

FIND! FALCONIO
Dead or Alive

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KEITH ALLAN NOBLE

***FIND! FALCONIO
Dead or Alive:
Concealing Crimes in
Northern Territory, Australia***

by author of

***CORRUPT TO THE CORE:
Concealing Crimes in
Queensland, Australia***



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2012

***FIND! FALCONIO – Dead or Alive:
Concealing Crimes in Northern Territory, Australia***

DA IST DER WURM DRIN: old German saying

FIND! FALCONIO – Dead or Alive: Documents research findings, and reflections on those findings, into the as yet unexplained disappearance (July 2001; Northern Territory, Australia), of British tourist Peter Marco Falconio. Truth and Justice were foundational philosophies and are also the desired outcomes of this book. Question everything official – do not doubt your common sense, experiences, and knowledge. Published by – ENGLISH PRESS INTERNATIONAL (EPIUS@t-online.de), Eureka Stockade Series imprint – BIG WORM BOOKS (BIGWORMBOOKS@gmx.net); ISBN 978-3-9503136-1-1; cover – worldwidegraphics; typefaces – bookman old, bradley hand itc, rockwell, verdana; statistics – inserts 88, notes 678, pages 504; ANSI archival standard acid-free paper; Every effort has been taken to ensure accuracy of citations, but it is recommended subsequent users confirm words quoted herein with original sources; Official reactions – including names of people and their associations – will be exposed on the Internet and in subsequent works. All Falconio case related information will be gratefully received in confidence.

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COVERS: Selected phrases used on the covers (book and CD) are attributable to: Friedrich Wilhelm Nietzsche (1844-1900) – “All truths kept silent become poisonous.”; and, Joseph Raz (1939-) – “There can be no justice without truth.”

EUREKA STOCKADE* series: Describes the increasing number of articles, blogs, books, websites. *etc.* revealing the corruption and incompetence of officials in Australia. The Eureka Stockade Rebellion** (1854; Ballarat) was the first in that country. Today, more and more Australians are standing up and resisting the abuse of their Constitution, bloodsucking banks, useless wasteful governments, kangaroo courts, greed-driven lawyers, lying politicians, violent police, *etc.*, *etc.* (* This wording and its block format on the cover are not copyrighted – use freely; ** Later, juries stood up to the oppressive State by repeatedly declaring that the miners who had been charged were not guilty of any offences. Juries nullified points of law – it was their legal right then, and it is still our legal right today. Read about jury equity/nullification, do not accept what self-serving judges say.)

KEITH ALLAN NOBLE: From Queensland, Australia, he studied (BSc, MEd, PhD) at universities in Canada. A Socratic equalitarian and author of over 10 books, he writes and travels in Europe. Currently, he is compiling a French collacon and researching a work on homicide. His most recent work is also available via abbeys, abebooks, amazon, bookfinder, emporiumbooks, vialibri, waterstones, *etc.* – ***CORRUPT TO THE CORE: Concealing Crimes in Queensland, Australia.*** ■

***FIND! FALCONIO – Dead or Alive:
Concealing Crimes in Northern Territory, Australia***

DEDICATION

To all those who have been and to all those who will be convicted of crimes they did not commit by the corrupt adversarial legal system. ■

***FIND! FALCONIO – Dead or Alive:
Concealing Crimes in Northern Territory, Australia***

THANKS

Thanks to all who provided me with verbal and/or written information. Not all that information appears in *FIND! FALCONIO – Dead or Alive*. Enquiries continue, mine plus those of other investigators in several countries around the world. Another book is now being planned to expose facts and people implicated in this grossly corrupt case. ■

***FIND! FALCONIO – Dead or Alive:
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FRONT MATTER

Inserts, Please Note, Proem, Prologue, Main Characters *vii*

PLEASE NOTE

■ This is a reference book. Unlike a novel, it was **not** written to be read linearly from the beginning to the end – from Part A to Part XYZ. This format means some facts are repeated in the book. It is recommended that the parts of the book be read in order of reader interest.

