

TURMEL: #3 Why no charge from Manitoba Kid

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sledman jones

think its good enuf. I'm sure you are well informed about these things and I trust your advice more than Mr Turmels at this point. I hope my court appearance goes as you say and I do not have to spend any jail time. I'm very nervous about it and I guess thats why I am so eager to believe the Mr.Turmel could quash all these charges with the stroke of a pen, so to speak.

JCT: Your choice gets you a criminal record since you know you are guilty if you accept the law still exists. There are only two choices. No lawyer can save you from your brand new criminal record,l only Turmel quashing your charge first can do that. Or scaring them into withdrawing the charges which has happened 5 times before. But going with a lawyer guarantees your criminal record since they can only defend and you know you're guilty if the law is alive. It's never too late but you missed your chance to play a heroic role in the medpot rock opera.

Lothar

OK, Sledman. One last thing.

Your question to me in PM regarding the motion to quash made it appear that the motion was based on the s.7 right of use based on preventative medicine, so I answered accordingly.

JCT: But it's not. That's the challenge in Step 5.

L: In that situation, you would have to take the stand and make admissions. Now it would appear that the motion is soley based on the Kreiger issue. In which case, you would not have to make any admissions.

JCT: Okay. Right. He corrected his earlier mistake. Smart.

L: Remember, I can only answer the questions as posed to me, and if they contain incorrect info, you'll get an incorrect answer as it applies to the real situation. I can see in your PM that Turmel is going mental over that issue. ;)

JCT: Why not go mental over the kid being told that his motion to quash made him admit possession which took him out of the current play? You have to understand, if he had not sought your advice and just followed mine, there would probably be a reserved decision right now by a Manitoba

sci.econ: TURMEL: #3 Why no charge from Manitoba Kid

judge our Ontario people could have cited as being Hitzig-proofed. I can put my assets into action almost instantaneously, unlike any reputable lawyer who must be far more prudent in spending his client's money on long-shots. Since my people don't spend any money on me and do it all themselves, the concerns of lawyers about free long-shots are no longer germane. So sure, when the kid who could have added such great pressure to our Johnson and Nielsen judges sounded like he might now show while we needed him, sure I was heatedly disappointed. When Marc "The Narc" Emery made an offer to fund a slow lawyerly challenge, I figured the kid had been completely body-checked out of the Johnson-Nielsen plays. I knew that with your lawyerly concerns and Emery's offer to fund a slow challenge, he was probably out of the play which is why I didn't push and only used a charge out of Manitoba as a bluff from thereon in. It sure seemed to have scared them out of filing their Johnson Factum until the midnight before the hearing. When was the last time you remember a Crown defying an Order to produce a factum until after a later date? The attack out of Manitoba really had them worried but now they know he's effectively been nullified. At least we can say that a lawyer has accepted that it's a freebie nothing-to-lose-but-time shot before landing back where you are now years later. L: Now, that makes the Kreiger motion safe to do. You have nothing to lose by filing it pre-trial when you are making no admissions.

JCT: Good advice finally.

L: It's still incorrect in law owing to the issue of denial of "leave to appeal" to the SCC as opposed to actually winning an appeal in the SCC, but it won't hurt to try.

JCT: He's got a wrong understanding of the final effect after the SCC decision. Right?

L: Do up the motion and show it to duty counsel on your first appearance, or file it yourself.

JCT: Good advice. He's turning our way.

L: But just keep in mind what I've been telling you, the Krieger issue is live in Alberta only as regards medicinal use issues.

JCT: The Court of Appeal noted "Judge Acton struck down S.7." Not 'struck down S.7 for those with medical need.' Medical need is not mentioned. Just that she struck it down. It's for all. Where does anyone read medicinal use into the Costigan decision?

L: You may have a Justice of the Peace in your remand court instead of a Judge. That would be good for you, they're not lawyers and often fuck things up nicely. If you get lucky and get a stupid one, you may get your motion. The Crown will immediately appeal of course,

JCT: Did the motion win? Or lose? Or do they just appeal no matter what?

L: and then 4 months later you'll end up in front of a real judge in Superior court and the motion will be heard properly.

JCT: The Nielsens were offered their Superior Court date one week later. It's usually on 3 days notice if you push. Without needing time to fund-raise to pay the lawyers, things can move pretty fast.

L: These things do happen, that's why there are appeal courts.

