

Ms. Easton mention's that the flashes were momentarily blinding. What she failed to mention was the amount of time between flashes. Firstly, the strobes were powered down to only 1/16 or 1/32 power. It would have been very possible for someone to take several photographs in less than 1 second with the new digital cameras and strobes.

She goes on to mention that the bird would need time to recover from the bright flashes. If any of the investigators had acknowledged the metadata on the individual photographs they'd have seen that Damon (not me) sometimes took several photographs in a single minute but with several seconds in between flashes. If the bird had been frightened by the strobes she's have flown off after the first flash. She didn't. She stayed and continued to feed and tend to her babies. Ms. Easton was in a studio in a controlled environment. She was not out in bright sunlight. The pupils of her eyes would have been larger to let in more light.

There is mention of the bird looking directly into the camera. It would be merely the luck of the draw. After all, Damon kept 168 of his better images. Others, he erased.

Ms. Easton's comments about a photograph of a sick adult bird really bothered me. If she or anyone else had examined the metadata they'd have realized that the photo was the very last one taken the day before. The bird wasn't unwell. SHE WAS BEDDING DOWN FOR THE NIGHT. HELLO. Ms. Easton didn't even give me the benefit of the doubt here.

Ms. Easton indicates that the "crime scene" was 9 x 11-feet yet the original email that went out by Ms. McKibbon puts it at 5-feet in diameter. Who made it larger between the 13 June and the 16 June when the investigators arrived out from Vancouver?

The 17 prosecution witnesses ignored all positive evidence and focused entirely on the negative evidence in order to get a conviction. They clearly were not after the truth. My wife was with my associate and I and the investigators knew this yet she was never once mentioned in the 450-page evidence package. No one talked to her about the incident. It was the old French law “march the guilty bastard in” mentality versus English law whereby one is presumed innocent until proven guilty.

The 9 criminal charges against my associate and I had a maximum for fines of \$4,500,000 along with jail time. Court time would have taken 2-3 weeks to hear 17 prosecution witnesses and cost \$50,000 to \$75,000 in legal fees. I had suffered a mental breakdown at the time of the “bust” and a second one 11 months later. Time in a courtroom would perhaps have caused a third. I did have a 3rd breakdown in Oct 2010 and am now on medication for the rest of my life.

For the record we plead guilty to avoid the lengthy trial and paid \$6,000 total in fines with the understanding that we’d receive conditional discharges (no record) after one year. I pretty certain that the government spent \$500,000 to \$1,000,000 to get the two convictions for my associate and I photographing a single adult bird and her babies. None of the bird died as a result of our photography.