

- 6 **Officer B Smith photographer and fingerprints.** He said that this statement was not true and correct. He said that BF1, 2 and 3 which reportedly were photographs of a footprint of Ballantyne's right foot are not found in the kitchen as the evidence suggested but in fact in the wash room. I recall this particular issue and I don't accept that he is right on this, but even if he is I'm not sure it makes any difference. He says that the photographs of those prints were deliberately cropped so as not to show the full picture.
- 7 **Constable Gilbert's boot** – he says that they were photographed but we haven't seen any photographs. I can't recall that ever being claimed.
- 8 He went on to say generally there were dozens of anomalies throughout the prosecution case.
- 9 **Time of death** – he referred to the expert brief setting the time at about 12.00 am based on alcohol consumption or data. He said the Crown did not give a time of death because it was a problem for them.
- 10 **Alcohol level at the time of death** – he said the Crown submitted that he was four times over the legal limit at the time of death (Ivan) but he maintains that was not correct because the alcohol limit for driving then was 400 not as it is now 200.
- 11 **Knife** – he said that the knife may not have had a guard on its handle, but that it was ergonomically designed to be held in a particular way and he held up his hand at the window in the interview room and then said that if his hand had slipped his fingers would have been cut, not the palm.
- 12 **Toxicology** – he said that his toxicology report was not provided in Court as it would be definitive evidence of his innocence. He said a person fighting with Ivan who had been stabbed numerous times and was bleeding profusely would have had blood all over him. That if he had stabbed Ivan and caused the cut on his hand in doing so, then Ivan's blood would have been in his wound, under his fingernails and all over his body. He said that the doctor took swabs off him and his wound and therefore extrapolates that if it was him who had caused an attack and killed Ivan then Ivan's blood would have been in his wound and therefore the toxicology report would have reflected this and because the toxicology report was not provided that meant that he didn't have Ivan's blood in his wound and that is why the Police did not produce that as evidence.
- 13 **Dyslexia** – he says his brain doesn't work like mine and this is reflected in his responses and the phone calls which he referred to as something of an interrogation.
- 14 **Who was fighting Ivan?** – he said that his belief was that because he remembers Graham being present as a result of a recovered memory he now believes that Graham was not the one fighting

with Ivan. He said he had no memory of Graham fighting with him and he did not recall Daniel being there. He observed that there were no phone calls between Graham and Daniel as he had previously suggested, but that he now realised it did not need to be any phone calls because he believed now that in fact Daniel was there.

- 15 He said that after having an ice cream Graham rode to his home on his bike and did not bring his phone as it would drop out of his pocket as he was riding. He said when they were there Ivan discussed that he knew a cheap builder and Graham said that he was going fishing with Daniel that night and that later that night Daniel came around. He now believes that Daniel fought with Ivan, not Graham and that the black hair earlier referred to belongs to Daniel. He says Daniel was going to go fishing that night with Graham and it would have been high tide in the evening to go fishing off the wharf. He said Daniel came around and it all went horribly wrong. While he says now he has no memory of Daniel being there, he does now remember Daniel's voice as he and Graham left through the back door. His memory came back to him this last couple of weeks post trial. He said he always had a memory of the door clicking since day one which made no sense to him. He thought the clicking noise was him opening the door for the Police, but he now realises that that door was already open from when he had gone next door to the Vetorries. He now believes the clicking noise was the back door closing and that this woke him up and that the voice was Daniel's as he left the house. He says on the way out Daniel and Graham wiped the door handle.
- 16 **Phone calls** – he referred to my letter to him at Mt Eden regarding the phone calls and Glenn Tinsley's comments to him. He now maintains that Graham and Daniel were communicating by leaving messages on Daniel's mother's work answerphone and they were both clearing them separately to get access to those messages and that's how they communicated.
- 17 **Mrs Heaney false evidence motif** – he maintains that Mrs Heaney gave false evidence about his son's whereabouts. He also refers to Daniel and his family being happy to hand in the letters which Mr Ballantyne wrote to them because what he had said in his letter were inaccurate, that he noted it was hard to put the puzzle together in prison.
- 18 Rex Kirby – he referred to the conversation I had with Mr Douch early in the trial when Mr Douch said that he had visited with his doctor, Dr Khouri and when Mr Kirby referred to another man by the name of Rex Kirby who had spoken to him about the case and how he was supporting Mr Ballantyne and that he was innocent. I had told that to Mr Ballantyne as a matter of obligation and discussed it in the context of whether or not we were still going to be calling Rex Kirby and we decided we would. Rex Kirby was called but nothing further came of it. During the trial Mr Ballantyne told me he regarded Mr Douch as an honourable and ethical lawyer who had told me

something which was relevant to his trial and that is Mr Kirby's comments. He told me during the trial that he thought the Crown was actually working for him in a sense in trying to get him acquitted and he was basically going through his motions as Crown prosecutor but that he clearly believed that Mr Ballantyne was innocent. He told me today that Rex Kirby had spoken to him and that Rex Kirby had visited Khouri as his own personal physician which is not something I had been aware of until that point. I don't see anything in this matter if anybody has done anything wrong it was Dr Khouri disclosing private conversations with a patient.

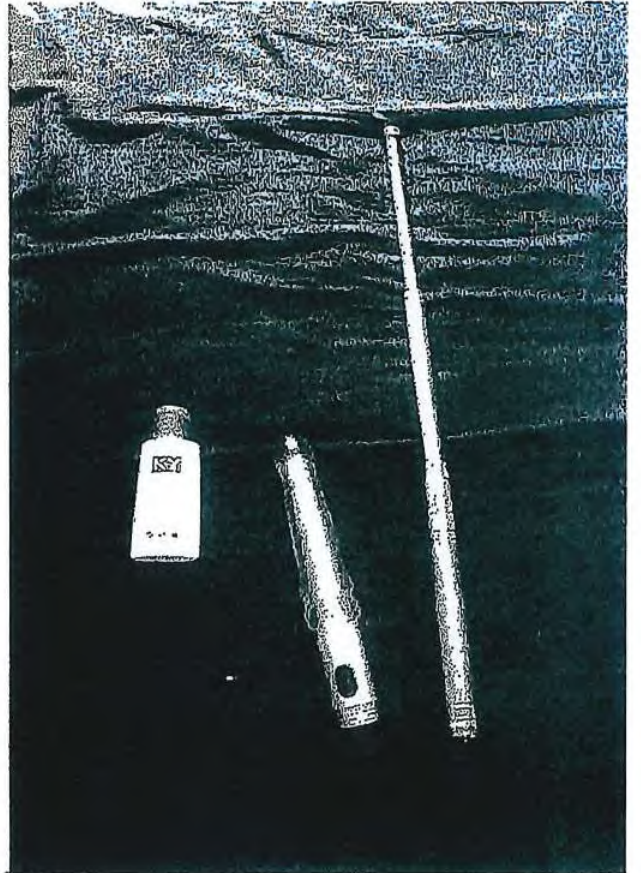
- 19 **Reason why mother lied** – his is saying that the mother is not only protecting her son, but also seeking to gain financially. He alleges that because Daniel's parents are renting the property they had their eye on Graham Dowling's property when he dies. They have effectively replaced Mr Ballantyne with Daniel and that Daniel and his parents are seeking to benefit by taking over the property. As part of this discussion Mr Ballantyne claimed that the Crown told me about Rex Kirby when they became aware that he was going to be a witness. I pointed out that that's not correct because I did not disclose to the Crown until the Crown case had concluded that Mr Kirby was going to be a character witness. He is suggesting that Mr Douch should have disqualified himself from the case when he discovered that Rex was going to be a witness and I suggested that was not so.
- 20 **Money** - he also questioned where the money was.
- 21 **Police** – he says that Polashek and Anderson are co-op Police officers and he also questioned whether Mr Everson was but he believed that Tinsley was a good case officer. He said that he had been told by many people in prison how corrupt Anderson and Polashek are.
- 22 He told me had written three letters of about 16-17 pages to Glenn Tinsley. He said the only reason he went for legal aid was to keep a low profile due to his invention.
- 23 He told me that he had been offered \$125,000 for the marina booth at Whangamata but was holding out through Bill West for \$140,000. He says his trust is worth over \$1m and that money shouldn't be the issue.
- 24 He told me that he doesn't trust ESR and that he needed to go to Court to get an order for toxicology reports that it cannot go through Anderson or Smith because they are too corrupt.
- 25 **Jury issue** – he also questioned whether or not the jury foreman was able to sit there and look at him while Ballantyne was giving his evidence, shake his head and mouth the words "*you're lying*".

