

# TURMEL: Why no charge from Manitoba Kid

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JCT: I found this discussion online which explains why there was no charge against prohibition out of Manitoba on Monday.

><http://www.Overgrow.com/edge/showthread/t-569580.html>

Overgrow Marijuana Forums

Captain Kaieda

Topic: We can empty Canadian jails for all MJ charges:  
possession/ cultivation / trafficking

Jailed in Canada? Know someone who is? Here's how to get them released pending appeal for ANY marijuana charge. Mike South of Ontario was released Dec. 20, 2004 pending appeal. He was charged with trafficking under section 5 of the Controlled Drugs and Substances Act. Here's how he did it. You can too.

1. INSTRUCTIONS (explanations of the inmate forms and the grounds) can be found at this link:

<http://www.cyberclass.net/turmel/inmate.txt>

[Of course, change the name of the province if the prisoner is not in an Ontario facility.]

2. Add the following Magic 27 words to your grounds of appeal:

"Parliament has not re-enacted the necessary S.4 possession and S.7 cultivation prohibitions sustaining any imputed improper purpose since they were struck down in Parker and Krieger."

3. The COURT RULES for INMATE APPEALS in Ontario can be found at:

<http://www.ontariocourts.on.ca/cour...help/inmate.htm>

4. Updates from other inmates who are appealing their charges, including Mike South, may be found at this website:

<http://health.groups.yahoo.com/grou...iscuss/messages>

Inmate appeals can empty Canadian jails for all MJ charges.

This is an important bulletin for those convicted of ANY marijuana offence in Canada under the Controlled Drugs and Substances Act (CDSA). This includes all cannabis prisoners sentenced to jail for possession of marijuana (CDSA section 4[1]), marijuana possession for the purpose of trafficking (CDSA section 5[2]), marijuana trafficking (section 5), and marijuana cultivation (section 7).

Abolitionist slave leader John C. "The Banking Systems Engineer" Turmel has crafted a means for cannabis prisoners to obtain release pending appeal. On December 20, 2004 he helped free a cannabis prisoner named Mike South from the notorious Don Valley jail in Ontario. The forms Mike South used can be used by any cannabis prisoner in Canada. (Note 1)

Marijuana possession laws were repealed all over Canada on Terry Parker Day, August 1, 2001 (Parker decision of the Ontario Court of Appeal declared July 31, 2000).

The cultivation prohibition on marijuana in section 7 of the CDSA was ruled invalid by the Alberta Court of Appeal effective December 12, 2001 (declared March 18, 2003).

But with the upcoming Turmel cases in the Supreme Court of Canada and developments described at this webpage <http://www.cyberclass.net/turmel/timeline.htm> all marijuana prisoners deserve to be released immediately.

These facts have been kept from the public by the collusion of CanWest Global and most other media outlets, reporter Shannon Kari, the Justice Department of Canada, almost all members of Canada's bench (the judges) and bar (the defence and Crown lawyers). And especially Osgoode Hall (Toronto) law professor Alan Young, Crown lawyers Lara Speirs, Scott Couper and Janet Henchey, Justice Department lawyer S. David Frankel, Anne McLellan and the rest of the drug war criminals appointed Ministers of Health and Justice.

Here's the kicker. A brilliant and just ploy. Turmel is also urging all prisoners to seek an order citing the Ministry of Justice for contempt of court and abuse of process. Of course, it's all laid out in the Krieger court documents in black and white. See webpages (d) and (e) listed just below for more information on how Mike South will be trying to use this stick.

