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Open Letter To Supreme Court Registrar Roger Bilodeau

Re: Pending Criminal Proceedings Constitutional Question

Request To Stop Cuddling Racism Sympathizer Canadian Judicial Council Members (Supreme Court of Canada, Ontario Superior Court, Quebec Superior Court, New Brunswick Court of Queen's Bench, Alberta Court of Queen's Bench, British Columbia Supreme Court)

s21b s22.2 s25.1 Criminal Code of Canada defines public officer organization party to offence below;

https://adeolumideonline.files.wordpress.com/2018/01/openletter_supremecourtregistrar_auditorgeneralofcanada.pdf

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

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;

Parties to offence. 21 (1) Every one is a party to an offence who. (b) **does or omits to do anything** for the purpose of aiding any person to commit it;.

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 word "anything" is a word of wide import, the only requirement is a mental intent to aid the Conservative "Party Brass" ongoing racial discrimination. The word "every one" is a word of wide import that includes Canadian Judicial Council which is both an "organization" and a "person", the Chair of the Canadian Judicial Council is by this definition, the Chief Racism Sympathizer. According to the Judges Act, the Chair of the Canadian Judicial Council is the Chief Justice of The Supreme Court.

All the judges in the world lack the power or jurisdiction to change the Judges Act, Criminal Code without reading down any provision that violates the Constitution. They cannot read down provisions that allow a criminal prosecution of the Canadian Judicial Council or any court, with mental intent to conflict of interest escape liability for their crimes, nor can they defraud inalienable rights preventing racial discrimination against black politicians. According to s38 of the Constitution Act, 1982 an amendment to the Constitution can be adopted by the House of Commons, Senate and two thirds or more of the provincial legislative assemblies representing at least 50 percent of the national population.

If Prime Minister Justin Trudeau succeeded in using the majority government to change the Criminal Code, and Judges Act by removing judicial criminal code misconduct from the jurisdiction of the Canadian Judicial Council, if Prime Minister Justin Trudeau also succeeded in convincing the Senate and the provinces to change the constitution by removing rule of law and Charter rights given by former Prime Minister Pierre Trudeau to black immigrants from alleged excrement hole countries, the word "inalienable" means that any such constitutional amendment is void for lack of jurisdiction.

The Canadian Judicial Council has no choice but recommend a reprimand or removal of Justice Cullen. In light of the BC Supreme Court oath for office, any court order, is testimony under oath, the Supreme Court of Canada solution for punishing administration of law persons that deliberately makes false statement under oath is jail time. In my anecdotal opinion from reading a couple of media reports, maybe the BC RCMP officer did not know that that the reckless use of a taser could lead to death of the police immigrant at the airport, he made a poor choice to cover up this mistake by lying, the Supreme Court of Canada, BC Court of Appeal, BC Supreme Court gave him jail time;

- a) What should happen to the same Supreme Court of Canada, BC Court of Appeal, BC Supreme Court lying in writing during a criminal proceeding with mens rae to deliberately defraud property in order to benefit their employer and Judicial Council which they have an interest in?
- b) If it is an obstruction of justice crime for Trump to terminate the special prosecutor investigation of himself, surely it is a crime for Justice Cullen to do the same thing in a criminal prosecution of himself. How in the world could BC Supreme Court Associate Chief Justice Austin Cullen who is a member of the Canadian Judicial Council think it is legal to intercept the prosecution of Canadian Judicial Council by hearing the matter himself, and making so many false statements?

I am still waiting for the oral hearing date before Criminal Proceedings Constitutional Question, in consideration of below mentioned criminal code offences, the Supreme Court Registrar Roger Bilodeau lacks the power or jurisdiction to refuse to comply with s784 Criminal Code by refusing to issue the 8 criminal proceedings Notices of Appeal AND refusing to hear the criminal proceedings constitutional question that challenges the statutory provision of that he sites as power to refuse;

- I. S15, 58(1b), 97(1c) Supreme Courtact 8(2), 19(2), 33(1d) Supreme Court Rules S685 Criminal Code Notice Of Motion And Constitutional Question (Criminal) To Supreme Court Registrar Roger Bilodeau; - page 52
- II. Ontario Superior Court (Criminal) File 17-30442, 17-30443, 17-30444, 17-30445 (**Registrar** In "Highest Court Of Final Resort In A Province" Acted Without Jurisdiction In Bad Faith To Remove s784 Criminal Code Appeal Re Prosecution of Office of Auditor General of Canada)- page 5
- III. Alberta Court Of Queen's Bench (Criminal) 170510184X1 ("**Highest Court** Of Final Resort In A Province" Exceeded s685 "No Substantial Ground Of Appeal" Jurisdiction In Bad Faith, Abused The Court Process To Remove s24 Charter right to s685 Constitutional Question / s784 Criminal Code Appeal Re Prosecution of Canadian Judicial Council Member AB Court Of Queen's Bench) – page 7

- IV. Quebec Superior Court (Criminal) 550-36-000021-178 (“**Highest Court** Of Final Resort In A Province” Exceeded s685 “No Substantial Ground Of Appeal” Jurisdiction In Bad Faith, Abused The Court Process To Remove s24 Charter right to s685 Constitutional Question / s784 Criminal Code Appeal Re Prosecution of Canadian Judicial Council Member Quebec Superior Court) – page 14
- V. New Brunswick Court of Queen’s Bench (Criminal) File (**Registrar** In “Highest Court Of Final Resort In A Province” Acted Without Jurisdiction In Bad Faith To Remove s784 Criminal Code Appeal Re Prosecution of Canadian Judicial Council Member NB Court of Queen’s Bench) – page 31
- VI. BC Supreme Court (Criminal) File 27229-1 (“**Highest Court** Of Final Resort In A Province” Exceeded s685 “No Substantial Ground Of Appeal” Jurisdiction In Bad Faith To Remove s784 Appeal Re Prosecution of Canadian Judicial Council Member BC Supreme Court) – page 37
- VII. Ontario Superior Court (Criminal) File 17-MOT-1-93 (**Registrar** In “Highest Court Of Final Resort In A Province” Acted Without Jurisdiction In Bad Faith To Remove s784 Criminal Code Appeal Re Prosecution of Office of Public Sector Integrity Commissioner) – page 44
- VIII. Ontario Superior Court (Criminal) File CR-17-00000001-00M0 (“**Highest Court** Of Final Resort In A Province” Acted Without Jurisdiction In Bad Faith To Remove s784 Criminal Code Appeal Re Prosecution of Ontario Court of Appeal) – page 46
- IX. Ontario Superior Court (Criminal) File 16-30604, (“**Highest Court** Of Final Resort In A Province” Acted Without Jurisdiction In Bad Faith To Remove s784 Criminal Code Appeal Re Prosecution of Canadian Judicial Council) – page 48

Despite the declaratory relief before them, none of the Canadian Judicial Council racism sympathizer members (Supreme Court of Canada, Ontario Superior Court, Quebec Superior Court, New Brunswick Court of Queen’s Bench, Alberta Court of Queen’s Bench, BC Supreme Court) have been able to;

- 1) “Prove that 1 year of refusing to investigate with mens rae intent to contravene the objects of Judges Act by encouraging misconduct is not a crime by private person pretending to have judicial power, a breach of rule of law against arbitrary (contrary to objects) application of law and a breach of s12, s21 Canada Interpretation Act.
- 2) Prove that refusing good faith Judges Act duty to create the record of investigation and record of enquiry is not complainant or Minister of Justice criminal code “property” or “service” that engages 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1) of the Criminal Code.
- 3) Prove that 60(2c), 63(2), 63(4), 65(5)(6) Judges Act is not a right to complain, right to be considered as a witness, right to the record of investigation and record of the inquiry be made public (if there are no public interest reason for prohibition of publication) is not a public service that must be provided with good faith objects of Act exercise of discretion
- 4) Prove that 60(2c), 63(2) 65(2) Judges Act rights to complain about ‘65 (b) having been guilty of misconduct, (c) having failed in the due execution of that office, or (d) ... conduct or otherwise... incompatible with the due execution of that office,’ right for the judge to be removed or public expression of disapproval, is not a public service that must be provided with a good faith(consistent with objects of Act) exercise of discretion.
- 5) Prove that refusing mandatory (beyond all reasonable doubt) or discretionary (absence of good faith), in order to defraud access to criminal court in order to facilitate a crimes of deliberate in writing and verbal judicial falsehoods to; act without jurisdiction, exceed jurisdiction, defraud first instance, defraud appellate jurisdiction, defraud criminal code, statutory and constitutional property and service, for improper purpose of benefitting employer and Council organization that they have interest in, is not a crime

- 6) Prove 1 year abuse of public power refusals to respond to request investigate manifest criminal offences, is not an ongoing crime which engages a rule of law self defence constitutional right and rule of law against criminal revictimization of victim principle of fundamental justice
- 7) Prove s12 Charter / s12 Interpretation Act / Bill C26 Criminal Code 35(1c,ii) is not evidence of societal consensus on rule of law self defence constitutional right and rule of law against criminal revictimization of victim s2e Canadian Bill of Rights principle of fundamental justice
- 8) Prove jurisdiction to defraud jurisdiction to defraud criminal code 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1), 482 (1) ... may make rules of court not inconsistent with this or any other Act of Parliament, and any rules so made apply to any prosecution, proceeding, action or appeal ,... in relation to any matter of a criminal nature or arising from or incidental to any such prosecution, proceeding, action or appeal”
- 9) Prove jurisdiction to defraud Provincial Courts Act “30.2 (5) ... I will truly and faithfully, according to my skill and knowledge, execute the duties, powers and trusts placed in me as a judicial justice and that I will be faithful”
- 10) Prove jurisdiction to defraud jurisdiction to defraud Canadian Victims Bill of Rights “service” “property” “Whereas crime has a harmful impact on victims and on society; Whereas victims of crime and their families deserve to be treated with courtesy, compassion and respect, including respect for their dignity; Whereas it is important that **victims’ rights be considered throughout the criminal justice** system; Whereas **victims of crime have rights that are guaranteed by the Canadian Charter** of Rights and Freedoms; Whereas consideration of the rights of victims of crime is in the interest of the proper administration of justice”
- 11) Prove jurisdiction to defraud 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” “It is unnecessary to conduct an analysis on gross disproportionality after considering arbitrariness and overbreadth”.
- 12) Disprove any exhibit re about 200 counts of offences in s504 s507.1 information ...”

Executive Summary Of 8 Criminal Proceedings Text Already Before Supreme Court Registrar Roger Bilodeau Include;

CRIMINAL ONTARIO SUPERIOR COURT FILE 17-30442, 17-30443, 17-30444, 17-30445

... November 8, 2017 Criminal pretending to be Justice of Peace D.M. McAleer who;

Acted in bad faith by collaterally attacking October 5 JP Girault Order that the 1st item to be addressed would be the s579 Criminal Code Constitutional Question and refused to allow witness evidence under oath with mens rae to facilitate ongoing crimes,

Then she violated s2 preamble objects s10 s16 Victims Bill of Rights by lying that she lacked criminal jurisdiction because in the criminal code only individuals can be prosecuted and lying that organizations or corporations cannot be prosecuted,

She also contravened the objects, oath of the Justice of Peace Act by using the hearing to train about 4 other JPs how to commit crimes, which is an s22 Criminal Code offence.

Prosecutor told the JP and Crown Prosecutor to their face, that they are criminals, therefore if there is no Crown response to below mentioned grounds, it is an admission that they are both criminals.

Whereas November 8 criminal pretending to be a JP has no rebuttal to s482(1) Criminal Code that reinforces Parliament of Canada s91 Constitution Act exclusive jurisdiction over the criminal code by stating in s482(1) that no court do anything to contravene express provisions in the criminal code.

Whereas November 8 criminal pretending to be a JP has no rebuttal to s12 Canada Interpretation Act, s2 preamble objects s10 s16 Canada Victims Bill of Rights that prevent misinterpretation of the criminal code "organization" "person" "justice system participant" in order to contravene the self-defence to arrest, assault and ongoing extortion crimes objects of Criminal Code.

