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December 11, 2017

Hon Kathleen O. Wynne  
Queen's Park  
Main Legislative Building - Room 281  
Toronto, ON M7A 1A1

The Honourable Yasir Naqvi  
Attorney General of Ontario  
Ministry of the Attorney General  
720 Bay Street, 11th Floor  
Toronto, Ontario M7A 2S9

Re: Open Letter to all Ontario Members of Provincial Parliament

Thank you for your public service to the Province of Ontario. In 2017 no one should have the power to arrest and assault anyone because of stereotypes about black males and gun violence. With reference to; Police Act 138 states; Powers of person providing court security 138..Demand that a person immediately leave premises where court proceedings are conducted, and use reasonable force if necessary to remove the person,..ii. **if there is reason to believe that the person poses a security risk, or**

I hereby seek an amendment of 138 Police Services Act to ensure that “any person requesting arrest and assault of any person at the court, must file a justification in writing to the Police or affected security service provider AND Ontario Attorney General, stating why “there is reason to believe that the person poses a security risk”, and that reason must be immediately provided upon request by the victim”.

I have been trying for almost a year to get a reason for police **arrest, assault, obstruction of justice, extortion**, can you please send me a quote re your personal position that anyone arrested and assaulted by the Police, must on request receive a reason for that arrest and assault?

Honourable Yasir Naqvi, Attorney General of Ontario is currently violating s21b Criminal Code party to assault, obstruction of justice, extortion, through actions and inactions with mens rae to defraud my constitutional right to receive a reason for arrest and assault, therefore, unfortunately if the Ontario Parliament does not amend 138 Police Services Act, the Ontario Parliament is violating s21b Criminal Code party to assault, obstruction of justice, extortion; consequently I would have no choice but to prosecute the Ontario Parliament in criminal court. If I permit the status quo then I am responsible for future victims, therefore I have no choice to prosecute your refusal.

Please do not seek legal advice from people who think that violating the criminal code is part of their job description, listed below are 14 grounds for your positive obligation to immediately amend the Police Act, please read the following yourself and please let me know if you support my request.

- 1) 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,
- 2) s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights,
- 3) s11 s12 s13 s21 s34 Canada Interpretation Act,
- 4) s10 Ontario Interpretations Act,
- 5) s3, 17(3) Justice of Peace Act
- 6) s8, s11(a)(b)(d)(f)(h) Crown Attorney Act

- 7) s1 Human Rights Code,
- 8) preamble objects s7 s9 s10 s12 s15 Charter of Rights, preamble objects
- 9) 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,
- 10) Rule of law that vested inalienable right to equal protection from racist arrest, assault and extortion cannot be destroyed by government legislation,
- 11) Constitutional Rule of law against absurd statutory or constitutional interpretation,
- 12) Constitutional Rule of law against arbitrary (contrary to objects of enabling Act) application of statutory power,
- 13) Constitutional Rule of law against elevating statutory power above the constitution,
- 14) Constitutional Rule of law against using statutory public power in bad faith.

Canada Bill of Rights 2 ... no law of Canada shall be construed or applied so as to  
 (a) authorize or effect the **arbitrary detention**, imprisonment or exile of any person; ...  
 (c) deprive a person who has been **arrested or detained**  
**(i) of the right to be informed promptly of the reason for his arrest or detention,...**

Canada Victims Bill of Rights; Security 9 Every victim has the right to have their **security considered by the appropriate authorities** in the criminal justice system.

Protection from intimidation and retaliation 10 Every victim has the right to have reasonable and necessary measures taken by the appropriate authorities in the criminal justice system to protect the victim from **intimidation and retaliation**.

Charter of Rights; Life, **liberty and security** of person 7. Everyone has the right to life, **liberty and security** of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. ... **Detention** or imprisonment 9. Everyone has the right not to be **arbitrarily detained** or imprisoned. Arrest or detention 10. Everyone has the **right on arrest or detention** (a) to be **informed promptly of the reasons therefor**; ...

R. v. Zlatic, [1993] 2 SCR 29, 1993 CanLII 135 (SCC) ... (i) Fraud by "Other Fraudulent Means" ... However, the third category of "other fraudulent means" has been used to support convictions in a number of situations where deceit or falsehood cannot be shown. These situations include,.. **nondisclosure of important facts, exploiting the weakness** of another, .. Dishonesty is, of course, difficult to define with precision. It does, however, connote an **underhanded design** which has the effect, or which **engenders the risk, of depriving others of what is theirs**. J. D. Ewart, in his *Criminal Fraud* (1986), defines dishonest conduct as that "which ordinary, decent people would feel was **discreditable** as being clearly **at variance with straightforward or honourable dealings**" .... The dishonesty of "other fraudulent means" has, at its heart, the **wrongful use of something** in which another person has an interest, in such a manner that this **other's interest is extinguished or put at risk**. A use is "wrongful" in this context if it constitutes conduct which reasonable decent persons would consider **dishonest** and **unscrupulous**...it is **unnecessary for a defrauding party to profit from his or her fraud** in order to be convicted; it is equally **unnecessary that the victims of a fraud suffer actual pecuniary loss** in order that the offence be made out:

R. v. Davis, [1999] 3 S.C.R. 759 45 .. Extortion criminalizes intimidation and interference with freedom of choice. It punishes those who, through threats, accusations, menaces, or violence induce or attempt to induce their victims into doing anything or causing anything to be done. Threats, accusations, menaces and violence clearly intimidate: see R. v. McCraw, [1991] 3 S.C.R. 72, at p. 81; R. v. Clemente, [1994] 2 S.C.R. 758, at pp. 761-62. **When threats are coupled with demands, there is an inducement to accede to the demands. This interferes with the victim's freedom of choice, as**

**the victim may be coerced into doing something he or she would otherwise have chosen not to do. ...**

Rizzo & Rizzo Shoes Ltd. (Re), [1998] 1 SCR 27, 1998 CanLII 837 (SCC) 27 consequences...are **incompatible with both the object of the Act..**It is a well established principle of statutory interpretation that the legislature does not intend to produce **absurd consequences**. According to Côté, supra, an interpretation can be considered absurd if it leads to **ridiculous or frivolous consequences, if it is extremely unreasonable or inequitable, if it is illogical or incoherent, or if it is incompatible with other provisions or with the object** of the legislative enactment ... Sullivan echoes these comments noting that a label of **absurdity** can be attached to interpretations which **defeat the purpose of a statute** or render some aspect of it pointless or futile ...

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.**

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**...,

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**":

JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312 (CanLII) THE RULE OF LAW [118] That unwritten constitutional principles form part of the fabric of the Canadian Constitution is clear. As expressed by Chief Justice Lamer, the provisions of the preamble to the [Constitution Act, 1867](#) provide "**organizing principles**" that may be used to "**fill out gaps** in the express terms of the constitutional scheme ..... [136] .... The principle of the sovereignty of Parliament requires **judicial obedience to the strict terms of the statute**. In the process of applying a statute, however, **uncertainties concerning its scope or effect in particular circumstances are bound to arise**. The rule of law requires that these uncertainties be resolved, so far as possible, in a manner which would most **conform to the reasonable understanding of the subject to whom the statute is primarily addressed**. Implicit in this understanding is the exp-ectation that **Parliament will conform to the generally accepted notions of fairness and justice** -- that punishment will not be authorized for acts which were not known to be unlawful when committed, that vested rights will not be destroyed without reasonable compensation, that the **powers of officials are to be limited by proper respect for the liberty of the citizen**. "If the words are not conclusive in themselves, the reasonableness or otherwise of the construction contended for has always been recognized as a **matter fairly** to be taken in account"..147] ... one law for all" concept based on the rule of law providing the law be supreme over both the acts of government and private persons:...[228]...The process of interpreting a statutory provision that is susceptible of more than one meaning was traditionally governed by the basic precept that the Court's function is to **discover the intention of the legislature**. In a case in which the ordinary rules of

construction yield two equally plausible meanings, policy considerations are a factor in resolving the conflict. In constitutional cases before the [Charter](#) this was reflected in the practice of interpreting statutes by applying a presumption that **a legislative body does not intend to exceed its powers under the Constitution.**

Allard v. Canada, 2016-02-24, 2016 FC 236, T-2030-13....principles of fundamental justice ... overbreadth ... gross disproportionality ...a law that takes away rights in a way that generally supports the object of the law, **goes too far by denying the rights of some individuals in a way that bears no relation to the object...grossly disproportionate effect on one person is sufficient to violate the norm...** effect actually undermines the objective”

## **BACKGROUND**

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. 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, and looking down on the paper, speaking monotone, 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 and ordered him to contravene 1(2,4), 42(1,c,e), 81(b) Police Services Act by arrest and assault of Olumide.

JP Herb Kreling violated;

- 1) 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,
- 2) s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights,
- 3) s11 s12 s13 s21 s34 Canada Interpretation Act,
- 4) s10 Ontario Interpretations Act,
- 5) s3, 17(3) Justice of Peace Act
- 6) s1 Human Rights Code,
- 7) preamble objects s7 s9 s10 s12 s15 Charter of Rights, preamble objects
- 8) 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,
- 9) Rule of law that vested inalienable right to equal protection from racist arrest, assault and extortion cannot be destroyed by government legislation,
- 10) Constitutional Rule of law against absurd statutory or constitutional interpretation,
- 11) Constitutional Rule of law against arbitrary (contrary to objects of enabling Act) application of statutory power,
- 12) Constitutional Rule of law against elevating statutory power above the constitution,
- 13) Constitutional Rule of law against using statutory public 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 Diane M. 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 Louisette 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

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**":

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. 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 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

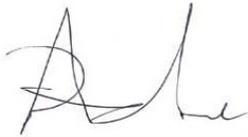
Canada Interpretations Act s482 Criminal Code rules 10(1)(2), Courts Justice Act 5(1), 7(1), 76(1), 80) what cannot be done directly, in order to commit party to arrest, assault, extortion by the Ontario Court of Justice violating 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, 362, s380(1a) Criminal Code. 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.

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.**

I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ade Olumide', written in a cursive style.

Ade Olumide