO DO IT, OR HAVE ANY RECORD AT HIS WORK PLACE, INSTEAD  HIS COPY IS DIGITALLY RECORDED & N 11 27-11-18

9.
AT THE Super Dooper Photo Copy store in ROTORUA 88 RIRI ST
09348 4202 I made a copy of just in case THANKS TO
A KIND corrections officer, I gave THAT DOCUMENT TO ANOTHER
prisoner to keep safe. He THEN sent it out some months later
to his friends for safe keep! Turns out it was a good move!

19 ON THE 3 DEC-2018 AT TONGARIRO A NEW PRISONER ARRIVED, I
REMEMBERED HIM AS BILLY MAJORS FROM S.H.C.F. IN MID 2017
HE WAS CELLED UP WITH ME FOR ONE NIGHT, HE STOLE A PAC OF CIGS
FROM ME & I TOLD THE GUARDS SO HE WAS PUT ON THE OTHER
SIDE, AS THEY ARE ON DIFF UNLOCK TIMES TO US, HE THREATENED
ME AFTER I TOLD THE GUARDS, HE WAS A PRO KICK BOXER & WOULD
OFTEN SHOW OFF BY HIGH KICKS TO THE WOODEN POOLS REALLY HARD
HE WAS ALSO FAMOUS BECAUSE HE KICKED HIS DOOR SO MUCH
THAT ONE NIGHT AROUND 7^{PM} IT BROKE THE LOCK & CAME OPEN &
LIKE A PRIZE FIGHTER HE WALKED AROUND THE WHOLE POD WITH
HIS HANDS UP IN THE AIR TO THE CHEERS OF ALL THE OTHER PRISONERS
TILL THE GOOD SQUAD CAME & TOOK HIM AWAY! ALSO IN CEDAR
2 AT THIS TIME, WAS DARYL WALKER, HE ALSO REMEMBERED MR
BILLY MAJORS FAMOUS ESCAPE! ON THE 6TH DEC DARYL CAME TO
MY CELL & SAID DID I KNOW THAT MAJORS NOW CALLED HIMSELF
SERJ MERREN, SO WE CHECKED & THAT WAS THE NAME ON
HIS CELL WINDOW, I INFORMED TWO CORRECTIONS OFFICERS OF
BILLY'S NAME CHANGE, AT AROUND 6 PM THAT SAME DAY AS
I WAS LEAVING MY CELL TO GET SOME PANTS COPES DONE
BILLY MAJORS THREW A CONTAINER OF HOT WATER IN MY FACE
AND AIMED A HIGH KICK TO MY NECK, BUT AS I WAS
PARTIALLY STILL MOVING AND 6-2 HIS KICK GLANCED OFF MY
RIGHT SHOULDER, DAMAGING SOME LIGAMENTS & HIT BOTH MY
FACE & NECK, DROPPING ME TO THE GROUND & HE WAS ONLY JUST
PREVENTED FROM ATTEMPTING TO KICK ME AGAIN BY ANOTHER
PRISONER, AN AMBULANCE WAS CALLED & I STARTED TO FIT, BUT
WHEN A TOD MARTELLI CAME FORWARD TO SAY THAT HE SAW THE
WHOLE EVENT & THAT MAJORS WAS IN THE CELL NEXT TO HIM, HE
OVER HEARD MAJORS TELL HUNT & ANOTHER MOB PROSPECT IT WAS
A PAID HIT ON ME, CORRECTIONS PUT ALL 3 IN THE POUND &
TOOK ME BACK TO MY CELL, FORTUNATELY FOR ME JUST WEEKS
BEFORE ANOTHER PRISONER THREW A HOT PIE INTO ROSS' FACE



SO ALL OUR OUTSIDE HEATING URNS WERE TURNED DOWN, THE NEXT DAY ONE OF HUNT'S FRIENDS YELLED OUT TO HIM IN THE POUND WHICH WAS JUST BEHIND MY ROW OF CELLS & ASKED WHO HE WAS IN THE POUND, HUNT YELLED BACK, "THAT CORRECTION THIN THAT THEY TOO, ARE INVOLVED IN THE "HIT" ON THE OLD MAN! A LOT OF PRISONERS HEARD HUNT, SO DID CORRECTIONS THE NEXT DAY I WAS MOVED TO CEDAR ONE THE DAY AFTER I WAS SHIPPED OFF TO WAIKERIA, WITH OUT MY PROPERTY & YES MANY ITEMS WERE MISSING WHEN I DID GET MY PROPERTY BACK LATER! MY MEDICAL RECORDS STATED "IE AS I WAS PASSING THE RUGBY FIELD I WAS STRUCK" I WAS ALSO REFERRED TO THE WAIKATO DE FORENSIC UNIT FOR BEING "MENTALLY UNWELL", IE TELLING OTHER PRISONERS THAT PRESIDENT TRUMP & PUTIN WERE COMING TO BREAK ME OUT OF JAIL! WHICH WAS NOT TRUE!

