

TURMEL: Gravel Krieger Release Round 4; Round 5 Tuesday

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JCT: So you already heard about Dominic's "Order sought" being on the Notice of Motion page instead of at the end of the Application page. Turmel lost Gravel Round #3 on another technicality. Whew, what a close call. But he was booked back in minimal time.

So not only did I move the Order sought from the Notice page to the Application page but I now upgraded the grounds.

What used to be the usual Magic 27 words:

TAKE NOTICE that on Monday Feb 24 2005, the Applicant will make a motion before a judge of the Superior Court of Quebec at the courthouse at 17 Laurier in Gatineau at 9:30am for an Order varying the bail conditions to permit release upon Applicant's own recognizance on the grounds that "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"

JCT: Is now, for the purposes of release, not quashing:

21. If the repeal of the Section 7 cultivation prohibition by the Alberta Court of Appeal in Krieger which was sustained by the Supreme Court of Canada #29569 has a chance of being sustained by This Honorable Court, then continued incarceration would constitute an abuse of the court's process.

22. Since the Krieger decision was not raised below, there is no need for the transcripts of the Order of court below since no error is alleged on the part of Judge Dagenais and only new information is being relied upon as grounds for this motion.

MAY IT PLEASE THE COURT TO:

1) ORDER that the transcripts of the court below be

dispensed with; and to

2) ORDER that the bail conditions be varied to permit the Applicant's release on his own recognizance upon the grounds that continued incarceration awaiting prosecution under a statute that may have already been repealed would be an abuse of the court process.

Dated at Gatineau on Feb 23 2005

Defendant–Applicant Dominic Gravel

NOTICE OF MOTION

To: Attorney General for Canada

TAKE NOTICE that on Tuesday March 2 2005, the Applicant will make a motion before a judge of the Superior Court of Quebec at the courthouse at 17 Laurier in Gatineau at 9:30am in courtroom #2 for an Order varying the bail conditions to permit release upon Applicant's own recognizance on the grounds that continued incarceration awaiting prosecution under a statute that may have already been repealed would be an abuse of the court process.

AND FOR AN ORDER dispensing with the transcripts of the Order of court below since no error is alleged;

JCT: Okay, so I repeated it in the Notice of Motion a la Ontario rules. I've done so many Quebec motions that I had no excuse for misplacing the Order sought.

Getting him to sign everything wasn't a problem this time. There's a section in the penal regulations that permits the warden to authorize a non–family member to visit an inmate. So Dominic asked that I be allowed to visit him and it was granted. So I had booked an appointment for 2:30 last Wednesday to show him how I switched the paragraphs in the application, and got him to sign the new motion and file it for Tuesday.

Finally, if it would be an abuse of process to keep him in jail if Krieger applies, it shouldn't be necessary to discuss all of the affidavit information insisted upon for use by people not released on their own recognizance. Dominic's going to have to ask to deal with his motion on Krieger first before getting into the cross–examination of his release affidavit by the Crown. Why even bother talking about the affidavit and conditions of release unless he is going to be getting out due to Krieger?

I did decide to try something new. Just like Ontario had a mechanism to transmit Mike South's documents from the inmate to the court, so too, I'd bet Quebec has a similar process.

So, seeing as I was going to get to see him live, I brought along enough copies so he could serve the jailer a couple and see what happens. If it gets to court on Tuesday, great, if not, we'll hand up the improved copies.

The jailers said they could not process Dominic's documents to the court for him. He would have to do it himself! Next, we tried to serve the documents on the Crown's office in the usual way and twice before for Dominic. But the secretary who automatically signs the service copy was not there, Crown Attorney Martin Cote was. He said they would not accept service since it had to be served by the inmate or a bailiff, not a friend.

"No problem," I told Dominic later. "Nothing much has changed so you just hand it up to the judge on Tuesday." Which he evidently did before court. There may be a way, by filing an Appearance form and asking a judge to authorize bringing him to court to personally serve and file his papers. I'll check. If it takes an appearance before a judge to bring him to personally file his paperwork because friends can't help, he has as much free time as the judge has.

I told Dominic that the only way he could keep the right attitude about what has been illegally done to him if the Krieger decision rules is to keep repeating: Do I have a civil suit against Frankel for the 7 months in jail under a statute he admits is dead? Har har har har.

That's the reason he's seeking to get out on his own recognizance. Keeping him constitutes an abuse if the law is dead. And there's a pretty good chance it's dead. So there's a pretty good chance the judge is permitting an abuse if he doesn't let him out. So why tie him down with conditions?

And of course, why speak of conditions to be let out if there's no chance of being let out. He's going from \$125,000 bail requested to no conditions. It takes something pretty spectacular to change the circumstances from \$125,000 bond to no conditions. That's the magnitude of the story. By going for no conditions, after their demand for \$125,000, it promises something pretty explosive.