Turmel is fucked on two fronts:

1) the leave to appeal issue

sci.econ: TURMEL: #3 Why no charge from Manitoba Kid

2) the concurrent jurisdiction issue.

What I mean by concurrent jurisdiction is that the only court that is binding on all of Canada is the SCC. When leave to appeal was denied in Kreiger, that left it at the level of the Alberta Court of Appeal. While that court is technically a higher court than the one you will be in, just as the every other Court of Appeal in every other province is, the precedents are not binding at all. The lowest Justice of the Peace in the lowest traffic court of your province can ignore the decisions of the highest court of any other province. Cheers. ;)

JCT: Would the Crown have dropped all charges across Canada unless the Parker Court of Appeal decision which made the news for striking down S.4 did not apply across all Canada? They dropped all 4000 charges across Canada. If Parker's Order repealing S.4 was binding on Canada, why not Krieger's Order repealing S.7?

sledman jones

Here's the answer i got when i posed the question What does this mean?

>the SCC denied Leave to Appeal not the appeal itself. The simple answer to your question is that if an appeal to the Supreme Court of Canada (or any appeal court) is dismissed without reasons (usually this relates to an application for leave to appeal), the decision appealed from, that of the Court of Appeal in the situation you have referred to, remains "valid," as if it had not been appealed from.

What does this mean?

Lothar

It means he's wrong.

JCT: Actually, it is the opinion of the Chief Justice of the BC Courts. Noreen Evers send him the question and that was his answer. So Lothar says the Chief Justice is wrong. I hope he goes on to explain why...

L: That's the key to all of this. Like I said, that issue was the exact subject of an entire hour of presentations at the 2003 criminal law conference in eastern Ontario. Sigh. It looks like I'm going to have to go into the office to dig up that paper and the caselaw on the subject.

JCT: That's it? He doesn't remember why the answer is wrong, he'll go dig it up, but he's sure the answer is wrong. No explanation, just "bunk." Neat he didn't know it was a reply from the BC Chief Justice. Har har har har.

L: Seriously, it's a settled issue. It doesn't surprise me that he doesn't know that, because a lot of Crowns don't even seem to know it. We had that issue come up on two different impaired driving trials last year where the Crown tried to argue what Turmel is arguing. They lost.

JCT: The Crown tried to argue "what Turmel is arguing." Where? When? What's that? That appeal decisions which are not overturned by the SCC also rule?

L: I'll get you the material. Give me an hour or so, I just got out of the shower. I'm still drinking tea and getting organized here. ;)

sledman jones

Thanks Lothar. So basically, even if I was to file this motion I would lose based on the Krieger decision. Another reason to forget about this idea and just go with a lawyer

sci.econ: TURMEL: #3 Why no charge from Manitoba Kid

Lothar

Ok, here we go. I can't find a copy of the paper on my harddrive, so I'm going to have to type it out (the relevant part).

Now, this is binding from the perspective of the senior appellate courts of the provinces (including yours) because, obviously, the SCC cannot rule on it's own refusal of leave to appeal, since...well...it never heard the appeal..;)

First off, a quote from the highest authority, The House of Lords in Gilbert-Ash (Northern) Ltd. V. Modern Engineering (Bristol Ltd. [1973] 3 AII E. R. 195 at p. 214 (H.L.):

" Refusal to Leave to Appeal does not imply approval of this house of a judgment sought to be appealed against. That judgment carries the same authority as any other unappealed judgment of the Court of Appeal - neither more, nor less".

^^^ This has been accepted by the high courts of the provinces, notably in R. v. Decoste (1984) 15 C.C.C. (3d) 289. N.S.C.A.

As well by the Ontario Court of Appeal in R. v. Santeramo (1976) 32 C.C.C. (2d) 34. :

".....It is true that the conduct of the trial and argument on appeal raised, inter alia, issues relevant to those in this case and that the appeal from conviction was dismissed by this court. However, there were no reasons for judgment delivered to this court, and of course there were none delivered on the refusal of the application to leave to appeal to the Supreme Court of Canada. I do not think that we should assume that the higher court intended to determine these issues, nor do I think that we must necessarily accept that this court, by dismissing the appeal, resolved the issue I am here concerned with. "

Allrighty?

You see what I mean now, the highest courts of the provinces, and the House of Lords (the that high courts consider an authority, although not binding) are saying that leave to appeal dismissed means....."leave to appeal dismissed." - and that's that.

