

ONTARIO COURT OF JUSTICE

BETWEEN

HER MAJESTY THE QUEEN

RESPONDENT

V.

JOHN BRADLEY ATKINSON

APPLICANT

*APPLICATION FOR
MOTION FOR ADMISSION OF FRESH EVIDENCE
UNDER SECTION 683 (1) (a) (b)*

BEFORE THE HONOURABLE JUSTICE E. J. MEIJERS

I BRING THIS MOTION FOR THE NEW TRIAL FOR JOHN BRADLEY ATKINSON WITH THE SUPORT OF FRESH EVIDENCE ON THIS DAY MAY 17- 2016
NEW EVIDENCE TO SUPORT A NEW TRIAL IS AS FOLLOWS

1. I AM ABLE TO TODAY PROVE THAT THIS WITNESS ; DEBORAH LYNN CAMPBELL HAS LIED TO THIS COURT
2. I CAN SAY WITH CERTAINTY THAT I CAN PROVE TODAY THAT IT IS IMPOSSIBLE TO TURN AN 11000.lb DUMP TRUCK AROUND AS HOW SHE STATED IN COURT TO THIS DAY, IT WAS NEVER OFFERED TO HOW , BOY I CAN WITH FRESH EVIDENCE PROVE TODAY THE WITNESS HAS MISLEAD THIS COURT
3. I AM 100%.ABLE TO PERSENT WITH THE FRESH EVIDENCE,PROVE JUST WHERE THE TRUCK WAS PARKED, AND THE DIRECTION THE DUMP TRUCK WAS FACING ,WAS FACING WEST
4. I CAN PROVE 100% THAT THE TRUCK WAS NOT TURNED AROUND AT ALL.WITH THE USE OF FRESH EVIDENCE TO BE SHOWN TODAY
5. I WILL SHOW THAT THE NEW EVIDENCE , WILL LEAD TO THE *Acquittal* OF THIS CONVICTION
6. I AM ALSO CALLING THE EXPERT WITNESS WHO GAVE EVIDENCE IN THIS TRIAL THAT I HAVE BEEN CONVICTED OF IN THIS THIS CASE,EVIDENCE WILL SHOW THE CRIME NEVER TOOK PLACE ABOUT THE DUMP TRUCK
7. I WILL DEMONSTRATE THAT THIS TRUCK WAS SITTING WHERE I SAY IT WAS , I WILL BE ABLE TO PROVE BASED ON FRESH EVIDENCE
8. THE FRESH EVIDENCE WILL GIVE THIS COURT THE EVIDENCE IT NEEDS TO MOVE TO GRANTING A NEW TRIAL THAT BEING BASED ON THE FRESH EVIDENCE,NEW EVIDENCE
9. THE EXPERT WILL BE ABLE TO CONFIRM THE FRESH EVIDENCE OF WHAT IT IS, AND THAT IT IS INFAC T THAT OF WHAT I HAVE, AND DOES CALIBRATE TO THE EVIDENCE THAT I BRING TO THIS MOTION FOR A NEW TRIAL
10. THIS EVIDENCE WILL NOT BE BASED ON WHAT I SAY, OR WHAT YOU CAN SAY, OR WHAT THE WITNESS WAS CERTAIN ABOUT. THIS CASE WAS BASED ON CREDIBILITY, AND I WILL PROVE TODAY, THE TRUTH TO THIS DAY, IS THAT WE ARE WORKING WITH MATH,AND THE NUMBERS DON'T LIE,AND CREDIBILTY IN DEBORAH LYNN CAMPBELL TESTIMONY CANNOT BE RELIED ON