2 Preamble, Whereas crime has a harmful impact on victims and on society; Whereas victims of crime and their families deserve to be treated with **courtesy, compassion and respect, including respect for their dignity**; Whereas it is important that victims' rights be considered throughout the criminal justice system; Whereas victims of crime have **rights that are guaranteed by the Canadian Charter of Rights and Freedoms**; Whereas consideration of the rights of victims of crime is in the interest of the proper administration of justice; ..

... victim means an individual who has suffered **physical or emotional harm, property damage or economic loss** as the result of the commission or alleged commission of an offence. (victim) ...

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.

Restitution order 16 Every victim has the **right to have the court consider making a restitution order** against the offender.

Whereas November 8 criminal pretending to be a JP has no rebuttal to s21 Canada Interpretation Act allows prosecution of any created by statute organization that contravenes the objects of the incorporating Act. "Powers vested in corporations 21 (1) Words establishing a corporation shall be construed (a) as vesting in the corporation power to sue and be sued, to contract and be contracted with by its corporate name, to have a common seal and to alter or change it at pleasure, to have perpetual succession, to acquire and hold personal property for the purposes for which the corporation is established and to alienate that property at pleasure; (d) as exempting from personal liability for its debts, obligations or acts individual members of the corporation who do not **contravene the provisions of the enactment establishing the corporation.**"

Whereas November 8 criminal pretending to be a JP has no rebuttal to the common law fact when a senior officer of an organization commits a crime and the organization benefits from the crime, the organization can be prosecuted.

Whereas November 8 criminal pretending to be a JP has no rebuttal to fact that the Crown fraudulently stayed JP Millar sworn information against Her Majesty The Queen In Right of Canada, Federal Court, Federal Court of Appeal, Supreme Court as criminal code "organization" "person" "justice system participant" AND JP Blaudveldt swore the information against Canadian Judicial Council as an organization because the right to prosecute an organization is a criminal code entitlement.

Whereas November 8 criminal pretending to be a JP has no rebuttal to Olumide v Her Majesty the Queen in Right of Ontario, 2017 ONSC 1201 [13] .. **an entitlement granted by the Criminal Code cannot be constrained by a court order granted under provincial legislation** ... [19] ...the injunctive relief requested is **beyond the Court's jurisdiction**..

Although the Crown was not an accused, Whereas November 8 criminal pretending to be a JP has no rebuttal to fact that s18(2) Crown Liability and Proceedings Act creates a narrow Criminal Code immunity for the Crown therefore s504 criminal code is binding on Her Majesty The Queen, and there is no Parliament of Canada legislation anywhere in the country that gives a court or judicial council or any other person or organization or justice system participant criminal code immunity.

Crown Liability and Proceedings Act Crown liable for disclosure 18: Saving provision(2) with the consent of the originator of the communication or of the person intended by the originator to receive it; (b) in the course of or for the purpose of giving evidence in any civil **or criminal proceedings** or in any other proceedings in which the servant of the Crown may be required to give evidence on oath;

Whereas November 8 criminal pretending to be a JP has no rebuttal to fact that s2 Crown Proceedings Liability Act creates a narrow Criminal Code immunity for the Crown therefore s504 criminal code is binding on Her Majesty The Queen, and there is no legislation anywhere in the country that gives a court or judicial council or any other person or organization criminal code immunity.

Whereas November 8 criminal pretending to be a JP had no rebuttal to judicial notice of fact commonly known to the community that SNC Lavalin is being prosecuted as criminal code "organization" "person" "justice system participant" for bribery re Ghadaffi's son.

Whereas the prosecutor would have trapped the November 8 criminal pretending to be a JP when he began to question her on which criminal code text or legislation or case law she was relying on as jurisdiction to change the content of the s504 criminal code "organization" "person" "justice system participant", but co criminal Crown Counsel Giegen Millar jumped in to stop her from answering the question, because he knew that November 8 criminal pretending to be a JP would is caught in a lie.

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), s140(1b), s265(1a,b)(3c,d), s346(1.1b), s423.1(b), 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, s140(1b), s265(1a,b)(3c,d), s346(1.1b), s423.1(b), 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.

CRIMINAL ALBERTA COURT OF QUEENS BENCH FILE 170510184X1

NOTICE OF APPEAL: Pursuant to 2(b,e) Canada Bill of Rights, objects s2 s16 Victims Bill of Right, s12 s13 s21(1a,d) Canada Interpretations Act, s10 Alberta Interpretation Act, Constitution Acts, 1867 to 1982 52(1) states "Any law inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect", Constitution Acts 1867 to 1982 Legislative Authority of Parliament of Canada 91 'Criminal Law... including the Procedure in Criminal Matters s482 s784 Criminal Code, Supreme Court Act 2, 3, 15, 20, 35, 51(2b), 56, 58(1b), 61, s97(1c)(2)(3), "judgment" "appeal" "final judgment" "court appealed from" "judgment" "judicial proceeding" "Supreme Court" "Appellate Jurisdiction throughout Canada 35" Supreme Court 3, 8(2), 9, 12, 19(2), 33(1d), 47, 48, 78 Supreme Court Rules, s101 Constitution Acts 1867 to 1982 right to Supreme Courts Act "judgment" "final judgment" "court appealed from" "judicial proceeding" "Supreme Court" "appeal" without leave AND vested rights to equality under the law which cannot be destroyed without remedy;

Iacobucci J. in Law v. Canada, [1999]), Equality under the law .. law is equal and fair to everyone so that everyone experiences the same result. Equal benefit of the law ensures that benefits imposed by law will be proportionate. Equal protection of the law ensure that the protections imposed by law will be proportionate so that the human dignity of every person is equally safeguarded by the law.

Whereas on November 6, these 3 criminals pretending to be judges (Alberta Court of Appeal Justices Peter Martin, Thomas W. Wakeling, Sheila Greckol) acted in bad faith by doing indirectly (using s685 to defraud s24 Charter right to s685 Criminal Code constitutional question) what cannot be done directly (violate 52(1) Constitution Act which voids any legislation that fails to comply with the constitution), in order to facilitate party to fraud by Alberta Court of Queen's Bench thereby violating 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1) Criminal Code.

Whereas these 3 criminals spent two weeks looking for a way to defeat the constitutional questions substantial grounds of appeal, realized they could not and issued a one line falsehood without addressing any of the oral or written arguments which is bad faith excess of s685 "no substantial ground of appeal" jurisdiction AND the following constitutional questions are obvious substantial grounds of appeal;

s579 (1) Criminal Code "stayed" Constitutional Question
3f An Act respecting office of Director of Public Prosecutions "stay" Constitutional Question
s8(2) Criminal Code power to withdraw process Constitutional Question
S4 Alberta Judicature Act "immunities" Constitutional Question
s60(2), 63(2) 63(3) or 69(1) Judges Act Constitutional Question
S4 Alberta Judicature Act "immunities"
S685 Criminal Code Constitutional Question

Whereas these 3 criminals acted without jurisdiction to create a two tier Criminal Code process, by making an order that s784 Criminal is a right of appeal without leave applies to all Canadians except Ade 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 Alberta Court of Appeal lacks the jurisdiction to defraud s784 Criminal Code in order to keep and steal more blood taxes and blood costs.

Olumide v Her Majesty the Queen in Right of Ontario, 2017 ONSC 1201 [13] .. an **entitlement granted by the Criminal Code cannot be constrained by a court order** granted under provincial legislation ... [19] ...the injunctive relief requested is **beyond the Court's jurisdiction..**

Take Notice that Ade Olumide appeals 16th day of June 2017 file 170510184X1, Calgary Criminal Appearance Court of Queen's Bench, 601 5th Street SW, T2P 5P7 order of Justice MD Gates dismissing a s504 s507.1 s540 s551.3(1g Charter) Criminal Code application re Alberta Provincial Court April 27, 2017 registrar refusal to comply s504 s507.1 s540 s551.3(1g Charter) Criminal Code mandatory duty to receive the information and schedule an s507.1 oral hearing for Prosecutor Ade Olumide pursuant to Criminal Code S504 "justice shall receive the information" s507.1 "shall ... heard and considered .. informant...witnesses", 683(2).. Parties entitled to adduce evidence and be heard, Right to make full answer and defence 802 (1) "prosecutor is entitled personally to conduct his case..".

Appellant Will Seek Same S784 Declarations Before The 3 Criminals;

1) A question of **CONSTITUTIONAL IMPORTANCE** is; whether in light of constitutional rule of law ongoing crimes self defence, criminal law constitutional rights of judges, attorney generals and parliament, rule of law right to **separation of executive and judicial power**, public interest and good governance policy concerns, is Part II Judges Act lack of separation of "investigate" (police), prosecutorial (AG or private prosecutor) and adjudicative (judges) functions for court proceeding criminal misconduct constitutional? To bring s60(2) or 63(2) into compliance, it must read in "**shall request a police investigation** of any judicial proceeding criminal misconduct", 63(3) or 69(1) shall read in "must make an inquiry if the police conclude there is evidence of a crime".

2) A question of **CONSTITUTIONAL IMPORTANCE** is; in light of s11(d) Charter right to "a hearing before an independent and impartial tribunal", 3 Alberta Oaths Of Office Act Chapter O-1, Constitution Acts 1867 to 1982 ... Parliament of Canada 91 'Criminal Law... including the Procedure in Criminal Matters" jurisdiction over s12, s21b, 25.1(9) (11b), s23, s139(1)(2)(3a), s362, 482, 504, 507.1, 551.3(1g Charter) Criminal Code, does the

Canada have jurisdiction to exclude a deliberate falsehood in a criminal proceeding with mens rae to benefit a judge or court or judicial council from 65(2) Judges Act definition of misconduct? To bring 63(3) or 69(1) into compliance with s11(d) Charter, it must read in "must make inquiry if **court or judge or judicial council** benefits from a falsehood in a court order".

3) A question of **CONSTITUTIONAL IMPORTANCE** is; In light of the trite constitutional rule of law rights against **arbitrary (contrary to objects)** interpretation of 65(2) Judges Act AND rule of law against absurd 65(2) Judges Act interpretation Rizzo & Rizzo Shoes Ltd. (Re), [1998] 1 SCR 27, 1998 CanLII 837 (SCC) which was codified in s12, 21 Canada Interpretations Act / s10 Alberta Interpretation Act, Constitution Acts 1867 to 1982 ... Parliament of Canada 91 'Criminal Law... including the Procedure in Criminal Matters' jurisdiction over s12, s21b, 25.1(9) (11b), s23, s139(1)(2)(3a), s362, 482, 504, 507.1, 551.3(1g Charter) Criminal Code, does Canada have jurisdiction to exclude a deliberate arbitrary court order in a criminal proceeding from 65(2) Judges Act definition of misconduct? To bring s60(2) or 63(2) into compliance, it must read in "shall investigate any deliberate arbitrary civil or criminal court order that contravenes the objects of the statute in question", 63(3) or 69(1) shall read in "must make an inquiry of any deliberate arbitrary court order",

4) A question of **CONSTITUTIONAL IMPORTANCE** is; **Bad faith is not a requirement for Charter damages**, in light of member of Canadian Judicial Council role in integrity of administration of criminal law, Judges Act is subject to s12 s24 Charter, s1(a,b), s2(b,e) Canadian Bill of Rights against criminals' revictimization of victim principle of fundamental justice, Constitution Acts 1867 to 1982 ... Parliament of Canada 91 'Criminal Law... including the Procedure in Criminal Matters' jurisdiction over s12, s21b, 25.1(9) (11b), s23, s139(1)(2)(3a), s362, 482, 504, 507.1, 551.3(1g Charter) Criminal Code, does s4 Alberta Judicature Act preclude s504 prosecution of Alberta Court of Queens Bench Ernst v. Alberta Energy Regulator, 2017 SCC 1 (CanLII)?

