

TURMEL: Judge Serre dismisses Johnson Krieger Quash

Source: <http://sci.tech-archive.net/Archive/sci.econ/2005-02/0426.html>

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

Date: 02/04/05

Date: 4 Feb 2005 01:19:48 GMT

JCT: Here is as much of the report of the Johnson hearing before Judge Serre as I have been able to put together.

>*Date:* Thu, 03 Feb 2005 00:25:14 +0000

>*From:* *el_sunset_warrior@yahoo.ca (el_sunset_warrior)*

>*Subject:* *Re: we weren't prepared for door no.3*

>*To:* *medpot-preview@yahoogleroups.com*

sorry virgil all i can say at this point is that i was running on less than 6 hours sleep out of the last 72 hours prior to going to court, i was pretty brain dead before the judge and heavily relied on the tape recording, unfortunately the tape recording has a very high static interference, possibly because of the computer between me and the judge. im trying to figure out a way to eliminate the static in order to hear the judge.

going to the high school tomorrow and talk to the audio visual teacher there, ive heard they have some impressive equipment there.

all i can tell you about the ruling is she talked for about 30 or 40 minutes pretty well straight with very little interruption. it was all very technical, quoting all the major players that ive used in my motion, i believe she said she is bound by hitzig on sec 4(1) and possibly sec[5]2.

she took my motion and turned it into two, striking down the first part and allowing me to continue on for trial using the second part.

the confusing thing is we're all not exactly sure which part is which? again i appologise for being brain dead at the time, couldn't help it. part of my medical condition.

now if ive got any of this straight it may be that she is going to allow me to argue that 1) I can still fight for sec 7 cultivation or 2) that the law is un-constitutional again based on health canada putting back in the cancers to mmr.

i really need to hear whats on that tape in order to fill in all the gaps that i cannot remember but i know is all filed in my brain i need recording to help coax out memories.

final result

the clerk read out an election of choices such as superior court with judge for jury, appeals court judge and jury and a whole lot of other choices but the only smart choice for me, i elected to have any further hearings right hear in elliot lake as i feel the judge serre is on my side, and seeing all the problems everyone else is having at all levels of court i thought this was in my familys best interest.

judge serre was concerned wheather she had jurisdiction

crown aube assured her that she did.

i also made mention to john in ottawa today and quebec tomorrow and if all goes well i may not have to come for trial.

judge remanded until mar 8 i think.
until i hear whats on the tape this is pretty well it try my best to decipher or possibly buy transcripts. richard

>Date: Wed, 02 Feb 2005 16:36:45 -0800
>From: muirhead@haidagwaii.net (Michael)
>Subject: Re: Re: we weren't prepared for door no.3
>To: medpot-preview@yahoogroups.com

You've done what you could, Richard - and under the circumstances, I have the impression that your having done anything at all is a bit of a blessing. :-)

I'm almost certain that you're being offered the chance to argue the death of Sec 7(1)... because there's documentation start to finish that it really is dead. The 4(1) thing is a major nuisance, because until Serre can be forced to accept that the Hitzig ruling is nothing but opinion, she's bound by the CA in her own province more than by any other court but the SCC. What Serre thinks about the reinstated unconstitutional conditions in the MMAR is anyone's guess. JCT: That's why it's so important to do it in another province.

I'm crossing my fingers and toes that you can sort out that tape. Barring that, however, I think I'll be ordering some

sci.econ: TURMEL: Judge Serre dismisses Johnson Krieger Quash

transcripts. :-) ((U)) M

>Date: Thu, 03 Feb 2005 00:45:32 +0000
>From: el_sunset_warrior@yahoo.ca (el_sunset_warrior)
>Subject: [medpot-preview] ALSO
sorry i forgot to mention about the rev. tarzan. while waiting out in the car before court started. a court official came out and handed me what we thought were the north bay transcripts. it appears only to be copies of the rev's 3 applications he submitted in court. no recorded dialogue of actual proceeding. we have just purchased a new printer, when i figure out how to scan i will post here at preview, it may help, tarzan writes like tarzan, i cant make out parts of his submissions. regardless the judge said there was nothing here to help me with. richard

