

## TURMEL: #2 Johnson Quash hearing report

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*From:* John Turmel (*bc726\_at\_FreeNet.Carleton.CA*)

*Date:* 01/13/05

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JCT: The Johnsons have filled out their report so I'm going to publish it with yesterday's stuff and the new from today.

>*Date:* Thu, 13 Jan 2005 03:51:22 +0000

>*From:* *el\_sunset\_warrior@yahoo.ca (el\_sunset\_warrior)*

>*Subject:* *an update to tuesdays court,*

>*To:* *MedPot-discuss@yahogroups.com*

NOTE: everything added (JUDGES COMMENTS AND CROWNS COMMENTS) are NOT word for word, it is what we can MAKE OUT OF THE COURT TRANSCRIPT from our tape recorder, do NOT QUOTE anything! thank you and enjoy...

First, both motions were filed on time as per Judge L.Serre. She asked, do we have the authority to serve this court with the contempt notice here in provincial court, or do you need to inform other people, meaning the Attorney General in Ottawa. We replied that we needed to confer with our advisors. So, we asked for half an hour recess and the Judge gave us 10 minutes.

We conferred with John and he said to put aside this motion and deal with the quash motion.

Upon return into the courtroom, the Judge felt that she couldn't deal with this motion of contempt because she didn't have the authority to do so because the Frankel case didn't happen in her courtroom.

So Richard replied, can we proceed with the quash motion now and she said YES!!!! HURRAY!!!!!!

( The battle has begun ) she then said that we will deal with the tape recorder issue.

Aube stood up and objected saying the crown attorney has to pay for court transcripts everybody has to pay for this,

what makes Mr. Johnson so special.

The Judge then read out loud section 136, which deals with tape recording in the court. Section 136 states that no tape recordings are allowed except under certain circumstances. And at this point, Richard interrupted the court by saying that John Turmel took a tape recorder to every court all the way to supreme court and was accepted, why shouldn't I be allowed? Richard also mentioned earlier that he couldn't afford a stenographer so then the Judge ALLOWED the recorder. HURRAY!!!!

It appears that the Judge is on our side and very compassionate. At this point, Richard stood up and started:

OK, well, you honor, I'm here to show that section 7 was fought in the Alberta court of Appeals and the Supreme Court of Canada and the Ontario Court of Appeals. I have all the judgments here showing the orders being signed saying that there's no force, no effect for marihuana laws.

Have you heard of Krieger before you heard of me? At this point, the Judge said: I am not answering Questions. You have to make a representation to the proper court based on your application.

Richard replies, ok, then, your honor, my motion is to prove a cover up from Mr. Frankel, at the top, he misrepresented himself to the Calgary Herald and Calgary sun. He knew that the law was struck down, he let the crown prosecutors all across Canada continue to have people arrested, or to let the police know, he didn't let the crowns know, he didn't let me know or you know, that these laws are dead!!!

It's all in my motion, if you read the motion, it's pretty self-explanatory. I'm not a lawyer, but, everything is here. I know, I went to school, supreme court says, we're all taught in this country, it goes to the Supreme Court, that's the top, it can't come back down to another court.

Hitzig, OK, which they're trying to use against me, Hitzig, first of all, was an opinion, second of all, Hitzig dealt with section 4, I'm dealing with section 7. Krieger says that section 7 is alive!! Why did I get arrested? I want to deal with section 7. show me where section 7 is against the law? I didn't do nothing against the law! that's what I'm saying for my motion. I should have all my charges quashed, my wife and daughter has been arrested to be used against me to try and cop a plea. I don't know how that ever happened in this country, but it happened!

Something is not right. They arrested me illegally, it's all here, you've been lied to, I've been lied to, why didn't the Canadian public know? Why weren't we lead to be known that there was no laws? Why was it misrepresented to the 2 newspapers, which are in there, if you read them. Everybody at the top knew who was involved in those cases. Why didn't somebody make it publicly known that the newspapers were misrepresented, that Krieger case wasn't a personal win, as they're trying to say it was. this was a win for ALL of canada. the law is the law!

the Crown has gone to the Supreme Court to try and appeal the Court decision in Krieger. 6 of 9 Judges said NO, WE'RE NOT GOING TO APPEAL IT!!! we're dismissing your case. Making the Court of Appeals laws, the standing law in town. that's the law that I'm going to respect!

