

TURMEL: Gravel's Krieger Get-out-of-jail Thursday in Quebec

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From: John Turmel (bc726_at_FreeNet.Carleton.CA)

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JCT: It's official but it was close. 31-year-old Dominic Gravel was charged with the standard charges of S.7(1) cultivation and S.5(2) possession for the purpose of trafficking but was not released on bail and has done 6 months with no pre-trial.

So after an all-nighter busing it down to Ottawa-Gatineau, I put two motions together for Dominic to sign. The first is the standard motion to quash in Provincial Court of Quebec with 30 days notice to the Crown and the second is the motion in Superior Court for release pending process.

MOTION TO QUASH

CANADA
PROVINCE DE QUEBEC COUR DU QUEBEC
DISTRICT DE GATINEAU -----
No: #550-131-040302-003

Dominic Gravel
Defendant-Applicant
-vs-
The Queen
Plaintiff-Respondent

NOTICE OF APPLICATION TO QUASH Pursuant to S.601

TO ONE OF THE HONORABLE JUDGES OF THE COURT OF QUEBEC, the Defendant respectfully states:

1. On Dec 10 1997, Ontario Judge Patrick Sheppard... does the introductions of the Appendixes from...
<http://www.cyberclass.net/turmel/quscon.txt>

20. On Feb 01 2005, Judge Serre will be ruling on a motion

to quash three S.7 cultivation charges as unknown to law in Elliot Lake Ontario. There are 12 Krieger challenges going on in Ontario, B.C., soon Manitoba, and now Quebec.

21. Applicant was charged on July 29 2004 with S.7(1) cultivation and S.5(2) possession for the purpose of trafficking, both invalid statutes since "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."

Documentation to be used:

	Page
App.1: 2000 Jul 31 Parker Ont.C.A. Order on CDSA S.4.....	
App.2: 2002 Dec 04 Krieger Ab.C.A. Bench Memorandum on S.7.	
App.3: 2002 Dec 05 Calgary Herald Krieger article.....	
App.4: 2002 Dec 05 Calgary Sun Krieger article.....	
App.5: 2003 May 16 S. David Frankel culpability clause.....	
App.6: 2003 May 14 Turmel holds back marijuana bill.....	
App.7: 2003 Oct 07 Hitzig Ont.C.A. Order for MMAR fix.....	
App.8: 2003 Oct 07 Turmel Ont.C.A. Order for Parker Day....	
App.9: 2003 Dec 08 Turmel stays 4000 since Parker Day.....	
App.10: 2003 Dec 23 Krieger Supreme Court of Canada Order..	
App.11: 2004 Apr 01 Turmel to A.G. for 100,000 more.....	
App.12: 2004 Nov 22 AIDS Society decries exemption absence.	

Dated at Gatineau on Jan 24 2004

Defendant–Applicant
 Dominic Gravel
 155 Fontaine St. Gatineau J8Y 2C6
 Tel: 819–778–6189 Fax: 819–771–4082

AFFIDAVIT

I, Dominic Gravel, residing at 155 Fontaine St. Gatineau make and say as follows:

1. I am the Defendant.
2. All the facts alleged in the motion are true.

Sworn before me at Gatineau on Jan 24 2005

A COMMISSIONER, ETC

NOTICE OF MOTION

To: Attorney General for Canada

TAKE NOTICE that on February 24 2005 the Defendant will make a motion before a judge of the Quebec Court at the courthouse at 17 Laurier in Gatineau at 9:30am for an Order

1) an Order pursuant to S.601(1) of the Criminal Code quashing all charges relating to marijuana under the CDSA as unknown to law on the grounds Parliament has not re-enacted the S.7 cultivation and S.4 possession prohibitions which underpin all other marijuana prohibitions in the CDSA since they were struck down by the Ontario and Albert Courts of Appeal.

2) an Order staying any charges for marijuana as abuse of the process on the grounds that statute is of no force and effect.

3) an Order, in the absence of proof that all inmates convicted since the marijuana prohibitions were repealed have been released, citing the Ministry of Justice for contempt of the Ontario and Alberta Courts of Appeal and Supreme Court of Canada in R. v. Parker and R. v. Krieger on the grounds Crown Attorney S. David Frankel acknowledged that the S.7 Cultivation and S.4 Possession prohibitions had been struck down by the highest court in Alberta but did not dutifully inform Canada's Law Enforcement to cease and desist arrests under the repealed statutes.

4) or in the alternative, an Order staying the charges pending the final determination of the repeal of the prohibitions by the Supreme Court of Canada in Turmel v. HMTQ #30570 (Hitzig) and R. v. Turmel #30571 (3.3Kg Parliament Hill bust under S.5(2)).

AND FOR any Order abridging the time for service, filing, or hearing of the application, or amending any defect as to form or content of the application, or for any Order deemed just.