5) A question of **CONSTITUTIONAL IMPORTANCE** is; Manitoba, PEI do not recognize alleged immunity from "maliciously and without reasonable and probable cause", other than Conseil, all provinces affirm a bad faith exception for actions against councils, is "immunities" a breach of rule of law that vested rights not be destroyed without compensation JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312? s4 Alberta Judicature Act "**immunities**" is **unconstitutionally overbroad** Allard v. Canada, 2016 FC 236, it shall read in the **bad faith exception** as described in all provincial legislation below.

6) A question of **CONSTITUTIONAL IMPORTANCE** is; In light of fact that s685 criminal code is not in parts XVI of criminal code because the only time a registrar can determine no substantial grounds of appeal is in case of lack of jurisdiction for an interlocutory appeal from a lower court merits trial, s12 s24 Charter, s1(a,b), s2(b,e) Canadian Bill of Rights against criminals' revictimization of victim principle of fundamental justice, rule of law right to ongoing crime self defence, rule of law against arbitrary application of the criminal code by defrauding s11, s12, s21b, 25.1(9) (11b), s23, s139(1)(2)(3a), s341, 482, 504, 507.1, 551.3(1g Charter) Criminal Code, s685 is **unconstitutionally overbroad** Allard v. Canada, 2016 FC 236, it shall read in, "if Court of Appeal lacks jurisdiction....", OR it shall be read down as unconstitutional.

7) Judicial Notice of Fact that shop keeper Chen story / Bill C-26 (S.C. 2012 c. 9) Reforms to Self-Defence and Defence of Property: Technical Guide for Practitioners re Criminal Code 35 is evidence of societal consensus to Constitutional Rule Of Law Rights To Self Defence From Ongoing Crimes / Rule Of Law Rights Against Criminals' Revictimization Of Victim Principle Of Fundamental Justice which can be tested by adapting R. v. Smith (Edward Dewey), [1987] 1 SCR 1045 Charter test;

- I. Is s21b criminal code a clear departure from Criminal Code objects "as objectionable as fraud"?
- II. Is 21b party to ongoing fraud predominant causation for political career destruction / \$100,000 costs reprisals fraud go beyond what is necessary to achieve a legitimate Interpretations Act objective?
- III. Is 21b party to ongoing fraud predominant causation for political career destruction / \$100,000 costs reprisals fraud (treatment) to revictimize a victim, unacceptable to a large segment of the population?

- IV. Is 21b party to ongoing fraud predominant causation for political career destruction / \$100,000 costs reprisals fraud have any social purpose such as reformation, rehabilitation or deterrence?
- V. Is 21b party to ongoing fraud predominant causation for political career destruction / \$100,000 costs reprisals fraud accord with public standards of decency or propriety?
- VI. Is 21b party to ongoing fraud predominant causation for political career destruction / \$100,000 costs reprisals fraud of such a character as to shock general conscience?
- VII. Is 21b party to ongoing fraud predominant causation for political career destruction / \$100,000 costs reprisals fraud unusually severe, & degrading to human dignity and worth?

8) In consideration of the constitutional rule of law, s7 s9 s10 Charter reasonable hypothetical, s1a,b, 2, 3 Alberta Bill Of Rights, s10 Alberta Interpretation Act, s2 Alberta Victims of Crimes Act, s10,16 Canadian Victims Bill of Rights; s579 (1) Criminal Code “stayed”, s8(2) Criminal Code power to withdraw process, 3f An Act respecting the office of the Director of Public Prosecutions “stay”, S4 Alberta Judicature Act “immunities”, Hearing Office Bail Hearings (Re), 2017 ABQB 74 “interests of justice” unlimited stay power are unconstitutionally overbroad as authorizing public power to breach;

- I. lack of immunity for judicial; falsehoods to act **without / refuse jurisdiction OR to defraud appellate jurisdiction OR targeted malice** to injure OR **bad faith OR collateral attack** of orders in order to defraud Charter rights OR **conflict of interest rule of law**
- II. rule of law against **arbitrary** (contrary to objects) statutory interpretation of Criminal Code which is codified in s12 s21(1a,d) s34 Canada Interpretations Act /s10 Alberta Interpretation Act,
- III. rule of law against using prosecutor or judicial statutory or constitutional public power in **bad faith** (criminal code s8(3), s482 criminal code precludes abuse of public power to breach s22.2, 25.1(9)(11b) public officer, s21b party to offence / 23 accessory after the fact / s139(1) (2) (3a) obstruction of justice / s341 fraudulent concealment / 126 Disobeying Statute of criminal code)
- IV. rule of law against **absurd** interpretation of Judges Act, Interpretations Act, Criminal Code, Canadian Human Rights Act, Canada Victims Bill of Rights, Charter & Canadian Bill of Rights
- V. rule of law against abusing a court’s **inherent jurisdiction** to in bad faith exceed the constitution or legislative will of parliament or remedy for vested, natural, inalienable rights.
- VI. rule of law right to a fair hearing that complies with s2(e) Canadian Bill of **rights against criminals’ revictimization of victim** principle of fundamental justice
- VII. rule of law right to Criminal Code 35(1c,ii) **ongoing property crime self-defence objects**.
- VIII. Rule of law against **conflict of interest** removal of access to court or stay or withdrawal of prosecution of ongoing crime of refusing to investigate ongoing crimes, in a manner that breaches the intent of 3b, 4, 6, 7, 8, 9 Conflict of Interest Act
- IX. s2, s3, s5 Canadian Human Rights Act
- X. s7, s9, s10, s15 s24 Canada Charter of Rights and Freedoms
- XI. 3 Alberta Oaths Of Office Act Chapter O-1
- XII. s1a,b, 2, 3 Alberta Bill Of Rights
- XIII. s10 Alberta Interpretation Act
- XIV. s4, 6, 9.1, 10, 12, 13, 23, 49, 50, 50.1, 51, 52, 53, 54, 55, 56(1)(3) Quebec Charter of Rights
- XV. s8, s11(a)(d)(f) Ontario Crown Attorney’s Act
- XVI. s96(1) Courts Justice Act “rules of equity to prevail”,
- XVII. s13, 15(3), 18 Quebec Act Respecting The Director Of Criminal And Penal Prosecutions

XVIII. breach of objects; s2 Alberta Victims of Crimes Act, s4, 7d, 14(1a,b,c), 14(2), 15, 21(1), 28(2)(3) (4) (5) 39(2e), Manitoba The Victims' Bill of Rights, s10,16 Canada Victims Bill of Rights;

it shall read in "**subject to objects of Act, Charter rights to rule of law self-defence from an ongoing crime**", in alternative s579(1), 3(f), 4, above shall be read down as unconstitutionally overbroad, Attorney Generals (AGs) shall have 6 months to cure the deficiency.

9) s504 s507.1 summons on Alberta Court of Queen's Bench (Canadian Judicial Council) because mens rae refusal to request investigation is an unconstitutional breach of Rule Of Law Rights To Self Defence From Ongoing Crimes / Rule Of Law Rights Against Criminals' Revictimization Of Victim Principle Of Fundamental Justice (in alternative s504 s507.1 mandamus on Provincial Court) AND despite manifest ongoing fraud / Justice Stratas appellate jurisdiction fraud there is no;

- I. Proof that 1 year of refusing to request investigation with mens rae intent to contravene the objects of Judges Act by encouraging misconduct is not a crime by private person pretending to have judicial power, a breach of rule of law against arbitrary (contrary to objects) application of law and a breach of s12, s21 Canada Interpretation Act.
- II. Proof that refusing good faith Judges Act duty to create the record of investigation and record of enquiry is not complainant or Minister of Justice criminal code "property" or "service" that engages 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1) of the Criminal Code.
- III. Proof that 60(2c), 63(2), 63(4), 65(5)(6) Judges Act is not a right to complain, right to be considered as a witness, right to the record of investigation and record of the inquiry be made public (if there are no public interest reason for prohibition of publication) is not a public service that must be provided with good faith objects of Act exercise of discretion
- IV. Proof that 60(2c), 63(2) 65(2) Judges Act rights to complain about '65 (b) having been guilty of misconduct, (c) having failed in the due execution of that office, or (d) ... conduct or otherwise... incompatible with the due execution of that office,' right for the judge to be removed or public expression of disapproval, is not a public service that must be provided with a good faith (consistent with objects of Act) exercise of discretion.
- V. Proof that refusing mandatory (beyond all reasonable doubt) or discretionary (absence of good faith), in order to defraud access to criminal court in order to facilitate a crimes of deliberate in writing and verbal judicial falsehoods to; act without jurisdiction, exceed jurisdiction, defraud first instance, defraud appellate jurisdiction, defraud criminal code, statutory and constitutional property and service, for improper purpose of benefitting employer and Council organization that they have interest in, is not a crime
- VI. Proof that 1 year abuse of public power refusals to respond to request investigate manifest criminal offences, is not an ongoing crime which engages a rule of law self defence constitutional right and rule of law against criminal revictimization of victim principle of fundamental justice
- VII. Proof that s12 Charter / s12 Interpretation Act / Bill C26 Criminal Code 35(1c,ii) is not evidence of societal consensus on rule of law self defence constitutional right and rule of law against criminal revictimization of victim s2e Canadian Bill of Rights principle of fundamental justice
- VIII. Proof of jurisdiction to defraud criminal code 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1), 482 (1) ... may make rules of court not inconsistent with this or any other Act of Parliament, and any rules so made apply to any prosecution, proceeding, action or appeal ,... in relation to any matter of a criminal nature or arising from or incidental to any such prosecution, proceeding, action or appeal"
- IX. Proof of jurisdiction to defraud the judicial oath of office

- X. Prove jurisdiction to defraud Canadian Victims Bill of Rights “service” “property” “Whereas crime has a harmful impact on victims and on society; Whereas victims of crime and their families deserve to be treated with courtesy, compassion and respect, including respect for their dignity; Whereas it is important that **victims’ rights be considered throughout the criminal justice** system; Whereas **victims of crime have rights that are guaranteed by the Canadian Charter** of Rights and Freedoms; Whereas consideration of the rights of victims of crime is in the interest of the proper administration of justice”
- XI. Proof of jurisdiction to defraud 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” “It is unnecessary to conduct an analysis on gross disproportionality after considering arbitrariness and overbreadth”.
- XII. Evidence contradicting about 200 counts of offences in s504 s507.1 information
- XIII. Prove that the following does not apply to Honourable Justice David Stratas

<http://legal-dictionary.thefreedictionary.com/misconduct>

MISCONDUCT. **Unlawful behaviour** by a person entrusted in any degree: with the administration of justice, by which the **rights of the parties and the justice** of the, case may have been affected.

<http://thelawdictionary.org/misconduct/>

Black’s Law Dictionary, .. Any **unlawful conduct** on the part of a person concerned in the administration of justice which is **prejudicial to the rights of parties** or to the right determination of the cause; as "misconduct of jurors," "misconduct of an arbitrator." The term is also used to express a **dereliction from duty, injurious to another**, ... (Stage v. Stevens, 1 Denio [N. Y.] 267,) or a public officer, (State v. Leach, 60 Me. 58, 11 Am. Rep. 172.)

<http://www.duhaime.org/LegalDictionary/J/JudicialMisconduct.aspx>

Black's Law Dictionary.. Misconduct....., generally, a **prohibition against conduct prejudicial to the administration of justice that could bring the judicial office into disrepute.** ...

Examples of specific instances of judicial misconduct include: ..**Criminal conduct**, ..

10) **The Grounds For This Appeal Are:**

- I. Rule Of Law Right To Self Defence From Ongoing Crimes, Rule of Law Rights Against Criminals’ Revictimization of Victim Principle of Fundamental Justice (Justice Gates Falsely Stated That; Ongoing Fraud By The Queen Is Not A Crime, Alberta Court Of Queen’s Bench Refusing Judges Act Good Faith Duty To Request Investigation Of Judges Lying In Order To Facilitate Ongoing Fraud Is Not An s21b, 22.2, 25.1(9)(11b) Criminal Code Offence, Alberta Court Of Queen’s Bench Cannot Be Prosecuted Because It Is Not A Corporation)

CRIMINAL QUEBEC SUPERIOR COURT 550-36-00021-178

In light of information before street criminals Justices Morisette, Healy, Ruel pretending to be judges acted without jurisdiction in order to commit the following criminal code offences, the panel’s order is void for lack of jurisdiction, s784 criminal code appeal right is not fulfilled;

Piper v. Pearson, id., 2 Gray 120. ... 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** ...

