

TURMEL: "Triple-Pimp Turmel" in Canada's Criminal Code

Source: <http://sci.tech-archive.net/Archive/sci.econ/2005-02/0318.html>

From: John Turmel (*bc726_at_FreeNet.Carleton.CA*)

Date: 02/03/05

Date: 3 Feb 2005 03:49:30 GMT

JCT: I was in Ottawa provincial court #7 this Feb 02 2005 before a Judge Ann Alder asking for another adjournment of my until my trial in the 3.3KG Parliament Hill Bust until the Application for leave to appeal the Aitken refusal to prohibit that trial has been ruled on by the Supreme Court of Canada in a few months once I file the last documentation later in the day.

I saw the 2005 edition of the Martin's Criminal Code of Canada on a desk and asked the young Crown if I could peruse it. They report on the outcome of the Big Five cases under Drugs S.4 possession.

R. v. Turmel (Aitken) had made the book. My Aitken loss is being touted in the Criminal Code of Canada as having established that Section 5(2) was still alive while the S.4(1) prohibition was officially dead. Of course, the Crown have argued to the Supreme Court that the case isn't of national importance to be reconsidered even though it is cited as a precedent in the law-book!

Imagine. My Aitken appeal is cited for Section 5 offences being alive and the only reason the Crown has offered to disallow any appeal of that book-making decision is not it's wrong but that it's not very important! Important enough to set precedent in the latest law book but not important enough to merit more than a cursory discussion? Wow. What a find. But too late to include in my SCC papers served the day before.

The Martins Criminal Code Annotations reads:

"The prohibition against marijuana possession is valid when there is a constitutionally acceptable medical exemption regulations in force. If, at the time of the accused's

charge, the Marihuana Medical Access Regulations, SOR/2001-227, were in force and constitutional, then S.4 is valid. If the regulations did not solve the constitutional deficiencies, then the possession prohibition, even as modified by the regulations, are of no force and effect: R. v. P.J. (2003) 177 C.C.C. (3d) 522, 14 C.R. (6th) 69, 231 D.L.R. (4th) 179 (Ont.C.A.) See. R. v. Stavert (2003) 179 CCC (3d) 117, 231 Nfld., & P.E.I.R. 211 (P.E.I.T.D.) holding that it was open to the trial judge to conclude that there was no constitutionally valid prohibition in effect for the possession of marijuana given R. v. Parker, supra, and the absence of constitutionally valid regulations at the time of the offence. The declaration of invalidity in R. v. Parker did not delete marijuana from Schedule II, but simply declared that the reference in s.4 to Schedule II was of no force or effect for the purpose of a possession charge: R. v. Turmel (2003) 177 C.C.C. (3d) 533, 231 D.L.R. (4th) 190, 177 O.A.C. 312 (C.A.)

JCT: Though they do mention the Turmel application to declare S.5 and all laws dead on Terry Parker Day, Martin's Criminal Code of Canada doesn't mention Parker's application to declare the S.4 law on Terry Parker Day. Instead, they give the credit for declaring S.4 dead on Terry Parker Day to R. v. J.P. in Windsor. There's earlier stuff on Parker but I missed printing it and caught the important stuff. And before I parse the Martin's Criminal Code of Canada for the spin on Parker et al (Hitzig-Myrden-.../Turmel-Paquette, after all, the Queen's printers print what David and Harvey Frankel tell them, don't they?

Now, going over the Martin's mistakes under S.4 about the Big Five Marijuana appeals, instead of:

"The prohibition against marijuana possession is valid when there is a constitutionally acceptable medical exemption regulations in force. If, at the time of the accused's charge, the Marihuana Medical Access Regulations, SOR/2001-227, were in force and constitutional, then S.4 is valid. If the regulations did not solve the constitutional deficiencies, then the possession prohibition, even as modified by the regulations, are of no force and effect: R. v. P.J. (2003) 177 C.C.C. (3d) 522, 14 C.R. (6th) 69, 231 D.L.R. (4th) 179 (Ont.C.A.)

JCT: They could also write:

"If the regulations did not solve the constitutional deficiencies, then the possession prohibition is of no force and effect."

"If the regulations only solved the constitutional deficiencies for less than 2 months, then is the possession prohibition is of no force and effect again?"

"If the regulations stopped solving the constitutional deficiencies, then the possession prohibition is of no force and effect."

"If the regulations now cause access problems again, then the possession prohibition is of no force and effect."

Finally, if Turmel wins appeal #30571 for the S.5(2) thought crime, then the possession prohibitions (plural) "are" of no force and effect.

Of course, Leave #30571 isn't your ordinary challenge to the S.5(2) existence of the law, it's a challenge made while while S.4(1) was dead. The purpose or spirit of the law, that the substance was evil, no longer applied. Sure it looks bad to have lots of something illegal but having lots of something legal just means you like lots of something legal.

So I'm coming in on a unique challenge to S.5(2). I'm raising whether the death of the law applied to all sections or just to those who have won so far.

My challenge to S.5(2) was made while everyone admits possession was legal. Seems it's important to a lot of people whether the law was dead for all sections while we know for sure the law was dead for S.4. A lot easier to argue than people who have to argue it's dead while they won't admit S.4 was dead, right? Every edge going my way before betting against a life sentence to stop the new legislation and screwing Frankel out of his escape from justice.

My challenge is to a pure thought crime because Aitken didn't know S.4 was later going to be declared dead. Right? When Aitken ruled, no one but Turmel knew the law had become invalid in 2001. No judge knew until they'd been told. Actually, Rogin had already ruled in the J.P. decision in Windsor that the law had died on Terry Parker day for a reason that was later struck down. So the Crown dropped all those charges because of the erroneous Rogin for nothing. Except that the Turmel-Paquette and Parker cases had also asked that Terry Parker Day be declared for the right reason, because the MMAR had failed to work, not that it had failed to be legislated properly, the technicality.