More information

(a) "First Ontario Inmate Get-Out-Of-Jail Appeal Monday"

(Medpot message 1547 by Turmel – December 10, 2004) found at:

<http://health.groups.yahoo.com/group/ot/message/1547>

(b) "Judge Simmons at Mike South Out-Of-Jail hearing"

(Medpot message 1551) found at:

<http://health.groups.yahoo.com/group/ot/message/1551>

(c) "Instructions to Mike South's lawyer" (Medpot message 1560):

<http://health.groups.yahoo.com/group/ot/message/1560>

(d) "Mike South asks court to cite Crown for contempt" (message 1570):

<http://health.groups.yahoo.com/group/ot/message/1570>

(e) "Mike South Application for Contempt Citation (message 1574):":

<http://health.groups.yahoo.com/group/ot/message/1574>

(f) "TURMEL: Surprise strike while the iron is hot" (message 1578 – December 24, 2004):

<http://health.groups.yahoo.com/group/ot/message/1578>

(g) For the latest updates to this continuing story (currently blacklisted and censored in the "mainstream" corporate-controlled media) visit one of the following two Yahoo message boards:

"Medpot" found here:

<http://health.groups.yahoo.com/group/MedPot/messages>

(contains the Medpot postings by John Turmel only),

or "Medpot-discuss" found here:

<http://health.groups.yahoo.com/group/discuss/messages>

(contains all Medpot postings, by Turmel and all others)

(h) The highest court in Canada recognizes the constitutional right to GROW and POSSESS marijuana to anyone with a medical need for it. The CDSA marijuana prohibition is ruled unconstitutional for all of Canada. Summary of the Supreme Court of Canada (SCC) decision in Her Majesty the Queen v. Grant Wayne Krieger:

<http://www.cyberclass.net/turmel/kriegsc2.htm>

(i) The SCC Krieger judgment order (with Chief Justice of Canada Beverley McLachlin's signature) can be found here:

<http://www.cyberclass.net/turmel/kriegscc.bmp>

(j) An excellent summary of cannabis prohibition in Canada from 1997 to 2004 and beyond is John [the Engineer] Turmel's Marijuana Prohibitions Timeline, found here:

<http://www.cyberclass.net/turmel/timeline.htm>

Note 1.

Question from Elagabalus:

"Why can't everyone else in jail file the same appeal documents as Mike South, and "Get Out of Jail Now"?"

John Turmel:

"Call them "appeal grounds." You only have to get 1 paragraph to any inmate to add to the documentation they provide: GROUNDS OF APPEAL

"Parliament has not re-enacted the necessary S.4 possession and S.7 cultivation prohibitions sustaining any imputed improper purpose since they were struck down in Parker and Krieger."

Call it the Magic 27 words of grounds. Keep in mind that Mike wasn't convicted under Parker's repealed Section 4 or Krieger's repealed Section 7. Mike was convicted under the trafficking Section 5 and he's released pending his Section 5 appeal with Section 4 and 7 rulings!

There is now no doubt that we can empty the jails for all marijuana charges, not just the Parker and Krieger sections by filing their Inmate Appeals with only the same Parker and Krieger grounds."

more Turmel:

"Mike's the first chink in the Section 5 armor ever. The Crown says the Krieger card has no merit but consents to his release pending on a Section 5 case that argues it links to Krieger's S.7 and Parker's S.4 repeals. That's the real bonus this time. Everyone can get out, S.5 traffickers too."

JCT: Thanks to Captain Kaieda for spreading the good news of our rebel abolitionist court artillery.

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Annu The Sun God\*\*

title:We can empty Canadian jails for all MJ charges:  
Lothar please chime in here brotha.

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userduuuuuuuude||

If this is something never ruled on by an appeals court, trial judges can rule all over the map, meaning win, lose, partial win, etc. until the issue is resolved. Usually courts find a way to avoid letting a technical mistake release thousands of people from prison.

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JCT: It wasn't that "Usually courts find a way to avoid letting a technical mistake release thousands of people from prison." I forced them to drop 4000 charges on an issue of merit. The law was dead, not the paperwork wasn't right.

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SiLENT\_MARY\_SMOKER||

wuts the bottom line, like annu said we need sum expertise.

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lothar perhaps??

JCT: Lothar must be the resident legal expert.

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Lothar

L: Ok, I see it. ;) It's pretty damn busy this time of year for me, family shit and all, but I will get back to you with an detailed analysis of the argument when I get a chance, hopefully this afternoon, but I can give you a rough impression. The reasoning in all of the above, I find very convoluted, likely because the picture is very incomplete.

