

To All,

I AM GUESSING THAT MOST PEOPLE THINK, AS I USED TO THINK, THAT SCIENTIFIC EVIDENCE GIVEN IN COURT IS EXACTING. WE KNOW IT IS NOT. IT IS ALL DERIVED FROM SOME ONE'S OPINION. AT LEAST DNA IS ROBUST, UNLESS YOU HAVE A CORRUPT SCIENTIST AS THEY DID IN NEW YORK SOME YEARS BACK. IN NEW ZEALAND OURS ARE GOOD. BUT DNA STILL TOOK EIGHT YEARS OF RESEARCH WITH HUNDREDS OF TESTS DONE GLOBALLY, BEFORE IT WAS PERMITTED NEAR ANY COURT OF LAW. A ESR (NZ FORENSICS) SCIENTIST, AT TRIAL TWO, STATED THAT ALL THEIR DNA TESTING IS ALWAYS DONE TWICE. THE RESULTS MUST COME BACK AS IDENTICAL MATCHES. IF IT IS NOT REPEATABLE, IT IS NOT PERMITTED IN COURT AS EVIDENCE.

THIS DETAIL IS JUST ONE OF A NUMBER OF FACTORS THAT MAKE UP THE LEGAL STANDARDS FOR SCIENTIFIC EVIDENCE TO BE ADMISSIBLE. SOME OTHERS INCLUDE: PEER REVIEW AND PUBLICATION OF RESULTS; GENERAL ACCEPTANCE WITHIN THAT SCIENTIFIC FIELD; KNOWN ERROR RESULTS AND RATES, LIKE FALSE POSITIVES. THE TWO SCIENCES THAT CONVICTED ME (IMMUNOHISTOCHEMISTRY [IHC] AND MESSENGER RNA [mRNA]) ARE NOT ROBUST. THEY WERE EXPERIMENTS, INVENTED FOR MY CASE AND NEVER EVER USED FOR ANY OTHER CASE, ANYWHERE IN THE WORLD. IN THE VIEW OF MANY THEY ARE NOT ACCEPTABLE FOR USE IN COURT.

IN 2000 THE ESR FOUND SOMETHING ON MY POLO SHIRT, THEY CALLED A STAIN, WHICH WAS INVISIBLE TO THE NAKED EYE. THE POLICE WERE DETERMINED TO HAVE IT IDENTIFIED AS BRAIN TISSUE. A LEADING NEW ZEALAND NEURO SURGEON SAID "FORGET IT, IT IS TOO DETERIORATED". SO THE POLICE CONTACTED THE BEST FORENSIC LABS IN THE WORLD, ASKING THEM TO ID BRAIN TISSUE. THEY ALL SAID "CAN'T BE DONE". THE POLICE THEN FOUND A PATHOLOGIST IN TEXAS WHO WAS VERY GOOD AT IDENTIFYING CANCER CELLS. THIS GUY DID A TEST WITH A CHICKEN AND SAID 'COME ON OVER'. USING THE COP, WHO DELIVERED THE SAMPLE, AS A LAB TECHNICIAN HE PERFORMED AN EXPERIMENT USING IHC. HE STATED THAT HIS EXPERIMENT IDENTIFIED CENTRAL NERVOUS SYSTEM (CNS) TISSUE AT TRIAL ONE AND I

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WAS CONVICTED AS A RESULT.

FRIENDS FOUND EXPERTS AROUND THE WORLD WHO SAID THIS EXPERIMENT WAS FLAWED AND WHEN THEY EXPLAINED IT TO THE PRIVY COUNCIL, THEY AGREED AND QUASHED MY CONVICTION. I AM GUESSING, BUT IT WAS PROBABLY THE 'CHICKEN TEST' THAT BROUGHT ABOUT THE VODOO SCIENCE COMMENTS. FOR TRIAL TWO THE GUY WAS BACK, WITH SUPPORT, BUT THIS TIME IHC WAS NOT SPECIES SPECIFIC. THE CNS COULD HAVE COME FROM ANY ANIMAL. HOWEVER, WE BELIEVE THAT THE ADMISSIBILITY FACTORS MENTIONED ABOVE ARE STILL NOT MET. IHC HAS BEEN DENIED ACCESS IN COURT IN AMERICA. THE PATHOLOGIST IN QUESTION CANNOT EVEN GIVE SUCH EVIDENCE IN COURT IN TEXAS BECAUSE HE IS NOT A FORENSIC SCIENTIST. WHEN THIS WAS PUT TO HIM (IN 2014), HE SAID "LUCKY IT'S IN A NEW ZEALAND COURT THEN." BUT WHO CARES RIGHT? WELL I DO.