- 26 **My address to the jury** – he maintains that I put the final nail in his coffin when I told the jury that he was wrong about Daniel and Graham. I remember we had some discussion about this at the end of the trial and that is not an accurate report as far as I was aware.
- 27 **Writing letters to victim's family** – he said that he did it his way rather than listen to my advice because if he had not written those letters he would not have got the phone records which I pointed out didn't actually help him in any event.
- 28 We then briefly discussed sentencing and he accepted that he had to jump through the hoops claiming the Judge had it in for him. I pointed out that that's not accurate and that the Judge was prepared to sentence him to ten years non parole immediately on the day but for the right of the victims to have a say. I told him I would go away and complete the sentencing submissions which he understood.

THOMAS SUTCLIFFE

160620 Fnote

BROKEN WINE GLASS
IN FOOD WASTE IN RUBBISH



AB
Aik



ASC15546

03143

00100

COPY



ASC15546

03087

00108

COPY

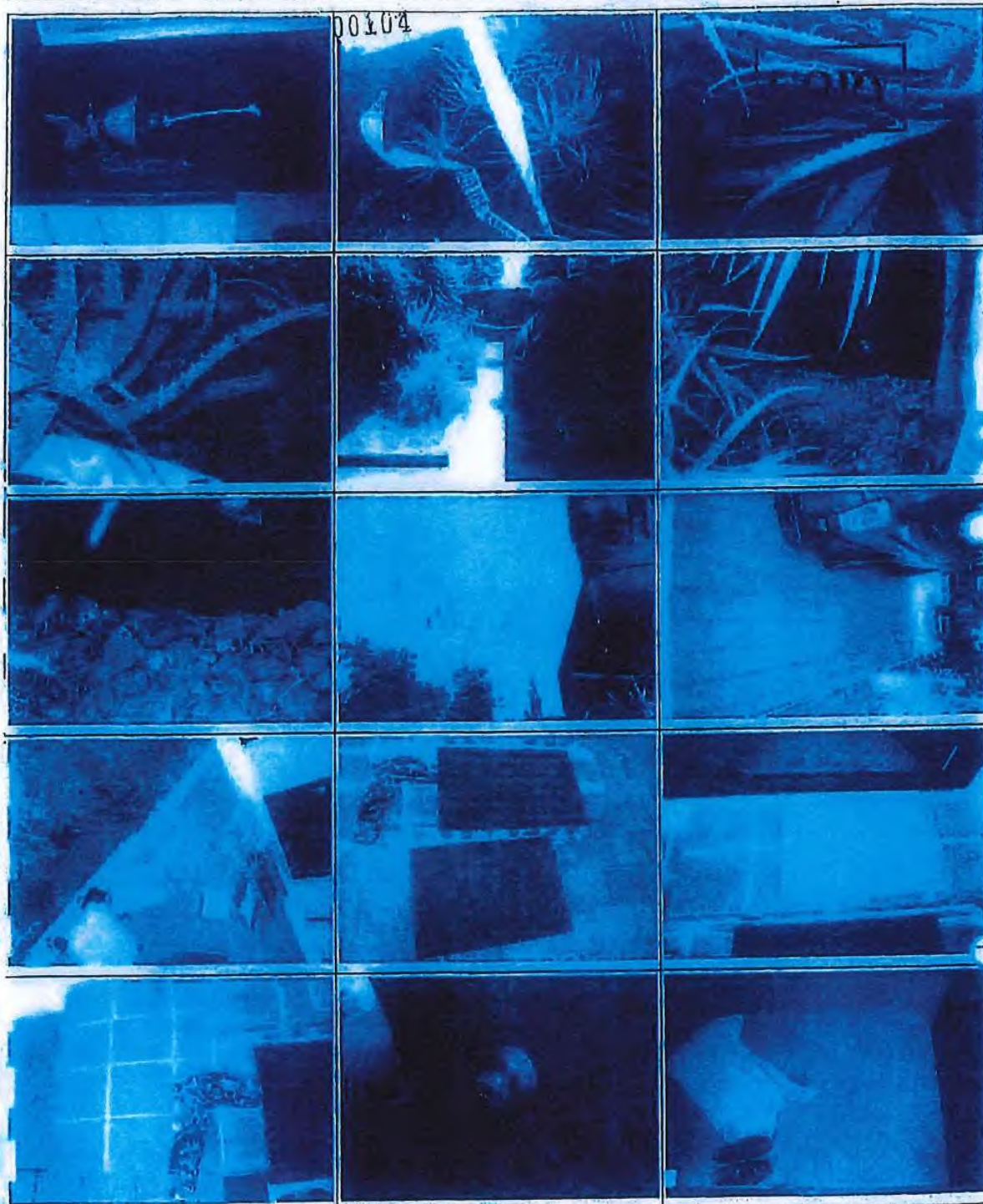


Isaac Edward Baker Taylor
Solicitor
Auckland

This is the exhibit marked
"referred to in the effected affidavit of
RAN MORGAN SMITH
sworn/affirmed at
this day of *August* 12th
before me
Solicitor of the High Court of New Zealand

ASC15546

0313€



143
Feb 4/2/15

00692



143

- heavy blood to desired torso, arms & head. - mostly smeared. ^{piece of} b/s fabric, possibly paper towel.
- heavy blood pooling in front of head
 - appears separate to main pool under body
 - small void of km b/s area between pools.
 - impression mark in separate pool - on top of heavy b/s.
 - most probably from right arm. - since moved - ambus?
 - pool present before arm in this position "on" pool. - no void.
- heavy pooling underneath & to rear of body.
 - rug runs up to and along striking.
 - large heaviest area.
 - most prob body moved here after creating first separate pool
 - ∴ moved twice (it?)
- rug folded over onto pool - no b/s @ fold
 - partially on top of b/s fabric/towel
 - ∴ moved after pool created.

COPY



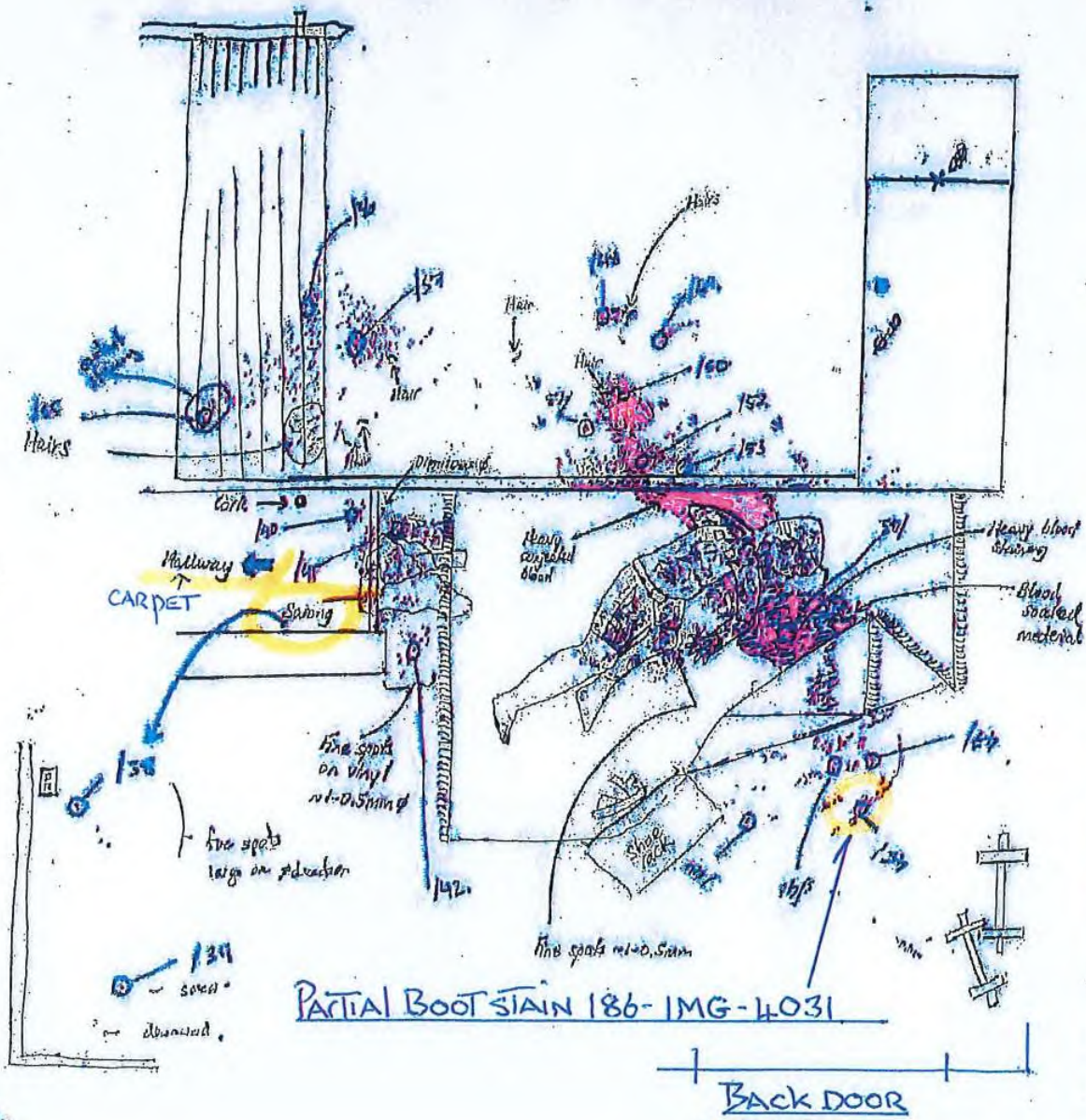
This is the exhibit marked
 referred to in the attached exhibit of
SPRUE MORGAN SMITH
 sworn affidavit dated
 this 12th day of August 1949
 before me
 Solicitor of High Court of New Zealand
Isaac Edward Baker Taylor
 Solicitor
 Auckland