11. THE CROWN WAS MISLEADING TO THE EXPERT WITNESS; I INTEND TO PROVE THIS IS INFAC T MISLEADING AND THAT THE JUDGE ALSO AGREED TO THIS LINE OF QUESTIONING AND DISREGARDED THE FACTUAL EVIDENCE: EXAMPLE-DUMP TRUCK HAS 6 WHEELS ,NOT 4
12. EVIDENCE WILL BE INTRODUCED TO THE FAC T THAT ON IMPACT ,THE DUMP TRUCK WOULD BE UNOPERABLE TO DRIVE; THE WITNESS STATED, THIS WAS NOT THE CASE AS THE WITNESS STATED IT WAS OPERATIONAL
13. THE OTHER EVIDENCE I HAVE WILL OFFER THE VIEW THAT WHERE THE DUMP TRUCK IS, AND THAT THIS IS THE PARKING PLACE FOR THIS DUMP TRUCK
14. IN LIGHT OF WHAT IS NEW TO ME, WAS NOT IN MY POSSESSION AND IS NOW. IV'E TAKEN THE TIME TO SEND THIS ALONG , NOT TRYING TO RE-TRY THIS CASE IN ANY WAY ,BUT IT NEEDS TO BE UNDERSTOOD IN LIGHT OF WHAT MAKES NEW EVIDENCE ,THESE NEW PHOTOGRAPH'S HAVE CLEARLY RAISED REASONABLE DOUBT AND IN THE FACTS SHOW THE DUMP TRUCK HAD ALWAYS BEEN FACING AS THE ACCUSED HAD ALWAYS STATED TO THIS DAY
15. I AM ABLE TO PROVE THE EVIDENCE OF THE WITNESS HAS BEEN ALTERED AND RAISES REASONABLE DOUBT
16. IN SUMMERY IN MY VIEW THIS CASE HAS NOT BEEN PROVED BY WAY OF WHAT THE WITNESSES HAD STATED BY EVENTS, THE TRANSCRIPTS HAVE BEEN OVERLOOKED, THAT GO AGAINST THIS WITNESSES CREDIBILITY,
17. TO LIE TO ONE JUDGE, AND BE OKAY TO LIE TO THE OTHER JUDGE, I FAIL TO SEE THE TRUTH IN THEM ANSWERS OF THE DAY, I FAIL TO SEE WHERE IT'S PERMITTED, TO COME TO COURT AND BE TRUSTED TO TELL THE TRUTH; WHEN BEING SUPPORTED BY THIS CROWN ON A PERSONAL THOUGHTS. I WOULD LIKE TO HERE ,WARD FOR WARD HOW THE DUMP TRUCK WAS TURNED- **180 DEGREES** AROUND , AND GET IT OVER TREES THAT ARE IN PERFECT FORM ,AT 4'TO 5'IN HIGTH ; WHAT I CAN DO FOR THIS COURT IS TO PROVE TO THIS COURT THAT THIS WITNESS HAS CONSISTENTLY LIED TIME AND TIME AGAIN.
IN CLOSING, EVERY THING HAS NUMBERS TO THE WAY WE LIVE, THERE IS NO OTHER WAY , YOU BUILD , YOU DO THE MATH TO BE SURE THE SIZE, BE SURE IT FIT'S , THE SPEED YOU ARE GOING, THE MATH OF HOW LONG IT WILL TAKE YOU. WHEN YOPU LIE AND SAY THE FISH WAS 3'FEET, BUT YOU USE A RULER AND COUNT THE INCHES, AND THE RULER INDICATES THE FISH IS ONLY 2'FEET, ONCE YOU DO THE MATH, YOU CAN SAY YOU ARE LYING. THE FISH IS ONLY 24"

THANK YOU TRULY: JOHN ATKINSON

BETWEEN

HER MAJESTY THE QUEEN

RESPONDENT

V.