JCT: He finds a 27-word argument convoluted! Har har har har. A lawyer ends up convoluted after 27 words from The Engineer. "Parliament has not re-enacted the necessary S.4 possession and S.7 cultivation prohibitions sustaining any imputed improper purpose since they were struck down in Parker and Krieger." This is convoluted?

L: All of this was previously solved in a case called Hitzig where the court ruled that the Parker case, which allowed everyone to smoke for a while, was too broad, and brought the issue back to the medical patients.

JCT: So the lawyer accepts that the courts can re-enact penal statutes. Har har har har. He says the law was dead for everyone and the court brought it back to only the medical patients. Yes, that's the Alan Young line of argument when he crowed that as of 9am this morning, the legalisation for everyone is over. Everyone was allowed to smoke for a while but the Hitzig Court made it illegal again for everyone except patients. How easily he accepts that courts have the right to enact law. How easily they forget their learning and accept bull. "The court did it so they must have the right to do it" is how lawyers are trained to think. We've heard before. Greg Smith admitted he couldn't point to any authority but since the court did it, and they wouldn't have done it if they couldn't have done it, then they must be able to do it.

L: In Hitzig, they outlined what the med issues had to be. So, this isn't a ground of appeal for everyone just for med patients,

JCT: If that's what we were arguing, accepting the premise that Alan Young brought the prohibition back to life, yes, he'd be right. Accepting that Alan Young brought the law back to life against everyone but medical users, then it wouldn't be a ground except for medical users. If you don't accept that Alan Young's motion had the power to bring the law back to life, then it isn't only for patients. We're not arguing medical any more.

L: but even then it's a weak ground of appeal, since you can legally get an exemption, and it's up to you to be diligent about it. "I have an ingrown toenail" will not make your argument very solid. The Levine / Clay case was another loss that took the wind out of the "freedom to possess for any reason I want" argument.

JCT: It took the wind out of the "freedom to possess for recreation" argument, not "for medical uses" argument. But the only cards the bad guys have to use against us are the the Hitzig-Myrden and Malmo-Levine cases.

L: Turmel (who is one of those nuts that like to throw around words like "genocide" when talking about marijuana, and calls everyone "war criminals" :rolleyes: )

JCT: What is it about lawyers that seems to stunt their brain cells? If 4 dead epileptics a day isn't genocide, what would it be called: unfortunate collateral damage, no doubt?

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Why can't lawyers grasp that prohibition of medicine kills?  
L: is purportedly suggesting that the dismissal of the leave to appeal to the Supreme Court in the Krieger case is the same as the SCC saying "There is no law!!!"  
JCT: No, the dismissal of the leave to appeal to the Supreme Court of the Krieger court striking down the law is the same as the SCC saying "We do not disagree with them striking down the law." "We do not disagree that there is not law." So I never claimed they say: There is not law. I claim they say "No disagreement with the claim "there is no law." Of course, they say that this means nothing. "We do not disagree with the Alberta Court of Appeal striking down S.7" means nothing? The Court notes Acton struck down S.7. The Court notes that the Alberta Court of Appeal did not disagree but sustained her repeal of S.7. And now the Supreme Court of Canada rules it does not disagree with Alberta Court of Appeal" and that means nothing?  
To a professional gambler like me, when the Supreme Court of Canada ruled it did not disagree with "S.7 being declared no force and effect by the highest court in Alberta," that means something. That something can be deduced. "S.7 is officially declared of no force and effect since it was declared of no force and effect on Dec. 4 2002. And S.4 under Parker earlier. A Supreme Court decision always means something.  
L: The guy got off because he had severe medical issues that were not being addressed by the Gov, and that's good for him. It is not carte blanche for a bong party at the Prime Ministers house every night, and for every gangsta who got popped with a kilo of weed in his baggy pants to run free.  
JCT: That was Krieger's lawyer Iovinelli's line: "Striking down S.7 isn't carte blanche for all, just for Krieger."  
L: Anyhow, that's my initial impression, I'm going to have to see an actual judgment from the bail variation / release pending appeal (not Turmel's recollections in a chat room) and the Krieger decision, which I can look up.  
JCT: How about Turmel's arguments in a motion? I can't produce proof of Mike South to his satisfaction in a chat room so Mike South didn't happen?  
L: You'll also notice that Turmel claims responsibility for all the stayed cases earlier, (as though Parker's lawyer who argued the case had nothing to do with it),  
JCT: Parker's lawyer got the law declared bad in 2000. There were no 4000 improperly charge people then. Turmel got the law declared dead 2 years later when there were 4000 mistakes still pending. I guess the lawyer didn't read his facts right.  
L: and brings up the conspiracy theory that the government, the defence, the crown, the press are all in on keeping this "gateway to freedom" from the public.  
JCT: How does he explain that he hasn't heard of the 2 year-old Krieger decision at the Court of Appeal and 1-year-old Supreme Court decision. Was he just lazy? Was he just incompetent? Why didn't he know about this challenges from Provincial to Superior to Appellate to Supreme levels? Just because they didn't make the news and he gets his law from the media? So while everyone from the "I confess and plead guilty" crowd makes the news, no one from the fight the law crowd is heard about. No one in Brantford knows Mike South got out. The Expositor published the story of his getting in but then suppressed the story of his getting out. Why did Editor David Judd kill the story?