03108

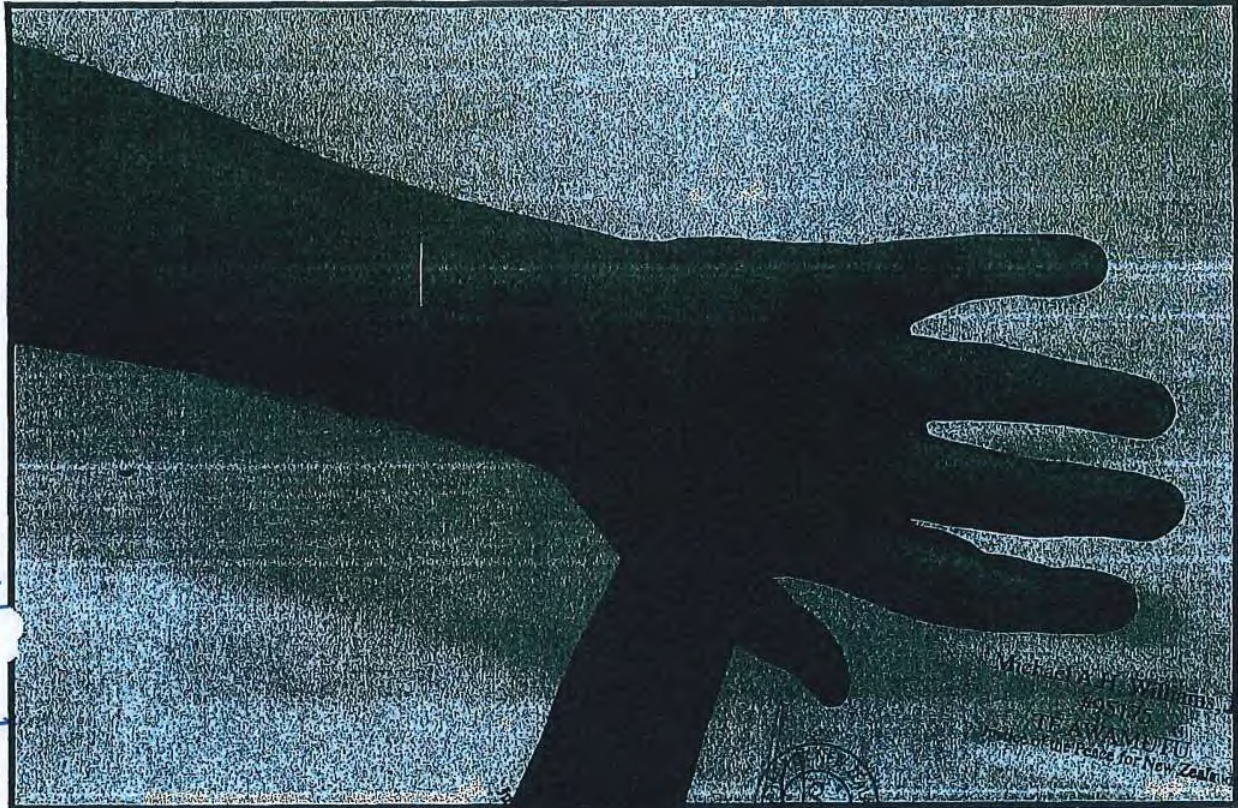
09-08-10
COPY
 08-02/2015

Laundry

- dropped in from above in PG in laundry
- heavy pooling of blood to front a rear of upper torso
- hair/brake has extensive areas of smeared blood, - no visible detail. (Judge/Alford)
- absence of obvious broad area of smearing around body suggest little movement once in place. (movement by ambulance?)
- patterns to wall of other areas of floor - see other sketch/photos



THE CROWN STATED AT TRAIL THAT THIS KNIFE SLIPPED AND I KILLED IVAN AND THAT I CUT MY PALM!



77. Photo of left hand of accused

NON SLIP KNIFE

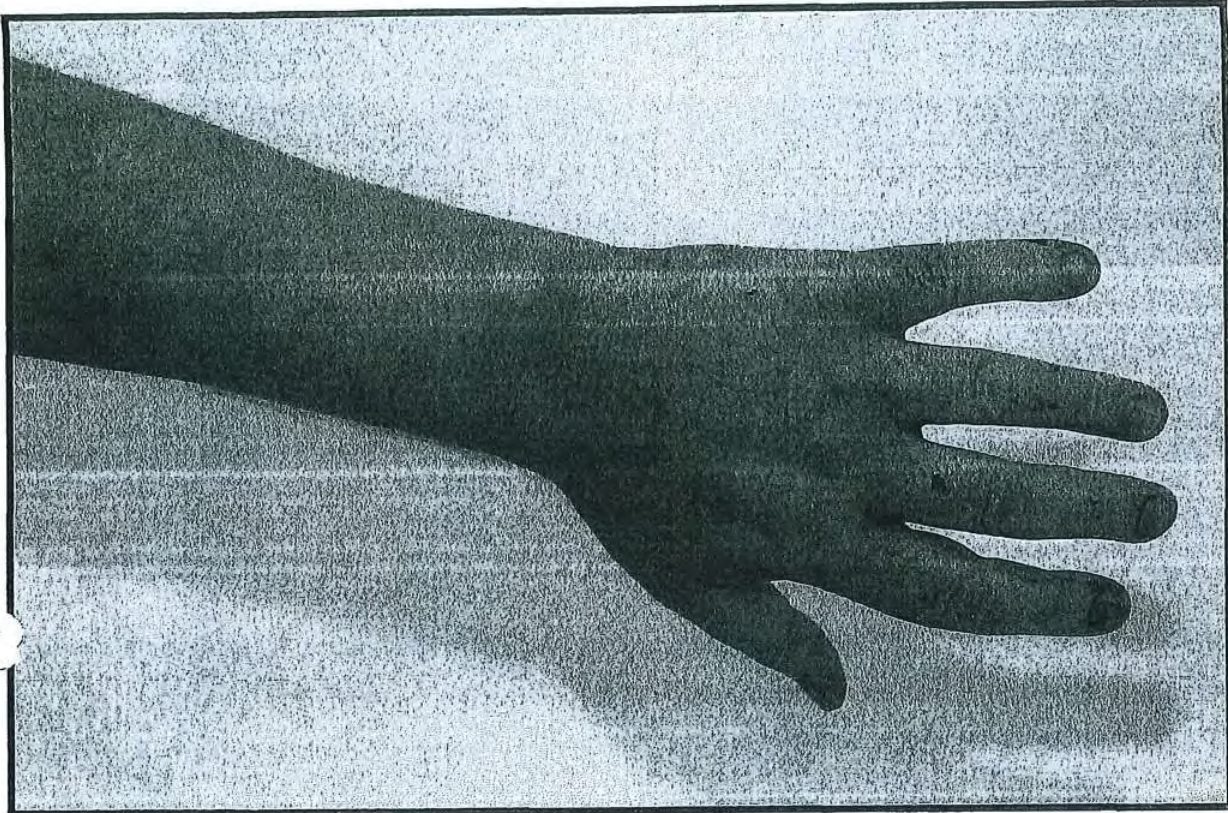
SEARCHED INDEXED SERIALIZED FILED
MAY 10 1970
FEDERAL BUREAU OF INVESTIGATION
NEW ZEALAND
S. Williams JP



78. Close-up photo of right hand of accused

JAGGED GLASS CUT.