Crimes By Quebec Court of Appeal Justices Morisette, Healy, Ruel

- 1) Whereas a two tier Criminal Code s504 s507.1 s540 S551.3(1giii) s784 statutory rights is a breach of equality under law ^{Iacobucci J. in Law v. Canada, [1999]}, because in Canadian history, except in the case of Ade Olumide, s685 has never been applied except in **14 cases of lack of jurisdiction** to hear appeal.
- 2) Whereas a refusal of merits hearing of excess of s685 jurisdiction is a **collateral attack** on the order of Justice Hilton who referred the motion to the panel by falsely stating that he lacked jurisdiction to quash the order of Deputy Clerk Mtre Dufour for excess of jurisdiction.
- 3) Whereas a discriminatory use of s685 to defraud s685 constitutional question triggers an equality under the law positive obligation to **reverse burden of proof** re Dufour para 11 statements “allegations set out in the notice of appeal are... vague” “it is difficult to identify the grounds of appeal” “arguments regarding the unconstitutionality... seem to me, unsustainable” “grounds pertaining to an alleged violation of the rule of law to self-defence from ongoing crime are vague and non specific” “arguments concerning the absence of immunity of judges and the Crown ..seem to have no chance of success” with reasons that comply with R. v. R.E.M., 2008 SCC 51, “Path Through ... Conflicting Evidence” Test, “complete disregard of ..evidence” test, “did not.. explain which .. offences were proved” test, “deficiencies in the reasons ...error in law” test, “unsettled law ...difficult or novel question of law ...error in law” test, “Statutory Right To Appeal ... Duty To Give Reasons” test
- 4) Whereas neither Mtre Dufour nor September 20 judge nor October 10, 16 panel states; which evidence of fraud was accepted or rejected, **sites any authority for jurisdiction to remove Criminal Code s504 s507.1** right to prosecute any criminal code “person” “organization” “justice system participant”, sites any authority to rebut BC, Quebec, Supreme Court evidence that s579 3(3f) 63(2) is unconstitutionally overbroad, sites any authority to rebut Alberta, PEI, Manitoba legislation and 16 authorities that show there is no judicial immunity from criminal prosecution.
- 5) Whereas S504 S507.1 is found in Parts XVI of the Criminal Code, and S685 is found in PART XXI which implies **first instance trial on the merits** by a judge or jury.
- 6) Whereas the Quebec Attorney General that **admitted the facts of fraud**, and accused that retains the proceeds of crime is Her Majesty The Queen and Quebec Attorney General is Her Majesty The Queen, permitting the Queen to use s685 to breach 12, 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1) of the Criminal Code, is a breach of the s12 Charter right of the victim;
S685 Criminal Code is unconstitutionally overbroad ^{Allard v. Canada, 2016-02-24, 2016 FC 236, T-2030-13}, it shall read in, “if a Court of Appeal lacks jurisdiction and....”, in the alternative s685 is read down and the Attorney General shall have 6 months to remedy s685.
- 7) Whereas Constitution Acts, 1867 to 1982 **52(1) states “Any law inconsistent with the provisions of the Constitution is, .. of no force or effect”**, s685 Criminal Code is unconstitutionally overbroad therefore it is void but Justices Morissette, Healy, Ruel deliberately acted without jurisdiction by using void legislation to defraud s685 Criminal Code constitutional question which shall be heard on October 16. Once s685 is read in or read down by the Supreme Court, the orders of Justices Morissette, Healy, Ruel, Roy, Dufour will be void abinitio because it is a constitutional rule of law that regardless of the merit of any order, once it is made without jurisdiction, it is void abinitio.
- 8) Whereas Mtre Catherine Dufour, Deputy Clerk exceeded s685 “**no substantial ground of appeal**” jurisdiction AND violated 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) of the Criminal Code AND violated s4, 10, 12, 23 Quebec Charter of Rights, s12 Canada Charter of Rights, s2(b,e) Canada Bill of Rights, therefore the orders of Justices Morissette, Healy, Ruel, Roy, Dufour is void abinitio because it is a constitutional rule of law that regardless of the merit of any order, once it is made without jurisdiction, it is void abinitio.
- 9) Whereas Justice Allan Hilton exceeded s685 “no substantial ground of appeal” jurisdiction AND violated 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) of the Criminal Code AND violated s4, 10, 12,

23 Quebec Charter of Rights, s12 Canada Charter of Rights, s2(b,e) Canada Bill of Rights by **lying that he lacked jurisdiction to quash Mtre Catherine Dufour excess of jurisdiction** criminal code offences, orders of Justices Morissette, Healy, Ruel, Roy are void abinitio because it is a constitutional rule of law that regardless of merit of an order, no jurisdiction means, it is void abinitio.

10) Whereas Justices Morissette, Healy, Ruel, exceeded s685 "no substantial ground of appeal" jurisdiction AND violated s4, 10, 12, 23 Quebec Charter of Rights, s12 Canada Charter of Rights, s2(b,e) Canada Bill of Rights by lying that "the justice of the Court of Quebec plainly considered the informations submitted by Mr Olumide and **refused them because the informations were insufficient to support the commencement of a private prosecution** before the Court of Quebec", AND lying that the Court of Quebec has jurisdiction to make that determination without a mandatory s504 s507.1 s540 oral hearing where the information is presented for each element of the charge under oath and cross examination by the Attorney General, therefore the orders of Justices Morissette, Healy, Ruel, Roy, Dufour, Therrien, Millar are void abinitio because it is a constitutional rule of law that regardless of the merit of an order, since Court of Quebec lacked jurisdiction, every other order, is void abinitio.

11) Whereas Justices Morissette, Healy, Ruel, exceeded s685 "no substantial ground of appeal" jurisdiction AND violated s4, 10, 12, 23 Quebec Charter of Rights, s12 Canada Charter of Rights, s2(b,e) Canada Bill of Rights, rule of law against criminals revictimization of the victim principle of fundamental justice, by lying that "an issue which was not considered in the Superior Court but which provides another compelling reason for confirming the courts below pertains to the **principle of sovereign immunity. This principle does not allow criminal prosecution of the Queen or the Superior Court.**", orders of Justices Morissette, Healy, Ruel, are void abinitio because it is a rule of law that regardless of the merit of any order, no jurisdiction, means it is void abinitio.

12) Whereas Justices Morissette, Healy, Ruel, violated 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) of the Criminal Code by despite 16 authorities re "bad faith" "no jurisdiction" exceptions to judicial immunity from criminal code "person", "organization" "justice system participant" s21b s25.1 s504 s22.2 test for public officer organization person criminal liability, lying without rebuttal authority to prove that any court has jurisdiction to apply an alleged "principle of sovereign immunity" to change the criminal code, with mens rae to **defraud Parliament of Canada exclusive constitutional right to draft s504 criminal code** as binding on any "Person .. include .. an organization" "Justice System Participant.. court.." "organization" (Quebec Superior Court). Order of Justices Morissette, Healy, Ruel, are void abinitio because it violates the rule of law against bad faith ^{Freeman v. Canada (Citizenship) 2013 FC1065 IMM-6304-12, Roncarelli v. Duplessis (SCC) [1959] S.C.R. 121} arbitrary ^{Allard v. Canada, 2016 FC 236} use of public power to contravene 89 180 oath / objects of Quebec Courts Justice Act enabling public power (codified in 41 Quebec Interpretation Act / s12 s21 Canada Interpretation Act), it is void abinitio for lack of jurisdiction.

13) Whereas Justices Morissette, Healy, Ruel, provided **no rebuttal to the legislation of 3 provinces** that prove that confirm a "bad faith" "jurisdiction" exceptions to "immunity" from civil action. No province has jurisdiction to provide immunity from criminal prosecution. Further Madadi shows if there was a "principle of sovereign immunity" from civil law it does not apply to Quebec Superior Court role with Canadian Judicial Council because there is no alleged immunity while implementing government policy to reprimand or remove judges for criminal misconduct.

14) Whereas Justices Morissette, Healy, Ruel, violated 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) of the Criminal Code by failing to provide evidence that any court has jurisdiction to create an **inherent jurisdiction** "principle of sovereign immunity" to change criminal code "person", with mens rae to defraud Parliament of Canada exclusive constitutional right to draft s504 criminal code as binding on "Person ... include Her Majesty", therefore the order of Justices Morissette, Healy, Ruel, are void abinitio because it violates the rule of law against bad faith ^{Freeman v. Canada (Citizenship) 2013 FC1065 IMM-6304-12, Roncarelli v. Duplessis (SCC) [1959] S.C.R. 121} arbitrary ^{Allard v. Canada, 2016 FC 236} use of public power to contravene 89 180 oath and objects of Acts enabling public power (codified in 41 Quebec Interpretation Act / s12 s21 Canada Interpretation Act), it is void abinitio for excess of jurisdiction.

15) Whereas Justices Morissette, Healy, Ruel, violated 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) of the Criminal Code by lying that s17 Interpretations Act "No enactment is binding on Her

Majesty or affects Her Majesty or Her Majesty's rights or prerogatives in any manner, except as mentioned or referred to in the enactment" is equal to sovereign immunity for the Crown, but **Criminal Code "person" specifically mentions "Her Majesty"** and CRA's manuals specifically state that legislated duties to return the money include, s23 s95 Financial Administrations Act ongoing **duty** on the Crown to return s296 Excise Tax Act over taxation by fraud. These criminals **lied that s23 s95 Financial Administrations Act written to the Crown does not apply to the Crown**, therefore the order of Justices Morissette, Healy, Ruel, are void abinitio for excess of jurisdiction.

16) Whereas Justices Morissette, Healy, Ruel, violated 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) of the Criminal Code by **lying that s17 Interpretations Act** "No enactment is binding on Her Majesty or affects Her Majesty or Her Majesty's rights or prerogatives in any manner, except as mentioned or referred to in the enactment" is equal to sovereign immunity from violating s5(1a) s42(1) Canada Revenue Agency Act, s12 Privacy Act, s4 Access To Information Act, s12 Charter of Rights, s1(a), s2(b,e) Canadian Bill of Rights mandatory Crown duties, therefore the order of Justices Morissette, Healy, Ruel, are void abinitio for excess of jurisdiction.

17) Whereas Justices Morissette, Healy, Ruel, violated 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) of the Criminal Code by lying that s17 Interpretations Act "No enactment is binding on Her Majesty or affects Her Majesty or Her Majesty's rights or prerogatives in any manner, except as mentioned or referred to in the enactment" is equal to **sovereign immunity from all crimes**, despite the Crown Proceedings and Liability Act 18(2b,c,d), 19 narrow criminal code immunity is evidence that the rest of the Criminal Code is binding on the Crown, therefore the order of Justices Morissette, Healy, Ruel, are void abinitio for excess of jurisdiction.