JOHN BRADLEY ATKINSON

THE APPLICANT

*FACTUM OF THE RESPONDENT IN SUPPORT OF AN APPLICATION FOR
MOTION FOR ADDMISSION OF FRESH EVIDENCE
UNDER SECTION 683 (1) (a) (b)*

BEFORE THE HONOURABLE JUSTICE E. J. MEIJERS

APPEARANCES:

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JOHN B. ATKINSON

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DAVID NORTH

ABACAS - FRIEND OF THE COURT

TABLE OF CONTENTS

Section A
Case Law _____ 1-36

Section B
Lawyer letter _____ 37

Section C
Reasons for judgment in scripts from judgement _____ 38-39-40-41-42-43-44

Section D
Dimensional Data F-350/F-Super Duty Chassis Cab – 4x2 / 4x4 _____ A.B.C.D.E.I.2.F.G.H.I.J.D.K

Section E
Photograph of Exhibits 2 _____ 45-57

Section F
Photograph of Exhibit 3 _____ 58-66

Section G
Photograph of Exhibit 4 _____ 67

Section H
Photograph of Exhibit-Expert Witness _____ 68

Section I
Photograph of Exhibit 5-A _____ 69-73.73.A.B

Section J
Photograph of Exhibit-Expert Witness _____ 74

Section K
Photograph of Exhibit 5 _____ 75-76-77-78-A-B-79-A

Section L
Photograph of Exhibit-Experts Witness _____ 80-A.81.82.83.84

Section M
Exhibit 5 & Transcripts of July 22, 2011 preliminary – Witness Deborah Campbell -A-B-C _____ 85

Section N
Transcript of October 8, 2013 _____ 86-99-99

Section O
Letter- Crash site (B) Measurements / Distance / Height of Rocks (A)/Chart for (A) (B) (C) (D) _____ 100

Section P	
Letter / Measurement	Distance / Height of Rocks (A) (B) (C) (D) _____ 101
Section Q	
Summary of Reasonable doubt By Mr. Atkinson. P32/47	_____ 102
Section R	
Photograph of East View of House by Expert Witness	_____ 103
Section S	
Enhanced picture of smoke	_____ 104
Section T	
Satellite 12 x 8 image of, April 17, 2008 By Anna	_____ 105
Section U	
Google Earth image of, April 17, 2008 By Kimberly Hyslop-Counsel 12 x 19 (A) (B) (C)	_____ 106
Section V	
Google Street View 1905 county road # 50 Tottenham, Ontario	_____ 107
Section W	
Calendar on dates/release dates/court dates	_____ 108/109
Section X	
Cover page Henry Ford	_____ 110
Section Y	
1990 Ford Trucks Highlights	_____ 111
Section Z	
1990 Ford Truck-aspects on this Ford Truck	_____ 112-115
Direction of Dump Truck	_____ 116
Drinks sitting on table-just a sip	_____ 117
AB40545 Ref of Truck /Rocks	_____ 118
Direction of foot prints	_____ 119

CASELAW
SECTION A

S.603 P.1199

p1. Inspection and Copies of Documents / Annotations right of accused

S.604 P.1200

P2. Production of Witnesses Statement

S.604 P.1211

p3. Disclosure to defence

S.650 P.1256.CCC

p4. Reopening the Case

p5. The decision of a trial judge to allow the Crown to re-open its case is discretionary

p6. A Judge sitting without a jury is not functus officio following a finding of guilt until he has Imposed sentenced

S.650 P.1257

p7. Disclosure to defence

p8. There is no absolute right to have originals of documents or tape recordings produced

p9. The Crown's duty to disclose is, triggered

p10. R. v. Dixon, [1998] 1 S.C.R.224, 122 C.C.C. (3d) 1

S.650 P.1258

p11. In applying the Dixon test,

P12. R.v.ILLes

S.650 P.1259.CCC

p13. Counsel for the accused is required to bring any lack of disclosure to the attention

p14. The principles of fundamental justice as guaranteed by the charter

p15. R. v. O'Connor, [1995] 4 S.C.R. 411, 103 C.C.C. (3d) 1 (5:3).

p16. R. v. 974649 Ontario Lnc. [2001] 3 S.C.R. 575, 159 C.C.C. (3d) 321.