[Handwritten signature]



77. Photo of left hand of accused



78. Close-up photo of right hand of accused

ASC15546
of 4/2/15

visible b/s on knife

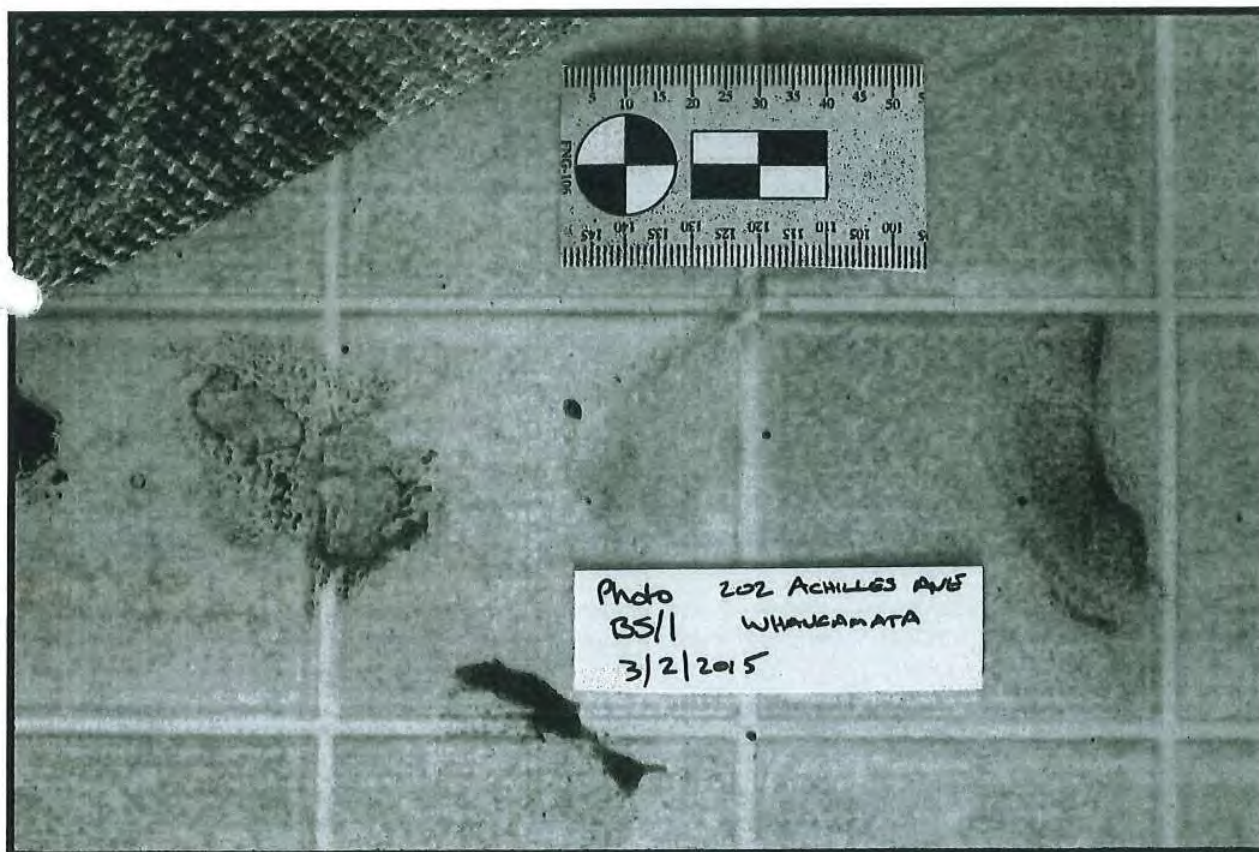
00102



COPY



53. Sarong located in hallway near deceased



54. Close-up of blood located in hallway WASH RM FLOOR, NEAR BACK DOOR

FALSE

24. of 51.

ASCI 5546
Jh 2/14/15

00098



- pattern shows signs of being disturbed after partially dried.
- few spots @ left edge - some at (B) hand edge
- ↳ directionality - ? blood applied with force or force applied to blood? - unable to say given adjacent

COPY

ASCIS546
PA 9/2/15

00097



five spots of blood. few with ← directionality.

contact / transfer staining

(A) some b/s on fabric looks dilute.

(B) - pattern of dipped blood.
- penic - all circles no direction

COPY

ESR

Laboratory
reference

ASCIS 540.

Page

00136

ITEM EXAMINATION (continuation)

Examiner
Location
Date started
Date completed

Client reference

30003

Client description

Savory.



not
- staining to
Savory doesn't
look like if it
has been used
to wipe up
blood staining.

Pyth
-salvies



Case Manager

Date

COPY

ESR

Laboratory reference

ASC15 546 /70

Page

00135

ITEM EXAMINATION (continuation)

Examiner *AS*
Location *lab 7*
Date started *5/3/15*
Date completed *6/3/15*

Client reference
3 0003

Client description
Sarong



no visible b/s @ knot

*delete b/s
at corners.*

Case Manager

Date

COPY

ESR

Laboratory reference *ASC15 546/70*

Page *00131*

ITEM EXAMINATION (continuation)

Examiner *Ad*
Location *lab 7*
Date started *5/3/15*
Date completed *6/3/15*

Client reference
30003

Client description
Suony



Ⓔ
example of misc staining. - neat stains & dilute.
- spots & transfers.

Case Manager

Date

COPY

ESR

Laboratory reference

ASCIS 546/70

Page

00130

ITEM EXAMINATION (continuation)

Examiner *Par*
Location *lab 7*
Date started
Date completed *5/3/15 6/3/15*

Client reference

30003

Client description

Sarong.



Ⓒ contact/transfer stain
appears dilute at one edge.



Ⓓ dilute appearing blood stain.
has next appearing stains
overlapping bottom edge.

Case Manager

Date

COPY



SHOWED ASC15546/19
HAIR MEAT CLEAR

2828

ASC15546

Formal Written Statement

(MISSING)

Rian Kier Morgan-Smith states:

My full name is Rian Kier Morgan-Smith. I am a forensic scientist employed by the Institute of Environmental Science and Research, known as ESR limited. ESR is a Crown Research Institute and its functions include the provision of independent forensic testing and advice. The forensic laboratory of ESR is accredited by the laboratory accreditation board of the American Society of Crime Laboratory Directors (ASCLD/LAB).

I have a New Zealand Certificate in Science, majoring in Chemistry, and a Bachelor in Applied Science degree, also majoring in Chemistry, both from the Auckland Institute of Technology, a Graduate Diploma in Higher Education from the Auckland University of Technology and a Post Graduate Diploma in Forensic Science from the University of Auckland.

I was employed by ESR as a technical officer in June 1993. I have been employed as a forensic scientist since October 1996. During this time my duties have included the types of examinations performed in this case.

This statement updates and replaces my previous statement dated 5 August 2015.

On 3 and 4 February 2015 I examined the scene of an alleged homicide at 202 Achilles Avenue in Whangamata. On 3 February 2015 I also examined the side entrance area of 204 Achilles Avenue. Detective R Brownly was present at the scenes and informed me of the alleged circumstances and the purpose of my examination.

I was informed that Police had been called to 202 Achilles Avenue and had found Mr Ivan Kapluggin's body in the laundry of the address. Mr Anthony Ballantyne was also located the address and is a suspect in this matter.

On 12 February a number of items were received at the Auckland Forensic Service Centre of ESR. Accompanying documentation indicated that the items related to this investigation. The items consisted of post mortem samples from the deceased, including a medical examination kit

RKS
19/11/16

COPY
Page 1 of 16

A. Mc

B

SHOW'S ASC15546/19
HAIR'S ON MEAT CLEAVER
Formal Written Statement

ASC15546

Rian Kier Morgan-Smith states:

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R K Morgan-Smith

29/3/16

COPY
Page 1 of 16

surface and another surface. On the kitchen floor at the end of the breakfast bar were a number of dilute blood drip stains.

There was a mat on the kitchen floor in front of the sink. On the kitchen floor between the mat and the doorway to the laundry were a number of faint blood stains and dilute blood drip stains.

There was a transfer blood stain on the cabinet door beneath the kitchen sink.

There was dilute blood staining on the bench surrounding the kitchen sink and inside the kitchen sink. The cold tap was blood stained and there were a number of dilute spots of blood on the bench behind the cold tap.

Possible blood staining was detected on the bristles of a scrubbing brush beside the sink.

There was a meat cleaver in the sink. There was a dilute blood stain on the end of the meat cleaver. There were a number of hairs adhering to the side of the meat cleaver and these were collected as a sample.

The covered patio contained a lounge, a circular glass table and four chairs. There was no blood staining on the chair closest to the lounge ranch-slider. There was a transfer blood stain on the left armrest of the chair on the opposite side of the table from the lounge ranch-slider.

There were transfer blood stains on the armrests of the chair closest to the hallway ranch-slider. Some of the transfer blood stains to the underside of the right armrest appeared to contain ridge detail. There were also small spots of blood on the right armrest and seat base of this chair.