18) Whereas refusing the October 16 hearing without applying the test to reopen is a crime, because if the order to defraud the s685 Constitutional Question has been issued and entered, the **test for the Quebec Court of Appeal panel to reopen an 500-10-006436-172** appeal are as follows;

- a) Party To Fraud Miscarriage Of Justice
- b) Abuse Of Process (Using S685 To Defraud S685 Constitutional Question)
- c) Lack Of S685 "No Substantial Grounds Of Appeal" Jurisdiction
- d) Lack Of 52(1) Constitution Act S685 Null And Void Jurisdiction
- e) Charter / Bill Of Rights Constitutional Law
- f) Lack Of Reasons For Jurisdiction To Defraud S504 507.1 S540 In Order To Enable The Criminal Retain The Proceeds Of Crime
- g) Lack Of Case Law Evidence That Her Majesty Or Superior Court Has Immunity From Criminal Prosecution
- h) Lack Of Consent Is Quebec AG Bad Faith Intent To Retain The Benefit Of A Party To Fraud Order Made With Unconstitutional Legislation

Crimes By Quebec Court of Appeal Justice Allan Hilton

On September 20 Justice Allan Hilton lied in writing that "in matters of certiorari, I would not have any such jurisdiction as a judge in chambers". At the September 20 hearing Justice Allan Hilton lied that he as a single judge has no jurisdiction to hear the motion. I told him that no jurisdiction is a lie and s21b party to fraud criminal offence, that I would report to the Council and I have other ways of fighting this lie. I told him there is no immunity for lying about jurisdiction. Beyond reasonable doubt evidence that Justice Hilton breached 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) are;

This appeal is an s784 appeal and 784(2) proves 683(3) Application procedures in Parts XXI Appeals Indictable Offences applies to all 784 Part XXVI Extraordinary Remedy Certiorari, Mandamus Applications, the rational is obvious, a Certiorari or Mandamus is a type of Appeal,

Parts XXI Criminal Code “683 (3) ... any powers not mentioned in subsection (1) that may be exercised ...in **civil matters**, .. determination of .. any proceedings preliminary or incidental thereto.” engages “Code of Civil Procedure 74. Decisions of the court clerk ... on an application, be reviewed by a judge in chambers ... The same applies to decisions of the appellate clerk, which **may be reviewed by an appellate judge**... If the decision is quashed, matters are restored to their former state.”

Appeal in *mandamus*, etc. 784 (1) An appeal lies to the **court of appeal** from a decision granting or refusing the relief sought in proceedings by way of *mandamus*, *certiorari* or prohibition.
Application of Part XXI (2) Except as provided in this section, Part XXI applies, with such modifications as the circumstances require, to appeals under this section.

On September 20 Justice Allan Hilton covered up his crimes by writing “he was advised in writing that his motion would be deferred”, this is a misrepresentation because he was handed a copy of a September 7 order from Philip Dupont stating that the September 20 motion will proceed, I argued that Philip Dupont was *functus officio* to change that order, and that the September 7 order cannot be changed without an order from a judge. He is being disingenuous, he knows that the panel will grant the Crown’s fraudulent motion to strike the appeal and refuse to hear the motion, therefore he is doing indirectly what he cannot do directly which is fraud.

Justice Hilton said he made the order which is further mens rae evidence that he was trying to commit fraud while hiding his identity. An truthful statement would be, “13 days ago he was advised the motion will proceed, 1 day ago he was advised in writing that his motion would be deferred to a panel, he responded in writing stating that he will oppose the deferral because it moots the motion for an injunction to remove the October 16 panel motion to strike the appeal”.

Islip v. Coldmatic Refrigeration of Canada Ltd., 2002 BCCA 255 (CanLII), 2002 BCCA 255 ...an incomplete representation may amount to an actionable falsehood: ... **An incomplete statement may be as misleading as a false one**, and such half-truths have frequently been treated as legally significant misrepresentations. ...it is open to the court to hold that the concealment of the material facts can, when taken with general statements, true in themselves but incomplete, turn those statements into misrepresentations...

I also handed a 4 page September 19 letter to the Chief Justice stating;

The reason why Justice Allan Hilton is lying that he has no jurisdiction is because Catherine Dufour made 7 false statements, since I proved that her statement were false, therefore he has no choice but to quash her s685 order. This would mean that her Majesty The Queen will have to respond to the appeal, but since there is overwhelming evidence that they retain the proceeds of fraud, they will loose on appeal. This is why some many people at the Quebec Court of Appeal are telling so many lies, the only way they can save Justices Roy, Hilton, Devredoe, Dufour is to defraud statutory appeal rights.

Although Ms Devredoe said she was ordered by the Chief Justice to commit the crime, I have not named the Chief Justice because I still do not have any order signed by the Chief Justice. I did not name Philip Dupont because Justice Hilton admitted to being the one behind the defrauding of September 20 hearing.

Grounds Before Justice Hilton

- I. Discriminatory application of *R. V. R.E.M.*, 2008 SCC 51, deficiency of reasons error in law
- II. lack of immunity for breaching 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1) of the Criminal Code by; deliberately acting without jurisdiction to defraud 2, 482 (1), (3), 504, 507.1, 540, 551.2, 551.3(1g), 683(2),783 criminal code in order to facilitate ongoing fraud
- III. These 5 statements in paragraph 11 are so deficient in reasons that it is a plain and obvious attempt to act without jurisdiction to defraud s784 in order to facilitate ongoing fraud
 - a) “allegations set out in the notice of appeal are... vague”
 - b) “it is difficult to identify the grounds of appeal”
 - c) “arguments regarding the unconstitutionality... seem to me, unsustainable”

- d) "grounds pertaining to an alleged violation of the rule of law to self-defence from ongoing crime are vague and non specific"
- e) "arguments concerning the absence of immunity of judges and the Crown ..seem to have no chance of success"

Written Representations Before Justice Hilton

1. At a high level, it is plain and obvious that if the Certiorari is not granted, paragraph 11 will eventually bring the Quebec Court of Appeal into disrepute because;
 - I. The order of Mtre Catherine Dufour does not state which evidence of fraud was accepted and which evidence of fraud was rejected.
 - II. The order of Mtre Catherine Dufour does not site any authority to remove Criminal Code s504 right to prosecute any criminal code "person" "organization" "justice system participant"
 - III. The order of Mtre Catherine Dufour does not site any authority to rebut BC, Quebec, Supreme Court evidence that s579 3(3f) 63(2) is unconstitutionally overbroad
 - IV. The order of Mtre Catherine Dufour does not site any authority to rebut Alberta, PEI, Manitoba legislation and 16 authorities that show there is no judicial immunity from criminal prosecution"

Crimes By Quebec Court of Appeal Mtre Catherine Dufour, Deputy Clerk

Mtre Catherine Dufour, Deputy Clerk exceeded s685 "no substantial ground of appeal" jurisdiction AND violated 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) of the Criminal Code by falsely stating that "allegations set out in the notice of appeal are... vague" "it is difficult to identify the grounds of appeal" "arguments regarding the unconstitutionality... seem to me, unsustainable" "grounds pertaining to an alleged violation of the rule of law to self-defence from ongoing crime are vague and non specific" "arguments concerning the absence of immunity of judges and the Crown ..seem to have no chance of success". Justice Allan Hilton violated 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) by lying that he lacked jurisdiction to quash Mtre Catherine Dufour criminal code offences. Therefore Mtre Catherine Dufour is in a conflict of interest to refuse to schedule the motion to vary the order of Justice Allan Hilton.

"Allegations Set Out In The Notice Of Appeal Are... Vague" Only a criminal can lie this is vague;

- I. "Between 1st Day of January 2010 to 21st Day of February 2017 at the City of Gatineau, Office of the Privacy Commissioner of Canada, 30 Victoria Street, QC K1A 1H3, **Her Majesty The Queen In Right of Canada "The Queen"** did knowingly by deceit, falsehood and other fraudulent means, defraud 128 Auguste Renoir, J8P 8C4, Gatineau resident's (2005 to 2015) equal benefit of s296 (2.1,3.1,6) Excise Tax Act, s23 s95 Financial Administrations Act, s5(1a) s42(1) Canada Revenue Agency Act, s12 s21(1a,d) Interpretations Act, s12 Charter of Rights, s1(a), s2(e) Canadian Bill of Rights, rule of law, s126 Criminal Code, for an improper purpose of creating a financial benefit for Her Majesty The Queen In Right of Canada "The Queen" who resides at 85 Chemin de La Savane Gatineau, QC K1A 1L4, in contravention of s380(1) of the Criminal Code of Canada.
- II. Between 1st Day of January 2010 to 21st Day of February 2017 at the City of Gatineau, Office of the Privacy Commissioner of Canada, 30 Victoria Street, QC K1A 1H3, **Her Majesty The Queen In Right of Canada "The Queen"** did knowingly make and cause to be made false statements in writing, with intent that it be relied upon, to wit 128 Auguste Renoir, J8P 8C4, Gatineau resident's (2005 to 2015) equal benefit of s12 Privacy Act, s4 Access To Information Act, s12 Charter of Rights, s1(a),s2(e) Canadian Bill of Rights, rule of law,s126 Criminal Code, for an improper purpose of creating a financial benefit for Her Majesty The Queen In Right of Canada "The Queen" who resides at 85 Chemin de La Savane Gatineau, QC K1A 1L4, in contravention of s362[1c(ii),d] of the Criminal Code of Canada.
- III. Between 1st Day of December 2015 to 21st Day of February 2017 at the City of Gatineau, and City of Quebec, Quebec Superior Court Chief Justice (member of Canadian Judicial Council) did for fraudulent purpose, **contravene objects of Judges Act by refusing s63(2) Judges Act public power good faith duty to investigate and submit a record of investigation of manifest indictable offences** by federally

appointed judges that are facilitating escape of Her Majesty The Queen In Right of Canada “The Queen” ongoing indictable offences at the City of Gatineau in order to defraud a 128 Auguste Renoir, J8P 8C4, Gatineau resident’s (2005 to 2015) equal benefit of s296 (2.1,3.1,6) Excise Tax Act, s23 s95 Financial Administrations Act, s12 Privacy Act, s4 Access To Information Act, s5(1a) s42(1) Canada Revenue Agency Act, s12 s21(1a,d) Interpretations Act, s12, s24 Charter of Rights, s1(a), s2(e) Canadian Bill of Rights, rule of law, contrary to section 341 of the Criminal Code of Canada.

- IV. Between 1st Day of December 2015 to 21st Day of February 2017 at the City of Gatineau, and City of Quebec, Quebec Superior Court Chief Justice (member of Canadian Judicial Council) did for fraudulent purpose, **contravene objects of Judges Act by refusing s63(2) Judges Act public power good faith duty to investigate and submit a record of investigation of manifest indictable offences** by federally appointed judges that are facilitating escape of Her Majesty The Queen In Right of Canada “The Queen” ongoing indictable offences at the City of Gatineau in order to defraud a 128 Auguste Renoir, J8P 8C4, Gatineau resident’s (2005 to 2015) equal benefit of s296 (2.1,3.1,6) Excise Tax Act, s23 s95 Financial Administrations Act, s12 Privacy Act, s4 Access To Information Act, s5(1a) s42(1) Canada Revenue Agency Act, s12 s21(1a,d) Interpretations Act, s12, s24 Charter of Rights, s1(a), s2(e) Canadian Bill of Rights, rule of law, contrary to section 21b of the Criminal Code of Canada.

“**It Is Difficult To Identify The Grounds Of Appeal**”; Only a criminal can lie that these grounds are not identifiable;

“(f) the grounds of appeal

- I. The Rule Of Law Against Using S579 Statutory Power To Stay Or Common Law Power To Withdraw In **Bad Faith** Is Part Of The Canadian Constitution
- II. Rule Of Law Right To **Self Defence** From Ongoing Property Crimes / Right Against **Criminals’ Cruel Revictimization Of Victim** Principle Of Fundamental Justice Is Part Of The Constitution
- III. The Rule Of Law Right Against Arbitrary Inherent Jurisdiction To **Violate Objects** of Enabling Statutes that include Criminal Code, Judges Act / Constitution, Is Part Of The Constitution
- IV. Using Public Power To Retain Proceeds Of Crime And Commit More Crimes Against Same Victim, Is Breach Of Rule Of Law Against **Absurd** Statutory / Constitutional Interpretation
- V. Lack Of Good Faith Reasons For Stay Or Withdrawal Or Refusal To Investigate Is Indirectly Removing **7, 9, 10 Charter** Rights Because It Cannot Be Done Directly (Abuse of Process)
- VI. The Rule Of Law Against **Conflict Of Interest** Attorney General Or Judicial Or Council Decision Makers, Is Part Of The Canadian Constitution.”