So is the Krieger decision explosive under Section 7 of the CDSA that for some reason has not been removed from the Criminal Code of Canada? Is the Krieger decision that explosive as claimed? Is the Krieger decision that spectacular?

And no matter what happens from the Provincial, Superior, Appellate, to my Supremes, I've got one last final spectacular explosive move left up my sleeve. Okay, two. Maybe more will arise.

But you have to admit that asking for no conditions instead of \$125,000 certainly begs the question. Is the same old losing Turmel stuff capable of winning this? (for those media who don't mention the Krieger ruling upon which Gravel's case is built). Or is this really some spectacular new Krieger stuff that's capable of winning? (for those who do mention Krieger).

And let's never forget the Parker Ace of Hearts in the hand. Parker's Appeal Court struck down Section 4 as unconstitutional and Judge Acton struck down Section 7 6 months later using the Parker court's reasoning.,

Parker Sheppard: Heart Queen
Rosenberg, Catzman, Charron: Heart King
No Crown appeal: Heart Ace.

Krieger Acton: Diamond Queen
Costigan, Wittman, LoVecchio: Diamond King
McLachlin, Major, Fish: Diamond Ace.

Turmel Jokered Parliament into not re-enacting S.4 & S.7.

Hitzig Lederman: Spade Queen (Resurrection chance)
Doherty, Goudge, Simmons: Spade King (Resurrection)
Turmel appealing for the Spade Ace (stinking corpse is dead)

Turmel Aitken: Club Queen (spirit & letter of law)
Doherty, Goudge, Simmons, Club King (do not apply)
Turmel appealing for the Club Ace (other sections are corpses too).

What an incredible game.

But weird stuff happened in Round 4 on Tuesday before Judge Bedard again. Boy, did not letting Dominic Gravel consult with his coach cost HMTCs (Her Majesty The Clerk)s a lot of grief today.

Originally, when I got there, I was told by one clerk in the registry that Gravel had been slated for the 3pm hearing before an out-of-town judge. But before leaving, I decided to check with the clerk in the court. She didn't know and went and checked with Justice Bedard. He said that he was free and would deal with it. And so it's heard in courtroom #2 at 9:30am. First.

After the Crown had explained to the judge (and a good crowd of people awaiting other cases) how it was Martin Cote's bright idea to refuse to accept the inmate's amended motion because he didn't serve it personally and a friend can't do it, I got the feeling even the judge felt like puking at the impediments they were putting in the way of a guy in jail. Reminds me of <http://www.cyberclass.net/turmel/pombible.htm>

COURTS OF JUSTICE

With slavery or death for those who failed in their reports,
It's obvious why Jesus told them to avoid the courts.
Luke 12, verse 57, warns the debtor of the trap,
"You settle with him out of court or you will do the rap.
The magistrate will turn you over to the jailers who,
Will keep you chained until you've paid the last penny due."
The problem is how long it takes for one who is in jail,
To earn the money necessary to fulfill his bail?

JCT: How is an inmate supposed to serve it on the Crown when he's in jail? Of course, they think they're fighting with me and forget they're really fighting with the victim. So inmates have to get a bailiff to do it?

Remember how Mike South handed his Notice of Appeal to the Ontario jailer and it was the superintendent's duty to transmit it to the court of appeal? Seems prisoners in Quebec don't have access to such forms nor will the superintendent transmit it along. Is this equal treatment under the law? I called the Quebec Court of Appeal registry trying to find out whose responsibility it is to liaise between the court and prisoners who have no lawyers and they didn't know.

But Judge Bedard mentioned that he had received the amended motion and had already read it. He said that it was just an extra page with the required conclusions sought and so we would proceed. The only way he could have gotten it was for Dominic to have handed it in when he got to court somehow.

But the next hang-up shouldn't have really happened. The judge mentioned that there were several grounds being raised here, that the law is no longer of force and effect (YeeHaa), the courts should go easier on growers, and whatever you have against Judge Dagenais' decision. "Do you have anything you object to in Dagenais?" Here, Dominic should have said no, since I'm asking to dispense with it.

But he said yes. But only in the sense that his appendix 13 had the Journal de Montreal news article where the Quebec Court of Appeal told judges to go easy on pot growers sentences. He didn't mean he objected to anything that

Dagenais knew about, only the final decision after the new information had come out!

So now the judge was stuck. Crown Genevieve Depassillie (?) explained that Justice Isabelle had ordered transcripts but she didn't know where they were. So the judge adjourned so they could go find out.

Just before the judge left, Dominic asked if he have a few minutes to consult with his counsellor John Turmel. Unfortunately, no, Mr. Turmel isn't a lawyer and communicate with him. I'd have told him to point out the motion to chuck the transcripts altogether.