■ This book examines a legal case stemming from a disappearance – but it is **not** a definitive exposé. There are facts related to the case which are **not** included because they are **not** known publicly. Any fact described within this book does **not** mean it reflects the moral truth.

■ The author (hereafter, the writer) does **not** propose any definitive answers or solutions to case-related matters such as the vanishing or whereabouts of the missing person/body. Scenarios are described but, like the official narrative, everything must be rigorously questioned.

■ For reasons of layout, some liberties have been taken with spacing, word divisions, ampersands, *etc.* Dates are in the day-month-year format, all times are 24-hour-day times. To enhance your comprehension, **overview** the Definitions before reading the text.

■ You are encouraged: **not** to doubt your ability to think through aspects of the case; **not** to be intimidated by the State with its disregard for universal justice; and above all, **not** to blindly accept the **nonsense** which has been promoted as the truth since 2001.

On learning of the Falconio story, this writer was drawn to it. And no doubt like many other people, he wanted to have truthful answers to the many uncertain parts of that story. But his desire to get involved with the case was stymied because he did not want to be another storyteller. It was not until he dissembled the story into its parts that he realized they could be presented in a non-sequential format, thereby stopping the flow of the story. By stopping that flow – **by stopping the video playing the official story in your head** – it increases the likelihood you can focus on each constituent part and not allow yourself to be conned. Because, there are parts of the official story which have **never been proved** and which are fictitious.

Falconio is **presumed** dead by some people. But that does not prove he is dead, nor does it prove he was killed at the time he vanished. He might have been killed later, not when he went missing. Used on book covers to promote sales, the word murder in this case should be qualified with alleged, meaning to **assert without proof**. If Falconio is dead, until his remains are found and an ethical forensic pathologist details the manner, the mechanism, and the cause of death, the use of the word murder is wrong and deceptive. (cont.)

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In 2007, a 94-minute teledrama was aired by the Australian Channel 10 Network: *Murder In The Outback* (working title: *To Catch A Killer*). It is not a documentary, so this writer had not, at the time this book was released, viewed the teledrama. It is based on Joanne Lees' uncorroborated claims and determining the truth was not a purpose of that production. There is no doubt it was produced and broadcast as entertainment to make money for the 10 Network. Such an approach to the Falconio disappearance is not conducive to objective accuracy.

This writer is not related to any person who has been involved in the case. What motivated the writing of this book was the conclusion that the official narrative is not only incomplete, it cannot withstand rigorous questioning because it is not the truth. The sentencing of a man to **28 years** in prison is immoral, unjust, and intolerable.

This book was not written to be critical of people and governmental systems. Nor was it written to make money. It was written: to stimulate questions; to locate the missing Falconio – **dead or alive**; and, to prompt the determination of Truth then the delivery of Justice.

You are urged to **question** all official case-related dates and times. Corrupt cops and complaisant judges send innocent people to prison. It is common, well documented, and a screaming crime for which the perpetrators ought to serve the same sentence given to those wrongly convicted. Not only do **you have every right to question** public servants of the State, you have the **civic duty** to do so.

In relation to Falconio, the author believes the following true facts: **i.** Falconio mysteriously disappeared in July 2001, while travelling in the Northern Territory of Australia; **ii.** It is an unproved presumption that Falconio died at the time of his disappearance, or of some wound received before that disappearance; **iii.** No body or remains has/have been found and determined to be that/those of Falconio; **iv.** Falconio is either dead or alive; **v.** If alive, Falconio is either living in or out of Australia; **vi.** If dead, the body of Falconio was disposed of in or out of Australia; **vii.** The person convicted of murdering Falconio appeared in a court of an adversarial legal system; **viii.** Adversarial legal systems do not have truth and justice as their primary foci; **ix.** It is a human right to question evidence accepted by any court; and, **x.** The truth, the whole truth, in relation to the Falconio disappearance has not been determined and it ought to be.