That's the law that I'm going to respond to, That's not a law that I should have been arrested. There was no law at the time. And I want my charges quashed! I want my stuff back!! That's my case!!!! Right there!!!!!! there was no law! It was struck down!! Section 7. Section 4 has nothing to do with me. Hitzig has nothing to do with me. That was a resurrection of section 4, not section 7 your honor.

Judge replies: So in summary section 7 has been struck down

Richard: THAT'S RIGHT!

Judge replies: in the province of Alberta and has been sustain by the Supreme court

Richard replies: EXACTLY YES

Judge replies: Therefor section 7...

Richard interfered: DOES NOT APPLY TO ME!

Judge replies: is unknown to law and according to the law either...

Richard continues..

Richard replies: That's right, and I've been arrested, my life has been turned up-side down costs me money, costs my children to resent the police and the whole town for this, it's just not a good thing, why weren't we told, why wasn't the Canadian public told that there is no law, why does the police still have the power to arrest people and arrest me!

Why isn't the truth being told to the public, why has there been a media ban for 2 years. THIS ALL AFFECTS MY CASE!!! If

they would have told me and let me know, Mr. Aube wouldn't be sitting right here, we wouldn't be wasting your time, the courts time, the taxpayers money!!! We are here for a law that is unknown. Why am I charged. How can I be charged with an unknown law? It doesn't make no sense!!!

Supreme Court of Canada agrees with the court of Appeals, WHAT'S THE PROBLEM!! Hitzig is trying to resurrect number 4, IT WAS AN OPINION!!!

Show me an order where it shows Hitzig actually signing the order stating it was no more than an opinion, there is no such order, as far as I know.

There's nothing here to arrest me for! I've done nothing wrong!!

Judge replies: So in reality right, not only are you dealing with section 7 your also dealing with section 4

Richard continues: And if section 7 doesn't apply the section 4 doesn't apply. I would just like to point out that in the Phillips case in Windsor, Jan. 2nd, 2003, it was ruled prohibition was repealed. Why are some judges repealing, some judges are dismissing, some judges are convicting, because the law is so muddled.

If the laws weren't so muddled, if the crown attorney of Canada, the big guy, if he came clean and tell everybody what's going on, the arrests would stop. All the people that have been arrested for the last 2 or 3 years, they shouldn't be in jail. They shouldn't have had convictions because it was unknown to law.

I don't understand what the big deal is? If it's unknown to law, stop this madness, let me get on with my life, let government legislate, the courts don't have the power to, they can abrogate, only parliament can legislate! THERE'S NOTHING HERE!!! There's nothing here that can prove to me that I did anything wrong!

I'm looking at the highest decisions in the land, a lower court can't say to hell with the higher courts, that's not right! That's not the way it's done! We have a constitution to protect us! what is this country coming to if that's not respected. Your Honor, you have the power, OK, to make this respectable again, make our country respectable again, expose the truth to the public. Have my charges quashed. That's my case.

At this point Your Honor proceeded to say something and Richard interrupts:

Richard says: If nothing else, even the repealed letter Health Canada reinstates the repealed sections that made the law unconstitutional to begin within Terry Parker case. They put back 2 of 5 things that they've taken out, they put it back in, making the law unconstitutional again.

So, even if you want to use the Hitzig against me, Health Canada made it unconstitutional again by putting these 2 cancers back in. I have here, the actual submission from the case — Aids Canada asking them to put them back in, it's not fair, people are dying, they can't get medicine, it's unconstitutional again as well as when I got arrested.

so not only is the issue unknown to law, OK, but we also have Health Canada putting in the 2 out of 5 which made this unconstitutional. So, that's my point, if you don't want to respect the 1st point, and I'm not trying to be disrespectful by the way I'm talking, I'm just excited. But, come on, this is just wrong in every which way you can look at it.

Judge asks: you refer to the supreme court of Canada R. v. Clay

Richard: KRIEGER

Judge: I am looking at your application

Richard: OH, I am sorry

Judge: Regina versus Clay dated december 23,2003 (can't make out the rest)

Richard replies: OK, your Honor, like I said the Crown, Mr. Frankel knew that section 7 has been struck down, he tried to go to the supreme Court to have it appealed, they said NO. Because it had already been dealt with and we agree with the Courts of Appeal in Alberta. I don't understand what's the confusion?

Judge states: Now the prosecutor will present his factum and once he's done you will be able to reply to the factum.

At this point, Richard sits down and then says "thank you" your honor. And it's Mr. Aube"s turn now.