p17. Records relating to finding of serious misconduct by police officers

p18. R. v. McNeil, [2009]1 S.C.R.66, 238(3d) 353

S.650.01 P.1261

P19 Intervention by trial judge-while examination and cross-examination of

p20. R. V. Valley (1986),26C.C.C. (3d) 207 (ont. CA)

p21. The judge may not question the accused or his witness to such an extent

S.655p.1270

p22. Evidence on Trial

p23. Necessity of Voir dire to determine voluntariness of confession

In R.V. Erven, [1979]1S.C.R.926, 44C.C.C. (2d) 76(6:3),

p24. Demonstrate the need for a Voir Dire

S.676 p.1366

p25. Question of law/ generally

p26. An error of law by a trial judge in assessing the facts as they apply to the law

S.683.P.1382

p27. Admission of evidence to complete the record

S.683 .P-1383

p28a. Test for admission of fresh evidence R. V. Palmer [1980] S.C.R.759, 50C.C.C. (2d) 193(9:0)

p28b. Due diligence is not an essential requirement of fresh evidence test and its importance

p29c. Due diligence is only one factor in determining the admissibility of fresh evidence

p30. Even where the proffered evidence clearly, could have been adduced at trial

p31. The fact that the evidence which neither confirms nor corroborates the testimony

p32. When deciding whether or not to exercise the broad discretion

p33. S.683 The motion to produce fresh evidence that will give sufficient probative Force

p34. Procedure for admission of fresh evidence

p35. The fact that the evidence which is tendered neither confirms nor corroborates the testimony

p36. Test for admission of fresh evidence

SECTION B

p37. LETTER FROM DAWN QUELCH

SECTION C

p38. R.v. Atkinson Reason for Judgement

p39. I am not going to re-count all the Evidence peace by peace / reason for judgement.p.14.15

p40. The warming up of the pickup cross reference to cold truck - p15.para.1-4

p41. Reason for Judgement Leave Carl Behind p.15.para1-4

Trial In-Ch. Dec 8.2014 Counsel Kim Hyslop p.104.para.13

p42. Reason for judgement blindly backing up the dump truck p.15.para.11-16

p43. January 7, 2014 at Barrie courthouse.p72.para.6

p44. So, to me here is what is not thought out on the crowns:

SECTION D

pA.45A: Dimensional Data F-350/F-Super Duty Chassis Cab-2x4/4x4-Page B35

B: F-350/F-Super Duty Chassis Cab-4x2/4x4-Page B-34

C: Axle/Tire/VehicleHeight-F-350/F-Super Duty Chassis Cab-Page-B47

D: Chassis Cab Exhaust System-34759136.8) & 4085(160.8) Wheelbase

E: 1, 2 1990 F-Series Dimension and Capacity's/Cab Dimensions*/Exterior Dimension F:

F: Letter / Florida U.S.A. Henry Ford Research Specialist .02-19-2016 – Reference: 2016-18643

