# TURMEL: Gravel needs one last 8−line affidavit says Plouffe J.

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JCT: I don't know why but even though I had expected Dominic Gravel to be passed through Provincial Court and then up to Superior Court, and remembering that last time, they had booked him for 9:15am instead of the regular 9:30 opening time, I decided to play safe and show up half an hour early at 9am.

Good move. Dominic was slated in Courtroom #1 at 9am before Justice Jean Pierre Plouffe who ran Ray Turmel's marijuana cultivation trial. Before it started, I heard the clerk say it wasn't expected to last long and he'd then be transfered over to #4 for a date. Sounds like they already had heard what was going on.

There was no one else there when Dominic came out. Only me and the bailiff, clerk, Crown Attorney, Judge.

So, Justice Plouffe, with me right in the front row taking notes, explained to Dominic Gravel that he had both dossiers in front of him, his recent application to quash in the court below and his application now for varying the conditions imposed by Judge Dagenais in denying him bail.

The told Dominic that theu motion in the court below was fine and would be heard on Feb 24 as slated. But his motion for release in Superior Court had a few problems. It wasn't up to the Quebec Rules of Procedure.

He pointed out that such variances according to S.520 had to fulfill certain conditions and there had to be an Affidavit of Circumstances. What was your job? where do you live? what will you do? where will you live? type of standard questions.

He mentioned how they normally needed to have the

transcripts of the Dagenais decision and it had already been ordered but had not yet arrived. This could be problematic but may not be since we are not saying Judge Dagenais erred but that something new, very important, has come up that no one knew about. So there's no real criticism of Justice Dagenais decision and no transcript of the decision no one is objecting to would seem necessary.

And Rule 21 insisted that such application "shall" have the Affidavit of the Appellant's circumstances. Keep in mind that a judge can always dispense with any rule.

Justice Plouffe did tell Dominic to go ahead and bring the motion for release back on 2 clear days notice once it's done right by a lawyer.

But in case he wasn't going to use a lawyer, the judge was going to explain everything that he would need to say step−by−step in his affidavit! I started to take notes.

Notice that this is the way a judge should speak to a self−represented defendant. The judge was his legal counsellor and filled him in not only on what he had to do but on how he had to do it. People may think this was Judge Plouffe's chance to put a beating on "The John Turmel" which he's entitled to do when I come in on a bare two red aces but it was also his duty to the rights of the accused before him to do the job he had no lawyer to do. He explained exactly what Dominic had to do to have his claim heard. So, did the judge treat his unrepresented accused properly. You bet he did. Other judges who tell them "something's wrong and I'm not going to tell you what and you're going to have to find out yourself" are not doing that duty right. We had that happen just recently when the judge wouldn't tell Richard Johnson that it was the 30−day rule that needed to be fixed, which we suspected and Richard even asked about. "Is it the 30−day rule" that's Turmel's screw−up? He wouldn't tell him and Richard only found out it was when the next motion with the 30 days notice got through. Even after Richard had asked, his judge refused to indicate what the Turmel screw−up was unlike Plouffe who not only explained what the Turmel's screw−up was but how to fix it. You just don't see a judge do this right very often but I'm thrilled to be able to point at it as a great example of how a judge should care for the unrepresented accused in his court.

He may have been giving me good advice but he kept putting me down over and over for not having included the affidavit that any competent attorney would have known about. Ouch. Ouch. Ouch.

You have to understand, I got a call from Dominic on a Sunday night. I don't have the Quebec Rules of Practice, I race to get his papers in on the Monday based on the injustice of pre−trial detention when the law could be repealed as a special kind of abuse; that the mere chance of such injustice should be enough to liberate the inmate. So the usual "let me expose my soul to get out affidavit" behind a good−behavior release should be laid not on the victim of the abuse but on Crown David Frankel!!! A favorite joke. So now I was paying for my error, over and over. As he explained how to do it right, he made fun of the moron who didn't do it right. I kept taking notes.

Finally, he noted the presence of Mr. John Turmel in the court−room who was taking notes despite its being against the rules, but he didn't mind he sighed, as it's expected Turmel'd be bending the rules. I didn't know. First I'd heard of it in 25 years of recording my cases in my journals. So I stopped taking notes on what was necessary to include in the affidavit that would be needed to have it back before the court on 2 clear days notice. Later, I got the form to order the tape! 20 cents a minute, 4 bucks for the 20 minutes it took. Should be a real good tape. I hope to order it, not the transcript, tomorrow. Isn't Quebec grand?

