

December 7, 2017

To: Honourable Justice Beverley McLachlin  
Canadian Judicial Council  
Chair and Chief Justice of the Supreme Court of Canada  
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**RULE OF LAW: “CRIMINALS NOT BE PERMITTED TO KEEP ..PROCEEDS OF .. CRIME”**

Ontario Court of Justice JP Herb Kreling violated s380(1a) of the Criminal Code by preventing Ade Olumide from attending a prescheduled meeting with Ontario Court of Justice JP Anna Blaudveldt who agreed to issue a criminal prosecution against Canadian Judicial Council for refusing to investigate criminal misconduct by judges that include Superior Court Justice Charles Hackland for without a trial making of final decision preventing Olumide from contesting the 2015 nomination by coming into the court during his holidays, in order to grant an out of court communication request from the Party lawyer asking him to remove the hearing date granted by Justice Hackland motions' coordinator Tina Johanson.

Justice Hackland said he only happened to come into the court during his holidays, Tina Johanson said he got an email. Setting aside the fact that Justice Hackland contradicted his motions' coordinator on how he got the out of court communication, racism sympathizers at the Ontario Court of Appeal and Supreme Court upheld his decision by defrauding jurisdiction by lying that Justice Hackland did not make a final decision preventing Olumide from contesting the 2015 nomination.

Since JP Herb Kreling was unable to convince Ontario Court of Justice JP Anna Blaudveldt to rescind her decision to comply with s2 “prosecutor”, s12, s482(1), s504, s507.1, s540, s551.2, s551.3(1g Charter), 683(2), s788 s802(1)(2)(3) Criminal Code by issuing process against the Canadian Judicial Council, JP Herb Kreling acted without jurisdiction and in bad faith by preventing Olumide from attending a meeting at a court facility that he was invited to attend.

With pen and paper in hand, Olumide then asked for his name so that he could make a complaint to the Justice of Peace Review Council, but JP Herb Kreling was so afraid that Olumide might become violent because he is black, that he used Police Act 138(1)(ii) power to deem Olumide as a security risk and yelled at an Ottawa Police officer to contravene 1(2,4), 42(1,c,e), 81(b) Police Services Act by arrest and assault Olumide.

JP Herb Kreling violated:

s21b, s22, s22.2, s25.1(9)(11b), s139(2), s140(1b), s265(1a,b)(3c,d), s346(1.1b), s380(1a), s341, s423.1(b) Criminal Code

s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights

s11 s12 s13 s21 s34 Canada Interpretation Act

s10 Ontario Interpretations Act

s3, 17(3) Justice of Peace Act

s1 Human Rights Code

preamble objects s7 s9 s10 s12 s15 Charter of Rights

preamble objects and s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights against criminal revictimization of victim with mens rae to retain proceeds of crime principle of fundamental justice

Rule of law that vested inalienable right to equal protection from racist arrest, assault and extortion cannot be destroyed by government legislation

Rule of law against absurd statutory or constitutional interpretation

Rule of law against arbitrary (contrary to objects of enabling Act) application of statutory power

Rule of law against elevating statutory power above the constitution

Rule of law against using statutory power in bad faith.

The implied ruling of the Office of the Independent Police Review Director is that any judge can order Police to arrest and assault black males because he is afraid and neither the police nor the judge have a duty to give the black male a reason for their fear.

The implied ruling of the Justice of Peace Review Council is that since the fear of black males is justifiable, JP Herb Kreling does not need a reason to direct arrest and assault of Olumide because he is afraid. Consequently, Olumide exercised his inalienable right to act in self-defence by criminal prosecution of persons that include Ontario Court of Justice, Justice of Peace Review Council.

Ontario Court of Justice JP Louisette Girault ruled that the actions of these criminal code "persons", "justice system participants", "organizations" that include Ontario Court of Justice, Justice of Peace Review Council did constitute a Criminal Code offence and issued process, the JP also concluded that Superior Court Justice Hackland lacked the jurisdiction to prevent the s579 Criminal Code constitutional Question and issued an order that the Constitutional Question shall proceed.

On November 8, 2017 Ontario Court of Justice JP Diane M. McAleer lied like a common criminal that a these criminal code "persons" "justice system participants" "organizations" cannot be prosecuted, she confirmed that the acts at issue are criminal offences, but lied that only the individual JP can be prosecuted. Olumide reminded JP McAleer that it is public information that SNC Lavalin is being prosecuted as an organization for bribery related to Colonel Muammar Gaddafi's son, but her premeditated mens rae to commit a crime could not be overcome.

