再審請求趣意書

平成２４年３月２２日

東京高等裁判所　御中

本　籍　大阪市北区堂山町１５番地

住　所　東京都港区元赤坂１丁目７番２２号 [redacted]

[redacted]

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請求人　織原城二

主任弁護人　弘中惇一郎

弁護人　金井清吉

弁護人　猪山雄治

弁護人　桑村竹則

弁護人　鈴木大輔

弁護人　遠藤輝好

東京高等裁判所 第4刑事部 平成24.3.22 受付第　号

上記請求人の確定判決は誤りであり，早急の再審実施を求める。

第２　ルーシー事件

ルーシー事件については以下のとおり確定判決後の証拠及び確定判決の明らかな事実認定の誤りにより，確定判決は破棄され，再審が開始されなければならないことは明白である。

記

１．請求人が逮捕されたのは２０００年１０月１２日であり，翌々日の１０月１４日，警視庁鑑識課員３０数名が２頭の警察犬とともにスコップ，検索棒を使用し，ブルーシー油壺脇の海岸線及び２箇所しかない洞窟を徹底的に捜索したが，一切ルーシーにつながる手がかりはなく，ルーシーの遺体は２０００年１０月１４日以降に埋められたということ。

当時この洞窟をスコップで掘り返し，捜索している姿はマスコミをはじめ多数の人間に目撃されており，それらは大きく報道された事実である（資料－１）。

その事実は，平成１３年３月２９日付洞窟捜査検証調書（甲）（資料－２）３１９丁　２現場の模様（１）現場周囲の状況（４行～８行）

「現場洞穴は高さ約２０ｍの切り立った崖の岩層が幾重にもある岸壁の下に，開口部が北向きにできた三角形の穴で，洞穴の西側岸壁が東側岸壁よりも北方（海岸側）に突き出ている。」と記されているとおりであり，この洞窟が２０００年１０月１４日，警視庁鑑識課員達によってスコップで掘り返され，徹底的に捜索された洞窟であり，それは読売新聞２０００年１０月１４日（土曜）夕刊１５面に記載されてており，

「捜索現場はプライベートビーチのような入り江になっており，約十五メートルほどの切り立ったがけに囲まれている。海岸線から約二十メートル入ったがけには１－２メートルの口を開けた小さな洞くつがあり，そこにも捜査員数人がスコップや棒を手に入って，捜索を行っていた。」

と翌年遺体が発見された洞窟が徹底的に捜索された事実は報道されているとおりである。

当時ルーシーの手がかりとなる情報に対し，１０万ポンド（当時のレートで約１６００万円）もの懸賞金がかけられ，その後すぐ５０万ポンド（当時のレートで約８０００万円）に引き上げられた（資料－３）。

そのため懸賞金目当てにルーシー発見の手がかりを探す者が続出し，その中の一人池田正人が請求人逮捕後の２０００年１０月末，当洞窟を掘り返した際にもルーシーの遺体はもちろんこと，何一つ手がかりはなかった（資料－４(1)(2)(3)）。

確定判決後の新証拠である資料－４(1)(2)(3)によってもルーシーの遺体が請求人逮捕後の２０００年１０月１２日以降第三者によって埋められたことは明らかであ

り，確定判決は破棄され，再審を開始しなければならない。

確定判決は，

「本件洞窟内からはセメント様の塊が発見されたものの，死体の発見には至らなかったことが認められる。しかし，その時は，土を掘り返すような捜索までは行われていないことが認められるから（当審弁８）」などとしているが（第二審判決書４５頁２２行～２４行），弁８号のセメント塊が発見された洞窟というのはルーシーの遺体が発見された場所とは全く異なる場所であり，大小の岩や石塊が多数散在し，遺体を埋めることなどはできない場所なのである。

さらにその場所は，遊歩道や外から丸見えの場所であって遺体を隠すことが可能な場所ではない（資料－５　平成２２年　第１３０号　事実実験公正証書）。

ルーシーの遺体が発見された洞窟とセメント塊が発見された場所を同じ場所としていることを見ても，如何に確定判決が誤って認定しているかは明らかである。

遺体とともに埋められてあったテントポール袋は請求人が２０００年７月４日購入したものではない。請求人が請求人所有別荘地伊豆エメラルドタウンでキャンプをして愛犬の墓作りをする為Ｌ．Ｌ．ビーンテント一式を購入していた事などは，ルーシーを委ねたなんでも屋が知っていた事は，請求人が第一審時に供述している通りである。裁判所がこの何でも屋については請求人がルーシーの公判が始まる迄述べなかった事は（それまではカリタ事件を行っていた）不自然であるとして採用しなかったが，ルーシー事件の被告人質問の時に詳しく述べよという当時の弁護人の方針に従ったためである。

請求人が購入したものは緑色であるが，ルーシーの遺体とともに意図的に埋められてあったものは青色であった。そのため，検察官はカタログの緑色を青色にコピー操作によって変えたものを裁判所に提出し，請求人が購入したものと認定させた（資料－６(1)～(14)）。

検察官が行ったこの行為も再審事由である。

すなわち刑事訴訟法第４３５条の偽造証拠物であり，３年以上経過し時効により確定判決を得ることはできないため，刑事訴訟法４３７条の適用を受けるものである。

２．第一審時，ルーシー事件は無罪であったが，その理由として真夏シーズン中，１２６６戸もの居室を有する人気リゾート地逗子マリーナにおいて，３階の室内から駐車場までの間，死亡したとされるルーシー・ブラックマンを運ぶ間居住者や警備員等にも一切目撃されておらず，そして身長１７５ｃｍ以上，体重７０ｋｇ以上もの死後硬直中のルーシーを運ぶことについて，合理的疑いを生ずるということが大きな理由であった（一審判決書１２５頁２２行～２６行）。

その為二審時に検察官はルーシーに見立てたマネキンを使用した実験報告書を提

出し，その実験報告書に記載されているように行えば，逗子マリーナ３階にあった請求人の居室から駐車場まで夏季シーズン中日曜日（２０００年７月２日）の深夜誰にも見られずに死後硬直中の大きなルーシーを一人でも短時間で運ぶことが可能であるとしており，７０ｋｇ以上であったルーシーの遺体に似せて使用したマネキン人形は６５ｋｇであるとし，二審の裁判所はその実験報告書を認定し，請求人は一部有罪となってしまった。

確定判決は，検察官が提出したマネキン実験報告書より，「損壊前のルーシーの死体を包み隠し，台車等を使用するなどして運び出すことがそれほど難しいことであったとは思われない。」（第二審判決書４４頁４行～５行）

「仮に死体損壊場所がブルーシー油壺居室であるとしても，管理人夫婦に目撃されることなくルーシーの死体を搬入することがそれほど難しいものとは思われない。」（第二審判決書４４頁２０行～２２行）とした。

しかし，第二審判決後，弁護人は日本マネキン協会の各マネキンメーカーに検察官が提出した実験報告書に使用したマネキンの重量を問いただしたところ，約５ｋｇであることが判明し，検察官が提出し，確定判決の証拠が偽造証拠であったことが明らかとなった。

本件も刑事訴訟法第４３５条にあたり，３年以上経過しているため，時効により確定判決を得ることはできないため，刑事訴訟法第４３７条の適用を受け，再審事由となるものである。

以上，本事件は再審されなければならないことは明らかであり，さらに以下のことを付言する。

確定判決のように証拠全体を見ずに一部のみを捉えた場合，容易に有罪は作られてしまうということである。

「この冷凍庫を使用してルーシーの死体を冷凍し，死臭の発生を抑えることも可能であること」（第二審判決書４３頁１２行～１３行）
としているが，もしもそのようなことをすれば，冷凍固化した巨大なルーシーをベンツスポーツカーのトランクに入れることなどは不可能であることを無視し，
「逗子マリーナにはエレベーターも設置されているのであるから」（第二審判決書４３頁２４行～４４頁１行）
とし，エレベーター入口前に録画されている監視カメラが設置されている事実を無視しているのである。請求人は，監視カメラがエレベーター前に設置されている事は当然知っている訳であり，もしも請求人が犯人であるのなら，監視カメラに写し出されるエレベーターを使用する訳はなく，さらにエレベーター横の階段を使用しても１階出口で監視カメラに写し出されてしまい，監視カメラを避ける為外部階段を使うしかないが，２０００年７月２日は夏季シーズン最初の日曜日であり，１７

５ｃｍ以上，７０ｋｇ以上の大きな死後硬直中のルーシーの遺体を請求人が室内から長い通路を持ち運び，外部階段を使って１階迄持って行き，車道に駐車してあるベンツスポーツカーのトランクに収めようとする姿を一切目撃されない事等はあり得ない事である。

そして，

・ 請求人の愛犬の命日が７月６日であったということ。
・ 愛犬が最も好んでいた伊豆エメラルドタウンの請求人の所有地で愛犬の墓を愛犬の命日に作る予定であって，その所有地には約３０本の木が茂り，木を切る必要があったということ。
・ 請求人の田園調布宅に約４０数本の樹木が茂り，請求人は１年に数回チェーンソー等の機器を使用し，伐採していたということ。
・ 事件の１年前の１９９９年７月５日の週にも，２０００年と同じマキタ製のチェーンソー（新発売のものでマキタ製最小の６８０ワットのものであったが，誤って６６０ワットを注文したもの）を注文していたこと（資料－７）。
・ ２０００年，銀行に提出するため土地家屋調査士上田正行に田園調布宅の鑑定書を２０００年夏に作成する際に自宅の写真を撮影するため塀の剥がれたタイルを両面テープや接着剤で貼っていったが広範囲のため，急結剤を使用し，セメントで貼るため，剥がれていた範囲の約５㎡に貼る量を購入していたということ。

等々である。

本件は検察官が二審時に提出した偽造証拠によって一部有罪となってしまったが，証人に対しても検察官は請求人を有罪にするため偽りの事実を吹聴し，偽りの供述をさせ続けた。

それは，押収などされていない岩佐商会で売っているステンレス製のクワを原田警官に「被告人の部屋にあり，そして部屋から押収された」などと虚偽事実を取調の際，原田警官に言っていることからも明らかである（原田警官法廷供述書　第一審第２６回公判５９頁２２行～６０頁２行）。そのため，原田は部屋の中にクワが置いてあったという供述になったのである。