There were transfer blood stains on the floor of the patio in the area between the chairs and the table. Some of these transfer blood stains appeared to contain ridge detail. Also in this area was what appeared to be the lens of a pair of glasses.

There was an area of transfer blood staining on the wall opposite the lounge ranch-slider. The top of this area of staining was approximately 108 centimetres from the ground. There were

RJM 12/4/16

COURT DOCUMENT
ESR SCIENTIST

2908

ASC15546


The fingernail clippings from the right hand were blood stained. There were three hairs also included within this sample. These included two dark brown or black hair fragments approximately 10 to 15 millimetres long and one hair approximately 40 millimetres long which was blood stained.

The fingernail clippings from the left hand were blood stained. There were several hairs also included within this sample. These were mainly dark brown or black hair fragments approximately 2 to 3 millimetres long and some of these hair fragments were blood stained.

Transfers

A number of samples were transferred to the Forensic Biology laboratory of ESR, Auckland, for DNA analysis as detailed in the appendix of this statement.

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

 19/4/16
Rian Kief Morgan-Smith

DID NOT lawfully disclose 4 CM BLACK HAIR
ALSO CONTAINED A TELOGEN ROOT
ATTACHED!

EITHER IN THIS REPORT OR AT TRIAL!

DATE: (2-MAY-2016)

COPY

APPENDIX: Receipt and Transfer of Items

The information in this appendix is taken from laboratory records.

Item Receipt

On 3 February 2015 Mr R Morgan-Smith collected the following samples from 202 and 204 Achilles Avenue, in Whangamata, and transported them to the Auckland Forensic Service Centre of ESR:

Client sample reference	ESR sample reference	Description
	ASC15546/1	Rope from bell pull
	ASC15546/2	Blood stain from bottom door mat
	ASC15546/3	Blood stain from top door mat
	ASC15546/4	Blood drip from lounge carpet
	ASC15546/5	Blood stain from inside of front door
	ASC15546/6	Blood drip from lounge carpet
	ASC15546/7	Blood stain from kitchen floor
	ASC15546/8	Blood drip from kitchen floor
	ASC15546/9	Blood stain from kitchen counter
	ASC15546/10	Blood drip from kitchen floor
	ASC15546/11	Blood stain from kitchen floor
	ASC15546/12	Dilute blood drip from kitchen floor
	ASC15546/13	Blood drip from pantry door
	ASC15546/14	Blood stain from kitchen cabinet
	ASC15546/15	Dilute blood stain on sink bench
	ASC15546/16	Dilute blood stain in sink
	ASC15546/17	Dilute blood stain on meat cleaver
	ASC15546/18	Dilute blood stain on sink bench
	ASC15546/19	Hairs from meat cleaver

RJM 29/3/16

draft

BIO15691/ASC15546

Item No.	Sample Description	Could Have Come From	Likelihood Ratio
ASC15546/16	Dilute bloodstain in sink	Mr Kapluggin	-
ASC15546/17	Dilute bloodstain on meat cleaver	Mr Kapluggin	-
ASC15546/18	Dilute bloodstain on sink bench	Mr Kapluggin	-
ASC15546/20	¹⁹ MISSING Blood drip from deck	Mr Ballantyne	5 million million
ASC15546/21	Dilute bloodstain from deck	Mr Ballantyne	5 million million
ASC15546/22	Bloodstain from table	Mr Kapluggin	-
ASC15546/23	Bloodstain from chair	Mr Kapluggin	-
ASC15546/24	Bloodstain from deck	Mr Kapluggin	-
ASC15546/25	Bloodstain from deck	Mr Kapluggin	-
ASC15546/26	Bloodstain from chair	Mr Kapluggin	-
ASC15546/27	Bloodstain from chair	Mr Kapluggin	-
ASC15546/28	Bloodstain from deck	Mr Kapluggin	-
ASC15546/29	Bloodstain from deck	Mr Kapluggin	-
ASC15546/30	Bloodstain from wall	Mr Kapluggin	-
ASC15546/31	Bloodstain from ranch slider	Mr Kapluggin	-
ASC15546/32	Sample from mouth of glass on table	Most of the DNA: Mr Kapluggin. Additional DNA: results insufficient for meaningful comparison purposes	- -
ASC15546/33	Sample from mouth of glass on table	Mr Ballantyne	5 million million
ASC15546/34	Bloodstain from curtain	Mr Kapluggin	-
ASC15546/35	Bloodstain from curtain	Mr Kapluggin	-

COPY

26. October 2022.

1. Of 6.

Attention: **Detective Sergeant Gregg Flintoff**

Waikato Tactical Crime Unit (TCU) & Corporate Fraud
Waikato District Police. C/C To: The NZ Serious Fraud Office.

Ref: Anthony Ballantyne (Complainant) c/o Tongariro Prison Hautu Unit.

Re: Theft of (New Green Energy Invention) PCT/NZ/2015/000051. The Means For Facilitating the Supply of Energy.

Confirmed as initial worth, by way of a cash offer 1.5 Billion NZ Date: 28. 10. 2014 By Mr. Camden (Ross) Hyland Chair Person Return on Science Division Auckland University UNI-Services Building, on behalf of General Electric, (True worth estimated in the hundreds of Billions).

Dear Sir.

Please bear with me, this fraud is highly complex involving multiple organizations, people and facets, but as with all situations involving multiple persons mistakes happen that eventually unravel the Truth.

1. Ref: Fraud as a servant, i.e. excepting money on false pretences Re: My Defence QC M. Tomas Sutcliffe, Ms S.K. Green 1st Appeal QC an, Mr. Chris Tennent QC 2nd Appeal Lawyer all were paid by Legal Aid totalling of over NZ100, 000 to act on my behalf, If innocent a fair and just Trial or an Appeal, if guilty to insure a fair and just sentence, all resulting in a legal court dept to me.
2. But Mr. Sutcliffe QC was paid by another party to insure evidence of my innocents never reached trial or the jury and to assist in convicting an innocent man.
3. Ms S.K. Green QC Task was as a long time close friend and associate of Mr. Sutcliffe was to contact me in S.H.C.F. & offer her services as an Appeal QC to fist secure all legal disclosure documents containing evidence of innocents from a solicitor that I instructed Mr. Sutcliffe to send all the documents pertaining to my case to (Ms. B.M. Ward Associate Gellertivanson Law, Auckland) to insure that I never set eyes on them Note: All other documents held by me in person were confiscated by a Corrections PCO Carl Taaka that has a brother who is a Detective in the Thames Police & a Friend of the arresting officer Det Dean Anderson, second to secure an appeal but to get it dismissed before fully excepted, there for robbing me of getting further appeals, she did this by altering a documents that I sent her presenting that document to Legal Aid stating that there was now a conflict of interests and arranging for another QC to take over. (Copy attached).
4. Mr. C. Tennent task was to concur with Ms Green and forward a letter to the Appeal Court and legal Aid stating that he Concurs with Ms Green NO GROUNDS FOR AN APPEAL, I received a copy as well just days before the Appeal dead line for



Handwritten signature or initials, possibly 'JA B'.

2. Of 6.

time expired, resulting in Legal Aid sending me a letter stating that Two QC have confirmed that I have NO GROUNDS for an appeal there for in the interest of justice they are withdrawing all financial support, with no actual evidence in my possessing at the time I could not dispute there decision, but Mr. Tennent made a fatal mistake he did not bother to ring or visit me so I wrote to the appeals court and was able to have corrections e-mail it just hours before the dead line disputing Tennent and asking for more time which was granted and Tennent was forced to Provide a more detailed explanation to the courts which was just all smoke and mirrors (Copy Attached) so I dismissed him and acted as my own council and badgered the court with over 600 pages of hand written letters finally after calling the justice system corrupt Justice French rang me offered an Amicus Curie lawyer to assist me to see if there was any real evidence of my innocence, Note: My First appeal Judge was Justice Harrison but it was Justice French that Tennent presented his false documents to.