18. IF I WAS TO GO INTO DETAIL RE: MY 5+ YEARS IN HELL, IT WOULD COVER A BOOK, BUT THEY PICKED ON THE WRONG PERSON TO TRY FOR A MURDER & TRY TO SUPPRESS MY INVENTION! AFTER ALL YOU ARE READING THIS & HAVE COPIES OF MY INNOCENTS & INVENTION. AND YES IT, "MY TECHNOLOGY IS REAL" & DOES WORK!!!

I AM DYSLLECTIC, NEVER FINISHED THE FIRST YEAR OF HIGH SCHOOL TO DUMB THE HEAD MASTER SAID "CAN'T SPELL DO MATHS, NO GOOD FOR ANYTHING EXCEPT MANUAL LABOR, BUT HE WAS WRONG ONE MAN OR WOMAN CAN CHANGE THE WORLD ASK SIR RICHARD BRANSON, BILL GATES, NEWTON, EDISON, TESLA, GALAGOS, ARCAMEDIAES ALL HAVE DYSLLEXIA, WE "SEE" THINGS DIFFERENTLY! IF NATURE'S WONDERS CAN PRODUCE FREE ENERGY EVEN PERPETUAL, WHY CAN'T I EMULATE NATURE, & I DID, TOOK 30+ YEARS! & TECHNOLOGY HAD TO CATCH UP WITH MAGNETIC BEARINGS & 3D PRINTERS TO MAKE MY DREAM A REALITY, AND THEN THEY PUT ME IN HELL TO STOP ME, BUT THEY FAILED, AT MY PEER REVIEW, THE PRESIDENT OF THE RETURN ON SCIENCE DIV AT THE AIRC. WAS ONLY GOING TO ATTEND ON MEETING BY AVL THAT WAS UNTIL HE ATTENDED THE "IN HIS WORDS" THE MOST DISSTRUCTIVE MEETING THAT HE HAS EVER WITNESSED, RE MY INVENTION BY THE ENGINEER FACULTY, SOME SAID THAT IT WOULD BE PERPETUAL OTHERS SAID FRICTION WOULD COME INTO PLAY, BUT NO ONE SAID THAT IT WOULD NOT WORK, & THERE IS NO FRICTION, IN LAMINA FLOW, RE: VOXEL LAW'S, USING H₂O AS YOUR MEDIUM!

APART FROM MULTIPLE Proto Types, I ALSO PRODUCED A FULLY ANIMATED SEE THRU WORKING VIDEO OF MY INVENTION COMPLETE WITH ALL MY COMPUTATIONAL ANALYTICAL TEST RESULTS TO BACK UP OUR AMAZING RESULTS, AND THAT MY WORLD PCT PATENT WAS ACCEPTED, PASSED ALL WORLD OBJECTIONS & WAS PUBLISHED IN GENEVA DATE (2.OCT.2014), DESPITE ALL THIS I WAS STILL REGARDED AS A HICK NO 8 BACK YARD INVENTOR WHO DID NOT FULLY UNDERSTAND WHAT I HAD INVENTED, DESPITE THE ANN SLATING THAT MY INVENTION HAD GLOBAL APPLICATIONS! ALL BECAUSE I DID IT ALL MYSELF, WITH OUT THE HELP OF ANY UNIVERSITY!

I DID NOT TELL THEM AT THE TIME, THAT "I HAD" APPROX THE AU ENGINEER FACULTY FOR APPROVAL, DOING SOME WIND TESTING ON VORTEX FLOW AT THERE AUCKLAND FACILITY BUT WAS REJECTED AS WASTING THERE TIME, AND THAT WAS 10 YEARS AGO.

AN OFFER FROM GE WAS PUT TO ME BY ROSS "CAMDON" HYLAND OF 1.5 B FOR A QUICK SALE, I SAID NO, MONEY WAS NOT MY GOD, HELPING ALL THE GOOD PEOPLE OF THIS WORLD WAS! ROSS WAS SHOCKED, HE WAS THE CHAIR PERSON AT THE RETURN OF SCIENCE DIV & IT WAS HE, THAT GOT ME THAT PEER REVIEW AFTER MEETING ME AT WAIANGMATA SOME MONTHS PRIOR WHEN HE WAS INTERESTED IN LEASING MY MARINA BERTH FOR HIS BOAT, WE HAD A VERBAL AGREEMENT THAT ROSS WOULD SHARE IN MY INVENTION FOR HIS HELP, MAYBE HE THOUGHT THAT HE WOULD MISS OUT! AND AT THAT STAGE GE HAD NO RIGHT TO PRIOR KNOWLEDGE IN REGARDS TO MY INVENTION! BUT SOME ONE HAS PAID A LOT OF MONEY TO A LOT OF PEOPLE TO GET ME FRAMED FOR A MURDER I DID NOT COMMIT.