管理人安部文子と内縁の夫広川徹夫が供述した
請求人が隣の４０２号室を鍵屋に空けさせ４０２号室に入ったとか，
鍵屋は２回来たとか，
ベンツスポーツカーの中は天井までシーツに覆われていたとか，
（上記は広川供述）
７月６日の夜４０１号室室内にはシーツで覆い隠されている物があったとか，
７月６日の夜入室した際左官屋が使うクワを持って請求人がドアを開けた，
（上記は安部供述）
などの出鱈目は多数ある。

安部は７月６日に請求人がドアを開けた際，警官の後ろから請求人を見たというが，警官は請求人がクワを持って出てきたというような供述はない。

もしも安部の言うように，クワを持って出てきたというのならば，原田を含む４人の警察官にもその姿は脳裏に焼き付いているはずであるが，そのような者は誰一人いない。

安部及び内縁の夫広川の出鱈目に関し，裁判所も安部については

「不自然さが拭えず，かかる供述を信用することはできない。」

（第一審判決書９６頁２５行）

広川については

「その供述は全体としてにわかに信用できない。」

（第一審判決書９７頁１２行～１３行）

としている通りであり，出鱈目以外の何物でもない。

そもそも，本事件について検察官の主張が崩壊していることは二審裁判官は認めているのである。

すなわち，検察官はルーシーはクロロホルムで死亡したと主張したが，体内から検出されず，認定もされず，さらに二審は

「もとより，フルニトラゼパムの作用により死亡したとも認め難い。」（第二審判決書５１頁１０行～１１行）

検察官はフルニトラゼパム及びクロロホルムによってルーシーは死亡したと主張したのであり，二審はクロロホルムを認定せず，そしてフルニトラゼパムによっても死亡は認められないとしているわけであり，それならば，ルーシーが逗子マリーナの請求人の部屋で死亡したなどとすることはできないのである。

確定判決は，ルーシーが請求人の逗子マリーナの部屋で死亡したとして，多数の請求人の無実証拠を無視し，一部有罪としたが，そもそもルーシーが請求人の逗子マリーナの部屋で死亡する理由がないことは，上記のとおり，二審判決書にも記載されているのである。

さらに，確定判決は，

「フルニトラゼパムの摂取によりルーシーが他事件の場合と同様に被告人の思惑どおりに意識喪失状態となったとまでは認定することができない」（第二審判決書５５頁７行～９行）

としているわけであり，請求人がそもそもそのような思惑などなかったということでもあり，準強姦未遂とした確定判決は成り立たないのである。

又，本事件において，意識喪失状態にもならず，死ぬこと等もあり得ないのである。

請求人は当時６月１０日に発生した自動車事故により，上半身全治２か月の傷害を負っていたのである。

そして，ルーシーの体内から検出されたフルニトラゼパムの代謝物７－アミノフ

ルニトラゼパムも以下の通り偽造されたものであるということが考えられる。

ルーシーの遺体は世界最先端の薬物検査機関である米国クエスト・ダイアグノーシス社（資料－８）によって検査され，ガスクロマト分析を行い，フルニトラゼパムの代謝物等は検出されなかった。

そのため，その後科捜研にてフルニトラゼパムと構造が似たジアゼパム等多数の物質を加え，溶解したり沸騰させたりした結果，７－アミノフルニトラゼパムを検出したとし，ルーシーが摂取した量は１錠から２錠に相当する量であるとした。

しかし，これは偽造したものと考えられ，もしもフルニトラゼパムが代謝された場合，７－アミノフルニトラゼパム，３－ヒドロキシフルニトラゼパム，Ｎ－デスメチルフルニトラゼパムの３種の代謝物が検出されなければならないのである（資料－９　臨床薬理 9 巻 3 号 251－2651978）（信州大学医学部付属病院臨床試験センター）。

確定判決は，ルーシーが「今度，新しい客とデートをするの」（第二審判決書２５頁４行）とルーシー自ら請求人とデートすることを望んでいたことを認定しており，わいせつ目的誘拐とした点も誤りである。

請求人が逮捕された 2000 年 10 月 12 日の直後の 10 月 14 日に行われた油壺の洞窟の大捜索に関し，以下のことを付言する。

法廷で鑑識係林俊則警部が証言したとおり，洞窟は２ヶ所しかなく，翌年腐敗したルーシーの遺体が出てきた洞窟が最も隠すのに適した場所であることも次の通り林警部が法廷で明確に証言している。

「私，個人的な考えとしては，やはり本件の場所が一番の場所ではないかと思いますが。」（第一審３０回公判１１頁７行～８行）

30 名を超える警視庁鑑識課員が２頭の警察犬とともにスコップ，検索棒で掘り返し，徹底的に捜索を行った結果ルーシーに繋がる手掛かりは一切無かったわけであり，2000 年 10 月 14 日の時点において当該洞窟にルーシーの遺体等は決して無かったことは明らかである。

捜査側は請求人の事件において数多くの虚偽事実，虚偽情報をマスコミに流し続け，この件に関しても，犬が風邪をひいて鼻が利かなかったとか，請求人に秘密の暴露をさせるため，遺体を発見したが，放置した等との取るに足らない出鱈目を流し続けた。

警察犬は訓練士によって体調は管理されており，調子の悪い状態での出動はあり得ないし，検察官の主張によると，真夏の 7 月初旬に埋められているということより真夏 3 ヶ月以上も埋められて腐敗し，その腐敗臭はすさまじく，胴体は裸で粗い砂の下約 30cm に浅く埋められていたわけであり，警察犬がそのすさまじい死臭の臭いを察知しなかった等，社会通念上決してあり得ないことである。土と比べ固まることもなく，通気性に富んだ砂であり，当該洞窟のような小さな洞窟の内部に死

臭が漂い，警察犬でなくても人間の鼻でさえその異臭は察知できるものである。

秘密の暴露に関しては，盗んだ貴金属や犯行に使用した道具等と違って本事件の性質上，発見後，直ちにＤＮＡ検査等を行わなければならないものであり，放置しＤＮＡの劣化を進行させるということなど決してあり得ないということは言うまでも無い。

前記の通り，ブルーシー油壺の安部と内縁の夫広川は，警視庁捜査員に多数の出鱈目を言い，警視庁はそれらをマスコミに流し続けた。請求人逮捕時の報道を見ると，

・ 請求人が鍵屋を呼んでブルーシー油壺の請求人の隣の室を開けさせ入室していた。
・ 両手がセメントだらけだった。
・ 深夜請求人がスコップを持って海岸を歩いていた。
・ 請求人の室の玄関にスコップが置かれてあった。

等の安部，広川の出鱈目の為，（資料－１０）警視庁は３０名を超える警視庁鑑識課員を出動させ，マンションブルーシー油壺付近の海岸を徹底的に捜索した。当該洞窟は砂地であり，底迄の深さは浅く（資料６－（２）５４２３丁），そしてルーシーの胴体部分は砂地表面から裸の状態で，深さ３２ｃｍ（資料６－（１）５４０２丁１９行），他の遺体部分が入れられてあった樹脂袋はそれぞれ砂地表面から深さ４４ｃｍ（５４０４丁5行），３９ｃｍ（５４０５丁8行），５２ｃｍ（５４０８丁8行）と極めて浅く埋められており，翌年ルーシーの遺体が埋めてあった当該洞窟を請求人逮捕直後の２０００年１０月１４日に３０名を超える警視庁鑑識課捜査員がスコップで徹底的に底迄掘り返し，捜索したことは言う迄もない。

請求人が逮捕された直後の２０００年１０月１４日に行われた油壺の洞窟の大捜索時にルーシーの遺体等は存在しなかったことは明らかである。

本事件の再審は至急開始されなければならず，それに準じ以下の鑑定実施及び証拠の開示命令を求める。

１．一審時に行うことが決定されたが，その後，中止となっている警視庁に保存されているカリタ・リジウェイの肝臓組織標本の肝炎ウィルス検査実施
２．2000 年 10 月 14 日　油壺洞窟捜索報告書
３．2000 年 7 月 3 日　請求人が運転していた 品川 34 ひ 30-51 ベンツスポーツカーのＮシステムを含む行動時系列（Ｎシステム設置場所については○区○町で良い）
４．2000 年 7 月 20 日（7 月 18 日の消印）麻布警察署長宛に送付されたルーシーのサイン入り手紙のＤＮＡ及び指紋検出報告書

上記の鑑定実施命令及び証拠開示命令を至急発動されるよう求める。

請求人の本件事件において，捜査側は異常と言える程多数の証拠改竄，湮滅，偽造を行っているが，これは今に始まったものではなく，遙か以前より行われて来たものである。（資料－Ａ　元裁判長 矢野伊吉 著「財田川暗黒裁判」））

捜査側が行うこれらの行為は無実の者を有罪に陥れる違法行為であり，裁判所はこれらの行為を見逃してはならないのは勿論のこと，罰すべきことなのである。

検察官は請求人の無実証拠を開示しなければならない（資料－Ｂ　検察官倫理を考える　国際的な倫理規定の動向とわが国の現状）。

請求人の本事件については足利事件同様，上記検査及び証拠が開示されれば請求人の無実が証明される。

よって上記証拠の検査及び開示命令を直ちに出されるように求める。

前記の通り，カリタの肝臓標本の検査に準じ，保全のため，現在警視庁に保存されているカリタ・リジウェイの肝臓標本とプレパラート標本に関し，至急裁判所への移動命令を出されるよう求める。

以　上

第２　ルーシー事件

再審請求に関し，至急裁判所に，下記の証拠につき開示命令を出していただくよう求める。

１．２０００年１０月１４日　　油壺洞窟捜索報告書

２．２０００年　７月　３日　　請求人が運転していたベンツスポーツカー品川３４ひ３０－５１のＮシステムを含む行動時系列

３．２０００年　７月１８日　　麻布警察署長宛に送付された２０００年７月１８日付消印のルーシーのサイン入り手紙のＤＮＡ及び指紋検出報告書

（開示を求める理由）

１．　第一審時，ルーシー事件は無罪であったが，その理由として真夏シーズン中１２６６戸もの居室を有する人気リゾート地逗子マリーナにおいて，３階の室内から駐車場までの間，死亡したとされるルーシー・ブラックマンを運ぶ間居住者や警備員等誰にも一切目撃されておらず，そして身長１７５ｃｍ以上，体重７０ｋｇ以上もの死後硬直中のルーシーを運ぶことについて，合理的疑いを生ずるということが大きな理由であった（一審判決書１２５頁２２行～２６行）。