5. Amicus Curie Mr. Jonathen Temm QC Visited me in Tongariri Prison twice, the first time he asked for all my original documents to take away with him and promises to help, the second time he came and said that he did not promise me anything and said I would be best to withdraw my appeal on fresh evidence and go on incompetence of the defence trial lawyer, at the visit he brought with him a document, that I had once had a copy of which was sent to me by Mr. Sutcliffe secretary by mistake while he was away on holiday overseas, I tried to take that document as I noted that it was altered from the first copy (ESR 214 page certified Case Summer Report) but under physical threat I had to give it back , but there was a camera in the room and I latter requested information re: events and received a written copy, (Copy Attached) I knew that Temm would have presented that document to the courts so I legally requested a copy which then gave me factual evidence despite its alteration to get a confirmed appeal set down for 23.9.19 Which resulted in the 3rd attempt on my life at Mt Eden prison to stop me being present at that appeal. Note: the day before Temm's visit he sent a document to the Appeal court stating that my case cannot be advanced it is not just weak but (it is anorexic to the point of being futile). (Copy Attached).
6. Note: Within three weeks of sending actual evidence to the appeal court to secure an appeal the second attempt on my life occurred by Mr. Billy Majors Prisoner under contract to kill me he entered Cedar two unit on the 3rd 12 2018 and tried to kill me on the 6th by a kick to the neck (he was a trained kick boxer and knew me by sight as he was also in S.H.C.F unit 14C Date: 2017 where he kicked open his cell and walked around the compound & was latter taken away handcuffed as Majors but entered Tongariro under the name of Meren he also enlisted the aid of two other prisoners Cam Hunt & Carl Porter Mongrel Mob Prospects at approx. 5. PM as



Handwritten signature in blue ink, appearing to be 'M.B.' or similar.

3. Of 6.

I exited my cell & hot water was thrown in my face and I was kicked in the head by Meren if it was not for Michael O'Driscoll who witness & physical stopped the attack, I would now be dead, an ambulance was called but did not take me to hospital despite fitting and concussion (My medical record now states brain damage) other prisoners knew it was a contract hit as Meren had a big mouth and all three were put into the pound 3 days latter one of Hunts friends yelled out to him in the pound what is he doing in there He yell out that corrections think that both he and Porter were a party to the hit on the OLD MAN which was heard by me and Neil Baker who discussed it with me and confirmed that he heard what was said (**Corrections heard to**) the next day I was moved to cedar one the day after shipped out with a medical note as unstable & telling everyone that Putin was going to break me out of jail and referred to both Henry bennet ant the Waikato DHB Mental forensic department, my medical records were changed to show that I received a blow to the right side of my head nothing about an assault (Medical staff at Waikeria Prison told me that I was struck in the head by a ball, that Nurses name is Charmain and she has an IDIDIC memory and will confirm what she told me) I was visited by a Dr Kumar & Carly Anderson Waikato DHB Forensics to see about my mental state for telling wild story's but I was able to produce evidence of my invention an innocents (Copy Medical Reports.attached) everything was covered up by corrections with no evidence I could not call the police, Majors was sent up to Pari Prison and never charged, Porter was released weeks later and I was shipped out to Waikeria Prison as mentally unwell.

7. Note : The first attempt was in S.H.C.F, I was poisoned three weeks after sending an 11 page letter to Mr. Sutcliffe QC & G Tinsdale P I, my memory came back after the shock of being found Guilty (when Ivan was killed I was assaulted and knocked out), coming to with no memory that's probably why they thought that they could get away with what they did, a nurse that I had never seen before gave me a diabetes blood prick test on the 3.7.16 despite having a full blood test the previous Friday the equipment was already set up and required her to prick two fingers as the first did not work as there was nothing to wipe my fingers on I sucked both fingers, within hours I was in agony upper abdominal pain six days later rushed to hospital and resuscitated in those seven days, I lost over 20 kg vomiting blood from both ends (stool tests taken were never processed and a month later that nurse disappeared).
8. On the 8th and 20th of May I wrote to legal Aid (Copy attached) to inform them that Mr. Sutcliffe Tennent & Ms Green/Pyke took moneys on false pretences and requested them to inform the Police I also requested to be reinstated with Legal aid on the basis that I have proven evidence and have secured an Appeal as I need funds to employ a Lawyer they send me a document to say sorry I had 28 day to dispute there letter of refusal as I did not, too late "NO HELP" so I was forced to



4. Of 6.

continue as my own Appeal lawyer (& that is another story, despite winning every arguments against the crown and acknowledgment that a miscarriage of justice was perpetrated against me By Justice Stevens, my appeal was UNLAWFULLY blocked), and apart from the refusal letter I heard nothing more from legal aid. After the Appeal I was transferred to S.H.C.F to do a course that I was not eligible for and on a visit from my case manager I was told that he preferred dealing with prisoners with no court dept. & showed me a document (Copy Attached) to confirm this, but would not give me a copy but when I finally got back to Waikeria Prison I was able to obtain a copy, and copies of all my documents from Miro unit SCO who e-mailed all my evidence to the appeal courts. Note: this document on my file has the wrong date of birth on it, but my file still states NO court dept. (My D. O. B. 19.3.1953).

9. In order to do what was required of him Sutcliffe could not do so without the full consent of Mr. Almoa Douch Crown Prosecutor whom also had a job to convict an innocent man Note: Legal Court Document Date: 20. August 2015. Page (36). (Ten month before Trial) with Mr, Sutcliffe and Douchs name on it, Page: (40). States Para (13). Sub paras (a) (b) (c) (d) (e) all show evidence of my innocence including DNA evidence that, My DNA and Finger Prints are NOT present on either Murder weapons BUT TWO UNIDENTIFIED PRINTS ARE. (All hidden from Trial).
 10. Police Officers Dean Anderson & Joseph Polaschek where the arresting officers Date: 23.2.15 21 days after Ivan's death despite me being fully compliant they came to my home on false pretences to provide me with some invention documents that I needed for a meeting, it was Anderson whom arrested me but in court Polaschek said it was him, but both committed perjury Note: on the car ride to Morrinsville I told them that I once went bankrupt with the IRD over my invention and Anderson stated that he had a defunct helicopter business and owed the IRD one Million NZ (He won't owe them now) despite my arrest on the 23rd I was Not remanded to prison until the 25th so I was *arbitrarily arrested* by Anderson, Note: ESR Formal Written Statement By Lisa Marie Melia early statement Date: 20th February 15. showing that my DNA is NOT present on either Murder Weapon or on the swabs taken from the deceased finger nails, (Also Hidden at Trial).
 11. Ref: Perjury on Oath: (Copy Attached) NZ POLICE REPORT FORM Dated: 24th 3 15. Signed by Finger Print Officer Barry Smith (Copy Attached ON OATH STATEMENTS) despite full knowledge that Mr. B. Smith LIED on oath neither Mr. Sutcliffe nor Douch took him to task over his perjury. (His payment would have been substantial)
 12. They also needed the support and cooperation of someone at ESR to hide evidence Mr Rian Kier Morgan-Smith Scientists paid job was to manipulate documents and hid evidence of innocents, Particular hairs located on the meat cleaver, sarong and around the body of the deceased that belonged to the true murder and hide the
5. Of 6.



fact the 11 black hairs were located under the deceased's finger nails all DARK BROWN/BLACK one 4cm long with a DNA testable ROOT attached, (Copy's Attached). Also (Attached is copies of Mr. Morgan-Smith ON OATH statements where he to committed Perjury.

13. The money man was Mr. Camden Ross Hyland who later purchased my 60 foot Whangamata Marina for 150 K NZ (at a loss for me) to put his Brand NEW 50 ' Luxury launch, Ross also went to the trouble of getting permit ion to visit me in S.H.C.F with my then friend William West Ross asked me a technical question that you would only need to know if you were attempting to build my energy invention as he was still under a confidential agreement I informed him, and never heard from Ross again it never occurred to me at the time when at my Peer Review Re: General Electric offer that they had No Legal right to knowledge of my Energy Invention or Data proving it authenticity and applications (World Wide: Replacing of ALL Fossils Fuels in existence) Ross was there contact and the Police contacted him (Copy Attached).
14. The number of people added to this conspiracy grew the more people required to block me at every turn, and they now include some very powerful people in NZ, Gregg it is pre disposed that in order to be part of the Fraud Unit, you and the other staff would be required to have the highest standard of integrity and be above reproach, but if those powerful persons get wind of your investigation you can expect to be coerced Bribed or even Threatened, to that end you can obtain addition evidence from Garth O'Brien KC 021891142 including a copy of my Video made for my Peer Review as validation of my invention as a guise Re: evidence for my theft of EPA funds or Contact Christopher Jones Head Pastor the GATEWAY Church Hamilton 021776642 / CHRIS@GATEWAYCHURCH.ORG.NZ Chris has copies of my documents but not my video, at count I estimate over 15 people are involved over a number of organisations.
15. Note: To insure that your investigation is NOT covered up copies of my Documents and Video are In the hands of Patryk L. now living in the U.K. Pat was deported with copies of my documents at the end of September, Dean A. was paroled at the same time and had previously sent copies to his son Anductran in Australia for safe Gard with Garth instructed by me to forward them both a copy of my video another prisoner D. P. who has also left Prison has copies of all my detailed info regarding my invention to forward to a number of world leaders as well as update's to my evidence the C.C.R.C also have copies and a friend is holding copies of this document on the outside, all under instruction to go public if anything should happen to me, another person is in the process of building a working model to present to the world when required, Pages 6.Of 6. **TRUE AND NOT MISLEADING.**



Handwritten initials in blue ink, appearing to be 'J.P.' followed by a large 'B'.