Ok, that was me going to the office when I took the day off. You're lucky I only live a few blocks away, ya bastard. :)

You owe me a beer. :D

You can send that to Turmel if you want, but I find the replies that you've been pm'ing from him very disturbing, like looking into a bucket of squirming eels. The guy is unbalanced.

JCT: I already handled how the above isn't relevant.

L: "The Crown is afraid of the Claws of Turmel"???? What the hell was that all about :confused:

JCT: Alan Young told them Turmel was just a "paper tiger."

sledman jones

I'd be happy to buy you a whole case, but according to my court order I'm not allowed to drink.

JCT: I gotten conditions changed. It's easy.

GG: Wouldn't want the same rat who got me on this pot charge to see me buying beer. So I guess what your saying is that the Krieger case doesn't help me at all and it wouldn't be a good move on my part to use it. I sent your post to Mr.Turmel and to his medpot forum and I will post back with his comments.

sci.econ: TURMEL: #3 Why no charge from Manitoba Kid

sledman jones

heres Mr.Turmels reply to my last email. Waht do you make of this Lothar?

>JCT: More lawyng from Glenn Gray's friend:...

JCT: I've posted this this already under "Manitoba lawyer gets it right."

>JCT: So what's hard to get? The Alberta Court of Appeal ruling striking down cultivation was not over-turned by the Supreme Court of Canada so Krieger repeals cultivation.

Lothar

No no no no... what is "binding from the perspective of the senior appellate courts" is that a dismissal of leave to appeal by the SCC means nothing. Not Krieger!!

JCT: That something "means nothing" is binding?

L: That whole thing I wrote out for you was in response to you and his issues regarding the refusal of leave to appeal. It had nothing to do with concurrent jurisdiction save that it says kreiger is only good for Alberta.

JCT: At least he admits it's good to quash all marijuana charges in Alberta. Now to get him to admit it's all of Canada and it helps our cases.

L: He's still confused. Look at the above threads and what I said about concurrent jurisdiction. He thinks that the Alberta Court of Appeal is Binding on all of Canada????

JCT: Wasn't Parker's Court of Appeal judgment declaring S.4 of no force and effect which let Turmel force them to drop the 4000 charges????

L: Since when is Alberta in superior jurisdiction over Canada?

JCT: Right away but especially when all apeals are exhausted and the Supreme Court backed up the Provincial Court. How close?

L: Think about it. does it make sense that Alberta can make Manitoba law?

JCT: "Make," no. "Strike down," yes. Isn't that how it works? But "make," of course not, unless you believe in Alan Young's Hitzig-Myrden resurrection. Luckily we're claiming Krieger "strike down" which courts can do, not that Krieger struck up like the Hitzig Court may not do. It's the government claiming the Hitzig "makes new penal law". Not us.

L: Look man, call up the registrar of any courthouse, call up any lawyer, call up any Crown Attorney's office and ask them this: "Is an Alberta Court of Appeal decision binding on all of Canada, or just compelling?" Seriously, I've done all I can.

JCT: Okay. If it's not binding when it's ruled upon by a province's highest court and not over-turned on appeal, is it binding? Parker was caused the 4000 and it wasn't even appealed to the top! Why not Krieger which was appealed and was not overturned?

sledman jones

I see what your saying Lothar and it makes sense to me. I phoned a legal aid lawyer today and he said that I should discuss it with my atty when I was given one and he could sort this out for me, but the guy I spoke to didn't feel there was grounds for a motion to quash.

JCT: He looked into where the Krieger court said "She struck S.7" and doesn't think it's grounds tho Lothar says it's good in Alberta. Right. Lothar now accepts Krieger killed

sci.econ: TURMEL: #3 Why no charge from Manitoba Kid

prohibition in Alberta while this guy doesn't yet.

GG: I'm gonna just go to my court appearance and let my lawyer have a look at the details of my case, and I will ask him to look at this motion to quash as well. When I know the details of both my case and of his feeling about this motion I will start a new post detailing both.

JCT: So, the Johnsons and Nielsens get no Hitzig-immune reinforcements charging out of Manitoba and will have to fight Hitzig in Ontario, our weakest arena, though we do have the threat of the Noreen Evers Krieger Quash in Hitzig-less B.C.

Remember, we say that the judges have the power to strike laws down, we say they don't have the power to make laws up. Notice how that issue is never addressed

inflateablesoulmate
did sledman go to jail?... awaiting appeal?...
what happened?