SOMEONE SOME ONE HAD ASKED ME, WHAT ELSE THAT I HAD INVENTED, MAYBE THEY WOULD NOT HAVE DONE WHAT THEY DID, "WHAT DOES NOT KILL YOU MAKES YOU STRONGER,

AND "I AM! THE NZ JUSTIS SYSTEM IS BROKEN, WHEN IT ALLOWS A FEW CORRUPT INDIVIDUALS TO MANIPULATE OUR SYSTEM FOR SELF GAIN, WITH IMPUNITY! IT NEEDS FIXING! MANKIND NEEDS MY INVENTION MORE NOW THAN EVER BEFORE! PLEASE

MY STORY NEED TELLING!



23/02/2021

Frank Gaudin

Wendy Gaudin

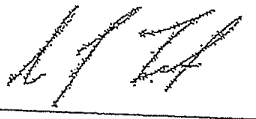
Scott Gaudin

Wendy Gaudin

MAY IT PLEASE THE COURT:

1. Counsel is reluctant to draw this matter to a close because I have had to report to Legal Aid that I do not think that there is anything in the grounds of appeal and cannot see how it can successfully be mounted.
2. I am not the first lawyer to look at this matter but in any event a decision had to be made.
3. In the meantime Mr Ballantyne has indicated that he wants to replace me (he feels that there has been a conflict of interest).
4. Legal Aid are holding off to decide whether he has a continued grant of Legal Aid (hence my reluctance to file a Summary of Issues until I had exhausted all matters which I now have).
5. Counsel remains available for the phone conference to advise the Court of this matter and to seek leave to withdraw. If I can be of further assistance I will. Given Mr Ballantyne's passion and deep concern that he is not responsible for the murder* it would be appropriate to appoint experienced Counsel who has not had any previous involvement with this matter be appointed Amicus.

DATED: 27 April 2018

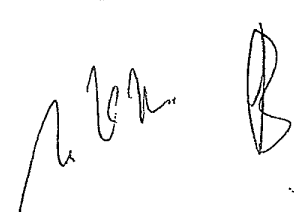


C. J. T. T. M. M.
Counsel for the Appellant

TO: The Registrar, Court of Appeal of New Zealand, Wellington
(Attention: _____)

AND TO: Crown Law, Wellington (Attention: Shelley Smith)

* Maintained under cross-examination, put to the jury by Brewer, I as part of the defence case and commended on by His Honour at [2] of the Sentencing Notes.



Smoke & Mirrow's

§

3.

there was no unfairness within the trial and they brought back the verdict that they did.

- Whether or not the appellant is in custody — Yes — serving a life sentence
- The proposed grounds of appeal — There is only one namely that there is fresh evidence as to there was a hair on the finger of V which did not belong to the Appellant — in fact it has another's DNA on it.

The Appellant has obtained an independent report to assist with that although it does not go quite where he thinks it should. ¹ I do not think it quite goes as far as what the Appellant says but I have looked at this appeal on two bases:

- (a) First, that it will, as the Appellant expects, be proven correct; and
- (b) Secondly, a re-test to a rigorous standard would reduce that result.

Even then I have had to come to the view that I do not think the appeal is viable.

As noted above, the matter was a live issue at trial and in fact the Appellant mentioned it under cross-examination. That means no criticism of Counsel and, under the original test, there would be some difficulties. However, *R v Banks* [2014] NZHC 1155 widens the test as the focus is now on whether the test is material. I proceed on that basis.

How is it material? — It goes to back up the Appellant's story that 'D' was in fact there and was the likely killer. However, my concern ² is that I cannot see it affecting the original result. The Appellant's explanation was before the Court. He gave argument with his disagreements with the evidence and all that the new evidence might be to confirm that 'D's DNA was on that stray hair'. This is not a 'magic bullet'. It would merely be something to go in the pool of evidence. Against that are all the matters raised in the commentary on the trial including the inconsistency of the Appellant's explanation, his claimed progressive amnesia (a phrase that he used in XNN and at one instance was pulled up by the Trial Judge). As the Crown put it to him in XNN 'D' and his side kick effectively got rid of all the forensic evidence of 'D's involvement by cleaning the house (except, of course, for this 1 hair).