This is the exhibit marked
"B" referred to in the attached affidavit of
THOMAS SVITLIEFF
sworn/affirmed at
this 4th day of 11/2011
before me:
Solicitor of the High Court of New Zealand
[Signature] D McMillan
Deputy Reg
District Co

BRIEF OF EVIDENCE PAIGE McELHINNEY

QUALIFICATIONS AND EXPERIENCE

1.0 My full name is Paige McElhinney. I am a forensic science consultant for The Forensic Group Limited. I have been in this role since 2010.

2.0 Prior to this I was a Forensic Senior Scientist at ESR, the Institute of Environmental Science and Research. I was employed by ESR between 2001 and 2010. My role at ESR involved the application of scientific techniques to item and scene examinations to assist in the investigation of crimes. Areas of knowledge and expertise relevant to this case:

- Body fluid identification
- Blood stain pattern interpretation (scenes and items)
- Cannabis
- Clothing damage
- Crime Scene examination
- DNA: using results to assist with interpretations
- Hair comparisons
- Physical fits
- Shoeprint location and comparison
- Trace material – recovery, transfer and persistence

3.0 During my time at ESR I was the lead scientist for the Crown in the investigation of over 720 cases including 25 homicides. 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.

I WAS NOT AWARE OF THE EXISTANCE OF THIS REPORT.



on page 1061 there are none of this shape. It is possible not all pattern elements have been reproduced. It is therefore not possible to comment in relation to this. Mr Ballantyne has drawn a diagram of a proposed heel element. I have no information regarding the source of this diagram, for example whether it is a proposed design or whether he has traced it from an actual boot.

143.0 Whilst it may not be possible to exclude a boot there are elements in this image that are not usually seen with a blood stained footwear impression, for example these can have defined edges where as this stain has additional blood staining around the edges. **It may not be possible to exclude a footwear impression over blood staining already present.**

RE: IMAGE 186-IMG-403

144.0 To confirm this, a boot print could be overlaid upon the scene impression and this would determine whether or not there is any edge correspondence. However, again, there is no scale in this photograph and it is not possible to determine whether the photograph was taken parallel to the floor. A different photograph would therefore need to be used.

145.0 Bloodied ridge detail is present on the left of the photo above the label.

146.0 In summary, the stain appears to be made by contact with a blood stained object but it is not possible to identify that object.

Photograph 191.IMG.4039 (Appendix 1C)

147.0 I have been asked to comment on the possible blood staining shown in this photograph. In my opinion it shows bloodied ridge detail transferred from a blood stained hand or foot. The results of the Police print examination may be able to confirm this.

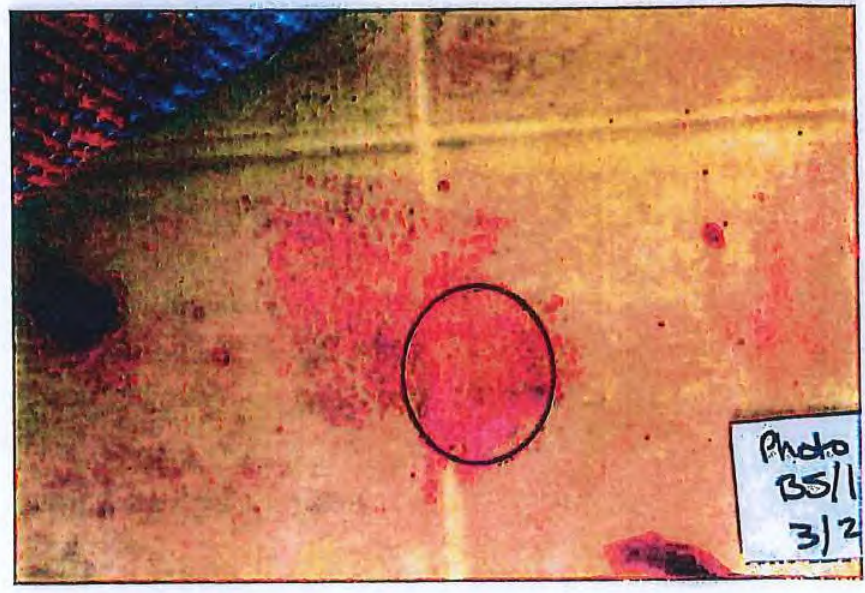
DATE: 2. 2. 2015

THE DECEASED & I HAD BARE FEET THAT NIGHT

(16. B.)

APPENDIX 1 : PHOTOGRAPHS OF BLOOD STAIN PATTERNS

Appendix 1A : Photograph 187.IMG.4035



INTENTIONAL "MADE TO APPEAR BLURRED!"

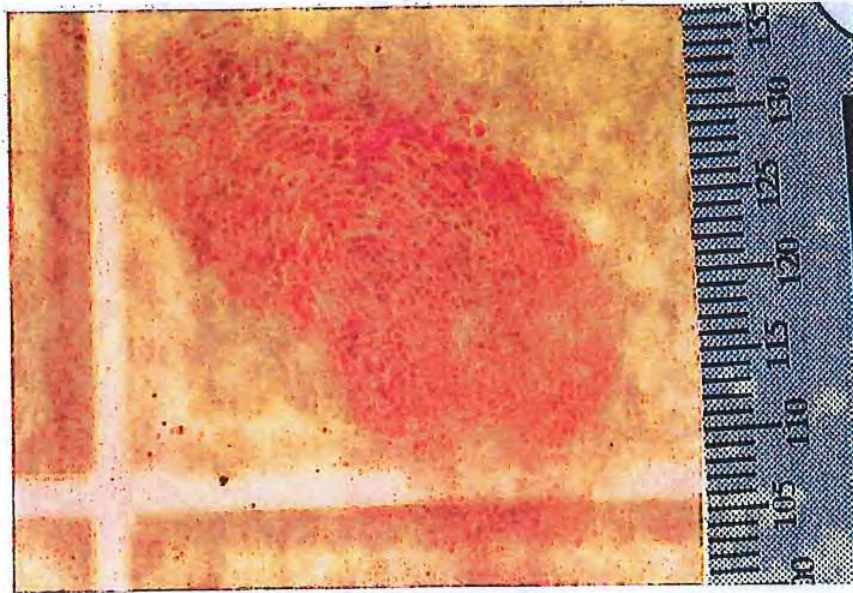
Appendix 1B : Photograph 186.IMG.4034



PART HEEL : WORK BOOT PRINT

Handwritten scribbles at the bottom of the page.

Appendix 1C : Photograph 191.IMG.4039



M. (AB) Right Foot Bicyclic Toe Print

Appendix 1D : Photograph 192.IMG.4040



The Criminal Cases Review Commission
P O Box 9168 Hamilton.

1. September. 2022

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

Ref: Anthony Ballantyne C/N 0198

Re: **Partial Work Boot Blood Stain:** Located at the Crime Scene 202 Achilles Ave Whangamata Date: 3. 2.15. On the washroom vinyl floor, situated in the exposed area of the vinyl exposed from the corner section of the turned back Persian Rug, & by the back door exit.

Note: **(1).** Not allowed at the Appeal Dated: 23.9.2019, Due to this issue was brought up at Trial Date: 3.7.2016.

Note: **(2).** At Trial the issue was very skilfully manipulated by the Defence Council Mr T. Sutcliffe QC as to be highly SPECULATIVE, AMBIGUES, MISLEADIND & Confusing, so as to mislead the Jury.

Note: **(3).** The Forensic Group Report: Date: 26.August. 2015 Page: (3) para 3. STATES: **(The Blood stain COULD be caused be a BOOT)**, when I asked Mr Sutcliffe why this report was not being presented at trial he said: *Trust him that HE knows what he is doing!*

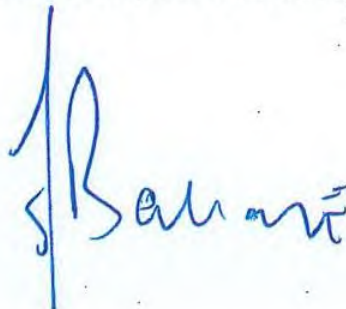
Note: **(4).** Had the Jury been presented with the Truth: in the proper format so that they could fully understand the vital importance of this evidence, (that someone else was also present on the night of Ivans death).