Lothar

No. Sledman hasn't even had his first appearance yet. He'll be back to let us know what's up. If a trial date were to be set for him, it'd be at least 6 months away.

inflateablesoulmate
noted... oh k... all that said now... if he was in alberta would the kreiger situation work in his favor?
and why... in that article originally posted in the news about the case from cyberclass Do the headings say all of canada when (you'd think) the initial reporter should've known that the albertacourt of appeal doesnt make anything binding to other provinces... if that makes any sense. Shouldnt Emery or Turmel have known the same?... or their lawyers?... All seems pretty messed up to me.
neat thread tho. I would suck at terms... glad youre here:

sledman jones

My next court date is set for Mar 8. Check out the posts on this link for even more confusion.

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

If you have any insight I'd love to hear it

Lothar

Well, there's not much more that can be said, He still has the Leave to Appeal issue stuck sideways in his cranium, apparently.

JCT: Then forget my issue and answer "inflateablesoulmate" who asked: if he was in alberta would the kreiger situation work in his favor?

L: Just remember to ask your lawyer about how binding a dismissal of Leave is on all of Canada. That's the heart of this issue.

JCT: Then ask how binding the decision by a province's highest court where leave to appeal was denied by the Supreme Court of Canada is on all Canada.

L: Forget about all that preventative usage stuff, if that's not what he's attempting to argue, then it's no longer relevant to our discussion here.

sci.econ: TURMEL: #3 Why no charge from Manitoba Kid

JCT: It's not relevant until Step 4, the motion to argue medical value to healthy people too. Are you saying not to even try it as a constitutional challenge a la Parker before trial?

L: No wonder in all his posts the Crown, other lawyers and the Courts are looking at him like he has two heads.

JCT: It all sounds so crazy to the lawyer.

L: He says it's a "cover up" of course. How convenient. biglaugh:

JCT: How else to explain the Calgary media fooling Lothar by reporting Krieger was for only Krieger when it struck down S.7? Accidental? Bad luck? Sure helped the prohibitionists bust an extra quarter million people and kept the courts and the lawyers busy too. Say, maybe they can't see it because they profit from it's continuation? But that would imply corruption of their souls.

>From: "sledman jones" <slnodrifters@hotmail.com>

>To: turmel@ncf.ca, johnturmel@yahoo.com

>Subject: Update on My case in Manitoba

>Date: Thu, 13 Jan 2005 01:51:36 +0000

GG: I just want to drop you a line and fill you in. In a roundabout way Marc Emery offered to fund a lawyer for me thru DrGreenthumbs. But he did not do it directly.

JCT: Hey, he offered any resisters a go-slow lawyer. That's helping?

GG: I have yet to even get an email from him stating his intentions.

JCT: Right, he said you should contact him. Me, I begged but I no money to offer.

GG: My court date was remanded to Mar 8 2005, buying me some time to mull over just what I can do. I still find your approach to this very appealing but I am scared to do it all by myself.

JCT: No one else can do it for you except those who precede you now. It could be all over tomorrow or Tuesday. It should be all over tomorrow if the Superior Court hears the contempt motion. Then we get into Frankel knowing the law was dead and whether he should have told the cops the law was dead before they busted you and everyone else. Get it? Our team aren't scared! Our team are righteously angry at being busted under a law the top Crown Attorney admits has been repealed.

GG: I believe I still have the right to file these motions and I am willing to do so still.

JCT: As long as you never plead "not guilty" and "stand mute pursuant to section 606(1)", then you can always raise the issue without leave of the judge. If you plead not guilty, then you need his permission. Better to never plead.

GG: But I do not understand many of the things that the Johnsons and the Nielsens are saying, especially in front of a judge.

JCT: Sorry but it's not that hard. Unless you trained to be a lawyer. Otherwise, it's all simply laid out in the timeline.htm I tend to KISS, Keep It Simple Stupid at all times which makes a lawyer not getting so fascinating to watch. Much like an economist can never grasp that banks don't lend out their depositors' funds, so too, lawyers can't grasp what it's not in their interest to get.

GG: I am a fraid that I will be intimidated into dropping my motion if the judge hearing my case was to ask some of the

sci.econ: TURMEL: #3 Why no charge from Manitoba Kid

questions they were asking in the Johnson case.