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L: I have a funny feeling that the reason it was not in the papers, was because it is not news at all.

JCT: While some other people think this is the most important case in the world. No matter what the presstitutes say, and those who rely on the press for their legal knowledge, this lawyer didn't know about the Terry Parker Day declaration until 2 years later. How many clients did he plead guilty while the law was invalid between 2001 and 2003? Every one of his marijuana clients was improperly convicted during that time because he did not know what The Engineer was shouting from the roof-tops, that the law had died on Parker Day.

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Lothar

Ok, here's some further information for your amusement and edification. Here's some short synopses on where the court stands on each issue (one pagers)

What they had to say about Mr. Turmel: You'll note especially paragraph 5: "(Mr. Turmel's argument) is based on a fundamental misconception. A declaration does not delete a provision from a statute. Pursuant to s. 52(1) of the Constitution Act, 1982 its effect is to render the provision of no force or effect to the extent of its inconsistency with the provisions of the Constitution."

JCT: He agrees that there's no need for the letter of the law to state the law, he agrees the judges will remember when it doesn't apply. But he didn't know and neither did they last time, are they to be trusted to remember? I guess he didn't note they forgot during 2001 to 2003 and since then too.

L: EDIT : SEE BELOW FOR CASE

Here's the reasoning behind Hitzig, also short and clear:

JCT: I cut it.

EDIT: SAME AS ABOVE

Again, you'll see that the issue was determined, and again, the law still exists.

JCT: Note he just can't bring himself to say it exists again after being invalid. Saying "still exists" fraudulently ignores that it had died and "exists again."

L: Now, anyone can get bail pending appeal, regardless of the crime, it does not follow that the appeal will work, or that they will be somehow exonerated when some case ahead of the line is decided.

JCT: The point was to empty the jails. Some guys are never happy. Forever comes next.

L: When the court denies leave to appeal, in this case the Kreiger case where the Crown wanted to appeal, the court is saying: "Look, the case was properly decided in the issue before the trial Judge. There is no need to go further. That in itself is not an implication that suddenly no law exists, as posited by Mr. Turmel.

JCT: But the Trial Judge said it no longer existed. The case was properly decided in the issue before the trial Judge. she said suddenly no law exists, not posited by Turmel. How can lawyers keep getting everything so wrong?

L: The Supreme Court of Canada does not vaguely imply, without reasons that something is or is not legal, they'll tell you specifically. "reading between the lines" or fundamentally misunderstanding the law is not a viable defence. Sorry for the bubble bursting. :(

JCT: Whose bubble? One minute, he says the Supreme Court decisions meaning nothing and the next minute, the Supreme

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Court tell specifically. Make up his mind.