“**Arguments Regarding The Unconstitutionality... Unsustainable**”, only a criminal can lie Allard v. Canada, 2016-02-24, 2016 FC 236, T-2030-13 unconstitutionally overbroad is not sustainable;

Unconstitutionally Overbroad means there is a narrower option; this was done by Quebec, BC, Supreme Court. The sections “3F / S579 ERROR IN LAW” and “63(2) ERROR IN LAW” in the Notice of Appeal simply shows the irrefutable fact that S579 is prima facie unconstitutional because leading cases in the area of abuse of process and the principles of fundamental justice, like R. v. Regan, 2002 SCC 12 (CanLII), [2002] 1 S.C.R. 297 and R. v. Nixon, 2011 SCC 34 (CanLII), [2011] 2 S.C.R. 566, purported **an abuse of process and principles of fundamental justice exception** to unlimited s579 power to stay a prosecution without reading in, BC legislated “interests of justice” limit on s579, Ambrosi v. British Columbia (Attorney General), 2014 BCCA 123 limited s579 power to unless s507.1 summons is issued, Quebec legislated “interests of justice” “interests of crime victims” limit on s579, Quebec legislated a private prosecution to be a criminal application rather than proceeding in order to limit s579 power, s579 permits AG to stay s579 Constitutional Question to facilitate ongoing crime, s579 permits AG to stay prosecution of AG. Please explain why Allard v. Canada in the Notice of Appeal is unsustainable?

“Is 3f, S579, 63(2) Unconstitutionally Overbroad?... 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”

“Grounds Pertaining To An Alleged Violation Of The Rule Of Law To Self Defence From Ongoing Crime Are Vague And Non Specific”, only a criminal can lie that Bill C-26 (S.C. 2012 c. 9) Reforms to Self-Defence and Defence of Property: Technical Guide for Practitioners is not evidence of societal consensus that self defence to property crime is a constitutional right;

This was addressed in the Notice of Appeal 1st conclusion below and 63(2) ground, the rule of law is part of the constitution (see *JTI-Macdonald Corp. v. AGBC*, 2000 BCSC 312 (CanLII), the proceeds of fraud is still with the Queen, therefore the right of self defence to retake property stolen by crime which was codified in Bill C-26 is engaged. There is a 3 part test for a rule of law; 1) There must be societal consensus (media reports and Self-Defence and Defence of Property: Technical Guide for Practitioners qualify for judicial notice of fact of societal consensus) 2) It must be a legal principle (self-defence is a legal principle that it why it was codified in Bill C-26) 3) It must be capable of being tested (see Notice of Appeal *R. v. Smith* s12 Charter test).

“Judicial Notice of Fact that shop keeper David Chen media reports / 781(1) criminal code, s17 s18 Canada Evidence Act Judicial Notice of Legislative Fact that Bill C-26 (S.C. 2012 c. 9) Reforms to Self-Defence and Defence of Property: Technical Guide for Practitioners re Criminal Code 35 is evidence of societal consensus to Constitutional Rule Of Law Rights To Self Defence From Ongoing Crimes / Rule Of Law Rights Against Criminals’ Revictimization Of Victim Principle Of Fundamental Justice which can be tested by adapting *R. v. Smith* (Edward Dewey), [1987] 1 SCR 1045 Charter test...”

Prentice v. Canada, [2006] 3 FCR 135, 2005 FCA 395 (CanLII) “First, it must be a legal principle.... Second, there must be **sufficient consensus** that the alleged principle is “vital or fundamental to our societal notion of justice”... Third, the alleged principle must be capable of being identified with precision and applied to situations in a manner that yields predictable results”

Canadian Doctors for Refugee Care v. Canada (Attorney general), 2014 FC 651

XI. Do the 2012 Changes to the IFHP Violate Section 12 of the [Charter](#)? [580] In *Chiarelli v. Canada* (Minister of Employment & Immigration), 1992 CanLII 87 (SCC), [1992] 1 S.C.R. 711, 2 Admin. L.R. (2d) 125, the Supreme Court observed that the Concise Oxford Dictionary (1990) defined ‘treatment’ as “a process or manner of behaving towards or dealing with a person or thing...”. According to the Supreme Court, deportation may “come within the scope of a ‘treatment’ in s. 12”: at para. 29.[602] An alternative test for the existence of “treatment” can be found in the judgments of Lords Hope and Brown in *ex parte Adam*, where both Law Lords held that in determining whether “treatment” has occurred, the focus should be on whether the government could be held responsible for the applicant’s suffering, rather than on whether the conduct in issue constituted positive or negative state action. ...[611] The next question, then, is whether this treatment is “cruel and unusual”. B. Are the 2012 Changes to the IFHP “Cruel and Unusual” within the meaning of [Section 12](#) of the [Charter](#)? [612] In *R. v. Smith*, above, the Supreme Court established the test to be applied in determining when a treatment or punishment will be found to have violated section 12 of the Charter. The Court held that “in its modern application, the meaning of ‘cruel and unusual treatment or punishment’ must be drawn ‘from the evolving standards of decency that mark the progress of a maturing society’”: at para. 83, citing *Trop v. Dulles* (1958), 356 U.S. 86 at p. 101, 78 S. Ct. 590. [613] The Court concluded in *R. v. Smith* that “cruel and unusual” treatment or punishment is that which is “so excessive as to outrage [our] standards of decency”: above at para. 83. [614] In determining whether treatment or punishment is “cruel and unusual”, Canadian courts have looked at a number of factors as part of a kind of ‘cost/benefit’ analysis. These factors include whether the treatment goes beyond what is necessary to achieve a legitimate aim, whether there are adequate alternatives, whether the treatment is arbitrary and whether it has a value or social purpose. Other considerations include whether the treatment in question is unacceptable to a large segment of the population, whether it accords with public standards of decency or propriety, whether it shocks the general conscience, and whether it is unusually severe and hence degrading to human dignity and worth: *R. v. Smith*, above at para. 44.

“Arguments Concerning The Absence Of Immunity Of Judges And The Crown ..Seem To Have No Chance Of Success”, only a criminal can lie that that 20 authorities re s504 right to prosecute Quebec Superior Court for party to fraud and Queen for fraud has no chance of success;

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

justice system participant means a member of the Senate, of the House of Commons, of a legislative assembly or of a municipal council, (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 within the meaning of any of paragraphs (b), (c), (d), (e) and (g) of the definition 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, an employee of the **Canada Revenue Agency** who is involved in the investigation of an offence under an Act of Parliament,...

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)

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**.

Bourbonnais v. Canada (Attorney General), [2006] 4 FCR 170, 2006 FCA 62 (CanLII) [28]In the case at bar, the **appellant does not contend that he is entitled to judicial immunity in regard to the criminal prosecution** that has been brought against him. In my opinion, **there would be no merit whatsoever to any such claim**. As Lord Denning stated in Sirros, at page 782: “Of course, if the judge has ...**has perverted the course of justice, he can be punished in the criminal courts**.” ...[30] ...It is clear from some of the cases discussed above, however, that the **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”... The defence of judicial immunity from indictment was rightly rejected** in both Braatelein v. United States and United States v. Hastings (above). The law on immunity from criminal liability was aptly summed up by White J. of the US Supreme Court in O’Shea v. Littleton, We have never held that the performance of the duties of judicial . . . officers requires or contemplates the immuni-zation of otherwise criminal deprivations of constitutional rights . . . on the contrary the judicially fashioned doctrine of official immunity does not reach so far as to immunize **criminal conduct** proscribed by an Act of Congress.

Gonzalez v. Ministry of Attorney General, 2009 BCSC 639 (CanLII) [35] ...After reviewing the English authorities, credited as the source of the law in respect of superior court judicial immunity, Chouinard J., writing for the Majority, says that judicial immunity is absolute **except possibly when, "a judge who in bad faith did something he knew he did not have the jurisdiction to do,** or ... a judge who was not acting in the course of his judicial duties knowing that he had no jurisdiction to act"

Taylor v. Canada (Attorney General), [2000] 3 FCR 298, 2000 CanLII 17120 (FCA) [60]Finally, in my view, the exception to absolute immunity established in Sirros v. Moore is an extremely narrow one. It will be the rare case indeed where a **plaintiff can show that a judge acted with the knowledge that he or she had no jurisdiction.** The example cited by Lord Bridge in McC v. Mullan demonstrates both the need for an exception to the judicial immunity principle, as well as the limited nature of the exception..

J.W. Abernethy Management & Consulting Ltd. v. 705589 Alberta Ltd. and Trillium Homes Ltd., 2005 ABCA 103 (CanLII) [24]... The only **exception is when a judge "knowingly acts outside of official capacity; without a good faith belief of jurisdiction": S.G. v. Larochelle** (2004), 355 A.R. 46, [2004 ABQB 123](#) (CanLII) at para. 10; aff'd [2005 ABCA 111 \(CanLII\)](#), citing *Royer v Mignault* (1988), [1988 CanLII 445 \(QC CA\)](#), 50 D.L.R. (4th) 345 at 354 (Que. C.A.). Judicial immunity clearly extends to Queen's Bench judicial settlement processes, including binding JDR's. See *Condessa Z Holdings Ltd. v. Rusnak* (1993), [1993 CanLII 5526 \(SK CA\)](#), 109 Sask. R. [170](#) (C.A.).

Royer c. Mignault, 1988 CanLII 445 (QC CA) Immunity of Superior Court Judges What he does may be outside his jurisdiction - in fact or in law - but so long as he honestly believes it to be within his jurisdiction, he should not be liable. Once he honestly entertains this belief, nothing else will make him liable. He is not to be plagued with allegations of malice or ill-will or bias or anything of the kind. Actions based on such allegations have been struck out and will continue to be struck out. Nothing will make him liable **except it be shown that he was not acting judicially, knowing that he had no jurisdiction to do it...** In McC. c. Mullan, (1984) 3 All E.R. 908, 816, Lord Bridge of Harwich stated: ...It is, of course, clear that the holder of any judicial office who acts in bad faith, doing what he knows he has no power to do, is liable in damages. If the Lord Chief Justice himself, on the acquittal of a defendant charged before him with a criminal offence, were to say, "That is a perverse verdict," and thereupon proceed to pass a sentence of imprisonment, **he could be sued for trespass.** ... I conclude, therefore, that a superior court judge is protected by absolute immunity from any civil liability for anything he does or says in the performance of his functions as a judge. He will not be liable in damages **unless he acts outside of his jurisdiction knowing that he has no power** to do what he does.

Future Inns Canada Inc. v. Nova Scotia (Labour Relations Board), 1999 CanLII 2477 (NS CA) [113].. the Board and its members are protected from a civil action for damages arising out of any acts committed by them, provided the acts are committed in the course of judicial duties, and provided further that a member may lose his or her immunity if while acting in **bad faith** they did something which he or she knew he or she did not have the jurisdiction to do, or while not acting in the course of judicial duties **knew that he or she had no jurisdiction** to act.

Morier et al. v. Rivard et al (1985), [1985 CanLII 26 \(SCC\)](#), 23 D.L.R. (4th) 1 (S.C.C.), the majority considered the extent and nature of the immunity conferred on superior court judges in Canada, and concluded that it is essentially absolute, allowing for potential liability only where a judge is shown to have **knowingly exceeded his jurisdiction in bad faith.**

Robert Craig Waters. Tort & Insurance Law Journal, Spr. 1986 21 n3, p509-516" "Federal tort law: judges cannot invoke judicial immunity for acts that violate litigants **civil rights**;

Piper v. Pearson, id., 2 Gray 120. ... entitlement to immunity, the U.S. Supreme Court focused upon the nature of the act: is it an act ordinarily performed by a Judge? 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**.

State use of Little v. U.S. Fidelity & Guaranty Co., 217 Miss. 576, 64 So. 2d 697. When a judicial officer acts **entirely without jurisdiction** or without compliance with jurisdiction requisites he may be held **civily liable for abuse of process** even though his act involved a decision made in good faith, that he had jurisdiction.