JCT: Learn Johnson's answers. When he got their factum and called to get the answers, it took us no more than 10 minutes to have him completely prepared to counter every argument. It's not hard playing all aces, no matter how bad you think you play. My job is to arm you with the Aces and it's your job to learn when to play them like everyone else.

GG: I was scared enuf at my first court appearance. I simply do not understand alot of this.

JCT: It's all baffle-gab. You don't need to understand it. It hasn't stood up to good old logic yet. The Crown's been on the run in all our cases all along. Don't you feel it? Imagine them having me with a 3.3K life-sentence and dropping it to an under 3K bust to avoid a jury. Does that sound like confidence? And they still haven't won denying me my jury and my life-sentence gamble

GG: If that makes me stupid, then so be it.

JCT: It may make you feel stupid to not understand the baffle-gab but finally, they have to get down to English where we win.

GG: I do not want to hurt any of my chances.

JCT: Going on offence for a couple of years never takes away your chance to go on defence. It's just that lawyers aren't trained to do offence, only defence. And it's expensive to do offence, unless you do it yourself. That's why my do-it-yourself offensive kits are so effective.

GG: I understand that your team is making great strides in their respected cases and I hope that will give me more ammo to fight my case, or to have it dropped.

JCT: If we're lucky, it will be won before you have another appearance in court.

GG: As I said before, I want to file your motion to quash and to help further the cause, but I wish I had a coach, so to speak, to help me with all the answers to the questions I do not understand.

JCT: The medpot-discuss group you are now subscribe to can answer all your questions. They've lived it fresh. I couldn't even imagine what butterflies feel like having been at this for a quarter century but they can tell you the highs and lows of offensive plays when you're not a lawyer. I can also bet that Richard Johnson had one of the greatest adrenalin-pumping days of combat in his life. And he's got his tape-recorded souvenir of the occasion.

GG: I can't go into a courtroom and stand before a judge to say "I don't know".

JCT: "I don't know which Ace to play?" It's the judge's job to help you pick the right Ace. Not to trick you up. He has to see that the system treats you fair when you don't have a pro doing it for you. Don't underestimate the value of not having a lawyer and making the judge take over certain concerns about your rights.

GG: Thats the reason I wanted to find a lawyer to stand with me.

JCT: No one can't understand taking time to think it over. Tho it did cost you a measure of glory you could not have known came attached.

GG: Or someone else with some of the answers. Why don't you take some time off and come and help me fight this battle?

JCT: I've built you guided missile artillery. All you have to do is pull the trigger, sit back and say "I have nothing more to say, it's all been written down." Is the law dead or alive? Really. Everyone has this drilled into them. Either

sci.econ: TURMEL: #3 Why no charge from Manitoba Kid

"can I have a moment to consult with or call my coach, like Richard did once at the last hearing, or "My written argument suffices." Without sounding too condescending, you just leave the building and aiming the artillery to your general of combat engineers and press the button when you see the enemy in sight.

GG: I hope you can understand my position and maybe you can provide some insight.

JCT: By the time March rolls around, you may be chomping on the bit to launch an attack yourself. Actually, you can file your motion to quash to be heard on 30 days notice to the Crown. On offence, you pick the date of your charge.

Having you sitting in reserve waiting to charge out of Manitoba still has to worry the Crown.

As for your lawyer friend, he's no worse than most and certainly better than most. He accepted the truth a couple of times and even though it had to be beaten out of him, it still surprised me.

His admitting Krieger was a freebie put you on the right track. Actually, it kind of cinched you waiting to charge in Manitoba, didn't it, by his explaining you have nothing to lose. So the Crown has to worry about any situation where having you charge can hurt them. We'll leave it at that but you keep in mind you may be asked to launch the freebie attack on a moment's notice and we'll need you prepared if that day should arise.

So, though I really beat up your friend, he's better than most. And he's brought Krieger to the attention of both Crown and Defence Attorneys. Quite a good thing.

I'm a believer that God works in mysterious ways and if he didn't want you charging out at this time, there may have been a reason. You are always a threat and there may be another use for you in other ways coming up.

Do your homework. Get armed. Practice your armaments, ahem, arguments with your friends. And hope a situation arises where you can add to the assault in your own unique way.

I'm an adult pissed off about having to hide from cops to enjoy herb. I won't take it and I'm going to fight with my all. Besides, facing a major jail term gives me no choice but to wage all-out war.

I hope the enemy are feeling it.

--

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