これは油壺のマンション「ブルーシー油壺」においても同様であった（一審判決書１２５頁２７行～１２６頁１１行）。

その為，二審時に検察官は小学校低学年女子でも軽々と持ち上げることのできるウレタン製５ｋｇのマネキン人形を６５ｋｇと偽り，それを使用した警視庁警察官の作成の偽造実験報告書を裁判所に提出し，認定させ，有罪に導いた。

２．　第二審弁護人は，請求人が逮捕された２０００年１０月１２日の２日後の１０月１４日に洞窟は徹底的に捜索されて遺体など無かったことが明らかであることより（資料－１（１）～（１１）　２０００年１０月１４日読売新聞夕刊，１０月１５日サンケイスポーツ，ヨミウリ写真館）。

当時審理の迅速化が促進されていた年であったため（２００８年），当時本事件の主任弁護人小林充及び副主任岡田良雄両弁護人とも元高等裁判所長官であったことより裁判所に協力し，法廷に実況見分実行者及び作成者を１名ずつ出廷させ法廷で尋問を行った場合，審理が長期化するため前記２０００年１０月１４日の大捜索時に遺体などは無かったことより検察官が提出した実

況見分報告書を同意しても裁判所がそれを採用することなどあり得ないとして同意したものである。

しかし，二審弁護人が同意したのは，

・検察官が提出した実況見分報告書で使用されたウレタン製マネキンを使えば同実況見分報告書のようになるということを同意したものであり，

・生きている鈴木利明警部補が冷凍庫の中に入って自由に手足を曲げて胡座を組めばそのようになるということを同意したものであって，

実験報告書に使用されているウレタン製マネキンと全く重量や大きさが違い，死後硬直中のルーシーの遺体がそのようになるということを同意したものではない。

それは二審弁護人控訴趣意書及び弁論で明確に述べているとおりである。

検察官が提出した実況見分報告書の写真でも明らかなとおり，肩に楽に担げるくらい軽いマネキン人形の場合ではなく（資料－１１）１７５ｃｍ以上，７０ｋｇ以上もの大きなルーシーの死後硬直中の遺体をもしも夏季シーズン中日曜日の深夜３階の部屋より駐車場まで運び，ベンツスポーツカーの小さなトランクに積めるようにするというのであれば相当に時間を要するわけであって，その間誰にも見られなかったということなどは考えられず，社会通念上経験則に反するものである。

検察官が提出した実況見分報告書は小学生低学年の女子生徒でも持ち上げることが出来る（資料－１２）僅か５ｋｇのウレタン製マネキンを６５ｋｇと偽って使用し，作成した偽造報告書であり，ベンツスポーツカーのトランクや冷凍庫からはルミノール反応及びルーシーに由来するＤＮＡ，髪の毛，指紋など一切検出されておらず，これらの偽造実験報告書などは証拠から排除されると同時に再審事由となるものである。

３．２０００年１０月１２日，当時ルーシー失踪事件の被疑者として請求人が逮捕された。

そして，三浦半島にあるリゾートマンション「ブルーシー油壺」の管理人安部文子と内縁の夫広川徹夫が請求人が深夜スコップを持って海岸線を歩いていた等の偽りを述べた為（資料－１０），逮捕２日後の１０月１４日，警視庁鑑識課員３０数名が２頭の警察犬と共にスコップ，検索棒を使用し，ブルーシー油壺脇の海岸線及び海岸線先にある２か所の洞窟を掘り返し，徹底的に捜索したが手掛かりは一切無く，勿論遺体等無かったことは当時大きく報道された事実である。

４か月後の２００１年２月９日，大捜索を行ったその洞窟からルーシーの遺体胴体が僅か約３０ｃｍの粗い砂の下に裸の状態で埋められており，他身体部分も袋に分けて埋められているのが発見されたが，前年１０月１４日の大捜索時には存在せず，その後第三者が埋めたことは明白である（資料－２　平成１３年３月２９日洞窟捜査報告書）。

検察官は，警視庁警察官が２０００年１０月１４日行った洞窟捜索報告書を隠蔽し続け，無実の者を有罪に陥れてしまっている。

４．ルーシー・ブラックマンは２０００年７月１日逗子マリーナに行き，７か月以上も経った２００１年２月９日油壺の洞窟で発見された。

近年，事件の解明及び被疑者の動向を調べ，明らかにさせる為に携帯電話の発信，受信記録及び発信基地，そして車両の走行がコンピューターに記録されるＮシステム記録が常時調べられ，事件解明に多大な働きをしていることは周知の事実である（資料－１３　２０１０年最高裁第三小法廷判決）。

第一審時に検察官はルーシー事件を請求人の犯行としたが，何時，どのようにして逗子マリーナからルーシーを油壺まで運んだのかということについて全く主張することは出来なかった。

その理由はＮシステム記録により，請求人が運転する車の動きを把握している為逗子マリーナで死亡したとしたルーシーを油壺まで運ぶということ等あり得ないことを科学的に知り得ていたことによる。

しかし第一審でルーシー事件が無罪となった為，Ｎシステムで記録されている事実を無視し，以下の虚偽事実を述べ，裁判所に認定させてしまった。

ルーシーは２０００年７月１日に逗子マリーナに居た訳であるが，２０００年７月１日以降請求人は逗子から油壺へ車を運転したことは無く，もしもルーシーが逗子マリーナで死亡したとするのであれば，ルーシーを運ぶ為に車が必要であることは言うまでも無い。請求人は２０００年７月２日の昼過ぎ用事のため東京に行き，その後７月２日深夜１１時３０分ころ逗子に戻り，７月３日午前２時３０分から３時の間に逗子マリーナを出，当時住居であった東京都港区元赤坂１丁目の元赤坂タワーズに帰るのであるが，二審時に検察官は請求人が逗子マリーナを出る際検察官が死亡したと主張するルーシーの死後硬直中の遺体を請求人が運転していたスポーツカーベンツ５００ＳＬのトランクに入れ，そして当時真夏であることより遺体の腐敗と体内ガスによる巨大化を防ぐ為，田園調布宅にあった冷凍庫に入れて冷凍保存したとした。

請求人は当時不動産仲介業者の三井のリハウスにブルーシー油壺４０１号室の売却を依頼していたが，浴室のタイルとセメントが剥がれ落ち，爆裂状態であることを知らされ，７月５日状況を見に行った後（資料－１４），愛犬の命日である７月６日（資料－１５）に愛犬が最も好んでいた請求人所有別荘地伊豆エメラルドタウンへ行って愛犬の墓を作る予定であったが，検察官はその際，ルーシーの冷凍された遺体を冷凍庫から取り出し，再度請求人が運転するベンツスポーツカーのトランクの中に入れ，油壺のマンションへ運んだと主張した。

ルーシーの体格は身長１７５ｃｍ以上，体重７０ｋｇ以上の当時の写真からも

太り気味であったことは明らかである。前記のとおり誰にも目撃されずにそのような大きな体を持ち上げて真夏シーズン中の逗子マリーナに駐車している小さなベンツスポーツカーのトランクに入れたりすることは実際にはできるものではなく，しかも検察官の主張では７月２日の深夜，ルーシーは死後硬直中である。田園調布宅にあった冷凍庫は内寸天井ダクトと床台を引けば高さ１２０数ｃｍ，幅４９ｃｍで中央にステンレス製の幅７．６ｃｍの横棒が固定されており（資料－１６），ルーシーのような大きな遺体を入れること等は到底出来ず，さらに冷凍されたとするのであれば，その冷凍固化した巨大な塊をベンツスポーツカーのトランクに入れ，納めること等不可能というものであり，社会通念よりかけ離れた暴論といえる

その証にベンツスポーツカーのトランク内及び田園調布宅冷凍庫内からは，ルーシーに由来するＤＮＡ，同女の毛髪，指紋，そしてルミノール反応等一切検出されてはいない。

もしもルーシーの遺体を田園調布宅の冷凍庫に入れようとするのであれば大変な労力と長時間費やすわけであり，２０００年７月３日午前２時３０分より３時の間に逗子マリーナを出発し，東京都港区元赤坂１丁目元赤坂タワーズに帰宅するまでの請求人が運転していたベンツスポーツカーのＮシステムのコンピューター記録を見れば，請求人の無実が証明される。

請求人は逗子マリーナを出発し，当時住いであった元赤坂タワーズへ直行しており，運転していたベンツスポーツカーのトランクにはルーシーの遺体等存在せず，田園調布宅にあったルーシーよりも遥かに小さな冷凍庫にルーシーの遺体を入れること等も行ってはいない。

前記のとおり，請求人は２０００年７月１日以降逗子マリーナから油壺へ行ったことは無く，逗子マリーナに行ったルーシーを同人が油壺に運べるという可能性は他に全く無い為，検察官は２０００年７月３日のＮシステム記録による事実を知り得ているのにも関わらず，事実に反した虚偽事実の主張を行い，裁判所に認定させた。

そのため無実を証明する為に，平成２１年４月９日，本事件弁護人若松光晴（現東京地裁立川支部裁判官）が検察官に対して２０００年７月１日～３日の請求人行動時系列の開示を求めたが，開示されていない（資料－１７）。

検察官は２０００年７月４日，５日，６日のＮシステムを含む請求人の行動時系列を開示しているのであり，７月３日の行動時系列が開示されれば二審時に検察官が虚偽の主張を行い，それを裁判所は認定した為に，ルーシー事件は一部有罪となってしまったが，それは明らかな誤りであったことが判明し，請求人がルーシーを逗子から油壺へ移動させた事実は無く，一審と同様ルーシー事件は無罪の証明が出来るのである。