Of course, that was nice of the judge to mention so many times that Dominic can fix it and be back on 2 days notice. Even if he kept putting the boots to me, I almost felt he was daring me to get it back in minimum time. Especially since he'd just told me everything I needed to do it right.

He even gave Dominic what I consider the ultimate good advice! All my legal history, I've asked clerks and lawyers for a model motion that I could copy. Nothing works better than something that's worked right before. Judge Plouffe told Dominic to get himself a model of the Affidavit of Circumstance for varying bail refusal from some lawyer who had done it right before and copy it.

Who needs a lawyer when you've got a judge like Plouffe? Again and again, I've seen judges do their jobs right and very few do it wrong, usually because of the novelty of the situation. But you have to admit that this was one of the finest examples of a judge taking good care of the unrepresented accused before him I've ever seen. I wish there was an award I could nominate him for. He was kicking me in the sore spots every second sentence and I was in bliss as he took tender care that his "client" found out what was happening to him.

I almost got thrown out when Judge Plouffe mentioned how he'd handled Ray's constitutional motions and was up on the issues and that I hadn't done this constitutional challenge right. I tried to sputter about Krieger making it different. I felt the guards were on the way to grab me but he waved them off. I guess he wanted to make sure I received his instructions right. But then the first time Dominic got to speak, he pointed out that his new Turmel reason was not the same as the Old Turmel reason. Perfect answer.

Anyway, he got even with me for my presumptuousness. I guess you'd to say that he was beratingly helpful. While putting down my performance, he kept reassuring the kid that it could be fixed and be back before him on "2 clear days notice." Ouch but hooray in the same breath. I don't mind at all. My gambling Prof used to call it the "shit on me" principle. Shit on me all you want but show us how to get the kid justice. The reporters have no idea how useful the judge was.

The judge did point out that Dominic could wait to make the same motion to vary his bail conditions at his pre−trial in the court below in March. Har har har. He can be back in Superior Court on 2 clear days notice with a properly done affidavit or he can wait to use his properly done affidavit in March!!! Sure, it was an invitation to come back soon!

And he mentioned that the Motion to quash below was fine a second time.

Dominic did ask if Turmel could explain as a friend of the court. The judge could only hunch his head and say no. Turmel can't be granted status as a friend of the courts. Especially since I've beaten them up with their Kilo− mistakes so many times.

I think that if the law proves dead by government cover−up, then continued incarceration has to be construed as an abuse. That's why I showed how the Krieger decision had been hidden. What was there in the 8 lines that could be necessary to delay his getting out on the chance the law is dead?

I didn't have the list of things that needed to be included in the affidavit and I had no access to the Rules of Quebec Procedure to get the list of details needed for the affidavit. I asked the clerk of the court if they had the Rules handy, no, it was in the legal library for lawyers and judges only. Not the registry. Then suddenly I ran into Pierre Bourget who had represented me in my Hull "Operation Blackjack" raid application release pending appeal in 1991.

He was good enough to come to the library to get me a copy of Section 21 with the needed affidavit ingredients. It's lucky to know so many people. So here's the only form that Judge Plouffe insisted was necessary:

Rule 21 says applicant needs an affidavit that details: :
I, Dominic Gravel, swear as follows:
a) Date and place of arrest:
b) residences for the past 10 years
c) marital status
d) occupation at time of arrest
e) admit full criminal record
f) any pending criminal charges?
g) any passport?

So that's all that was missing in the Affidavit which is already in the motion. But for those 8 lousy lines, Dominic didn't get his hearing and the media are going to make a monkey out of me for blowing it by 8 lines. Until I spring him on Wednesday. He who laughs last laughs best.

Regis Bouchard had come in to catch the end of the show so he wasn't aware that the only missing thing was the Affidavit of Circumstance. Later I popped into his office and I told him it was his first goof−up to say the after−Ray−Turmel Krieger case was the same old Ray−Turmel stuff. The CJRC reporter was there and he laughed and pointed out that judge Plouffe had said I wasn't doing the kid's constitutional motion at the right time. I said it wasn't a constitutional motion, Parker's and Krieger's were. It was not about badness but about non−constitutional repeal of the law. I have no doubt Judge Plouffe's erroneous conclusion that this challenge to the existence of the law was like Ray Turmel's old constitutional one remain in the public consciousness after tomorrow's Le Droit. Imagine getting it wrong and not wanting to hear my side why. After all, the judge didn't let me answer in court, Regis could have let me make the answer outside.