Clearly JP McAleer is relying on the accused Justice of Peace Review Council and co accused Ontario Court of Justice to protect her. It is noteworthy that the Justice of Peace Review Council has repeatedly refused to confirm recusal of Ontario Court of Justice Chief Justice Lise Maissoneuve from having any involvement with Olumide complaints. Olumide has complained to the Justice of Peace Review Council seeking this declaration, Council will likely violate s21b, s362 Criminal Code again;

- a) "Council shall "warn" or "reprimand" or "education" or "removal" of ... JP McAleer ... re "11.2(2b) "(ii) conduct that is incompatible with the due execution of his or her office, (iii) failure to perform the duties of his or her office" that include the following prohibited criminal offences that bring the administration of justice into disrepute; 21b, 23, s22.2, 25.1(9)(11b), 139(2), 341, s380(1) criminal code offence of deliberately lying that s504 Criminal Code does not authorize prosecution of "person" "organization" "justice system participant" that include the Justice of Peace Review Council AND refusing to release the transcript evidence of her crime AND violating s22 Criminal Code by counselling 4 other trainee JPs at the November 8 hearing to commit crimes against me in the future prosecution of the Justice of Peace Review Council"

Ontario Court of Justice does not have immunity from criminal prosecution, the Parliament of Canada has exclusive jurisdiction over the Criminal Code, they did not give the Crown immunity, let alone a court. This was confirmed by JP Kathleen A. Miller who researched the issue and later decided to issue process against the Supreme Court of Canada, but upon JP Paulina Brecher order that the Court schedule a full day criminal trial against the Supreme Court, Ontario stole this prosecution with s579

Criminal Code power. That is why JP Louise Girault ordered the s579 Criminal Code constitutional question.

No province has jurisdiction to give any court immunity from a criminal prosecution. The provinces affirm a bad faith exception for civil actions against judicial councils. Alberta, Manitoba, PEI affirm a bad faith exception for civil actions against courts;

Alberta Provincial Courts Act 2000 Chapter P-31 Action for damages 9.51(1) No action may be brought against a judge for any act done or omitted to be done in the execution of the judge's duty or for any act done in a matter in which the judge has exceeded the judge's jurisdiction unless it is proved that the judge acted **maliciously and without reasonable and probable cause**. ... (5) The Minister of Justice and Solicitor General may make a payment for damages or costs, including lawyer's charges incurred by the judge in respect of an act, omission or matter described in subsection (1), (2) or (3).

Manitoba The Provincial Court Act C.C.S.M. C. C275 Exemption from liability 71 Except as provided in this Act, no action shall lie or be instituted against a judge or justice of the peace for any act done by him or her in the execution of a duty unless the act was **done maliciously and without reasonable and probable cause**. Manitoba The Court of Queen's Bench Act; Exemption from liability 15 Where an officer of the court, in exercising the powers and performing the duties of the officer, acts in good faith, an action shall not be brought against the officer with respect to an act of the officer unless the act is **malicious and is done without reasonable grounds**

Prince Edward Island Provincial Court Act, RSPEI 1988, C P-25 11. Limitation of Action (1) Except as provided in this Act, no action lies or may be instituted against a judge, or justice of the peace for any act done by him or her in the execution of his or her duties unless the act was done **maliciously or without reasonable cause**.

Criminal Code 504 ..(a) that the **person** has committed, anywhere, an indictable offence that may be tried in the province in which the justice resides, and that the **person** is or is believed to be, ...

**every one, person and owner**, and similar expressions, include **Her Majesty** and an **organization**;

**justice system participant** means .. (b) a **person** who plays a role in the administration of criminal justice, including...a **prosecutor**, ... an officer of a **court**, a **judge and a justice**, .... an informant, a prospective witness, ....a peace officer .., a civilian employee of a police force, a person employed in the administration of a **court**, (viii.1) a **public officer** within the meaning of subsection 25.1(1) and a person acting at the direction of such an officer, ...

**organization** means a **public body**, body corporate, society, company, firm, partnership, trade union or municipality, or **an association of persons that is created for a common purpose**,  
**(ii) has an operational structure, and**  
**(iii) holds itself out to the public as an association of persons;** (organisation)

22.2 In respect of an offence that requires the prosecution to prove fault — other than negligence — an organization is a party to the offence if, with the intent at least in part to **benefit the organization, one of its senior officers** (a) acting within the scope of their authority, is a **party to the offence**;

(b) having the mental state required to be a party to the offence and acting within the scope of their authority, **directs the work of other representatives of the organization so that they do the act or make the omission specified in the offence**; or

(c) **knowing that a representative of the organization is or is about to be a party to the offence, does not take all reasonable measures to stop them from being a party to the offence.**

Protection of Persons Administering and Enforcing the Law

25.1 ... Principle (2) It is **in the public interest to ensure that public officers may effectively carry out their law enforcement duties in accordance with the rule of law** and, ....