Ｎシステムの設置場所は定期的に変えられており，１０年以上も前の設置場所を明らかにしても，捜査上の支障となることは無く，そして番地はマスクし，○区○町のみ開示すれば支障とならないのにも関わらず，開示しない理由は開示すれば請求人の無実が証明され，そして検察官はその事実を知っているのにも関わらず，二審時に虚偽事実の主張を行ったことが明らかになってしまう為である。

５．ルーシー失踪後麻布警察署長宛に送付された２０００年７月２０日（７月１８日付け消印）の手紙に関し，請求人は関与していない。

一審時検察官は７月１８日付け消印の手紙から指紋及びＤＮＡが検出されたことを弁護人に伝えた為，弁護人は同手紙のＤＮＡ及び指紋検出報告書の開示を求めたが，開示されていない。

もしもそれらが請求人に由来するものであるのなら，当然検察官はその指紋及びＤＮＡ検出結果を証拠請求している訳であってその検出結果は請求人以外の，第三者であることは明らかであり，これは無実を証明する証拠である。

本件についても本事件弁護人若松晴彦（現東京地裁立川支部裁判官）が平成２１年４月９日開示を求めたが開示されていない。

以上一審無罪であったルーシー事件は検察官が裁判所に提出した多数の偽造実験報告書や隠蔽等により，二審時に一部有罪となってしまったが，請求人の無実を証明する為に裁判所に開示命令を求めるものである。すなわち，

１の２０００年１０月１４日の油壺洞窟捜索報告書が開示されればこの時点でルーシーの遺体等は存在しなかったことが明らかとなって，この日以降に第三者が洞窟にルーシーの遺体を胴体裸の状態にして埋めたことが判明し，請求人の無実が証明できる。

２の２０００年７月３日，請求人が運転していたベンツスポーツカー品川３４ひ３０－５１のＮシステムを含む行動時系列が開示されることによって二審時に検察官が，請求人が逗子マリーナ出発後，田園調布宅に行き，外部駐車場に置いてあった天井ダクトと床台を引けば内寸高さ１２０数ｃｍ，幅４９ｃｍ，中央に幅７．６ｃｍのステンレス製の固定された横棒がある，ルーシーより遥かに小さな冷凍庫の中に，請求人がベンツスポーツカーのトランクの中に入れたとした死後硬直中のルーシーの死体を取り出して，その死体を冷凍庫の中に入れた等とし，裁判所がそれを認定をしてしまったことが誤りであったことが証明できる。

なお，前記のとおりＮシステムの開示にあたってＮシステム機器の設置場所を伏せる必要があるのなら○区○町（例：港区赤坂）でよい。

３の２０００年７月１９日警視庁に送付されたルーシーのサイン入り手紙のＤＮＡ及び指紋検出報告書が開示されれば請求人以外の第三者による犯行が証明される。

（再審請求書）

（ルーシー事件）

1．(1) 2000 年 10 月 14 日（土曜）読売新聞夕刊記事

(2) 2000 年 10 月 15 日（日曜）サンケイスポーツ記事

(3)(4)(5)(6)(7)

2000 年 10 月 14 日油壺海岸洞窟捜索中の写真

(8)(9)(10)(11)

油壺洞窟遺体発見後の写真

2．平成 13 年 3 月 29 日付洞窟捜査検証調書（甲）

3．ルーシーの手がかりとなる情報にかけられた懸賞金の報道

2000 年 8 月 22 日 10 万ポンド（1600 万円）2001 年 3 月 22 日付週刊文春記事

2000 年 9 月 23 日 50 万ポンド（8000 万円）2000 年 9 月 23 日付ジャパン・タイムズ記事

4．池田正人公正証書

(1)平成 21 年 7 月 9 日付平成 21 年登簿第 0657 号

(2)平成 22 年 3 月 4 日付平成 22 年登簿第 0245 号

(3)平成 23 年 2 月 28 日付平成 23 年登簿第 0219 号

5．平成 22 年第 130 号 事実実験公正証書

6．(1)ルーシーの遺体と共に発見された請求人が購入した緑色とは違う濃い青色のテントが発見された平成 13 年 3 月 23 日付警視庁刑事部鑑識課作成実況見分調書

遺体と共に埋められてあったテントナイロン袋は青色である事が 5407 丁 20 行～21 行，5408 丁 15 行，5409 丁 1 行 に明確に記載されている。

(2)ルーシーの遺体が埋められてあった洞窟の平面図及び断面図 5423 丁

テントナイロン袋が青色である事が平面図，断面図共に明記されている。

(3)洞窟に遺体と共に埋められてあった濃い青色のテントナイロン袋

5471 丁

(4) 写真－1 捜査側が購入した遺体と共に埋められてあったテントナイロンポール袋と同じもの。色は濃い青色であるにもかかわらず，偽って緑色と表示されており，その理由は請求人が購入したものが緑色の為である。

写真－2 洞窟にルーシーの遺体と共に埋められてあった濃い青色のテントナイロン袋

1322 丁

(5)捜査側が購入した遺体と共に埋められてあった濃い青色テント同型のもの一式。請求人が購入したテントが緑色であった為，濃い青色であるのにもか

かわらず，偽って緑色と記載している平成１３年３月２５日付写真撮影報告書。作成者 警視庁捜査一課派遣巡査 武田義行

1374 丁～1387 丁

(6)ルーシーの遺体と共に埋められてあったテントの色は，請求人が購入した緑色ではなく，濃い青色のストーンブルー色であることが表示されている L.L.ビーン社のカタログ

(7)請求人が購入したものは緑色であったが，ルーシーの遺体と共に埋められてあったものは青色であった為，捜査側がコピー操作を行い，カタログの色を緑色から青色に変えて裁判所に提出し，証拠化した L.L.ビーン社のカタログ

1321 丁

(8)弁護人が L.L.ビーン社より入手した L.L.ビーン社オリジナルテントカタログ

(9)請求人が 2000 年 7 月 4 日 L.L.ビーン新宿店で購入した２人用グリーン色ドームテントと同型のテント

(10)検察官が裁判所に提出した甲 327 号証平成１３年３月２６日付Ｌ．Ｌ．ビーン新宿店店長本間晃供述調書　　1317 丁～1324 丁

(11)平成 18 年 11 月 29 日付告発状

平成１８年時においては未だ捜査側がコピー操作を行ってカタログの緑色を青色に変色していた事が判明していなかった為，この時点では虚偽公文書作成について告発したものである。

(12)告発状に対する東京地検特捜部の回答

平成 18 年 12 月 1 日付東京地検特捜部第 1107 号

東京地検特捜部はテントの緑色と青色の違いを認め，その責任を供述者本間晃に押しつけると共に，被告発人が「冒陳作成検事のみなのか，裁判所に提出した検事との共謀なのか判然とせず」などとした。

(13)L.L.ビーン社カタログの色を捜査側がコピー操作を行い，緑色から青色に変色したことを立証する平成 22 年第 116 号カラーコピー印刷に関する事実実験公正証書

(14)請求人が 2000 年 7 月 6 日請求人の別荘伊豆エメラルドタウンで愛犬の墓を作る際，キャンプをする為 7 月 4 日購入したものと同一の L.L.ビーンの緑色テントと，意図的にルーシーの遺体と共に埋められてあった青色の L.L.ビーンテント

7．検察官が開示した請求人の 1999 年 7 月 5 日の手帳　１８２６丁

8．米国クエスト・ダイアグノーシス社資料

9．医学事実　臨床薬理　9 巻 3 号　251－265　1978，信州大学医学部付属病院臨床試験センター

１０．ブルーシー油壺の管理人安部文子とその内縁の夫広川徹夫が警察やマスコミに，請求人が深夜スコップを持って歩いていたなどと出鱈目を言った為，請求

人が逮捕された２日後の平成１２年１０月１４日に翌年ルーシー・ブラックマンの遺体が発見された油壺の海岸の洞窟を 30 名を超す警視庁鑑識課員が 2 頭の警察犬と共にスコップ，検索棒で掘り返し，徹底的に捜索した際に大きく報道された 2000 年 10 月 15 日付新聞報道記事

Ａ　元裁判長 矢野伊吉 著　「財田川暗黒裁判」

Ｂ　検察倫理を考える

国際的な倫理規定の動向とわが国の現状

（職権発動請求書）

（ルーシー事件）

１１．(1) 平成 19 年 6 月 6 日警視庁マネキン搬出実験捜査報告書

(2) 平成 19 年 8 月 3 日警視庁マネキン搬送実験結果報告書

１２．(1) 警視庁がマネキン実験報告書で 65kg と偽って使用したウレタン製 5kg のマネキン

(2) 身長 170cm，体重 70kg のシリコン製マネキン使用時の事実実験公正証書平成 21 年第 408 号

１３．平成 22 年 4 月 27 日付け最高裁第三小法廷破棄差戻し判決Ｎシステム記載頁

１４．検察官が開示した請求人の２０００年７月５日の手帳

１５．検察官が開示した請求人の１９９４年７月６日の手帳及び１９９４年７月６日事故で死亡した請求人の愛犬アイリーンの事故後の写真

１６．田園調布駐車場図面・タイル積駐車場の写真・請求人宅にあった冷凍庫の実質内部スペース

１７．21 年 4 月 9 日付け弁護人若松光晴の証拠開示請求書

Document of intent for requesting retrial (excerpt)

March 22, 2012

To Tokyo High Court

Permanent address: 15 Doyama-cho, Kita-ku, Osaka, Japan

Address: 1-7-22, Motoakasaka, Minato-ku, Tokyo, Japan

Claimant	Jyoji Obara
Chief Defense Attorney	Junichiro Hironaka
Defense Attorney	Seikichi Kanai
Defense Attorney	Takeharu Inoyama
Defense Attorney	Takenori Kuwamura
Defense Attorney	Daisuke Suzuki
Defense Attorney	Teruyoshi Endo

The final appellate court judgment of the above claimant is erroneous, and we request an immediate retrial.

Ⅱ Lucy Case

Regarding the Lucy case, as described below, it is clear that the final judgment of appeal court must be overturned and a retrial must be started due to the evidence after the final judgment of appeal court and the obvious fact-finding errors in the final judgment of appeal court.

Record

1. The claimant was arrested on October 12, 2000, and two days later, on October 14, over 30 members of the Metropolitan Police Department's Forensic Division, along with two detection dogs, used shovels and search sticks to search for Blue Sea Aburatsubo.