Even if everything went favourably to the Appellant to the extent I cannot see the Court saying there was a miscarriage of justice. It does not substantially alter the defence case to the extent that the Court would be troubled by the guilty verdict.

¹ I note, with respect, that previous Counsel had a similar difficulty which is why I ended up with this matter.

² And my reluctance to finish this Summary of Issues for more weeks than I would have

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Pages 6 of 6.

IN THE COURT OF APPEAL OF NEW ZEALAND

CA 438/2017

BETWEEN ANTHONY BALLANTYNE
Appellant

AND THE QUEEN
Respondent

MEMORANDUM OF COUNSEL AS TO THE STATUS OF LEGAL AID/COUNSEL
5 June 2018

CORAM Honourable Justice French
Date of next event:

APPEAL lawyer (2.)

Counsel Acting
C.I. Tenner
Justice Chambers
16 Arundale St
PETONE 5012
PO Box 39 110
Wellington 5045
☎ (04) 471 1952
service@fast-ice.nz



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Handwritten signature/initials

c. Whether that can be performed here in New Zealand or is required to be done overseas;

15. Once known (if such a position can be reached), the Appellant ought to then consider whether the cost of this further analysis can be paid by him (or others aligned to him).

Submissions

16. As presently structured, the appeal case cannot be advanced. It is not just weak (It is anorexic to the point of being futile.)

17. This appeal should be re-listed for mention in early 2019.

18. Any appeal submissions can only be timetabled once analysis is undertaken.

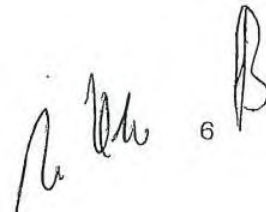
Dated at Rotorua this 1st day of November 2018.

Court appointed
(AMICUS CURIAE)

9.7.18.

Blocking my every move


Jonathan Temm
Barrister
Counsel for the Appellant


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PRISONER COPY

P/F

IN THE COURT OF APPEAL OF NEW ZEALAND
I TE KOTI PIRA O AOTEAROA

CA 438/2017

BETWEEN ANTONY BALLANTYNE
Appellant

AND THE QUEEN
Respondent

MEMORANDUM OF COUNSEL FOR THE APPELLANT
DATED 1 NOVEMBER 2018

pages 6 of 6.

Appointed Counsel:

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Jonathan Temm

THOMAS SUTELIFF QC

conversation in which he had noted down and it was around the time interception warrants were extant and I wanted to check the transcript of those intercepted communications and we had a pretrial ruling on the matter, only to discover that in fact the interception warrant by the time of that particular conversation had expired. It was difficult to grasp what Mr Ballantyne was saying about this, but effectively he was saying Anderson lied about the warrants having expired. He went on to make allegations that Detective Anderson was a corrupt Police Officer, he said that documents that were left in his briefcase included some that covered plans to sell the factory to grow hydroponically a number of plants (about 6) that had the same sort of chemical qualities as cannabis but that this product was to be farmed for use on epileptic children. He told me that the same chemical constituents are found in cannabis which are of a medicinal value can be extracted from these variety of plants and that he had a letter confirming that if he was able to get this operation going he could earn \$200,000 a month in fact this was guaranteed. He said that when he was travelling in the car with Anderson he spoke about this and his invention and that he had been bankrupted once. He said Anderson responded that he had operated a helicopter business in the IRD and the IRD hit him with a tax bill for \$1m. Mr Ballantyne was maintaining that Anderson was corrupt and that he had lifted the papers regarding the plants for his own monetary gain.

4 **Black hairs** – he said that black hairs had been located lodged under the fingernails of Ivan and that he believed this had come about because Ivan had grappled with the offender. He talked about one being 40 millimeters in length with the root attached which was encased in a blood flake. He said that it could be part of the scalp and referred to it as an epidermal hair. He referred to the witness Morgan from the ESR saying that such testing is not done in New Zealand which Mr Ballantyne described as bullshit. He also pointed out that there would be DNA available from that hair root and that it couldn't be his hair because of its colour.

5 **He referred to the ESR case summary book** and specifically to page 124 regarding the pathologist's wording which he went on to say at page 124 was not in between 123 and 125. He went on to say that someone had put it through the copier and that there had been consecutive numbers put on the page but that this process and presentation had been deliberately misleading. There was a problem with the way in which that book had been put together but it wasn't for evidential purposes it really was for reference purposes. He said that the ESR scientist Morgan Smith in his report referred to hair fragments and that there were three different reports and three different times and he went through and suggested that they were quite different and were misleading.