If you have information/suggestions related to any part of the case, contact me: FINDFALCONIO@gmail.com; BIGWORMBOOKS@gmx.net; DUTYFREETO@hotmail.com; t/f Vienna: 43-1-9712401 – thanks. ■

FRONT MATTER

Inserts, Please Note, Proem, Prologue, Main Characters *ix*

PROEM

*CONVICTING THE INNOCENT: A Triple Failure of the Justice System**

...As the 1980s approached, the landscape shifted in two ways. First, it became abundantly clear that **wrongful convictions** were occurring in virtually **all Anglo-based criminal justice systems**. Second, serious questions were being raised about whether some not-so-subtle **systemic practices** were contributing significantly to the problem.

At this point in my review of the analytical studies on the subject, I [MacFarlane] intend to shift my approach as well. The issue can now, I believe, be dealt with by grouping cases or initiatives together – starting with a series of royal commissions in Australia and New Zealand during the 1980s. Following that, I will discuss the infamous IRA bombing cases in the United Kingdom, as well as three royal commission reports that examined the situation in Canada. I will end this part with an analysis of the inter-relationship between the death penalty and the startling emergence of wrongful convictions (and perhaps wrongful *executions*) in the United States.

In Australia, the Chamberlain case (sometimes known as the Dingo-Baby case) has gripped the nation for over two decades. Alice Lynne Chamberlain was convicted in 1982 of the murder of her nine-week-old daughter, Azaria. Her husband, Michael Leigh Chamberlain, was convicted of being an accessory after the fact. **The Crown's case lacked any evidence of motive or confession, and neither a murder weapon nor the body of the child was found.** Mrs. Chamberlain contended that a dingo (a wild dog) had run off with the child. Australians closely followed Chamberlain's trial and appeal in the 1980s, and were split over whether to believe her story. Bumper stickers reading "The Dingo Did It" and "The Dingo is Innocent" were often seen as the case progressed through the courts. After Mrs. Chamberlain had spent three and a half years in prison, a royal commission into the case concluded "that there are serious doubts and questions as to the Chamberlains' guilt and as to the evidence in the trial leading to their convictions." The Commissioner concluded that there was absolutely no evidence of human involvement in the child's disappearance and apparent death. Shortly afterward, the Northern Territorial Government pardoned Mrs. Chamberlain and her husband. They were awarded over \$1 million in compensation. Scientific evidence, in particular blood examinations, which had been critical to the Crown's case at trial, **had been fully discredited** during the Royal Commission. As well, it was concluded that a key forensic witness [Joy Kuhl] had taken on the role as a protagonist rather than a "dispassionate provider of scientific information."

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In the wake of the Royal Commission's report, Judy Bourke argued in the *Australian Bar Review* that **scientific evidence is frequently misused in criminal trials because it is often unreliable, yet shielded from scrutiny by an ever-present aura of scientific certainty**...it was clear in the Chamberlain case that **questionable police conduct, coupled with unreliable forensic evidence, had been woven together to support a mistaken prosecution theory** that a tragic death was actually a murder. Scientific evidence upon which the Crown had successfully relied in securing convictions was subsequently found unreliable in a number of other Australian prosecutions during the 1980s. In the case of Edward Charles Splatt (*The Shannon Report*), the Crown's case relied on the cumulative effect of the similarities of "trace materials" between the crime scene and Splatt's house. All of this evidence was later found to be **unreliable**.

In the murder conviction of Douglas Harry Rendell, a subsequent inquiry (*The Hunt Report*) found **critical blood tests unreliable**, and recommended a pardon. Similar results were reached in the case of Gidley in New South Wales, with blood tests dating back to 1983; and Cannon, a 1991 case with **degraded DNA samples**. In 2007, the Government of New South Wales appointed retired NSW Supreme Court Judge John Dunford to lead a Corruption and Crime Commission inquiry into the wrongful imprisonment of Andrew Mallard. Mr. Mallard spent 12 years in jail for the murder of jeweller Pamela Lawrence in 1994, a crime for which he was later acquitted. The role of both investigative and prosecutorial authorities has been raised in the case.... Curiously, legal analysts in Australia have suggested that eyewitness misidentification, a major cause of wrongful convictions in North America, has *not* emerged as a major cause in Australia. That noted, established North American patterns clearly emerged "down under," including: police practices (over-zealousness, **unprofessional conduct, incompetence**) unreliable evidence (expert as an advocate or protagonist, **weak circumstantial evidence**) unreliable secondary sources (police informants, prison informants, *etc.*) media and **public pressure to convict**.

