

# TURMEL: Hitzig Stay triggered Wednesday, or min resistance

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JCT: On Oct 7 2004, I filed my application for leave to appeal the Doherty decision that acceded to my demand that the prohibition in S.4 of the CDSA be unknown to law because the MMAR had failed to comply with the Court's ruling in Parker but claimed it's resurrected MMAR now saved the prohibition two years later to resurrect the crime.

Much like Justice Doherty could be working to resurrect the now-repealed crimes of abortion or keeping a common gaming house for playing cards with friends. Oh, right, Judge Wright did already change the law to make playing cards with friends illegal without needing Parliament in R. v. Turmel.

The application was missing a signed Lederman decision to be perfected.

On Dec 24 2004, I filed my Request for stay of execution. Section 65.1(1) of the Supreme Court Act permits me to apply to "this court or the court below." When the registrar said she preferred me to go below, I wrote back I preferred to remain above.

While the application wasn't perfected, the Registrar could refuse to send the stay of execution demand along.

At the same time, the Leave application for the S.5(2) Hill bust was also missing a signed order.

Yesterday, I served the Crown with both my replies to their Response Memorandums and requests for extensions of time to file them all. All got filed today.

So, having perfected my Hitzig leave application, there's no reason not to send the request for the Hitzig stay of execution along to the judge unless the Registrar is going

to hold out to force me where I don't have to go.

Sure, I had bluffed that they'd have to take me away in cuffs if the Registrar wouldn't send it along to the judge and we'd see if she had the nerve to explain to the press why the Act says I can make my request here but she insists I make it below.

But it was a game of chicken I wasn't going to bluff long at. I'm on bail. Who knows when they'd ever let me out. I had to back down. So all I can do is start calling the Supreme Court Registry at 613-996-8666 asking what happened to the Motion for a Stay of Execution in Number 30570. It's been triggered and there's no acceptable reason for the Registrar to be withholding it other than S.65 doesn't apply to John Turmel.

But if I weren't on bail, any decision not to send my document to the right judge would have merited my getting arrested to make the news of my getting screwed. If the Registrar says I can't avail myself of S.65.1(1), I'll over her head before I go to the courts below. In writing.