Aube: Your Honor, Mr. Johnson asked "what the big deal is here? The big deal is that Mr. Johnson and his wife were charged with cultivation of Marijuana, Possession of Cannabis resin, Possession of Marijuana and possession of

marijuana for the purpose of trafficking.

Most if not all the evidence you bring has to do with the use of medical marijuana or with the parker decision EHH! and the decision in windsor with respect to the young offender.

All that has been and where resolved prior to the charges against Mr. Johnson and his Daughter on April 27th,2004. Mr. Johnson, I repeat the elements of part 1,2 of my factum and would request that the actually had the application be dismissed has it is completely without foundation or merit.

One last comment, aaaa, duh... these, these matters are in an unorderly fashion and usually brought as a motion before a trial judge. I've been looking for some specific authority and, i haven't found any in all my years usually this is the starter trial or at the end of the Crown's case.

Because we have part of the information and part of his statement there's no affidavit, Mr. johnson BLAH BLAH BLAH and well the crown provided some of the evidence and we left them to use those with the prejudice that you will draw from them.

There is a proper place for this to come up when at the beginning of a trial.

(And finally the court with BLAH BLAH BLAH in order to dismiss this matter.) <----- cant make out anything he says right there

Judge says: Any response sir?

Richard: yes your honor, I take it now I can talk about the respondents factum.

Judge: Yes

Richard: Well your honor, part 3 or part 2 response to applicants issue, the motion is without merit, isn't complete, not properly before the court. A) the applicant seeks an order quashing all charges related to marijuana under the CDSA. On the date of the offense, april 27th, 2004, marijuana was a substance listed in the schedule to of the said act and was unknown to law!

O.K. well what i have to say about that is that marijuana on Schedule 2 is not unknown to law, it's not. It's not what I'm looking at here, I am looking at prohibition of section 7 as no longer to known to law.

As for affidavit your honor this is an issue of pure law, so i don't believe i need affidavit because it is an issue of pure law it has nothing to do with constitutional these are case laws.

C) a motion which seeks to declare unconstitutional and of no force and effect must be brought before the court in accordance with the rule 26 of the rules of the ontario court of justice in criminal proceedings.

ok, well your honor, i didn't ask for unconstitutional relief ok, I'm asking that the law to be declared dead, not that there is anything wrong with the law so it is not a constitutional issue.

Judge replies: I UNDERSTAND!

In #4 where he's telling me the history of the state of the law as it relates to cannabis marijuana with Staver's. O.K. well Staver's accepted section 4 resurrection ok, I'm not arguing the section 4, I'm arguing section 7 cultivation is dead.

As for number 5 and 6, the MMAR provide for exemption related for possession of marijuana and in some cases for cultivation of marijuana for medical purposes. The applicants do not have an authorization to possess "nor do they have a personal use production licence."

Your honor, I don't need – I have no more need for an exemption now that I am no longer prohibited since KRIEGER won his case in section 7 in december of 2002. I don't need the exemption because I have done nothing wrong, KRIEGER won it, cultivation is legal.

The Judge went on to discuss a further date to put a ruling on Johnson's motion to QUASH. date is set for January 18th,2005 at 10:00am

Richard said "I would like to thank you for hearing me out you honor"

Hey everybody, we would appreciate any comments or your opinion on what happened on this day. AS FOR THE "blah blah blah's, I WILL TRY TO MAKE THEM OUT AND POST THEM AS SOON AS POSSIBLE.

NOTE AGAIN: everything added (JUDGES COMMENTS AND CROWNS COMMENTS) are NOT word for word, it is what we can MAKE OUT OF THE COURT TRANSCRIPT from our tape recorder, do NOT QUOTE

anything! thank you

JCT: Isn't it wonderful hearing an honest person present their own case for justice! Right from the heart. What lawyering attorney can do that?

I can't imagine how a judge cannot be forced to obey the Alberta Court of Appeal supported by the Supreme Court of Canada. So I'll bet we win the end to prohibition on Tuesday, if not tomorrow with the Nielsens, at even money.

I'm betting the prohibition of marijuana falls by Tuesday at even money. Any takers to bet that it survives?

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Abolitionist Slave Leader John C. "The Banking Systems Engineer" Turmel for UNILETS interest-free time-based currency in U.N. resolution C6 to Governments in the <http://www.un.org/millennium/declaration.htm>  
<http://www.cyberclass.net/turmel> 519-753-0645 USENET: can.politics