   Although they thoroughly searched the coastline and the only two caves next to the pot, there were no clues that could connect them to Lucy, suggesting that Lucy's body was buried after October 14, 2000.

   At that time, many people, including the media, witnessed the Metropolitan Police Department digging and searching this cave with shovels and sticks, and this was a widely reported fact (Material 1).

   This fact is confirmed by the Cave Investigation Verification Report (A) (Material 2) page 319 dated March 29, 2001, as below:

   > "The cave at the site is a triangular hole with an opening facing north, located under a quay with several layers of rock on a sheer cliff about 20 meters high. It juts out to the north (toward the coast)."

   As written in the Yomiuri Shimbun Evening Edition October 14 (Saturday), 2000, this cave was excavated with shovels and sticks, and thoroughly searched on October 14, 2000 by members of the Metropolitan Police Department's Forensic Division. On page 15 of the evening paper, the following was written:

   > " The search site is a cove that looks like a private beach, and is surrounded by a steep cliff about 15 meters high. On the cliff about 20 meters from the coastline, there is a small cave with a mouth 1 to 2 meters wide. There, several investigators were also searching there with shovels and sticks in hand."

   They searched thoroughly the cave, as reported, where Lucy's body was discovered the following year.

   At that time, a reward of 100,000 pounds (approximately 16 million yen at the exchange rate at the time) was offered for information that could lead to clues about Lucy, but it was soon raised to 500,000 pounds (approximately 80 million yen at the exchange rate at the time) (Material 3).

   As a result, many people searched for clues to Lucy's discovery in hopes of receiving

reward money, and when Masato Ikeda, one of them, dug up the cave at the end of October 2000 after the claimant's arrest, Lucy's body was found. Of course, he could not discover any clue, including the body (Material 4(1)(2)(3)).

It is clear that Lucy's body was buried by a third party after October 12, 2000 when the claimant was arrested, based on Material 4(1)(2)(3), which is new evidence after the final judgment of appeal court. Yes, the final judgment of appeal court must be set aside and a retrial must begin.

The final judgment of appeal court wrote "Although cement-like lumps were found inside the cave, it is acknowledged that no bodies were found. However, it is acknowledged that no search was conducted at that time, including digging up the soil (Attorney Evidence 8)." (The judgment of appeal court, page 45, lines 22 to 24)

However, the cave where the cement-like lumps in Attorney Evidence 8 was discovered is completely different from the cave where Lucy's body was discovered, and the cave was littered with many large and small rocks and stone blocks, making it impossible to bury bodies.

Furthermore, the location was a location that could be seen from a promenade or the outside, so it was not a place where the body could be hidden (Material 5, 2010, No. 130, Notarized Certificate of Factual Experiment).

Considering that the final appellate court judgement incorrectly identified the cave where Lucy's body was discovered and the cave where the cement-like lumps were found as the same cave, it is clear that the final judgment of appeal court was incorrect.

The tent pole bag buried with the body was different from the tent pole bag that the claimant purchased on July 4, 2000. The claimant had purchased a set of tents manufactured by L.L. Bean in order to camp in Izu Emerald Town, a villa area owned by the claimant, and build a grave for his beloved dog there. This fact was known by the jack-of-all-trades to whom the claimant entrusted Lucy, as the claimant stated at the time of the first trial court.

The first instance did not accept the claimant's statement as it was unnatural that the claimant did not mention the existence of the jack-of-all-trades until Lucy case trial began. (Until then, the court had been conducting the Carita case). However, this was just because he followed the defense attorney's policy at the time to provide detailed explanations when questioning the defendant (= claimant) in the Lucy case.

The tent purchased by the claimant was green, but the tent buried with Lucy's body was blue. Therefore, the public prosecutor changed the green color of the catalog to blue color by operating a color copy machine, and the court was made to find that the claimant had purchased the tent listed in the catalog (Material 6(1) to (14)).

This act committed by the prosecutor is also grounds for retrial. In other words, it is forged evidence under Article 435 of the Criminal Procedure Code, but as more than 3

years have passed since the evidence was falsified and the statute of limitations has expired, a judgement cannot be obtained, so it is subject to Article 437 of the Criminal Procedure Code.

2. At the time of the first trial, the claimant was found not guilty for Lucy case. That is the reason as below : During the midsummer season, at Zushi Marina, a popular resort area with 1,266 apartments, someone carrying Lucy's body from a room on the third floor to the parking lot was not witnessed by any resident or maintenance staff. So there was a reasonable doubt that the body of Lucy, who was over 175 cm tall, weighed over 70 kg, and undergoing rigor mortis, was transported as described above (The judgement of first instance, page.125, lines 22 to 26).
   Therefore, at the time of appeal court, the prosecutor submitted a report on the results of an transport experiment using a mannequin modeled like Lucy. The report said that if the transport experiment was carried out as described in the report, it was possible for a single person to transport Lucy's large corpse, which was undergoing rigor mortis, from the claimant's room in the third floor of Zushi Marina apartments to the parking lot late at night on a Sunday (July 2, 2000) during the summer season, without anyone seeing him. That report stated that the mannequin used weighed 65 kg to resemble Lucy's body, which weighed over 70 kg. And the appellate court certified the test report, and found the claimant partially guilty.
   In other words, the final judgment of appeal court was based on the report by the prosecutor: "It would not have been so difficult to wrap Lucy's body before it was destroyed and transport it using a cart or other means." (The judgment of appeal court, page 44, lines 4 to 5), "Even if the place where Lucy's body was destroyed was in Blue Sea Aburatsubo's room, Lucy's body could have been transported to there without being seen by the caretaker couple, and it does not seem that it would be that difficult to transport." (The judgment of appeal court, page 44, lines 20 to 22).
   However, after the judgment of the appeal court, the defense attorney asked each mannequin manufacturer of the Japan Mannequin Association about the weight of the mannequins used in the experiment report submitted by the prosecutor, and found that the mannequins weighed approximately 5 kg. As a result, it became clear that the experiment report, submitted by the prosecutor and accepted as evidence by the appellate court, was forged evidence. Therefore, Lucy case falls under Article 435 of the Code of Criminal Procedure, and as more than three years have passed, a final the appellate court judgment cannot be obtained due to the statute of limitations. Therefore, Article 437 of the Code of Criminal Procedure applies, and this is grounds for retrial.

Based on the above, it is clear that this case must be retried, and we would like to add the following.

If only a part of the evidence is considered without looking at the whole of the evidence, an erroneous conviction can easily be made, as in the case of a final appellate court verdict.

The final judgment of appeal court states that "it is possible to use this freezer to freeze Lucy's corpse and suppress the smell of death" (The judgment of appeal court, page 43, lines 12 to 13). It would be impossible to put a giant frozen Lucy into the trunk of a Mercedes Benz sports car. Despite this, the final appellate court's judgment ignored that fact and held that "Zushi Marina also has an elevator installed" (Tne judgment of appeal court, page 43, line 24 to page 44, line 1). However, this also ignores the fact that there is a surveillance camera in front of the elevator entrance. The claimant naturally knows that a surveillance camera is installed in front of the elevator, and if the claimant were the culprit, he would not have used the elevator because it would be recorded on the surveillance camera. Even if he use the stairs, he will be recorded by a surveillance camera at the first floor exit. The only way to avoid surveillance cameras was to use the stairs outside the building. But it would be impossible not to see him carrying Lucy's body, which was over 175 cm tall and over 70kg in rigor mortis, down a long hallway from inside the room, taking it up the outside stairs to the first floor, and putting it in the trunk of a Mercedes Benz sports car parked in the driveway, on July 2, 2000, the first Sunday of the summer season, At that time, the claimant had the following circumstances:

- The claimant's beloved dog's death was on July 6th;
- There were plans to build a grave for the beloved dog on the claimant's land in Izu Emerald Town, which the beloved dog loved the most, on the day of the dog's death. There were approximately 30 trees on the land and the trees needed to be cut down;
- Approximately 40 trees grew in the garden of the claimant's Denenchofu house, and he cut them down several times a year using equipment such as a chainsaw;
- In the week of July 5, 1999, one year before the incident, the claimant had ordered the same Makita chainsaw as in 2000 (this was a newly released product, Makita's smallest 680 watt chainsaw). However, the claimant mistakenly ordered a 660 watt product) (Material 7);
- In the summer of 2000, he asked Masayuki Ueda, a land and house surveyor, to prepare an appraisal for his Denenchofu house to submit to the bank, and in the same year, when he took photos of the house, he pasted the peeled tiles with double-sided tape and glue, but the area where the tiles came off was as wide as 5 m^2, so he decided to fix the tiles with cement using a quick-setting agent, and he purchased the quick-setting agent and cement needed for that,

etc.

In this case, the claimant was found guilty in part due to false evidence submitted by the prosecutor at the appeal court trial. The prosecutor continued to make false statements and false statements to the witnesses in order to incriminate the claimant. For example, a stainless hoe sold by Iwasa Shokai(Shop) had not even been seized, but during the investigation, police officer Harada falsely claimed that “it was in the defendant (= claimant)'s room and was seized from there”. This is clear from what is reported (Police Officer Harada's court statement of the 26th trial of the first instance, page 59, line 22 to page 60, line 2). As a result, Police Officer Harada made a false statement “there was a stainless hoe in the claimant’s room.”

Fumiko Abe, the manager of Zushi Marina Apartment, and her common-law husband Tetsuo Hirokawa gave the following statement.

□Hirokawa’s statements

・The claimant had a locksmith release the key to the adjacent room 402 and entered room 402.

・The locksmith came there twice.

・The inside of the Benz sports car was covered with sheets up to the ceiling.

□Abe’s Statements

・On the night of July 6th, there was something hidden covered with a sheet in room 401.

・When the claimant entered the room on the night of July 6th, he opened the door

holding a hoe that plasterers use.

The statements made by these two men were false, and numerous other false statements were made.

Abe said that when the claimant opened the door to his room on July 6, she saw the claimant from behind the police officer, but there is no statement from the police officer that the claimant came out with a hoe. If, as Abe said, the claimant came out with a hoe, that image must have been burned into the minds of the four police officers, including a police officer Harada. There is not any police officer.