G: Letter / Ford Motor Company Of Canada: VIN Vehicle: 2FDKF38M2LCA67384

H: 1990 Ford Book Cover

I: The Henry Ford. Pkg Sent by U.P.S. \$.31.11 Date Sent: 02/19/2016

J: I.D. is also in question, this case Data-1990 Ford-350

K: Plain Photograph of Exhibit 2- P1010049-2008-03-29.12:00 .a m Dump Truck

SECTION E

- p45. Page 1.Exhibit 2 .P1010049-2008-03-29.12:00 .a m Dump Truck Photograph of Drivers Front Leaf Spring
- p46. Page 2.Exhibit 2 .P1010049-2008-03-29.12:00 .a m Dump Truck Photograph of Standard Steel 16”
- p47. Page 3.Exhibit 2 .P1010049-2008-03-29.12:00 .a m Dump Truck Photograph of Front Drivers Side Differential Carrier
- p48. Page 4.Exhibit 2 .P1010049-2008-03-29.12:00 .a m Dump Truck Photograph of Drivers Front tire wet stain being flat
- P49. Page 5.Exhibit 2 .P1010049-2008-03-29.12:00 .a m Dump Truck Photograph of Mr. Atkinson’s Cigarette flicked in snow and spit [Flem]
- p50. Page 6.Exhibit 2 .P1010049-2008-03-29.12:00 .a m Dump Truck Photograph of Matching dirt stains from ground/fender/door/window/driver front side
- p51. Page 7.Exhibit 2 .P1010049-2008-03-29.12:00 .a m Dump Truck Photograph of Dump truck / Canada waste disposable bin & Basket Ball hoop at end
- p52. Page 8.Exhibit 2 .P1010049-2008-03-29.12:00 .a m Dump Truck Photograph of Driver side Missing step on running board
- p53. Page 9.Exhibit 2 .P1010049-2008-03-29.12:00 .a m Dump Truck Photograph of 8`/Tire side wall/8`rim edge to center
- p54. Page 10.Exhibit 2 .P1010049-2008-03-29.12:00 .a m Dump Truck Photograph of Detailed markings on dump truck & markings around dump truck on photograph
- p55. Page 11.Exhibit 2 .P1010049-2008-03-29.12:00 .a m Dump Truck Photograph of 8`Ground Clearance of underside of differential carrier to front axle casing on dump truck
- p56. Page 12.Exhibit 2 .P1010049-2008-03-29.12:00 .a m Dump Truck Photograph of Mr. Atkinson’s work boot prints/stride/smoke/tracks to rear of dump truck
- p57. Page 13.Exhibit 2 .P1010049-2008-03-29.12:00 .a m Dump Truck Photograph of Distance from front differential to rear differential

SECTION F

- p58. Page p01.Exhibit 3.P0100040 -2008-03-29.12:00. Am Dump Truck
Many numbered in detailed markings 1-10
- P59. Page 2 Exhibit 3.P0100040 -2008-03-29.12:00. Am Dump Truck
Dump Truck Detailed Indicators of Evidence & Facts # 1 through #16 facing west
- P60. Page 2 Exhibit 3.P0100040 -2008-03-29.12:00. Am Dump Truck 1 to 16
Dump truck facing west door open several indicators to compare other evidence
- p61. Page 003.Exhibit 3.P0100040 -2008-03-29.12:00. Am Dump Truck # 1 to 16
You are able to see evidence: Matching numbered trees area with Listed Markings trace Evidence
- p62. Page 004.Exhibit 3.P0100040 -2008-03-29.12:00. Am Dump Truck
Direction of truck driven out - Trace evidence will confirm these evidence 4 wheels at Back. 2. Wheels at front
- p63. Page 004.Exhibit 3.P0100040 -2008-03-29.12:00. Am Dump Truck
Height of trees and locations, Height of trees around area where dump truck had parked, Trees in perfect form, not wilted or broken or broke over and held by the bark and Evidence showing truck was not as Ms.Campbell testified.Trees that prove the truck could Not have parked on the rocks, Ms. Campbell is lying, Comparison to trees in other

Pictures by the Numbers. Numbered trees that coincide with Experts Photograph # 014

p64. Numbered trees that coincided with experts pictures picture # **014**

p65. Page 005.Exhibit 3.P0100040 -2008-03-29.12:00. Am Dump Truck
Exhibit 4 and Exhibit 5 in line to make one of the same photographs

p66. Page 006.Exhibit 3.P0100040 -2008-03-29.12:00. Am Dump Truck
Dirt is from the outside of tire sidewall, from the front left tire turning right onto the Driveway

SECTION G

p67. Page 1 Exhibit 3.P0100040 -2008-03-29.12:00. Am Dump Truck
Where jacking up the dump truck. They walked all about where truck had been Parked

SECTION H

p68. Expert's Photograph IMG_1062
Tripod legs, as indicator showing distance from Rock-C to Rock-b showing area is at best 4 feet Factual evidence

SECTION I

p69. Exhibit 5-A P1010048-2008-03-29.12:00.Am Photograph
Here you see trees that are not damaged and are in normal form not wilted not broken