Dated at Gatineau on Jan 24 2005

Defendant-Applicant
Dominic Gravel
155 Fontaine St. Gatineau J8Y 2C6
Tel: 819-778-6189 Fax: 819-771-4082

MOTION FOR RELEASE PENDING PROCESS

CANADA
PROVINCE DE QUEBEC COUR SUPERIEURE DU QUEBEC
DISTRICT DE GATINEAU -----
No: #550-131-040302-003

Dominic Gravel
Defendant-Applicant
-vs-
The Queen

Plaintiff-Respondent

NOTICE OF APPLICATION TO VARY BAIL CONDITIONS

TO ONE OF THE HONORABLE JUDGES OF THE SUPERIOR COURT OF QUEBEC, the Defendant respectfully states:

1. On Dec 10 1997, Ontario Judge Patrick Sheppard stayed charges against Terrance Parker ruling...

JCT: As usual, the Appendixes proving the Crown knew the law was invalid when the accused was charged from <http://www.cyberclass.net/turmel/quscon.txt>

20. On Feb 01 2005, Judge Serre will be ruling on a motion to quash three S.7 cultivation charges as unknown to law in Elliot Lake Ontario. There are 12 Krieger challenges going on in Ontario, B.C., soon Manitoba, and now Quebec.

21. Applicant was charged on July 29 2004 with S.7(1) cultivation and S.5(2) possession for the purpose of trafficking. Because of his previous 2 drug convictions, he was refused bail by the provincial court judge Dagenais and has done 6 months dead time and not yet had a pre-trial.

22. Applicant has no history of violence and his release pending the outcome of the proceedings represent no danger to his community.

23. Applicant has filed a motion to quash pursuant to S.601 of a defective indictment upon 30 days notice to the Crown for Feb 24 2004. Should release pending adjudication not be granted, Applicant will file an immediate motion for an order of prohibition on the prosecution below and for release. Should it not be granted, Applicant may appeal which stays the proceedings below and will request release by the Quebec Court of Appeal. Should release be denied, leave to appeal will be sought in the Supreme Court of Canada and release pending adjudication.

JCT: This isn't boasting. It's intimidating. The point is that if they don't let the kid out, I'm prepared to waste the time of all these judges. Next week again in Superior, next week in Montreal, next week in Ottawa. Even if I lose the case, they all lose the time.

Dated at _____ on _____ 2004
Defendant-Applicant Dominic Gravel

NOTICE OF MOTION

To: Attorney General for Canada

TAKE NOTICE that on Thursday Jan 27 2005 9:15am, the Applicant will make a motion before a judge of the Superior Court of Quebec in Room #1 of the courthouse at 17 Laurier in Gatineau for an Order varying the bail conditions to permit release upon Applicant's own recognizance to avoid any further compounding of the abuse of the court process of spending dead time on invalid charges since "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."

AND FOR any Order abridging the time for service, filing, or hearing of the application, or amending any defect as to form or content of the application, or for any Order deemed just.
Dated at Gatineau on Jan 24 2005
Defendant-Applicant

JCT: So that's it. I don't care what bail conditions they're used to asking for, I'm making the Crown look so bad, the judge may want impose conditions on them, not Dominic.

Anyway, we were at the Hull (now Gatineau) jail at 1:30 but the guard who commissioned the oaths wasn't available so it Dominic's girl-friend Deborah left the forms for him. I thought it meant we'd have to delay the release hearing until Friday but I got a call at 3:30 saying the forms were signed so I took a shot at keeping the Thursday out date. Court closes at 4:30.

On her way to the jail to get the forms, Deborah dropped me off at the photocopy shop to make the copies of the Appendixes for the kits. She got back at 4:10. By 4:20 we were out of the shop and racing downtown. I got into the Crown Attorney's office at 4:29pm. No one at the reception desk! I ahemed, called out, no one came until 4:33. Stephanie Godri, a Crown I had faced within the past few years who recognized me and gave service even though it was after 4:30. It would have been a big fight but I'm glad not the kind he wanted to get into.

But by the time I got downstairs to face the final hurdle, HMTC, Her Majesty The Clerk, all the registry offices were closed! Still, the Crown was served on time to make Thursday feasible.

This morning, I went down to the court. The clerks knew me and there was no problem with the Provincial Court motion to

quash in 30 days but when he asked me if I'd contacted the Superior Court co-ordinator about a hearing in 2 days, I apologized no but Turmel motions were known for their shortness. I didn't even point out the "fix anything Order" requested in the motion. It wasn't needed. He came back and said that though the court started at 9:30am, he had scheduled it for 9:15am. I thanked him profusely.

So it's all set. The first cultivation charge in Quebec being challenged by the Krieger "no cultivation law" argument.

And that Judge Serre's going to handing down a ruling in Elliot Lake next week sure has to make it tough to keep the kid in. No danger, he's already been abused more than most, he probably has a civil case for the half-year spent while David Frankel knew the law was being held on was dead.

For the next few days, I'm going to be alerting the press as to what's going on. I advise readers to keep an eye on any French media, TQS, TVA, CHOT, and especially CJRC radio 1150 who are usually most up-to-date on everything.

If I do any interviews, I'll try to let you know.

Finally, I implore warriors to call open-line talk shows asking why nobody knows about Krieger? And telling them about

- 1) next Tuesday the upcoming Elliot Lake Krieger decision;
- 2) this Thursday with Gravel in Gatineau and Ethier in Sturgeon Falls.

If the media have managed to keep the Krieger Bogus Charges Scandal under wraps so far, they'll go nuts when it starts to emerge out of open-radio talk shows.

And if you do get on, try to tape it and send transcripts to medpot-discuss@yahoogroups.com to cheer us up.

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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