Regarding Abe's statement, the court admits that,

> “The unnaturalness of the statement cannot be removed, and such a statement cannot be trusted." (First Court Judgment, page 96, line 25)

In addition, regarding the statement of her common-law husband Hirokawa, the court also admits that,

> "That statement as a whole is suddenly unreliable." (The judgment of first instance, page 97, lines 12 to 13)

As the judge has admitted, in the end, the statements made by the two men are nothing but a travesty.

In the first place, judges of the appeal court acknowledged that the prosecutor's argument in this case was broken. In other words, although prosecutors claimed that Lucy died from chloroform, no chloroform was detected or certified in her body. Furthermore, the appellate court hold that,

> "Obviously, it is difficult to accept that death was caused by the effects of flunitrazepam." (The final judgment of appeal court, page 51, lines 10 to 11)

The prosecutor claimed that flunitrazepam and chloroform caused Lucy's death. However, the appellate court trial did not find that chloroform existed in Lucy's body, nor did it confirm that flunitrazepam caused Lucy's death. If that is the case, it should not be possible to conclude that Lucy died in the claimant's room at Zushi Marina.

The final judgment of appeal court ignored a large amount of evidence proving the claimant's innocence and found him partially guilty of Lucy's death in the claimant's room at Zushi Marina. However, as mentioned above, it is also stated in appellate court judgement that there is no cause for Lucy's death.

The judgment of appeal court said that,

> "As with other cases, it cannot be determined that Lucy lost consciousness due to ingestion of flunitrazepam, as expected by the defendant (= claimant)." (The judgment of appeal court, page 55, lines 7 to 9)

In the first place, the claimant had no intention of committing quasi-rape, and the attempted quasi-rape recognized by the final judgment of appeal court cannot be committed.

In addition, in Lucy case, it is impossible for Lucy to lose consciousness or die in the claimant's room. The claimant sustained injuries to his upper body from a car accident that occurred on June 10, 2000, which required two months for full recovery.

The fact that 7-aminoflunitrazepam, a metabolite of flunitrazepam, was detected in Lucy's body is also believed to have been fabricated, as described below. Lucy's body was examined by the world's most advanced drug testing organization, Quest Diagnosis (Material 8), and gas chromatography analysis revealed that no metabolites of flunitrazepam were detected. Therefore, Forensic Science Laboratory reported that they added a number of substances such as diazepam, which has a similar structure to flunitrazepam, and dissolved or boiled them, and as a result, 7-aminoflunitrazepam was detected, and that the amount Lucy ingested was 1 to two tablets.

However, the results are believed to have been falsified. If flunitrazepam is metabolized, three metabolites must be detected: 7-aminoflunitrazepam, 3-hydroxyflunitrazepam, and N-desmethyl flunitrazepam (Material 9, Rinsho Yakuri(Clinical Pharmacology), Vol. 9, No. 3 (1978)) pages 251 to 265 (Shinshu University Hospital Clinical Search Center)). However, three metabolites have not been detected.

The final appellate court judgment found that Lucy had said, “Now I'm going on a date with a new customer” (The judgment of appeal court, page 25, line 4) and that Lucy herself had wanted to go on a date with the claimant. It is also a mistake to admit that kidnapping for obscene purposes was established.

The claimant was arrested on October 12, 2000, and two days later, on October 14, a major search of the Blue Sea Aburatsubo Cave was conducted. In this regard, the following is added:

There are only two caves at Blue Sea Aburatsubo, and the cave where Lucy's decomposed body was discovered the following year is the most suitable place to hide the body. As explained below, Toshinori Hayashi, who is a staff of Forensic Division, clearly testified in court.

> “Personally, I think that the location of this case is the best location.” (30th trial of the first instance, page 11, lines 7 to 8)

More than 30 members of the Metropolitan Police Department's Forensic Division, along with two police dogs, dug up the cave with shovels and search sticks and conducted a thorough search, but they found no clues that could lead to Lucy. It is clear that as of the 14th, there was no Lucy's body in the cave.

The investigative agency has continued to spread numerous false facts and false information to the media regarding the claimant's case, and has kept secrets from the claimant regarding this large-scale search, such as that the police dog had a cold and had no sense of smell. In order to expose Lucy's death, he discovered Lucy's body, but continued to make insignificant nonsense, saying that he had left it there. Police dogs are kept in check by their trainers, and it is unlikely that they will be dispatched to work in poor condition. Prosecutors claim that Lucy's body was buried in midsummer in early July. However, bodies that have been buried in the ground for more than three months in the middle of summer decompose, and the smell of decomposition becomes overwhelming. What's more, the body was naked and had been buried shallowly, approximately 30 cm below the surface of coarse sand, and there is no way, according to conventional wisdom, that the police dog would not have detected the terrible smell of death. Compared to normal soil, sand does not harden and is highly breathable, and the inside of that small cave must have had a terrible smell of death. Even his nose could detect the smell of death. As for revealing the secret, due to the nature of this case, DNA testing should have been carried out immediately after the body was discovered, and it would never have been possible to leave the discovered body alone and allow the DNA to deteriorate. It goes without saying that this should not happen.

As mentioned above, Abe and her common-law husband Hirokawa, the manager of Blue Sea Aburatsubo Apartments, made many false statements to Metropolitan Police Department investigators, and the Metropolitan Police Department continued

to distribute these false statements to the media.
Looking at the news reports when the claimant was arrested,

- The claimant called a locksmith, had him open the room next to the claimant's room in Blue Sea Aburatsubo Apartments, and entered the room.
- The claimant had a lot of cement on his hands.
- Late at night, the claimant was walking along the beach holding a shovel.
- A shovel was placed at the entrance to the claimant's room, etc.

Due to Abe and Hirokawa's erratic statements (Material 10), the Metropolitan Police Department dispatched more than 30 Forensics Department members and 2 police dogs on October 14, 2000, immediately after the claimant was arrested. They thoroughly searched the coast and caves near the Sea Aburatsubo apartment building, using search sticks and shovels to thoroughly dig to the bottom.
The cave is sandy, and the depth to the bottom is shallow (Material 6 (2), page 5423), and Lucy's body was naked, at a depth of 32 cm from the sandy surface (Material 6 (1), page 5402, line 19), the resin bags containing the other body parts were buried in extremely shallow sand at a depth of 44 cm (page 5404, line 5), 39 cm (page 5405, line 8), and 52 cm (page 5408 line 8) from the sand surface. It is clear that Lucy's body was not present in the cave at the time of the extensive search of the Aburatsubo cave on October 14, 2000, immediately after the claimant's arrest.
However, the following year, it was discovered that Lucy's body had been buried in the cave.

A retrial of this case should begin immediately, and in connection therewith, the following examinations should be conducted and the following evidence should be disclosed:

1. At the time of the first trial, it had been decided to conduct a hepatitis virus test on Carita's liver tissue specimen preserved at the Metropolitan Police Department, but it has since been cancelled. Testing for this hepatitis virus should be performed.
2. The Metropolitan Police Department's report regarding the Blue Sea Aburatsubo cave search conducted on October 14, 2000 should be disclosed.
3. Behavior time series including the N system of the Mercedes Benz sports car (Shinagawa 34-hi-30-51) that the claimant was driving on July 3, 2000 (the N system installation location should be just disclosed in ○ Ward, ○ Town) .
4. The DNA and fingerprint detection report on Lucy's signed letter sent to the Azabu Police Chief on July 20, 2000 (postmarked July 18, 2000) should be disclosed.

We request that the court should issue the order for the above-mentioned expert examination and discovery of evidence be issued as soon as possible.
In the claimant's case, the investigative agency has tampered with, destroyed, and fabricated a large amount of evidence to the point that it can be called abnormal. This is not something that just started, but has been going on for a long time (Material A: Ikichi Yano(Former chief judge), "The Zaitagawa River Dark Trial"). These acts carried out by investigative agencies are illegal acts that convict innocent people, so courts should not only not overlook these acts, but also punish them. Prosecutors must disclose evidence that "reveals the claimant's innocence" (Material B "Trends in international ethical regulations regarding prosecutor ethics and the current situation in Japan").

In this case of the claimant, as in the Ashikaga case, when the above examination is conducted and the above evidence is disclosed, the claimant's innocence will be proven. Therefore, we request that an order for inspection and disclosure of the above evidence be issued immediately.

In connection with this, as mentioned above, regarding the examination of Carita's liver specimen, we request that an order be issued to urgently move Carita's liver specimen and slide specimen currently stored at the Metropolitan Police Department to the court for their preservation.

that's all

Ⅱ Lucy case

Regarding the request for retrial of this case, we request the court to immediately issue an order to disclose the following evidence.

1. Aburatsubo Cave search report by the Metropolitan Police Department on October 14, 2000
2. Time series of actions including the N system of the Benz sports car (Shinagawa 34-hi-30-51) that the claimant was driving on July 3, 2000
3. DNA and fingerprint detection report from Lucy's signed letter (postmarked July 18, 2000) sent to the Azabu Police Chief on July 20, 2000

(Reasons for requesting disclosure)

1. At the time of the first trial, the claimant was found not guilty in the Lucy case. The reason for this was as follows. There was reasonable suspicion that during the midsummer season, at Zushi Marina, a popular resort area with 1,266 apartments, while transporting Lucy Blackman, who was said to have died, from a room on the third floor to the parking lot, and there was reasonable suspicion that the claimant transported Lucy's body, which was over 175 cm tall and weighed over 70 kg, was in rigor mortis, also that the transporting act was never witnessed by anyone, including residents or security guards (The judgment of first instance, page 125, lines 22 to 26).

   This was the same in the condominium "Blue Sea Aburatsubo" in Zushi Aburatsubo (The judgment of first instance, page 125, line 27 to page 126, line 11).