Ableman v. Booth, 21 Howard 506 (1859). "**No judicial process**, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and **an attempt to enforce it beyond these boundaries is nothing less than lawless violence.**"

Bradley v. Fisher, 13 Wall. 335, 20 L.Ed. 646 (1872) "**Where there is no jurisdiction, there can be no discretion**, for discretion is incident to jurisdiction."

Rankin v. Howard, (1980) 633 F.2d 844, cert den. Zeller v. Rankin, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326. When a judge knows that he lacks jurisdiction, or acts in the face of **clearly valid statutes expressly depriving him of jurisdiction**, judicial immunity is lost.

Ashelman v. Pope, 793 F.2d 1072 (1986), the Ninth Circuit, en banc, criticized the "judicial nature" analysis it had published in Rankin as unnecessarily restrictive. But Rankin's ultimate result was Judge Howard had been independently divested of absolute judicial immunity by his **complete lack of jurisdiction**.

Stump v. Sparkman, id., 435 U.S. 349 Some urge that any act "of a judicial nature" entitles the Judge to absolute judicial immunity. But **in a jurisdictional vacuum**, (that is, absence of all jurisdiction) the second prong necessary to absolute **judicial immunity is missing**.

Davis v. Burris, 51 Ariz. 220, 75 P.2d 689 (1938) judge must be acting **within his jurisdiction** as to subject matter and person, to be entitled to immunity from civil action...

Quebec Court Of Appeal S21b Criminal Code And S12 S14 Charter Obligation To Schedule Appellant Motion To Be Heard Before Crown Motion

Defrauding Art 380 new evidence panel motion is a 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) criminal code offence and s12 Charter breach which is tested based on Canadian Doctors for Refugee Care v. Canada (Attorney general), 2014 FC 651 s12 Charter test;

Above mentioned 11 Lies + QCA lying that he lacked jurisdiction for certiorari injunction relief re no substantial ground of appeal falsehood with mens rae to defraud s784 Criminal Code appeal rights, QCA lying that Justice Roy struck appeal, QCA lying that clerk or Chief Justice or Justice Roy has jurisdiction to strike an appeal, QCA defrauding s14 Charter right to an interpreter, QCA defrauding s12 s24 Charter right to unlimited jurisdiction to fashion a remedy, QCA 21b Criminal Code party to ongoing fraud significant contributory causation for political career destruction / loss of job / loss of home / \$100,000 costs reprisals fraud (treatment) to revictimize a victim;

- I. goes beyond what is necessary to achieve a legitimate Interpretations Act objective
- II. is unacceptable to a large segment of the population
- III. does not have any social purpose such as reformation, rehabilitation or deterrence
- IV. does not accord with public standards of decency or propriety
- V. of such a character as to shock general conscience
- VI. is unusually severe, degrading to dignity and worth

Crimes By Quebec Court of Appeal Justice Roy

1) QCA Justice Roy Lied that QSC Justice Bedard lie that he lacked jurisdiction for Courts Justice Act public interest declaration does not engage "jurisdictional issue, permitting the artifice of notice at this Court to replace

notice in the forum from which an appeal is taken ...constitutional question" *Guindon v. Canada*, 2015 SCC 41 equality under law vested right to **without leave** obtain Constitution Acts, 1867 to 1982 52(1) The Constitution of Canada "Any law inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect" declarations re Part VII Courts Justice Act.

2) QCA Justice Roy Lied that QSC Justice Bedard lie that he lacked jurisdiction to decide the Courts Justice Act public interest declaration does not engage "[5]..part of.. judgment..it is true..it can be appealed de plano" *Nersésianc.Bakmazjian*, 2011 QCCA 1454 equality under law vested right to **without leave** obtain T262 public interest declaration that any deliberate falsehood in a court order with mens rae to defraud property is T262 criminal misconduct.

3) QCA Justice Roy lied that Conseil s12 Charter "positive obligation" *Gosselin v. Québec (Attorney General)*, [2002] 4 SCR 429 which was violated by Conseil lying that COQ Justice Therrien no jurisdiction lie / COQ Justice Millar no legal grounds lie / Therrien Millar lacks of jurisdiction to change 2, 482 (1), (3), 504, 507.1, 540, 551.2, 551.3(1g), 683(2),783 is not T262 "conduct and the duties.. acts or omissions.. derogatory to the honour, dignity or integrity of the judiciary" AND "no limits on the considerations which may be taken into account in..direct that a judicial review application be treated and proceeded with as an action ... Supreme Court of Canada .. recent decisions a broad approach to the treatment of applications as actions ... is appropriate in order to promote and facilitate access to justice and avoid unnecessary costs, delays and uncertainties for the litigants who are seeking various types of relief *Meggesson v. Canada (Attorney General)*, 2012 FCA 175 AND "jurisdictional issue, permitting the artifice of notice at this Court to replace notice in the forum from which an appeal is taken ...constitutional question" *Guindon v. Canada*, 2015 SCC 41 is not equality under law vested right to **without leave** obtain s24 Charter damages from Conseil.

4) QCA Justice Roy lied that Conseil s12 Charter breach AND "[36] if ..order would infringe a Charter right, the Charter will apply to preclude the order,... courts are..bound by the Charter" *RWDSU v Dolphin Delivery Ltd*[1986] 2 SCR573, 1986 SCC AND s21b, 22.2, 23, 25.1(9)(11b) criminal code AND "[61]..inherent jurisdiction..is not.. to empower a judge..to make an order negating... legislative will" *Verge Insurance Brokers Limited et al. v Richard Sherk et al.*, 2015 ONSC 4044 AND "[136] rule of law... vested rights will not be destroyed without reasonable compensation" *JTI-Macdonald Corp. v. AGBC*, 2000 BCSC 312 AND 2b,e Canada Bill of Rights against criminals'cruel revictimization of victim principle of fundamental justice AND rule of law against bad faith *Freeman v. Canada (Citizenship)* 2013 FC1065 IMM-6304-12, *Roncarelli v. Duplessis (SCC)* [1959] S.C.R. 121 arbitrary *Allard v. Canada*, 2016 FC 236 use of public power to contravene 89 180 oath and objects of Acts enabling public power (codified in 41 Quebec Interpretation Act / s12 s21 Canada Interpretation Act), lack of motion to strike appeal within the 20 day statutory deadline and withdrawal of motion to strike appeal, is not a Quebec Court of Appeal s12 Charter positive obligation for Art 363 **extension of time** (if required).

5) QCA Justice Roy lied that she has jurisdiction to deny Art 363 extension of time (if required).

6) QCA Justice Roy lied that Art 30 leave to appeal test "question of principle, a new issue or an issue of law that has given rise to conflicting judicial decisions" AND "..if it is subsequently determined that s. 43 does, indeed, bar Ms. Ernst's claim for Charter damages, then she may challenge its constitutionality at that juncture. We add this. This is a difficult case raising novel and difficult issues. It is not surprising that counsel and judges at all levels have struggled ... the matter should be returned to the Alberta courts to decide the ... Charter remedies.." is not a Art 30 **leave to appeal** (if required) positive obligation

R. v. Zlatic, [1993] 2 SCR 29, 1993 CanLII 135 (SCC) 1. ... the *actus reus* of fraud will be established by proof of: 1. the prohibited act, be it an act of deceit, a falsehood or some other fraudulent means; and 2. deprivation caused by the prohibited act, which may consist in actual loss or the placing of the victim's pecuniary interests at risk. Correspondingly, the *mens rea* of fraud is established by proof of: 1. subjective knowledge of the prohibited act; and 2. subjective knowledge that the prohibited act could have as a consequence the deprivation of another (which deprivation may consist in knowledge that the victim's pecuniary interests are put at risk). (i) Fraud by "Other Fraudulent Means" ...

Most frauds continue to involve either deceit or falsehood. As is pointed out in *Théroux*, proof of deceit or falsehood is sufficient to establish the *actus reus* of fraud; no further proof of dishonest action is needed. 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, to date, the use of corporate funds for personal purposes,

nondisclosure of important facts, exploiting the weakness of another, unauthorized diversion of funds, and unauthorized arrogation of funds or property: 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**" (p. 99). 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**. ... The authorities make it clear that 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: ...

Please remember your oath and do not be afraid of the high value of the criminals, no one is above the law. No court has immunity from the Criminal Code, no one can point to federal legislation that exempted courts from criminal code 22.2 25.1(9)(11b) public officer organization party to offence, s504 any person prosecution and s12, 21 right to sue any corporation that contravenes its legislated objects.

The probability of that Quebec Court of Appeal can tell so many lies without mens rae to commit a crime is zero. Since the Canadian Judicial Council and Conseil De La Magistrature De Quebec is also committing party to fraud by refusing to request investigation of criminal misconduct by judges, it is in the public interest to lay the charge. With respect, any failure to lay the charge is a s21b 22.2 25.1(9)(11b) (party to fraud) indictable criminal offence for the following reasons;

The "overriding public policy consideration" in laying the charge is that **"a criminal should not be permitted to keep the proceeds of his crime"**. 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**.

Regulation respecting the police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction; 6(2)(g) Investigations...(g) judicial ... corruption

Police Act; 48. The mission of police forces ... is to maintain peace, order ...prevent and repress crime and, ...In pursuing their mission, police forces shall ensure the safety of ... property, safeguard rights and freedoms, respect and remain attentive to the needs of victims,

Schedule A (Sections 60, 84, 107 And 108) Oath Of Office; I swear that I will be loyal and bear true allegiance to constituted authority, and that I will fulfill the duties of my office of, **honestly** and fairly and in compliance with the **Code of ethics** of Québec police officers (chapter P-13.1, r. 1) ...

Objects, 16 Canadian Victims Bill Of Rights S.C. 2015, C. 13, S. 2

Preamble, Whereas crime has a **harmful impact** on victims and on society;

Whereas victims of crime and their families deserve to be treated with **courtesy, compassion and respect, including respect for their dignity;**

Whereas it is important that **victims' rights be considered throughout the criminal justice system;**

Whereas victims of crime have **rights that are guaranteed by the Canadian Charter of Rights and Freedoms;**

Whereas consideration of the rights of victims of crime is in the interest of the **proper administration of justice;**

...Restitution order 16 Every victim has the **right to have the court consider making a restitution order** against the offender.

"Restitution is a court order that requires the offender to pay you for any out-of-pocket losses directly related to the crime. ... Restitution may apply for the following: •damage, destruction and loss of property •bodily or psychological harm •lost wages •services like a counsellor or psychologist •expenses incurred in moving out of the offender's house, including costs for temporary housing, food, childcare and transportation •losses incurred by

unknowingly purchasing or lending money on stolen property •expenses incurred in re-establishing your identity, and correcting your credit history and credit rating, after identity theft •expenses to remove a personal image from the Internet or other digital network.”

Freeman v. Canada (Citizenship and Immigration), 2013-10-23, 2013 FC 1065, IMM-6304-12, Legal Principles Relating to the Concept of Bad Faith ...[24] ... “good faith” does not mean acting “for the purposes of **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” [27] ..., the concept of bad faith can include “acts that are so markedly inconsistent with the relevant legislative context that a court cannot reasonably conclude that they were performed in good faith”.