New Zealand has not avoided the specter of wrongful convictions. In 1970, Arthur Allen Thomas was charged with the murder of two people. After a series of trials, appeals, retrials and petitions to the Governor General, Thomas remained convicted. Concerned forensic scientists who had testified at trial for the defence published two books questioning the validity of certain key evidence, and a 1978 book *Beyond Reasonable Doubt?* by British author David Yallop prompted the Prime Minister of New Zealand to appoint an eminent counsel to review the case. As a result, Thomas received a pardon.

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***FIND! FALCONIO – Dead or Alive:
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A royal commission was subsequently established to investigate the circumstances surrounding his conviction. The chairman of the Royal Commission, the Honourable R.L. Taylor, a former justice of the Supreme Court of New South Wales, noted that the “case had always attracted widespread publicity and public concern” In a damning report, Taylor concluded: **a key exhibit at trial had been fabricated and planted at the crime scene by two of the investigating police officers**; another exhibit had deliberately been switched by police; **police had engaged in an intentional cover-up of their activities**; and a scientific expert witness had displayed “a disturbing lack of neutrality” during and after testifying. The “high handed and oppressive actions of those responsible for [Thomas’] convictions” prompted Taylor to recommend an *ex gratia* compensation payment of \$1 million – advice that the New Zealand government followed with little hesitation.

The Australian and New Zealand reports during the 1980s are significant for two reasons. No longer was forensic evidence inviolable. **The scientist in the white lab coat could be wrong** – either through **inadvertence, incompetence or outright fraud and perjury**. More significantly, their experience illustrates that the cases in which the public are most concerned (brutal murders and the killing of young children, for instance) and where the stakes are the highest are precisely the types of cases where those responsible for bringing a perpetrator to **justice resort to tactics that ultimately undermine the entire case for the prosecution**. (original italics; added emphasis)

Bruce MacFarlane

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Affiliate, Faculty of Law, University of Manitoba
former Deputy Attorney General of Manitoba (1993-2005)

* Extract from a paper presented at 22nd International Conference of the International Society for the Reform of Criminal Law, held in Dublin, Ireland (11–15 July, 2008). Based on an earlier paper presented at the Heads of Prosecution Agencies in the Commonwealth Conference, Belfast, Northern Ireland, and Dublin, Ireland (4 September 2005), and at the Heads of Legal Aid Plans in Canada (25 August 2003), and also at the Heads of Prosecution Agencies in the Commonwealth Conference, Darwin, Australia (7 May 2003).

When the original version of this paper was presented in 2003, legal action against Murdoch was not finalized. At that time, MacFarlane was probably not aware of that case or of the proposed legal action. After the trial in 2005, MacFarlane would not have, for reasons of *sub judice* (Latin: under judicial deliberation), commented on the case or the trial, knowing an appeal was probably then being considered. ■

FRONT MATTER

***xii* Inserts, Please Note, Proem, Prologue, Main Characters**

PROLOGUE

Dear Reader,

You are about to read details related to Peter Marco Falconio – a British tourist who disappeared most mysteriously in the Northern Territory, allegedly on 14 July 2001. At that time, I was preoccupied with other responsibilities and my mind could not be redirected to yet one more Brit gone missing in some part of Australia. (Over the years, many have disappeared or become involved in tragic mishaps there. It certainly was not a callous disregard for Falconio or anyone else.) News reports described him as being a missing person, and facts tells us he still is.

Of course I had no way of knowing that over the next few years I would be involved with a case in which the body went missing. In the process of trying to understand that case and to write a book on it (*Corrupt To The Core*), I discovered the literature related to Falconio. What struck me was not that someone was missing, but the fact a man had been imprisoned for 28 years based on dubious evidence which has never been corroborated.