   Therefore, at the koso-appeal court trial, the prosecutor falsely claimed that a 5 k gurethane mannequin was 65 kg, and submitted to the court a transportation experiment report prepared by a Metropolitan Police Department police officer who used it as Lucy's body, thereby convicting the claimant. However, the mannequin was one that even a girl in the lower grades of elementary school could easily lift up, and the transportation experiment report prepared by the Metropolitan Police Department was clearly a fake experiment report.
2. 2008 was a year in which efforts were made to speed up the trial process. At that time, Mitsuru Kobayashi, the chief defense attorney in the appeal court of this case, and Yoshio Okada, the deputy chief defense attorney, were both former chief justices of the appeal court. If the court were to have one person who conducted the spot investigation and another person who wrote the spot investigation report appear before the court for questioning, the trial would take a long time. It is clear that the cave was thoroughly searched on October 14, 2000, two days after the claimant was arrested on October 12, 2000, and no bodies were found (Material 1 (1)~(11),

October 14, 2000, Yomiuri Shimbun Evening Edition, October 15, 2000, Sankei Sports, Yomiuri Photo Studio). Therefore, the defense attorneys agreed to accept the spot investigation report submitted by the prosecutor as evidence.
However, the appeal trial attorney agreed that

- if the urethane mannequin used in the spot investigation report submitted by the prosecutor was used, the result would be similar to the spot investigation report.
- that's what would happen if Toshiaki Suzuki, a policeman, went into the freezer, bent his arms and legs freely, and sat cross-legged.

We did not agree that this will also happen when transporting the body of Lucy, who is undergoing rigor mortis and whose weight and size are completely different from the urethane mannequin used in the experiment report. It's not something we did.
This is clearly stated in the appellate brief and argument by the appellate attorney.
As is clear from the photos in the transportation experiment report submitted by the prosecutor, this is not a case of a light mannequin that can be easily carried on the shoulder of a boy or girl (Material 11), but a large mannequin, over 175 cm tall and weighing over 70 kg. It would take a considerable amount of time to transport Lucy's body, which was undergoing rigor mortis, from her apartment on the third floor to the parking lot and into the small trunk of a Mercedes-Benz sports car late at night on a Sunday during the summer season. Therefore, it is inconceivable that no one saw it during that time, and this goes against the conventional rules of thumb.
The transportation experiment result report submitted by the prosecutor was a falsified experiment result report that even a girl in the lower grades of elementary school could lift it (Material 12). It was a falsified experiment result report that used a urethane mannequin doll weighing only 5 kg and pretending that it weighed 65 kg. It is. No luminol reaction, DNA, hair, or fingerprints derived from Lucy were detected in the freezer or the trunk of the Mercedes Benz sports car owned by the claimant, and these forged test results reports should be excluded from evidence. At the same time, this is exactly grounds for retrial.

3. On October 12, 2000, the claimant was arrested as a suspect in the Lucy incident. Fumiko Abe, the manager of the resort condominium “Blue Sea Aburatsubo” on the Miura Peninsula, and her common-law husband Tetsuo Hirokawa made false statements such as “The claimant was walking along the coastline late at night with a shovel in hand.” (Material 10) On October 14, two days after claimant’s arrest, approximately 30 members of the Metropolitan Police Department's Forensic Division, accompanied by two police dogs, used shovels and search sticks to search the coastline next to Blue Sea Aburatsubo and beyond. It was widely reported at the time that although two caves were dug up and thoroughly searched, they were unable to find Lucy's body or any clues that could lead to her.
Approximately four months later, on February 9, 2001, Lucy's naked body was found

buried in the coarse sand at a depth of only 30 cm, and other bodies were found in the same cave that was searched. The parts were also found buried in separate bags. However, since nothing was found during the extensive search on October 14 of the previous year, it is clear that a third party buried Lucy's body in the cave (Material 2, Cave Investigation Report dated on March 29, 2001).

The prosecutors continued to conceal the cave search report conducted by the Tokyo Metropolitan Police Department on October 14, 2000, without disclosing it, thereby convicting the innocent claimant.

4. Lucy Blackman went to Zushi Marina on July 1, 2000, and was found in the Aburatsubo cave more than seven months later, on February 9, 2001.

In recent years, in order to elucidate the incident and clarify the suspect's movements, the records of mobile phone calls and messages, the base of the message, and the N system record where vehicle driving is constantly recorded on a computer have been investigated. It is a well-known fact that Japan has made a significant contribution (Material 13, 2010 Third Petty Bench decision of the Supreme Court).

At the trial of first instance trial, the prosecutor attributed Lucy case to the claimant, but was unable to allege when or how Lucy's body was transported from Zushi Marina to Aburatsubo. The reason for this was that the movements of the car driven by the claimant were known from N system records, and it was scientifically clear that Lucy's body, which was said to have died at Zushi Marina, could not have been transported to Blue Sea Aburatsubo. However, in the first court trial, the claimant was found not guilty for the Lucy case, so the prosecutor ignored the facts recorded in the N system and claimed the following false facts, which were accepted by the court.

Lucy was at Zushi Marina on July 1, 2000, but the claimant never drove from Zushi to Aburatsubo after July 1, 2000. If Lucy had died at Zushi Marina, it goes without saying that a car would be needed to transport Lucy's body. The claimant returned to Tokyo for business in the early afternoon of July 2, 2000, and then returned to Zushi around 11:30 p.m. on July 2, and between 2:30 and 3 a.m. on July 3, he left Zushi Marina and returned to Akasaka Towers, Motoakasaka 1 chome, Minato-ku, Tokyo, where he lived at the time.

However, at the appeal court trial, the prosecutor stated that when the claimant left the Zushi Marina, he put Lucy's body, which was undergoing rigor mortis, in the trunk of his sports car Benz 500SL. In order to prevent this, the claimant claimed that he put it in the freezer at the claimant's Denenchofu house and stored it frozen. However, at the appeal court trial, the prosecutor stated that when the claimant left Zushi Marina, he put Lucy's body, which was undergoing rigor mortis, into the trunk of his sports car Benz 500SL and carried it to the claimant's Denenchofu house, and

then that in order to prevent the body from decomposing due to the high temperature in the midsummer and growing to a gigantic size due to internal gases, he stored it in the freezer at his Denenchofu house because of then the middle of the summer.

At the time, the claimant had asked Mitsui Rehouse, a real estate broker, to sell Blue Sea Aburatsubo Room 401, but was informed that the tiles and cement in the bathroom were peeling off and that it was in an "exploding condition." After going to see the same room on July 5th (Material 14), on July 6th (Material 15), the anniversary of his dog's death, Izu Emerald Town, the villa area owned by the claimant that his dog loved most. He was planning to go there and make a grave for my dog. However, the prosecutor claimed that at that time, Lucy's frozen body was taken out of the freezer, put back into the trunk of the Mercedes Benz sports car driven by the claimant, and taken to Aburatsubo apartment.

It is clear from photographs taken at the time that Lucy was over 175cm tall and overweight, weighing over 70kg. As mentioned above, it was practically impossible for the claimant to lift such a large body and put it into the trunk of a small Mercedes Benz sports car parked at Zushi Marina during the midsummer season without being seen. It is, moreover, the prosecutor claim that Lucy was in rigor mortis at midnight on July 2nd. The freezer in his Denenchofu house is 120 cm high and 49 cm wide inside, when you look at the ceiling duct and floor stand, and there is a stainless steel horizontal bar with a width of 7.6 cm fixed in the center (Material 16), it was completely impossible to put Lucy's large body into there. Furthermore, if Lucy's body had been frozen, it would be impossible to store the frozen solidified mass into the trunk of a Mercedes-Benz sports car. We have to say that the prosecutor's argument is an outrageous argument far removed from conventional wisdom.

As proof of this, no DNA, hair, fingerprints, or luminol reactions derived from Lucy were detected in the trunk of the Mercedes Benz sports car or in the freezer at his Denenchofu house.

If he tried to put Lucy's large body into the freezer at Denenchofu's house, it would take a lot of effort and time. It is recorded that the claimant drove a Benz sports car between 2:30 and 3:00 a.m. on July 3, 2000, leaving Zushi Marina and returning home to Akasaka Towers, Motoakasaka 1 chome, Minato-ku, Tokyo. The claimant's innocence can be proven by looking at the N system's computer records.

The claimant left Zushi Marina and went straight to the former Akasaka Towers, where he was living at the time, and Lucy's body was not in the trunk of the Mercedes Benz sports car he was driving, but was found at his Denenchofu house. He also did not put Lucy's large body in a small freezer.

As stated above, the claimant has not gone from Zushi Marina to Aburatsubo since

July 1, 2000, and there is no possibility that the claimant will be able to transport Lucy, who was at Zushi Marina, to Aburatsubo, so that possibility is zero. Although the prosecutor knew this truth based on the N system records dated July 3, 2000, he claimed false facts contrary to that truth and had the court admit it.

On April 9, 2009, in order to prove the claimant's innocence, defense attorney Mitsuharu Wakamatsu (currently Tachikawa branch judge of Tokyo District Court) requested the public prosecutor to disclose the timeline records regarding the claimant's actions from July 1 to 3, 2000. But unfairly they have not been disclosed yet (Material 17).

The prosecutor has disclosed the timeline records of the claimant's actions, including the N system on July 4, 5, and 6, 2000. At the trial of appeal court, the prosecutor claimed false facts and had the court admit them, which resulted in a partial conviction in Lucy case. However, if the prosecutor had further disclosed the timeline records of the claimant's actions on July 3, it would not have been true that the claimant moved Lucy from Zushi to Aburatsubo, and the prosecutor's assertion would have been clearly false. And then, as in the first court, the claimant is proven to be innocent in the Lucy case.

The installation location of the N System changes regularly, and even if the location where it was installed more than 10 years ago is revealed, it will not cause any problems in the investigation. Furthermore, if the street address of the installation location is masked and disclosed as ○ Ward ○ Town, there will be no problem. However, the prosecutor is unwilling to disclose the information. This is because, if disclosed, it would not only reveal that the prosecutor had falsely asserted facts at the time of the appeal court trial, but also prove the claimant's innocence.

5. The claimant was not involved in Lucy's letter (postmarked July 18) sent to the Azabu Police Chief on July 20, 2000 after Lucy disappeared.

At the time of the first instance trial, the prosecutor informed the defense attorney that fingerprints and DNA were detected on the Lucy's letter, and the defense attorney requested disclosure of the fingerprint and DNA detection report from the letter. But that report has not been disclosed yet.