I went back to court−room to see if I could catch Dominic when he came in. The CJRC girl had a better nose for news and invited me outside for an interview. Suddenly, four more microphones are in my face, several TV cameras are rolling and it's my chance to explain how Krieger killed the law. Surprise. It was a scrum. Everybody was going to play it. So I went back to get a copy of the kit so I could flash the Supreme Court of Canada Krieger decision and other goodies.

CHOT's Genevieve Latulippe whined about my trying to get the king−pin of a 6000 plant operation off the hook. I said "wonderful. Glad to hear it was so big. (Thumbs up.) Glad to

know there are people out there cultivating this wonderful plant.

But 6000 plants, she repeated? I pointed out cultivation Section 7 was struck for all numbers. Appendix 2 where Alberta struck down S.7 cultivation, Appendix 10 where the Supreme Court of Canada agreed that S.7 was struck down and then Appendix 5 where Crown Attorney's David Frankel Memorandum's admitted knowing Martin Cauchon's Ministry of Justice knew "S.7 has been declared of no force and effect by the highest court of Alberta" and did not re−print the Criminal Code to reflect the Parker or Krieger invalidations of Section 4 and Section 7 of the CDSA.

It was struck down for all amounts, I didn't care how much. My goal was to legalise this healthiest of herbal remedies because I wanted to get them out to the farmers' markets with their crops.

They had joked to me to keep it short and I quipped I'm a master at keeping it short because it's easier for people to understand. What gives them impression it takes a lot of time is that they heard a lot in that little power−packed time.

Then they did a scrum around Jacques Belley. I hope he wasn't surprised. They asked him about being fired, he said he was aware that his client had done some things on his own but that he was only stepping back while the client did his own thing and would be there when the case reached the trial. I winked at him for getting it right.

They then asked him about John Turmel's involvement and he started to say he didn't know anything about me, "except we played Blackjack 25 years ago," I quipped, so he had to explain how he wasn't going to participate in those things his client could do even if he didn't think they had much chance of success of over−ruling bail refusal on such a large bust.

Before he left to see Dominic, I asked him to relay that the affidavit could be ready for signing by this afternoon and I would be ready to get him filed for next Tuesday.

I ran into Robert, the court translator, and when I asked him about this "no taking notes" he said he hadn't heard about it, it was something I should check out. Imagine, people can't take notes in a court−room? But later, while in #4 waiting to see if he'd be heard before noon, a guard came over to tell me I wasn't allowed to take notes! What's going on?

TVA Headline: John Turmel shown the court−room door in Gravel case.

JCT: Sure, but only for 3 days. So Turmel's spectacular goof cost my first Quebecker 3 extra days in jail. Big deal. Won't it make him coming back at them in 3 days like Plouffe invited him to, and which they didn't report, be a surprise. File Friday 2 clear days later is Wednesday. Bouncing back from their media laugh−in to the question of merit and won't they be surprised when the courts open their Criminal Code dealing with his S.5(2) charge and run into R. v. Turmel.

Latulippe reported Turmel's "Sa bataille n'a pas fait long feu." Turmel's fight didn't burn long.

They played Belley saying it was premature to be filing constitutional motions which had to be done at the trial.

So the spin is that stupid Turmel didn't know that constitutional motions had to wait for the trial.

Then they finished that his experience today has made him ditch Turmel and retain his lawyer.

Surely this can't mean he doesn't want to file the 8 lines and try to get out on Wednesday? He was heard today without his lawyer while his lawyer was on the file, he can be heard on Wednesday too without his lawyer while his lawyer is on the file except he has to file the form to bring him from jail to the court himself. Last week's lesson.

Anyway, I'm going to prepare his affidavit with new notice of return of motion where he can fill out 2 clear days notice and be heard and then leave a copy with Belley, his girl−friend, by fax to the jail, and by mail.

It would be so sad to think his confidence has been so shattered in "free with nothing to lose" Turmel that he'll prefer to stay in jail and than try another "free with nothing to lose " Turmel motion with the extra 8 right lines.

Anyway, it's still early so you can catch CBC French and TVA. CHOT lead off the news with my flame−out. Bet I'll get Dominic to file the last 8 lines and be back soon.

−−
Abolitionist Slave Leader John C."The Banking Systems Engineer" Turmel
for UNILETS interest−free time−based currency in U.N. resolution C6
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