I studied that literature. It gnawed at me and kept me awake at night. Naïve people believe courts work with the truth, the whole truth. But where was Falconio to tell us the truth? Where was his body to speak to us through forensic interpreters? How could another man be convicted and put behind bars based on opinions and purported scientific findings impossible to replicate? How could the claims of cops, with their notorious record of faking evidence and of perjury, be accepted as honest and definitive?

Nowhere could I find any record of efforts having been made to find Falconio outside of Australia. Then it dawned on me why. No official who had anything to do with the case would want Falconio to be found alive – anywhere – as that would destroy the official story of his disappearance. Finding his body might do the same thing. So contrary to what they say, officials in the Northern Territory want Falconio to stay missing forever.

But by finding Falconio – dead or alive – there is a chance for Truth and Justice.

Sincerely,

Keith Allan Noble

Vienna, Austria ■

FRONT MATTER

Inserts, Please Note, Proem, Prologue, Main Characters **xiii**

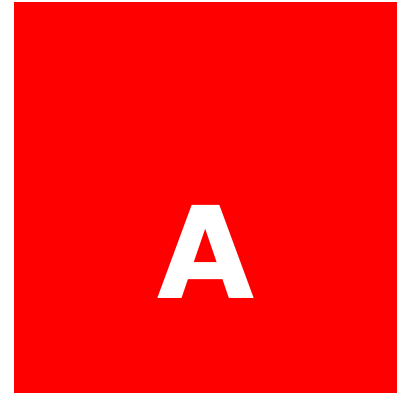
MAIN CHARACTERS

FALCONIO, Peter Marco (born 20 September 1972*; Huddersfield, West Yorkshire, Britain): After completing a construction-related degree at the University of Brighton, he and Joanne Lees embarked on an international trip. Among other nations, it included Australia. Before leaving, it is said Falconio displayed interest in false claims on life insurance policies. After working briefly in Sydney where both used illicit drugs, they set out in a VW Kombi to drive around Australia. On the Stuart Highway north of Barrow Creek in the Northern Territory, it is alleged an incident took place late on the 14 July 2001 during which Falconio vanished. Since then, neither he nor his remains have been located. (* 1 November 1973 also appears on the Internet)

LEES, Joanne Rachael (born 25 September 1973*; Huddersfield, West Yorkshire, Britain): In 1997, she began living with Peter Falconio in Brighton where she worked as a travel agent. After he graduated from university, they set out on an international trip. In Sydney, NSW, she worked briefly at a Dymocks bookshop, engaged in drinking and illegal drug taking, and had a secret sexual relationship. On the night of 14 July 2001, she says she and Falconio were driving on the Stuart Highway in the Northern Territory. She alleges an incident occurred and Falconio vanished. She also claims: she was assaulted, restrained, and abducted; she escaped; she avoided being found by *the man* and his heeler dog; and, she hid in the bush for five-six hours before being picked up by roadtrain drivers. In 2005, she gave evidence at the Darwin trial of the alleged perpetrator (found guilty on several charges). Months later, she returned to Britain where she made large sums of money selling her related stories. (* questioned)

MURDOCH, Bradley John (born 6 October 1958; Northhampton, Western Australia): After completing his high schooling at Perth, he developed mechanical talents learnt from his father. As a teenager, he was convicted of firearm-related offences. In his 20s, he was given a suspended sentence for causing death by dangerous driving. In 1986, his wife (married in 1980) gave birth to their son. Religious interference fuelled a separation and he became a long-distance truck driver. In 1995-6, he was imprisoned (15 months) for discharging a firearm at a group of people in the Kimberley area. No one was injured. Later, he and a New Zealander (James Tahī Hepi) purchased then drove illegal drugs from Sedan (SA) to Broome (WA). A heated falling out with his partner in crime led to concocted criminal charges in South Australia in 2002. Murdoch was found not guilty. He was then arrested for alleged crimes related to British backpackers: Joanne Lees – abduction, assault, restraint; Peter Falconio – murder. In 2005, Murdoch was convicted at a show trial in Darwin. He must serve 28 years in prison then admit guilt before parole is considered. ■

ALICE SPRINGS



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