If the fingerprints and DNA on the letter came from the claimant, the prosecutor should have requested the fingerprints and DNA detection results as evidence, but the fact that they did not do so. That clearly means that the detection results are those of a third party other than the claimant. In other words, these detection results are evidence proving the claimant's innocence.

Although defense attorney Haruhiko Wakamatsu (currently Tachikawa branch judge of Tokyo District Court) requested disclosure of the detection results in this case on April 9, 2009, it has not yet been disclosed.

As mentioned above, in the Lucy case, where the claimant was acquitted in the first

court trial, the prosecutor submitted a large number of forged experiment reports to the court, as well as non-disclosure and concealment of evidence proving the claimant's innocence. Due to some of them, the claimant was found guilty. So the claimant seeks a disclosure order from the court in order to prove his innocence.

That is,

1. When the October 14, 2000 Aburatsubo cave search report is disclosed, it will become clear that Lucy's body did not exist in the cave at that time. At the same time, it was revealed that a third party had buried Lucy's body in the cave after the 14th, and the claimant's innocence was revealed.
2. When the timeline records, including the N system, regarding the Mercedes Benz sports car (Shinagawa 34-hi-30-51) that the claimant was driving on July 3, 2000, is disclosed, the content that the prosecutor argued at the trial of the appeal court, and that the court recognize──that after leaving Zushi Marina, the claimant drove to his Denenchofu house, removed Lucy's body, which was undergoing rigor mortis, from the trunk of a Mercedes-Benz sports car, and put it into the freezer── will have been proven that it was a mistake.

   This is because the N system records show that the claimant did not drive as the prosecutor claimed. In addition, the actual size of the inside of the claimant's freezer (excluding the ceiling duct and floor stand placed in the parking lot outside) is approximately 120 cm in height and 49 cm in width. This is because there is a fixed horizontal bar made of stainless steel with a width of 7.6 cm. In other words, the freezer is much smaller than Lucy's body, and it would be impossible to put Lucy's corpse, which is undergoing rigor mortis, into it. In the end, it quickly became clear that the court's findings were incorrect.

   As mentioned above, if it is necessary to conceal the installation location of the N System equipment when disclosing the N System records, it is sufficient to just disclose the location ◯ Ward, ◯ Town（e.g. Akasaka, Minato-ku）of the N System equipment without disclosing the street address etc.
3. When the DNA and fingerprint detection report on Lucy's signed letter (postmarked July 18) sent to the Azabu Police Chief on July 20, 2000 is disclosed, it will be possible that the crime was committed by a third party other than the claimant. Something is proven.

(Request Document for retrial)

(Lucy case)

Material 01／Photos during the search for Aburatsubo Cave and after the discovery of Lucy's body in Aburatsubo Cave

(1) October 14(Sat.), 2000 Yomiuri Shimbun evening edition article
(2) October 15(Sun), 2000 Sankei Sports Article
(3) Photo from October 14, 2000, during the search for Aburatsubo Coastal Cave.
(4) Photo from October 14, 2000, during the search for Aburatsubo Coastal Cave.
(5) Photo from October 14, 2000, during the search for Aburatsubo Coastal Cave.
(6) Photo from October 14, 2000, during the search for Aburatsubo Coastal Cave.
(7) Photo from October 14, 2000, during the search for Aburatsubo Coastal Cave.
(8) Photo after the discovery of the body in Aburatsubo Cave
(9) Photo after the discovery of the body in Aburatsubo Cave
(10) Photo after the discovery of the body in Aburatsubo Cave
(11) Photo after the discovery of the body in Aburatsubo Cave

Material 02／Cave investigation verification report dated March 29, 2001 (A)

Material 03／Report of bounty offered for information about Lucy

(1) August 22, 2000 100,000 pounds (16 million yen)
: Weekly Bunshun article dated March 2, 2001 (Heisei 13)
(2) September 23, 2000 500,000 pounds (80 million yen)
: Japan Times article dated September 23, 2000

Material 04／Masato Ikeda affidavit etc. notarized documents

(1) Register No. 0657 of 2009 dated July 9, 2009
(2) Register No. 0245 of 2010, dated March 4, 2010
(3) Register No. 0219 of 2011 dated February 28, 2011

Material 05／ Register No. 130 of 2010, fact Experiment Notarized Certificate dated April 28, 2010

Material 06／The Metropolitan Police Department falsified the color of the tent that was buried with Lucy's body

(1) Spot investigation report prepared by the Forensic Division, Criminal Investigation Department, The Metropolitan Police Department, dated March 23, 2001
It is clearly stated in page 5407 lines 20 to21, page 5408 line 15, and page 5409 line 1 that the nylon tent bag that was buried with Lucy's body was blue, and it was clearly purchased by the claimant. It's different from green.
(2) Plan view and cross-section view of the cave where Lucy's body was buried, page 5423
It is clearly stated in both the plan view and cross-sectional view that the tent nylon bag is blue.
(3) Dark blue tent nylon bags buried with bodies in a cave, page 5471
(4) Photo 1: The same type as the tent nylon pole bag that was buried with Lucy's body

that the investigators purchased. Although the color is dark “blue”, it is falsely labeled as “green” because the product purchased by the claimant is “green”

Photo 2: Dark blue tent nylon bags buried with Lucy's body in the cave. Page 1322

(5) Photography report prepared and photographed by Officer Yoshiyuki Takeda of the First Investigation Division of the Metropolitan Police Department dated March 25, 2001, pages 1374 to 1387

A set of the same type, type, and color as the dark blue tent that was buried with Lucy's body, and was purchased by the investigators. Since the tent the claimant purchased was green, it can be seen that the tent was falsely described as “green” even though it was dark blue.

(6) L.L. Bean's two-person tent catalog, page 1321

The color of the tent buried with Lucy’s body is not the green color purchased by the claimant, but a stone blue (dark blue).

(7) L.L. Bean's two-person tent catalog, page 1321

The tent that the claimant actually purchased was green, but the one buried with Lucy's body was blue, so the investigators used a color copy machine to change the color of the tent in the catalog from green to blue. They turned it blue and submitted it to the court as evidence.

(8) L.L. Bean's original tent catalog obtained by the defense attorney from L.L. Bean

(9) A tent of the same kind, type, and color as the two-person tent that the claimant purchased at the L.L. Bean Shinjuku store on July 4, 2000.

The color is green.

(10) Evidence A 327 submitted to the court by the prosecutor: Statement of L.L. Bean Shinjuku store manager Akira Honma dated March 26, 2001, pages 1317 to 1324

(11) Complaint dated November 29, 2006

In 2006, it had not yet been discovered that the investigating party had manipulated a color copy machine to change the color of the green tent in the catalog to blue, so the crime of creating a false official document (Penal Code 157) was filed. Article).

(12) Tokyo District Public Prosecutors Office Special Investigation Department No. 1107 dated December 1, 2006

This is the Tokyo District Public Prosecutors Office's Special Investigation Department's response to the indictment. The Special Investigation Department of the Tokyo District Public Prosecutors Office acknowledged the difference between the green and blue colors of the tents, but it placed the blame on Akira Homma, the person who made the statement. And they said, ``It is not clear whether the defendant was just the prosecutor who prepared the opening statement, or whether he collaborated with the prosecutor who submitted it to the court."

(13) Factual experiment notarized certificate No. 116 of 2010 regarding color copy

printing dated April 28, 2010

It has been proven that the color of the L.L. Bean tent catalog was changed from green to blue by the investigator using a color copy machine.

⑭ A green L.L. Bean tent of the same kind, type, and color as the one purchased by the claimant on July 4, 2000, and a blue L.L. Bean tent of the same type and type that was buried with Lucy's body

On July 6, 2000, the claimant purchased an L.L. Bean two-person tent for camping while making a grave for his beloved dog at the claimant's villa, Izu Emerald Town.

Material 07／Claimant's notebook July 5, 1999, page 1826

This notebook was confiscated by the investigating party, and the claimant requested its disclosure, and the prosecutor disclosed it.

Material 08／U.S. Quest Diagnosis Inc. documents

Material 09／Rinsho Yakuri(Clinical Pharmacology) Volume 9, No. 3 (1978,), pp. 251-265, Shinshu University Hospital Clinical Trial Center

Material 10／October 15, 2000 (Sunday) Sports Nippon article

The claimant was arrested because Fumiko Abe, the manager of Blue Sea Aburatsubo apartments, and her common-law husband, Tetsuo Hirokawa, made false statements to the police and media, such as “the claimant was walking around with a shovel late at night.” It was reported that on October 14, 2000, the Metropolitan Police Department mobilized more than 30 forensics department members and two police dogs to conduct a thorough search, digging with shovels and search sticks. However, nothing was found in this search, but the body of Lucy Blackman was discovered in the same cave the following year.

A Ikichi Yano(Former Chief Judge) “The Zaitagawa Dark Trial”

B “Thinking about prosecutorial ethics: Trends in international ethical regulations and the current situation in Japan”

(Request form for invocation of ex officio authority)

(Lucy case)

Material 11／The Metropolitan Police Department Mannequin Export Experiment Investigation Report

(1) June 6, 2007 the Metropolitan Police Department Mannequin Transport Experiment Investigation Report

(2) August 3, 2007 the Metropolitan Police Department Mannequin Transport Experiment Investigation Report

Material 12／The Metropolitan Police Department mannequin removal experiment investigation report is false

(1) Urethane mannequin (5 kg) that the Metropolitan Police Department falsely used as 65 kg (Lucy's weight) in the mannequin removal experiment report

(2) Notarized factual test certificate, No. 408 of 2009, dated November 9, 2009

This is a notarized certificate regarding a factual experiment conducted using a silicone mannequin with a height of 170 cm and a weight of 70 kg, which is close to Lucy's height and weight.

Material 13／Supreme Court Third Petty Bench remand judgment dated April 27, 2010 (N system description page)

Material 14／Claimant's notebook July 5, 2000 disclosed by prosecutors

Material 15／Claimant's notebook July 6, 2000 disclosed by prosecutors

Material 16／Plan of the parking lot at Denenchofu's house, photo of the tiled parking lot, actual internal space of the freezer at Denenchofu's house

Material 17／Request for evidence disclosure by defense attorney Mitsuharu Wakamatsu dated April 9, 2021