FOR TRIAL TWO THE POLICE FOUND A LAB IN THE NETHERLANDS THAT USES mRNA TO IDENTIFY SPERMATOSOA AND OTHER BODILY FLUIDS. THEY HAD 0.000000006 OF A GRAM, WORTH OF MATERIAL TO TEST. THEY INVENTED AN EXPERIMENT THAT SUPPOSEDLY IDENTIFIES HUMAN BRAIN TISSUE. OUR EXPERTS DISAGREE ON THIS SUPPOSED SPECIES SPECIFICITY. THEIR NEW EXPERIMENT CAME BACK WITH INCONCLUSIVE RESULTS. SO THEY DID IT AGAIN AND AGAIN. THE RESULTS WERE DIFFERENT EVERY TIME, SO THEIR OPINION WAS THAT IT WAS PROBABLY HUMAN BRAIN TISSUE. REMEMBER THE ESR STANDARDS MENTIONED ABOVE? EVEN THEIR 'CONTROL' TEST GAVE ODD RESULTS. BUT WHO CARES, RIGHT? I CERTAINLY DO. THE DEFENCE EXPERTS POINTED OUT THE FLAWS IN THIS EXPERIMENT, BUT IT WAS ALL VERY CONFUSING. I WAS NOTED THAT CERTAIN JURORS ACTUALLY SLEPT THROUGH SOME OF THIS EVIDENCE. WE ALSO BELIEVE THAT THIS EXPERIMENT MEETS NONE OF THE ADMISSIBILITY FACTORS MENTIONED ABOVE. ONE OF THE DEFENCE EXPERTS COMPARED ADVANCES IN mRNA TO THOSE OF DNA. WHEN DNA HAD BEEN AROUND FOR TWENTY

YEARS, THERE WERE GLOBALLY RECOGNISED STANDARDS AND ACCEPTED DNA KITS USED AROUND THE WORLD. mRNA HAS NOW BEEN AROUND FOR TWENTY YEARS AND YOU WOULD BE LUCKY TO FIND TWO LABS TO AGREE ON ANY PROCESS.

OTHER SCIENTIFIC ASPECTS OF THE CASE SEEM TO HAVE BEEN IGNORED. THEY INCLUDE:

- AT TRIAL ONE IT WAS NOTED THAT THERE WERE 5000 FIBRES REMOVED FROM UNDER CHRISTINE AND AMBER'S FINGERNAILS. NO ONE KNOWS WHERE THEY CAME FROM, OTHER THAN THE CERTAINTY THAT IT WAS NOT FROM MY CLOTHES. THIS WAS NOT DISCUSSED DURING TRIAL TWO.
- AT TRIAL TWO THERE WERE TWO DNA SIGNATURES FOUND WITH Y CHROMOSOMES (MALE). THESE WERE AGAIN FROM UNDER CHRISTINE AND AMBER'S FINGERNAILS. THEY HAVE NEVER BEEN IDENTIFIED, BUT TESTS HAVE PROVEN THEY WERE NOT MINE. I DON'T RECALL THIS IN TRIAL ONE.
- IN 2014, THE POLICE TOOK SOME RESIDUAL MATERIAL TO THE UNIVERSITY OF CALIFORNIA DAVIS VETERINARY LAB, FOR ANIMAL DNA TESTING. THEY THOUGHT TO PROVE NO ANIMAL CONTENT. THIS IS A HIGHLY REGARDED FORENSIC LAB THAT IS USED IN A LOT OF COURT CASES. THEIR RESULTS CAME BACK AS FINDING PIG, COW AND SHEEP, CONSISTENT WITH FAT SPATTER FROM PROCESSED FOOD SUCH AS SAUSAGES. SO DOESN'T THAT EXPLAIN THE 'STAIN'? I GUESS NOT.

BUT THEN I SUPPOSE IT IS OKAY TO FORGET ALL OF THIS, ISN'T IT? I MOST CERTAINLY DO NOT THINK SO.

YOURS IN INNOCENCE



MARK LUNDY