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Captain Kaieda

Lothar, Would you mind making this thread into a sticky thread? And also the thread entitled "Cannabis laws dead in Canada - how to fight back when charged"?

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Lothar

Captain Kaieda, I'd be happy to if I thought the information was accurate, unfortunately I don't believe it is.

JCT: So Lothar is the reason preventing Turmel's information from reaching more people because it is "inaccurate."

L: The bail pending appeal issue is a standard legal move that is very well known and has been for as long as we've had a legal system.

JCT: Okay, so because that's not so impressive, therefore nothing is? It's just that no matter how easy it is, it's rare because no one very often has grounds to appeal.

L: However, the other issues relating to the Kreiger defence need to be properly vetted.

JCT: Can't be if he keeps spelling krIEger wrong. Can he have found all the right information in his Kreiger searches?

L: When the courts open up again and I'm back in the office, I'll get in touch with a couple of Federal Crowns and the local defence bar to see if anyone is actually running any such defence. As a matter of fact I'll be snowboarding with a prosecutor and a defence lawyer for the next two days, we'll discuss it over beers and hash as usual with all things important, and although this one is not a fed (does not do drug cases) - that person will have some good insight. I don't want to be sending 100's of people in the wrong direction, it's not very responsible.

JCT: He's already done that without even having studied the Krieger ruling. He prevented the Turmel info from reaching a wider audience in case it was wrong; rather than after he had found it to be wrong.

L: No offence to your find, but I don't believe Mr. Turmel to be terribly credible since the courts have already found that he doesn't understand his own cases.

JCT: Wow. What a cheap shot from the trial and error brigade. It's cheap because he accepted their dis without understanding if there was any basis behind it. I never heard them say that about me. Judge Lederman dissed me for arguing the law had died on Terry Parker Day but then I was later proved right when the Court of Appeal ruled the law had died on Parker Day after Lederman refused to make the declaration. As long as everyone knows that this guy who said I wasn't credible is with the crowd who were wrong and non-credible me was the only one right.

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Lothar

Here we go, the actual Krieger case :

<http://www.canlii.org/ab/cas/abca/2003/2003abca85.html>

JCT: So he has the Acton decision, not the Court of Appeal.

L: Again, you'll see that the defence was predicated upon a defence of necessity, availability of medicinal marijuana, and relates to the need for medicine in a case where someone is seriously ill. It has nothing to do with "everyone's right" to smoke, grow or possess pot. I'll be back in a few days.....

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JCT: The case has nothing to do with everyone. So the ruling striking down Section 7 has nothing to do with everyone too? Har har har.

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sledman jones <Glenn Gray>

Great work Lothar, I saw this link and I thought it was too good to be true. But it never hurts to follow up on these things. Anything to stay out of jail....

JCT: He thought the Turmel link was too good to be true and now Lothar has convinced him it is. Of course, staying out of jail is easy. All he has to do on a first offence is crawl before the judge remorsefully and accept the brand new criminal record just like the other kid convicted with Mike South did and that's all it takes for any lawyer to keep him out of jail. It's easy to beat jail if he crawls on his first bust.

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Lothar

Be curious to see what reply you get Sledman.....:tup:

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sledman jones

I emailed Mr. Turmel on the 28th of dec and still no reply from him. I'm thinking that his defence may help someone who is very sick but it wont' help lil ole me. It's just about the 10th of jan. and i'll soon be off to my first court appearance. I'll keep you all informed. Wish me luck

JCT: It has to help him if it helps me for my House of Commons bust.

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sledman jones

mr Turmel contacted me by phone and is very eager to have me use this method to quash. He wants me to begin by sending these docs to the crown attny. in manitoba today by fax and email, then present the paper copy at my court appearance on monday the 10th of Jan. I need your advice Lothar. Should I proceed? Will it hurt me later if I do and then change my mind? He is very fired up about this and feels I have a good case. Please advise me as to your opinion

JCT: Lothar influences medpot history... for fame or infamy.

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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