Requirements for certain acts (9) **No public officer is justified in committing an act or omission that would otherwise constitute an offence and that would be likely to result in loss of or serious damage to property**.... Limitation (11) Nothing in this section justifies...

(b) **the wilful attempt in any manner to obstruct, pervert or defeat the course of justice**; or

The following complaints have been sent to the Chair of the Canadian Judicial Council and Chief Racism Sympathizer Hon Justice Beverley McLachlin will obviously commit an s21b criminal code offence by doing nothing. Supreme Court Chief Justice McLachlin personally refused to withdraw the illegal service of a document to the Conservative Party in order to facilitate party lawyer Paul D'Angelo use of a perjured affidavit at the Federal Court, therefore she is in conflict of interest, but she did not recuse herself from Olumide matters in the Supreme Court or the Canadian Judicial Council.

The mens rae of Chief Racism Sympathizer, Chief Justice of the Supreme Court, Chair of Canadian Judicial Council and root cause of the 138(1)(ii) policy matter is the verbalized comment of Quebec Court of Appeal Justice Roy "you should find something else to do with your life". She made this comments because the Chair of Canadian Judicial Council has provided implied consent for Justices Trudel, Mactavish, Harrington, Salmers, Weilier, Hackland who relied on the stereotype that black people lie about racism by directly and indirectly accusing Olumide of lying about racism.

With implied consent of the Chair of the Canadian Judicial Council, Alberta Court of Queen's Bench Justice M.D Gates lied that member of Canadian Judicial Council Alberta Court of Queen's Bench cannot be prosecuted because they are not a corporation. Olumide tried to read from the Criminal Code definition of criminal code "person" "justice system participant" "organization", but he berated Olumide not to read anything and beckoned security. Fearing that the visibly angry Justice Gates might incarcerate Olumide for speaking the truth, he did not read from the Criminal Code.

False statements in writing with intent that it be relied upon to defraud valuable service are s362 Criminal offences. In the end these criminals pretending to be judges all have the same opinion "find something else to do with your life". With respect, if all the judges in Canada share this opinion, Olumide will not agree, even if they threaten him with jail time or ask the Ottawa police to shoot him, and the Justice of Peace Council lie that they lack jurisdiction. If he survives, on his hospital bed, he will continue to maintain his inalienable right to participate in the democratic process of his home country.

Bourbonnais v. Canada (Attorney General), [2006] 4 FCR 170, 2006 FCA 62 (CanLII) [26] ... judicial immunity does not apply where it is shown that a judge **knowingly acts beyond his jurisdiction**.... [28]... "Of course, if the judge has ...**has perverted the course of justice, he can be punished in the criminal courts.**" ...[30] .... **immunity of judges from criminal liability is not total.** In this respect the law of England is the same as that of the USA. Excepting the general principles of immunity discussed above, **any judicial officer who violates the criminal law would be as liable therefore as any other private person.** According to Woodhouse J. of the New Zealand Court of Appeal, "a judge can, of course, be made to answer, and in a proper case, pay dearly, for any criminal misconduct. Like any other citizen criminal proceedings may be brought against him." **This is because "criminal conduct is not part of the necessary functions performed by public official"**

Piper v. Pearson, id., 2 Gray 120. But an act done in complete absence of all jurisdiction cannot be a judicial act. It is no more than the **act of a private citizen, pretending to have judicial power** which

does not exist at all. In such circumstances, to grant absolute judicial immunity is contrary to the **public policy expectation that there shall be a Rule of Law.**

Johnston et al. v. Prince Edward Island, 1995 10509 (NL SCTD)... *City of Kamloops v. Nielsen*, [1984 CanLII 21 \(SCC\)](#), ...: 'In my view, **inaction for no reason or inaction for an improper reason cannot be ... bona fide exercise of discretion.** Where the question whether the requisite action should be taken has not even been considered by the public authority, or at least has not been considered in good faith...,

Gosselin v. Québec (Attorney General), [2002] 4 SCR 429, 2002 SCC 84... [319] ... rights include a **positive dimension**, such that they are not merely rights of non-interference but also what might be described as **rights of "performance"**, then they may be **violable by mere inaction**...,

Roncarelli v. Duplessis 1959 CanLII 50 (SCC), [1959] S.C.R. 121, ...**there is no such thing as absolute and untrammelled "discretion"**, that is that action can be taken on **any ground or for any reason** ...; no legislative Act can... be taken to contemplate an unlimited arbitrary power exercisable for any purpose, however capricious or irrelevant, regardless of the nature or purpose of the statute. ... "Discretion" necessarily implies good faith in discharging public duty; ... **any clear departure from its lines or objects is just as objectionable as fraud or corruption.**