P70. Exhibit 5-A P1010048-2008-03-29.12:00.Am Photograph
Arrows showing direction of boards in same pattern in turning right on to driveway

p71. Exhibit 5-A P1010048-2008-03-29.12:00.Am Photograph
Labeled and numbered in inches

p72. Exhibit 5-A P1010048-2008-03-29.12:00.Am Photograph
More views of the trees in good form looking at the yellow arrows as indicators

p73. Exhibit 5-A P1010048-2008-03-29.12:00.Am Photograph
This is the demonstration to show that the lines of front tire is not in lined to the rear dual wheels as viewed here, blue should be in line with white lines, and are not

P73.A-B **I-73 Trial Exhibit 5-A / January 7. 2014. P.94,para.14**

SECTION J

P74. Exhibit 5 Expert's Photograph IMG: Yellow angled line-indicating angle of parked dump Truck backed in

SECTION K

P75. Page 2 Exhibit 5.P1010043-2008-03-29.12:00.Am Photograph
On the south side step on running board is in snow. The driver's side is on the south side

P76. Page 3 Exhibit 5.P1010043-2008-03-29.12:00.Am Photograph
Height of Rock-A/Rock-B/Rock-C/Rock-D

P77. Page 4 Exhibit 5.P1010043-2008-03-29.12:00.Am Photograph
Here you can tell where the truck was parked, and the rear end sat and the front and duall Wheels and boards by Rock-B, and to look east to west you see the long stretch of ground That had been sheltered by the dump truck

P78. Exhibit 5.P1010043-2008-03-29.12:00.Am Photograph

- New –2016 Photograph with drink in hand to make comparisons to A.B
- A. Exhibit 5.P1010043-2008-03-29.12:00.Am Photograph
The evidence of rust is evidence from the statue
- B. Exhibit 5.P1010043-2008-03-29.12:00.Am Photograph
View for comparison that cannot be disputed
- P79-A, Expert’s Photograph IMG_
Experts Photograph in color showing statue with no drink in statues right hand, and a black
And white inset of a the same statue with drink in hand once I was found guilty

SECTION L

- P80.A Different angle on statue and labelled indicator is clarifying the trace evidence
- P81. Experts Photograph IMG_ Showing that you can jump from rock to rock and the
Level of snow markings from **Exhibit 3**, 4, 5, 5_A and added indicators on the
Photograph
- P82. Experts Photograph IMG_ Showing numbered rocks 1 through 8
- P83. Experts Photograph IMG_ Showing numbered rocks 9 through 12
- P84 Experts Photograph IMG_ Showing rock at a different angle

SECTION M

- P85. Exhibit #2 P1010049 Picture with great indicators in accurate detail followed by
Mr. Atkinson’s test in Camera times and dates about witness’s evidence
 - A. Evidence to support dates and time have been altered –Exhibits on photograph
 - B. Evidence showing in this order photograph taken and ones that are missing
 - C. Ms. Campbell’s Evidence at Prelim on July 22, 2011
Before the Honourable C.R. Harris
In Chief by Crown Mr. Franklin Faveri: p.97-line 27, (C.D) p98

SECTION N

- P86. P.2 October 8-2013 Bradford Court House page 27, line 19,p 28 line 1 p 28 line 18
P.56 line 29, p 57 line 1
- P87. P.3 August 26, 2010 the overall video was scripted p11 p 21 Det Conway Guided the
Witness
- P88. P.3/4 July22, 2011 Exam-In-Ch. Crown Franklin Faveri p 92 line 13, line 25 p 93 line 1
P.110-line 16
- P89. P.4 July 22, 2011 p84 line18
- P90. P.4/5 August 17, 2011 In-Ch., Counsel Jonathan Bliss .continued from July 22, 2011 p116-

Line 13 P17 line 11-p130 line 123-p133 line 23-p136 line 20-p137 line1 line 17 p138 line 15