Note: **(5).** *The Truth:* when I came to on the Alcove dining area floor, cut my R/Palm on a glass shard & when extracted, my wound bleed profusely dripping blood where I had walked, Alcove, Lounge Dinning, Kitchen, **outdoor front step "mats" ASC15546/2. /3. (NOT DISCLOSED TO THE JURY)** & Wash room vinyl floor, in the exposed area of floor from the turned back corner of the Persian rug (Crime Scene Photos). I stepped into a fresh drip of my blood and left a detailed R/Foot Big toe print (No 191.IMG.4039), after going next door for help, returning and fainting next to Ivan (on the return of my memory) I recalled the faint sound of my back side door closing, in that same exposed area of vinyl floor, also made from MY fresh blood was a detailed *(PARTIAL BOOT HEAL PRINT)* (No 186.IMG.4034) it is recorded that both Ivan and I had bare feet on the night of his death.

Note: **(6).** Police statements from both Mrs Vittori & Clement: residing at 204 Achilles Ave, that after being woken up at 1am Date: 3.2.15 by their door bell ringing they went outside to their landing area were the **HEARD TWO MALE VOICES** between 1. And 1.20 am (Mrs Vittori even names one voice as Mr. G. Dowling) in court Mr. A. Douch QC Crown told Mrs Vittori that what she and Mrs. Clements heard that morning was Mr Ballantyne and the 111 operator on the phone! (The truth was that the 111 operator was a women and the distance from Mrs Vittori & Myself that night was over 37 feet in distance & not possible to hear conversations on a phone when held against a persons ear.

Sincerely A. BALLANTYNE

Page: 1. of 1. Is TRUE & NOT MISLEADING



(12): JOBSHEET: 13.02 (3.2.15) DANIEL HEANEY
NOTE: VISIT CRIME SCENE: ONE MONTH AGO
TRUTH 4 MONTHS PRIOR TO NIGHT OF (3.2.15)

(12): 17. PHOTO DANIEL HEANEY
NOTE: LONG BLACK HAIR: ITEMS (25) (26) RE
DARK BROWN/BLACK HAIR 4 CM LONG

(13): 14. 15. 16: ON OATH STATEMENT: SUZANNE HEANEY
RE: PARA (5) (10): DANIEL HOME ALL NIGHT
PARA (25): 83083210 NOT HOME PH NO.
PARA (5) (10). PAGE (16): WORK AFTER HOUR ANSWER
SERVICE FOR MRS HEANEY WORK.
PARA (25) PAGE (13) DANIEL: IS A BUILDER.

NOTE: ITEM (7) (8) (9) (10) PH RECORDS: G. DOWLING
RE: 83083210 RANG 11 TIMES
BOTH MR. DOWLING AND MR. HEANEY USED
MRS. HEANEYS AFTER HOUR WORK ANSWER
SERVICE TO SECRETLY COMMUNICATE

(16): 17. B. CRIME SCENE PHOTO 186.IMG.4034.
RE: PARTIAL BOOT HEEL BLOOD STAIN,
BUILDERS WORK BOOT.
RE: ITEM (12) MR. HEANEY VISIT CRIME SCENE
DATE (3.2.15) A PHOTO OF MR. HEANEY WAS
TAKEN AT THE TIME SHOWING HIM WEARING HIS
BUILDERS WORK SAFETY BOOTS,

(17): 18. 19. 20: STATEMENT: MRS. R VITTORI 204
ACHILLES AVE. AND MRS. C. CLEMENTS.
RE: ITEM (18) MRS VITTORI RECOGNISED GRAHAM
DOWLING'S VOICE AT MY HM 1.20AM (3.2.15)
RE: ITEM (20) MRS CLEMENTS: MAB VOICE SOUNDED
DYSFUNCTIONAL: G. DOWLING HAS PARKINSON!



(21): 22. 23. 24; FORMAL WRITEN Report BIO15691/
ASC15546; ESR. LISA MARIE MELIA. (2.5.16)
RE: DNA Profile Comparison Tests Results
ASC15546/54. /55. /56. /57. : KNIFE
ASC15546/19: MEAT CLEAVER.

ASC15546/67. /66. /68. /69. DECEASED
FINGER NAIL TIP SWABS: WET AND DRY.

NOTE: ITEM (24) DNA Profile test COULD NOT
HAVE ORIGINATED FROM MR. A. BALLANTYNE
: see item (3) page (40) Para (13) SUB Para a.b.c

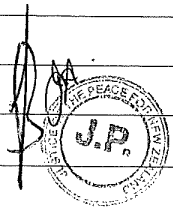
(25): 26. ESR PATHOLOGY Report. DR. F. GARAVAN.
RE: ASC15546/620. TELOGEN HAIR ROOT 4 CM
DARK BROWN/BLACK x 3 HAIRS.
RE: ASC15546/63. DARK BROWN/BLACK HAIR'S
SEVERAL x 7 HAIRS.

(26): A. APPENDIX 01. ITEMS SEIZED FROM I. KAPLUGGIN
NOTE: DNA Profile comparison test Results
(15027, 28, 30, 31, 32, 33, 34.
NOT LAWFULLY DISCLOSED AT TRIAL

(27): A. B. C. D. E. F. G. H: ENERGY INVENTION
NOTE: Motive. Theft: Suppression.

(33): E-mail date (11.3.16) FROM ALMAO DOUHA.
PROSECUTOR TO TOM Sutcliffe DEFENCE.
RE: INTERNET use By MR. GRAHAM DOWLING.
NOTE: see item 7, 8, 9, 10.

NOTE: NEITHER THE DEFENCE OR THE CROWN
CROSS EXAMINED MR DOWLING ON HIS
COMPUTER USE OR USING MRS HEANEY
WORK RELATED, ANSWER (HOW AFTER)
SERVICE 11 TIMES DATE (3.2.15)



(35): E-MAIL DATED (10.3.15) FROM ESR RIAN MORGAN-SMITA RE: MISSING EVIDENCE: NO REAL NEED FOR YOU TO RECORD: CAUSE AN ISSUE IN COURT.

TO: BROWNLIE: NZ POLICE. RE: IN HINDSIGHT I SHOULD HAVE: COLLUSION

(36): E-MAIL DATE (30.4.19) FROM S. EVERSON DET.
RE: GIVE HIM WHOLE DOCUMENTS! HE IS NOW IN JAIL AND CAN NOT E-MAIL OR MAKE PH CALLS!

TO: ESR. RIAN MORGAN-SMITA RE: YES, NO PROBLEM, OUR PROCESSES ARE SET UP KNOWING THIS IS A LIKELY OUTCOME: COVER UP.

(37): RE: "SHORT GREY HAIR"

DEAR SIR.

SADLY I HAVE BEEN FORCED TO SEEK HELP FROM THE MEDIA.

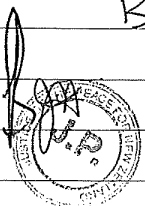
I IN THE HOPE THAT YOU WILL RE: OPEN AN INVESTIGATION INTO MRS. OSWALD HEANEY MR. D. HEANEY, WHO'S DNA AND HAIR WAS UNDER THE DECEASED FINGER NAILS, AND MR G. DOWLING WHO'S FINGER PRINTS ARE ON THE COFFEE MUGS: DISH WAS A BRUSH AND DISH WASH CONTAINER!

DET: DEAN JASON JOHN ANDERSON IS ALSO INVOLVED (ARRESTING OFFICER) WHO AS OF THE (23.2.15) OWED THE I.R.D ONE MILLION IN TAX FOR HIS OLD DEFUNCT, HELICOPTOR BUSINESS!

MY RESPECT AND ADMIRATION FOR THE NZ POLICE STILL REMAINS, "THE WHOLE CAN NOT BE JUDGED BY A CORRUPT FEE."

KIND REGARDS:

Anthony Ballantyne
DOB 19.3.53



SUPPRESSION ORDERS EXIST IN RELATION TO ASPECTS OF THIS
JUDGMENT PURSUANT TO S 19(2) OF THE BAIL ACT 2000. SEE
PARAGRAPH [24].

SEE

[HTTP://WWW.LEGISLATION.GOV.T.NZ/ACT/PUBLIC/2000/0038/LATEST/
DLM68927.HTML](http://www.legislation.govt.nz/act/public/2000/0038/latest/DLM68927.html)

IN THE HIGH COURT OF NEW ZEALAND
HAMILTON REGISTRY

CRI-2015-019-1150
[2015] NZHC 1981

UNDER	The Bail Act 2000
IN THE MATTER	of an application pursuant to the Bail Act 2000 Section 9A
BETWEEN	ANTHONY BALLANTYNE Applicant
AND	THE QUEEN Respondent

Hearing: (20 August 2015)

Appearances: T Sutcliffe for Applicant
R G Douch for Respondent

Judgment: 20 August 2015

JUDGMENT OF WHATA J
[on application for grant of EM bail]

Solicitors:
Almao Douch, Crown Solicitors, Hamilton
Copy to:
T Sutcliffe, Hamilton