>Date: Thu, 03 Feb 2005 01:13:20 +0000
>From: el_sunset_warrior@yahoo.ca (el_sunset_warrior)
>Subject: ALAS, BUT ANOTHER PROBLEM PLEASE ADVISE
>To: medpot-preview@yahoogroups.com
in regards to my daughter the minor who was charged with all the same charges as mommy and daddy. the crown request the judge to move on my daughters charges in young offenders court, up until now everyone concerned, the judge, mr. aube the crown, and my self have agreed to include my daughter as a tag-a-long until judge renders decision on mom and dads charges. i believe the judge told me i should get legal counsel for my daughter and have him return with us on mar 8 or would my daughter want to keep me as legal counsel and has she had a screening form done, i dont know iam not a lawyer. i think they are wanting to try my daughter before a decision is rendered on mom and dad. if the judge is only dismissing half of my motion and at this time my daughter was included as a tag-a-long then must she not be included until its very end? thank- you for any input. richard

>Date: Wed, 02 Feb 2005 20:45:08 -0500 (EST)
>From: budweedluv@yahoo.ca ("Bud E. Luv")
>Subject: Re: [medpot-preview] ALSO

Sorry to hear that Judge Serre ignored the orders from the Appeal Courts (Alberta & Ontario). I hope that she digs into the matter further because the endorsed decisions in Tarzans cases may not be relevant, but the oral decision rendered certainly is.

The Judge spoke correctly when she said that the endorsed written decision is not relevant. It is the ORAL DECISION RENDERED THAT IS CRITICAL!

In the decision given orally, Judge Valin acknowledged that s.4 & s.7 had been declared to be of no force and effect. As the Rev was not up on any of those charges and only s.5(2), there was nothing binding which obligated the Court to quash the charge before him.

sci.econ: TURMEL: Judge Serre dismisses Johnson Krieger Quash

I left 3 detailed messages over the past 2 weeks requesting the transcripts from the 7 (seven) motions heard and adjudicated upon that day. I only received a call back today in response to my messages. The only reason she did call is because I went to the manager in the Sudbury district who sent an e-mail on my behalf to a Manager in North Bay.

She will be getting back to me in regards to an approximate cost. At \$3.20 a page, it's not going to be cheap. But, if I can manage to locate the funds for them, I will most certainly pick them up. Fortunately, if another party has already ordered the transcripts, the cost goes down to approximately \$0.55. If the Crown or the Courts have already ordered them as you have stated, I might be lucky enough to get the entire proceedings that conclusively shows that Judge did acknowledge that s.4 & s.7 had been struck down. Peace

>Date: Wed, 02 Feb 2005 21:07:25 -0500 (EST)
>From: budweedluv@yahoo.ca ("Bud E. Luv")
>Subject: Re: ALAS, BUT ANOTHER PROBLEM PLEASE ADVISE
>To: medpot-preview@yahoogroups.com

As far as I know, (others can confirm), the screening form is the "official notice" that you have been charged with an offense.

You and your wife should already have received one along with disclosure by the Crown (if you have requested disclosure).

It basically states your name, charge(s), how the Crown is to proceed...(ie. indictment, summary conviction) and what they are asking...(ie. custody, fine, probation, diversion).

With the choice you made today, I believe you may have skipped your option to a preliminary hearing (where you get to cross-examine officers on their will state (disclosure of police) and information to obtain (if the information to obtain the search warrant has not been sealed...usually is if an informant is involved). Any relief you could have been granted at pre-trial (however limited), will now have to be heard by the Trial Judge as they are taken with any Pre-Trial motions once they have been assigned to a particular case.

As you have chosen the manner and court jurisdiction you wish to be tried in (Provincial Court before Judge Serre), you are well on your way to a trial. The March 8th appearance might be for a Pre-Trial. Can you confirm?

JCT: Unless they file an application to prohibit in which case there's no trial for a real real long time.