But still, the Doherty court and Martin's CCC gave the credit for law being declared unknown to law to the J.P.

case who won the week before we did for the wrong reason! So Martin's also didn't mention that the Terry Parker Day demand had been made by Terry Parker himself first. Terry should write to the Martins printers and tell them to check the court orders, his was the same as mine and Paquette's, and see that Parker asked for Parker day first, Parker eventually won, Windsor's J.P. case asked second, lost, and gets the credit in the Criminal Code. Disgusting what Ministry of Justice Lawyers can do when they run the law-book printing presses, isn't it?

"See. R. v. Stavert (2003) 179 CCC (3d) 117, 231 Nfld.& P.E.I.R. 211 (P.E.I.T.D.) holding that it was open to the trial judge to conclude that there was no constitutionally valid prohibition in effect for the possession of marijuana given R. v. Parker, supra, and the absence of constitutionally valid regulations at the time of the offence."

JCT: Of course, you can bet the Frankel's wanted Stavert's Judge Matheson who accepts the law is resurrection without Parliament to further the government spin. But every time they say mention how prohibition turns off and on depending on the absence or presence of a valid exemption, sure, it's right there in the Code.

"The declaration of invalidity in R. v. Parker did not delete marijuana from Schedule II, but simply declared that the reference in s.4 to Schedule II was of no force or effect for the purpose of a possession charge: R. v. Turmel (2003) 177 C.C.C. (3d) 533, 231 D.L.R. (4th) 190, 177 O.A.C. 312 (C.A.)

JCT: The law died on Terry Parker Day Aug. 1 2001 but nothing changed in the law books. It was just declared of no force and effect. No need to change the law books. The bench and bar would know which laws printed in the book were of no force and effect and which laws in the book were.

Funny how Turmel cases make it into the Criminal Code of Canada but not into the news! Of course, there's the reference in the Criminal Code under Section 197, gaming house definition of "gain."

And there used to be a reference to my Casino Turmel under the Proceeds of Crime Section. Remember, when they did that portion about me on TV, they showed all the boats and cars and houses that were the kinds of things seized under proceeds of crime and everyone thought it was my stuff. Har har har har. Hence the rumors of my fabulous wealth to finance my personal crusades in the minds of all viewers who

watched the TV news. Boy, they sure grabbed a million bucks worth out of Turmel, everyone must have thought.

And the Crown wanted me jailed 10 years until I paid back the Million I had won! But I won my case and got the Ottawa Sun's quote of the week pointing out how I knew they weren't going to let me keep it so I spent it all. They didn't call it Project Robin Hood for nothing.

The next reference I had never even noted before where they cite R. v. Turmel in Section 609, my special plea of "autrefois acquit" in my Robin Hood Raid on Casino Turmel in 1993 after having been already acquitted of the same thing in 1989.

So not only did Judge Wright make the Code convicting me of the very same thing Judge Lennox had acquitted me of but Wright made the Code when he ruled that the Proceeds of Crime sections applies to recoup hidden proceeds but does not apply to someone who has spent it all. But that annotation seems to be gone. Are they now jailing guys who spent it all until they pay it back like they wanted to jail me until I had paid it back? Did they get their judge to create new law again? Bad habit.

Remember, if they hadn't violated the law to stop me, I'd have controlled the casino industry in Canada and I've probably been robbed out of being Canada's Richest Pauper. I had found a way of running U-Bank-too Blackjack and "No-rake-off" poker legally, had been in public operation a year and a half when the judges decided to change the meaning of one word in the law.

I argued the rare "Autrefois acquit" because I was "already acquitted" once before by Ontario Justice (now Chief) Brian Lennox and all my found-ins acquitted by Ontario Justice Fontana. Say, I've got to write to Brian about judges not knowing about those tape recorders. The letter's ready to go, just need his mailing address. He and I go back a long way. You can find the transcript of my autrefois acquit presentation and appeals at my home page, I think I was recording pre-trial events too, and many gamblers have already read this before but here's the Martin's CCC spin.

Under Section 609, Martins CCC Annotations read:

"A plea of "autrefois acquit" requires that the previous verdict arise from the same condition on which it is later purported to try the accused. Consequently, the plea of autrefois acquit was not available where the accused had been previously acquitted of keeping a common bawdy house in

relation to similar operations at other locations."

The ??? (photocopy blemish due to thick book) before the judge on the previous trial was not the same as that before the trial judge on the on this case because the matters involved different factual transactions.

JCT: Same rules, different event.

"Multiple prosecutions under the same statutory provision are permitted if each prosecution arises from a different illegal act or from separate transactions."

JCT: I was busted and acquitted of how I played the game. I was busted again because it was a new time. I could be acquitted and could never point to why I was acquitted to avoid being busted because it was a "different time" meant a "different" offence. Crown Andre Marin won that one by showing up with no case law, just a dictionary to point out how the dictionary said "gain means win" so they could expand the meaning of the word gain to include winnings that used to be legal. Again, neatly sidestepping a House of Parliament completely cuckolded of their prerogative to engender penal initiatives. Finally, remember where it reads:

"where the accused had been previously acquitted of keeping a common bawdy house in relation to similar operations at other locations..."

JCT: Har har har har. Keeping a common bawdy house is listed under the same "disorderly house" section of the Criminal Code with keeping a common gaming house but bawdy house is for prostitution, not playing cards. The Criminal Code of Canada have me down as the infamous "Triple-Pimp Turmel."

--

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