Freeman v. Canada (Citizenship and Immigration), 2013-10-23, 2013 FC 1065, IMM-6304-12, ..... "good faith" means "... **carrying out the statute according to its intent and for its purpose**; ... not with an **improper intent** ... "good faith" does not mean ... **punishing a person for exercising an unchallengeable right**" and "**it does not mean arbitrarily and illegally attempting to divest a citizen of an incident of his civil status**"... "**acts that are so ... inconsistent with ... legislative context that a court cannot ...conclude that they were performed in good faith**". ... evidence of bad faith is not required. It can... be inferred from the **surrounding circumstances**.... that **absence of good faith can be deduced and bad faith presumed**":

In lay man terms, they are committing an ongoing crime by refusing mandatory criminal code statutory duties to create a file number and provide a hearing date.

On November 9, 13, 15 the criminal pretending to be a judge (Ontario Superior Court Of Justice (Criminal) Chief Justice Heather Forster Smith,) acted in bad faith by doing indirectly (refusing to comply with s774 Criminal Code, s12 Canada Interpretations Act s482 Criminal Code rules 1.01(1), 1.04(1), 4.10, 6.01(1), 27.03, 27.04(1), Courts Justice Act 14(1)(7), 75(1), 80) what cannot be done directly, in order to commit party to arrest, assault, extortion by the Ontario Court of Justice violating 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, 362, s380(1) Criminal Code.

On November 17, the criminal pretending to be judge (Ontario Court of Appeal (Criminal) Chief Justice George Strathy) acted in bad faith by doing indirectly (refusing to comply with s784 Criminal Code, s12 Canada Interpretations Act s482 Criminal Code rules 10(1)(2), Courts Justice Act 5(1), 7(1), 76(1), 80) what cannot be done directly, in order to commit party to arrest, assault, extortion by the Ontario Court of Justice violating 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, 362, s380(1a) Criminal Code.

Criminals pretending to be judges are acting without jurisdiction to create a two tier Criminal Code process. s774 s784 Criminal Code applies to all Canadians except Olumide. Pursuant to Constitution Acts 1867 to 1982 Legislative Authority of Parliament of Canada 91 'Criminal Law... including the Procedure in Criminal Matters, s784 Criminal Code appeal rights is "an entitlement granted by the Criminal Code", therefore the Supreme and Ontario Court of Appeal lack jurisdiction to defraud s784

Criminal Code in order to commit party to arrest, assault, extortion criminal offences. Therefore, the Rule of law that **“criminals not be permitted to keep the proceeds of his crime” is engaged;**

Garland v. Consumers' Gas Co., [2004] 1 S.C.R. 629, 2004 SCC 25, 52...Criminal Code are intra vires the level of government that enacted them....overriding public policy consideration in this case is the fact that the LPPs were collected in contravention of the Criminal Code. As a matter of public policy, **a criminal should not be permitted to keep the proceeds of his crime.**

## **BACKGROUND**

While signing up members in Carleton Place, “party brass” planted a story in the Ottawa Citizen falsely stating that Olumide is running in the ethnically diverse riding of Ottawa West Nepean. If he is good enough for Ottawa West Nepean, why is he not good enough for Kanata Carleton? A party leader can appoint candidates, but “party brass” cannot in bad faith pretend to hold a nomination where all 3 caucasian candidates can run, but the black front runner cannot because they might loose the riding.

The riding started the nomination process with 600 members, about 332 existing members showed support by signing Olumide’s nomination papers, some supporters joined online, and Olumide delivered 752 new memberships to the Party. The nomination membership count was about 1,802 people, all 3 competitors signed about only 450 people, so;

Why is the 7 to 1 front runner acceptable to members, but not acceptable to “party brass”?

Why despite; Olumide Canadian Government security clearance that involved a 2 year research of previous foreign residences before immigrating to Canada, Olumide holds no other foreign residence or passport, Olumide has University of Toronto degree accreditations for the foreign B.Sc in Engineering and M.Sc in Business Management, are the Conservative Party nomination interview committee using ethnic origin stereotypes; fake degree, foreign residency skeletons that would cause them to lose the election, not long enough in the Country to understand our culture, to exclude Olumide from the democratic process in his home country?

About 98% of members are caucasians so why does “party brass” not want members to vote on merit?

The Conservative Minister for Industry pegged the cost of the lack of interprovincial trade at \$50 billion dollars a year. The reason members supported Olumide, is that, he simply highlighted the fact that; affordable hydro is essential to life, and since under NAFTA the US has a right to market rate hydro, his number 1 priority would be to work towards a Canadian hydro free trade agreement or legislation. People believed, because even without being elected, while at the Municipal Taxpayer Advocacy Group Olumide had already convinced 37 Ontario cities to pass a motion that hydro should be affordable.

Ade Olumide  
December 7, 2017