In regards to your daughter, I would think that the appeal you are going to pursue would put that issue at rest. If any appeal is pending, the trial is put on hold until the appeal is resolved. Would need a little more info to offer more. Hope this helps. Peace

>Date: Thu, 03 Feb 2005 04:31:21 +0000
>From: el_sunset_warrior@yahoo.ca (el_sunset_warrior)

sci.econ: TURMEL: Judge Serre dismisses Johnson Krieger Quash

>Subject: [medpot-preview] Re: ALSO
> She will be getting back to me in regards to an approximate cost.
i can absorb the cost if the actual transcripts does indeed show the oral submission from the judge concerning sec 7 and 4.
also i was talking to pierre drouin earlier and he is trying to get in court shortly, he has suggested to me that he will ask the judge for my court transcripts as part of my motion still has to be ruled on.
by making this request we are hoping to save on the court cost with pierre also receiving copys at hopefully no cost just like i made request and got free partial transcripts from tarzan's case. does this sound like it may work?
any ideas how long it takes court to make transcripts in case i decide to buy them? richard

>Date: Wed, 02 Feb 2005 23:02:00 -0800
>From: wworld@island.net (Evers)
>Subject: Re: Re: ALAS, BUT ANOTHER PROBLEM PLEASE ADVISE
>To: medpot-preview@yahoogroups.com

Richard - I am thinking that you didn't point out the constitution itself to the court. (Read here Section 52). You also may want to use Chen's decision on Bobbie Jo Parks (I can get it for you) - it is in a BC Court (Provincial), but has all the arguments, in that the government hasn't legislated new law. (Also the Masse case).
JCT: Chen decision on the "too muddled" argument was on the day before the Hitzig-Myrden resurrection.
In the case of your daughter, minors here are entitled to legal aid. That MAY be the case with your daughter, if so, it appears that the judge is giving you the opportunity to have HER get the lawyer and present the case - thereby getting thru all the legalese. (Although I would make sure the lawyer understands it fully and is willing to present it, and ONLY THEN, would I use the lawyer).

As I said before, and John just laughed at - the judge can only go by existing cases presented to her. Although you did present Krieger, EDWARDS ruled "the case" out because of the Hitzig reasoning, so you need to prove that Consitution kicks butt over anything (so there is no law) and that interpretation act translates the constitution into "the CDSA never existed". You may also need the MMAR itself (not the AIDS point) - 3 Dec 2003 - where the MMAR states they are not following the Ontario court ruling, and because of that, unconstitutional anyways.

(You may also need to point out (as I have) that in Krieger the judge is NOT asking for the govt to supply, so it is different from Hitzig).
JCT: It's in the Costigan ruling. Paragraph 6.

I would also present the Constitution. - pointing out sec 52 and 32 AND the Interpretation Act Sec 2 (which says when laws are valid).

After this, I am seriously thinking about subpoenaing my MP (John Duncan) to come to court on 17 Mar, to inform the judge who MAKES law (the legislature). I will be going to

sci.econ: TURMEL: Judge Serre dismisses Johnson Krieger Quash

his office tomorrow to speak to his agents about this. He is a conservative/reform - heavy on the R, and anti-pot - BUT - he has also just sent around a little flyer that says govt makes law and courts uphold them. He is supposed to be at the conservative convention on the 17 Mar, but if unless Crown accedes to my demand that only parliament makes law, I am going to make him tell it to the judge. I suggest you do something of the same.

As I said before - when you go before a judge - and I have never been to court myself - but for all I understand of it from what I have read, is the EVIDENCE needs to be there.

You may also wish to adjourn your trial date to well after 17 March, so I can present mine. It is a different province, but Crown did not appeal Parks or Masse - which both say CDSA 4.1 is GONE. (Although Crown says they won't acknowledge it till it goes to an appeal or Supreme Court). Hope it helps. Noreen

JCT: The point is that the judge didn't accept Krieger and if she used the Hitzig Nuremberg defence, the next step is the same as the Nielsens. Prohibition to a higher judge who may prove high enough to not be bound to "follow the Doherty Order."

When the transcript comes through, we'll publish but all we really need to know is that she didn't quash.

Time for Step 2 before even talking about letting the daughter get close to a criminal record.

--

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