When the judge came back, he had to apologize to Dominic for the court registry. It seemed that not only was the transcript not ready, it hadn't even been ordered yet. A foul-up in the registry.

Again, the judge laid it out for him that he could proceed if he didn't object to anything in the Dagenais decision. But if there were objections, he would then have to read the Dagenais transcript. So what's to be done about it? I'm screaming inside, "dispense, dispense," but the judge and Dominic were on different wavelengths: The judge was talking about reasons while Dominic was objecting to the Dagenais decision itself.

Still, if Dominic had been told to simply say "I have nothing to add to what has been written" the judge would have had to sign off on the motion to dispense with the transcript first thing. He would have done that and then moved on to the Krieger Kick-Ass Kontest.

Didn't he notice the motion to dispense with the transcripts that were causing all the problems? I don't see why the judge couldn't have just granted the Order dispensing with the transcripts and then forged ahead. I mentioned it twice.

At least I was cheered by the several times the judge mentioned Gravel's grounds of the law being of no force and effect. At one point, the Crown cited the words we used in English that the section "is repealed" (English) and gave us her definition in French. So Section 7 being repealed is definitely one of the grounds being discussed!

But the judge was now stuck with having to order a transcript that I'll still be trying to dispense with.

He tried giving Dominic two choices. How about if they get you the tape of the Dagenais hearing and provide the

facilities at the jail for you to listen to them and we could come back here Friday. And of course, Dominic's leery until he hears what's behind Door #2.

Or I'll order them to have the transcript ready by this Friday and we all come back next Tuesday. Dominic said he didn't mind waiting for the transcripts on Friday and be back next Tuesday, maybe not realizing how much more work transcripts were than copies of tapes.

Oops, the lady Crown has a problem. Her investigator who checked out Dominic's Affidavit of employment offer, marital status, etc, couldn't come next Tuesday. He was in on something important and he couldn't make it before next Friday.

"Totally unacceptable" said the judge. She begged for an ex parte hearing to explain why they should wait until Friday and when they came back, the judge ruled he didn't think her reasons were good enough. So he was ordering the motion to be returned next Tuesday March 8 after transcripts are delivered by Friday March 4. The officer stormed off mad. Hey, what did they expect? Chasing gardeners takes away from their time chasing the real crooks. If he's off chasing even more gardeners, then I'm glad to be of impediment.

The judge also indicated that he thought that the Federal Crown had an interest in cases where the constitutional validity of the Criminal Code is concerned and should be served. With the usual admonitions about getting a lawyer, he noted that it's evident Mr. Gravel was choosing to be self-represented and he has that right. He told Dominic to refile with the Federal Crowns added in the Style of cause.

This sounds like both the Crown and Turmel fouled up. Them on their transcript and me on not serving the federal Crown. Well, this is not a constitutional challenge and I don't have to serve it in these cases and I will not refile.

Especially now that they have put more impediments in his way of serving and filing his papers. So here I take a stand. If the court does rule I had to serve the feds too, then we'll be back for Round 6.

I dare say I know more about this stuff than most judges do and this as one of the greatest confusions going on. I know we're not here to discuss with the Feds whether their law is constitutionally bad, Parker and Krieger already won that ruling. We're here to discuss with the provincials whether it's non-constitutionally dead. Something new.

And though I was tempted to comply and re-file new paper and add the feds to the service list, which they would probably ignore, when I considered how they had just made it harder for us to jump through the service hoop, and I would have to do the jumping through their hoop, I finally decided make my stand. How is Dominic supposed to overcome the Crown's barriers without any outside help? They've made service too hard just after I'd gotten his papers done it right!! I didn't participate in the foul-up and I'm not going to correct what I did not do wrong.

So the papers are set, ready to go.

Quite a lot of media were there for another case. They may have seen the Crown get beaten up by in inmate and his silent coach and see the court bureaucracy forced to spend its assets on a transcript that was asked to be dispensed with. How sad.

One of my all-time favorite tactics has always been to offer written representations. In the Nielsen case, twice. TO TRIO case too. There's really nothing a Crown can do to object to going in with our arguments in writing.

So I'm going to put together everything into one answer, no more screw ups. The judge stated the right challenge even if he mislabelled the arena.

Then I'll translate it into French, and have it ready to be read into the record on Tuesday morning! No more delays.

I can see them lighting a fire under some stenographer's feet on this one. We'll see. Or maybe them screwing up again on the transcript can be given credit for causing his release instead of Krieger?

Anyway, that's Round 4 of the Gravel Saga. The delay was completely the Crown's fault this time and nothing is going to stop it going forward next Tuesday March 08 except maybe a ruling that this non-constitutional issue needs constitutional notice to the feds. But I doubt that's going to happen once it's pointed out in his Written Representations.

Round 5 on Tuesday March 08 2005.

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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