- P91. P.6 August 17, 2011 In-Ch. Bliss p 144 line 6 p148 line 25 p149 line 1,25,31 p150
Line 1,8,17
- P92 p.7 August 17, 2011 In-Ch. Bliss p151 line 1, p152 line 5
- P93. P.8 Photograph of rocks numbered looking form East 8 to 1
- P94. P.9 Exhibit 5_A p 93 line 25.Evidence to jump from rock to rock
- P95. P.9 July 22, 2011 p151 line 24 continued cross-examinations by Mr. Bliss
- P96. P.10 July 22, 2011 p148 line 26 continued cross-examinations by Mr. Bliss
- P97. P.10 August 26, 2010 Occurrence No: RM10108990. Time off from work p 19 line 24 p 32-
line 12 p 33 line 1 p 43 line 12 [passing of **FRISKY-Guard Dog**]
- P98. P.11 July 22, 2011 the Honourable C.R. Harris p 105 line 8
- P99. P.11 May 7, 2014 The Honourable E Meijer's p 76 line 27
P.11 May 7, 2014 The Honourable E Meijer's p 77 line 1

SECTION O

- P100 P.A March 19, 2015 **Letter** from ARcon Forensic [FILE:AB40545 MEASURMENTS]
- P.B March 19, 2015 Grid spacing: 0.5.per cube from ARcon Forensic [PC-CRASH -
SCALE] of Rocks AND Boards from A to E AND Numbered rocks 1 to 6
- P.C March 19, 2015 from ARcon Forensic **AB40545-JOHN Atkinson**
[PC-CRASH CHART MEASURMENTS] of
Rocks, From A to E AND Numbered Rocks 1 to 7

SECTION P

- P101. P.A Letter, October 27, 2015 Height of Rocks A.B.C.D. (see disk) March 19, 2015 Letter
From ARcon Forensic [**AB40545 - MEASURMENTS**]
- P.B (Added Photograph) line across row of Rocks, Measured in Meters
- P.C Photograph of Exhibit 2

SECTION Q

- P102. P.A Pgs. 32 to 47 Summery of what cannot be the truth by this witness
What is **Reasonable Doubt in CASE LAW?**
With 13 photograph of Evidence supporting evidence to depict she is lying

SECTION R

- P103. Experts Photograph IMG _ showing full view of driveway and rocks A.B.C
Ms. Campbell first runs to the path, but Det, Conway wants it to be, she ran down the hill,
I “thought he was going to hit the house” Stated the witness, Deborah

SECTION S

- P104. Cigarette butt in the snow in Exhibit #2 [Can be viewed; clearer on disk]

SECTION T

- P105. April 17, 2008 Satellite view -1905 country roads #50 in size 8x12 in Black and White by
Atkinson’s contact

SECTION U

- P106. April 17, 2008 12x19 2 Google earth images A.B.by Atkinson’s contact
Patches of snow can still be found and you see the dump truck parked where this truck has
Always parked never on a sloped hill as the witness states

SECTION V

- P107 April 11, 2014 1:14 PM. 1905 County Road # 50. Google map Street view, this hill the
Witness States the truck was parked, well **one of the 3 places** she says it was parked that
Night

SECTION W

- P108 Calendar of 2010 - release date on January 6th, 2010 9:15

- P109 Calendar of 2008 date of incidents

SECTION X

- P110 Cover page from Henry Ford Research Center - Dearborn MI48124-5020

SECTION Y

- P111 1990 Ford Truck, Highlights1990

SECTION Z

- P112 F-350/Super Duty Chassis Cab_4x2 / 4x4 Exhibit p **B34**

- P113 Dimensional Data F350 / F-Ford Super Duty Chassis Cab p **B35**

- P114 Axle / Tire / Vehicle / Data-Data F-350 / F-Super Duty Chassis Cab p **B47**

- P115 Chassis Cab Exhaust system p **B49**

- P116 Pick the vehicle that best represents the Dump Truck

- P117 Just a sip of the drink [see video] Daniel / room lights are off [Until later]
- P118 *AB40545-JOHN ATKINSON* Reference to truck and rock
- P119 Direction of foot traffic around truck