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 that can be suggested to the mind of the administrator; no legislative Act can, without express language, 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. **Fraud and corruption** in the Commission may not be mentioned in such statutes but they are always implied as exceptions. "**Discretion**" **necessarily implies good faith** in discharging public duty; there is always a perspective within which a statute is intended to operate; and **any clear departure from its lines or objects is just as objectionable as fraud or corruption.**

Crimes By Quebec Court of Appeal Clerk Bertrand Gervais / Assistant Clerk Julie Devredoe

Whereas other than the irrefutable fact that no single judge can strike an appeal, only a panel has jurisdiction to hear an Art 380 new evidence motion, in light of "... injustices the doctrine of judicial immunity sometimes imposes because those injustices are usually mitigated by the availability of appeal. But where a judicial officer acts in a manner that precludes all resort to appellate or other judicial remedies that otherwise would be available, the underlying assumption of the *Bradley* doctrine is inoperative... Id. at 368-69 (Stewart, J., dissenting) (quoting *Pierson v. Ray*, 386 U.S. 547, 554 (1967)).; the 500-10-006436-172 evidence of "**precludes all resort to appellate or other judicial remedies**", S12 s14 Charter breach AND 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) crimes of Mtre Catherine Dufour Deputy Clerk, Justice Allan Hilton, were not before 500-09-026878-173 Justice Roy, therefore Art 380 new evidence motion to vary order of Justice Roy / other statutes below cannot be stolen;

Whereas Pursuant to Arts 9, 10, 17, 25, 29, 30, 49, 68, 76, 77, 79, 142, 170, 209, 357, 363, 369, 380, 453 C.C.P, s9, 89 and 180 Oath Courts Justice Act, objects s16 Canada Victims Bill of Rights, 15(3) Act Respecting The Director Of Criminal And Penal Prosecutions, 12, 21 Canada Interpretations Act, 41, 41.2 Quebec Interpretation Act, s4, 10, 12, 23 Quebec Charter of Rights, s14 s12 s24 Canada Charter of Rights, s1(a,b), s2(b,e,g) Canada Bill of Rights, Constitution Acts, 1867 to 1982 52(1) The Constitution of Canada, applicant sought to vary Sept. 6, 2017 order of Quebec Court of Appeal Justice Claudine Roy and quash September 20, 2017 letter of Mtre Julie Devroede Assistant Clerk.

Whereas Julie Devroede's 500-09-026878-173 letter (allegedly under Chief Justice direction) was the subject of the October 16 panel motion to quash the letter for lack of any clerk or Chief Justice or Justice Roy jurisdiction to strike an appeal AND 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) criminal code report to the Montreal police. Therefore Assistant Clerk Julie Devroede (allegedly Chief Justice) is in a conflict of interest to refuse to schedule the new evidence motion to quash their letter.

On September 20, Assistant Clerk Julie Devredoe sent a letter stating that enclosed motion which was served and filed would not be heard because a single Justice Roy has finally struck the appeal and the documents will be returned to me. This is a crime because other than the fact that no where in the order did Justice Roy write that the appeal is struck, if she had written such, it is void abinitio for lack of jurisdiction and Justice Roy has no power or jurisdiction to prevent a panel from reviewing her order.

Further, neither Julie Devredoe or the Chief Justice or Justice Roy has jurisdiction to strike an appeal. Conseil knows this, they brought a panel motion to strike the appeal, but when the court saw my companion motion, they panicked, and likely advised Conseil to withdraw their motion, so they could strike the appeal, then sent a letter signed by Julie Devredoe striking the appeal. Conseil served their motion more than a month ago, but these events suddenly happened two day apart, so it is hard not to speculate that Conseil and the Quebec Court of Appeal are working together to commit fraud. In light of Justice Roy secret conversations with Mr Laurin, this speculation is not far fetched, the goal of the Quebec Court of Appeal is to lie to protect their friends in the judiciary, the law is irrelevant.

Art 379 gives a Justice Roy power for interim orders, but there is no power to strike the Appeal. The only power given to a Clerk or a single judge is Art 383 jurisdiction to postpone an appeal, neither can strike an appeal. It is possible that they can find 3 criminal judges to commit the fraud, but the crime is that they deliberately lied, "deceit, falsehood, other fraudulent means" are proven, so regardless of what happens, the crime cannot be cured. "The authorities make it clear that 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**" *R. v. Zlatic*, [1993] 2 SCR 29, 1993 CanLII 135 (SCC) ;

First, I reproduced 9 different statutory evidence that neither Julie Devredoe or the Chief Justice or Justice Roy have jurisdiction to strike the appeal, second I would reproduce the motion relief and grounds that show why they are trying to cover up criminal and constitutional offences committed by Justice Roy. By statute a panel must make a "decision" in accordance to law, the question is why are they so afraid?

They have lots of lawyers on their side, lots of judges, it should be easy to defeat a black immigrant without legal training, after all Justice Roy showed no interest in the law and belittled me by advising me to do something better with my life. Justice Hackland said I have English language deficiencies, OK, but all the judges in Canada working together cannot defeat me without lying, so I cannot be as stupid as they are saying. The only explanation for all these crimes is that the law and facts are on my side, therefore their only way out is to lie to prevent a merits hearing.

Courts Justice Act; Appellate Jurisdiction Of The Court; 9. ...Except where otherwise provided by law, appeals shall be heard before **three judges**; this number may however be increased by the Chief Justice where he sees fit.

Quebec Code of Civil Procedure; 352. The Court of Appeal is seized and an appeal initiated by filing a notice of appeal with the office of the Court of Appeal, together with proof of service on the respondent.

365. The Court of Appeal, even on its own initiative, may dismiss an appeal if the right to appeal is non-existent or has been forfeited or the appeal is abusive or improperly initiated. It may also, on an application by the respondent, dismiss an appeal ...The application for the dismissal of an appeal must be filed with the office of the Court **within 20 days after service** of the notice of appeal, ...

379. In any case before the Court of Appeal, an appellate judge may issue a safeguard order or authorize the correction, within the time and subject to the conditions the judge determines, of any irregularity in the appeal proceeding, provided the notice of appeal has been duly filed and notified.

380. The Court of Appeal may authorize a party to present indispensable new evidence after giving the parties an opportunity to make representations.

383.An appellate judge or the appellate clerk may strike an appeal from the roll and postpone the hearing to a later date

386. The **Court of Appeal hears the parties in a three-judge panel**, but that number may be increased if the chief justice sees fit..

387. A decision is rendered by the Court of Appeal when a **majority of the judges** having heard the appeal concur. ...

389. In addition to the operative part, a decision of the Court of Appeal must contain the **names of the judges** who heard the appeal and mention any judge who does not concur in the opinion of the majority. The decision must give reasons, unless it refers to one or more opinions issued by the judges.

...

CRIMINAL NEW BRUNSWICK COURT OF QUEEN'S BENCH

Attention: Roger Bilodeau, Registrar, Supreme Court of Canada by Email CC Respondents' Email **November 29, 2017**

....

I received your letter dated November 24, 2017 in New Brunswick Court Of Queens Bench (Criminal) Clerk Anne M Prichard, you violate s362 Criminal Code by making a false statement in writing that "no judgement was issued on April 7, 2017 in this matter". I have re attached the April 7 judgement issued on April 7, 2017 in this matter. You violate a second count of s362 Criminal Code by repeating a false statement in writing that "no reference to a proceeding commenced in the Court of New Brunswick", I have re attached judgements from a proceeding commenced in the Court of New Brunswick. As you know the meaning of "judgement" "proceeding" is not a matter of personal opinion, you have no jurisdiction to change the Supreme Court Act below;

Definitions 2 (1) In this Act, appeal includes **any proceeding** to set aside or vary any judgment of the **court appealed from**; (appel)

court appealed from means the court from which the appeal is brought directly to the Supreme Court, **whether that court is one of original jurisdiction** or a court of appeal; (jurisdiction inférieure)

final judgment means any judgment, rule, order **or decision** that determines in whole or in part any **substantive right** of any of the parties in controversy in any judicial proceeding;

judgment, when used with reference to the court appealed from, includes any judgment, rule, order, **decision**, decree, decretal order or sentence thereof, and when used with reference to the Supreme Court, includes any judgment or order of that Court; (jugement)

judicial proceeding includes any action, suit, **cause, matter or other proceeding** in disposing of which the court appealed from has not exercised merely a regulative, administrative or executive jurisdiction;

1) Whereas parliament intends that due to conflict of interest fraudulent lack of response from New Brunswick Chief Judge Ernst Drapeau, and David Smith member of Canadian Judicial Council, in this case, the Supreme Court is the Court of Appeal, because neither New Brunswick Court of Appeal nor New Brunswick Parliament nor Supreme Court of Canada have jurisdiction to target applicant to defraud s784 Criminal Code statutory right of appeal of New Brunswick Court of Queens Bench refusal to hear mandamus application.

...

2) Whereas order that applicant to seek leave will trigger a 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1) criminal prosecution of Supreme Court for refused Notice of Appeal crimes;

1. Order dated January 17, 2017- falsehood that His Honour cannot receive the s504 information under oath / give the s507.1 hearing date s24 Charter question because "Provincial Court of New Brunswick does not have jurisdiction" over s504 507.1 Information s24 Charter question.
2. Order dated January 17, 2017- falsehood that His Honour "this Court has no authority to issue summons to the Canadian Judicial Council.
3. Order dated February 2, 2017- falsehood that His Honour cannot receive the s504 information under oath / give the s507.1 hearing date s24 Charter question because the information is not in "the proper form in accordance with the provisions of s. 504 and s. 507 of the Criminal Code of Canada ...this is not the proper forum"

4. Order dated March 8, 2017- falsehood that His Honour cannot receive the s504 information under oath / give the s507.1 hearing date s24 Charter question because “further particulars about the nature of the alleged offense” is a prerequisite to s507.1 hearing.
5. Order dated March 23, 2017- falsehood that His Honour cannot receive the s504 information under oath / give the s507.1 hearing date s24 Charter question because “there is no legal basis upon which your application could be granted, no Hearing date will be provided” which is a;
 - I. Breach of 362(1) of the criminal code by dishonestly and partiality making a false statement in writing “no legal basis”, with intent that it be relied upon to defraud s507.1 s504 Crminal Code s24 Charter “service” “property” that includes the initial Canada, Ontario, Conservative Party, Canadian Judicial Council causes of action.
 - II. Breach of 380(1) of the criminal code by dishonestly and with partiality acting without jurisdiction to defraud “service” “property” (S504 “ Any one ...may lay an information in writing and **under oath before a justice**, and **the justice shall receive the information**,”
 - III. Breach of 380(1) of the criminal code by dishonestly and with partiality acting without jurisdiction to defraud s507.1 “service” “property” (s507.1 mandatory oral hearing duty to “hear and consider” evidence in a manner consistent with s540 Criminal Code)
 - IV. Breach of 380(1) of the criminal code by dishonestly and with partiality acting without jurisdiction to defraud Power to make rules criminal code 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1), 482 (1) ... may make rules of court not inconsistent with this or any other Act of Parliament, and any rules so made apply to any prosecution, proceeding, action or appeal ,... in relation to any matter of a criminal nature or arising from or incidental to any such prosecution, proceeding, action or appeal”
 - V. Breach of 380(1) of the criminal code by dishonestly and with partiality acting without jurisdiction to defraud s12(1) Provincial Courts Act “service” “property” (12(1)... oath... **faithfully, impartially and honestly** execute **all** the powers and duties of the office of judge of the Provincial Court accordingly to my best skill and knowledge; and I will **do right by all manner of people according to law, without fear or favour**, affection or ill-will).
 - VI. Breach of 380(1) of the criminal code by dishonestly and with partiality acting without jurisdiction to defraud objects of Canadian Victims Bill of Rights “service” “property” (Whereas crime has a harmful impact on victims and on society; Whereas victims of crime and their families deserve to be treated with courtesy, compassion and respect, including respect for their dignity; Whereas it is important that **victims’ rights be considered throughout the criminal justice system**; Whereas victims of crime have rights that are guaranteed by the Canadian Charter of Rights and Freedoms; Whereas consideration of the rights of victims of crime is in the interest of the proper administration of justice)
 - VII. Breach of 380(1) of criminal code by dishonestly and with partiality acting without jurisdiction to defraud 1, 15, 17 NB Interpretation Act, s12, 21 Canada Interpretations Act “service” “property” (constitutional rule of law self defence to ongoing crimes objects)
 - VIII. Breach of 380(1) of the criminal code by dishonestly and with partiality acting without jurisdiction to defraud Canadian Charter of Rights to “service” “property” (s63(2) Judges Act / 3f An Act respecting the office of the Director of Public Prosecutions / s579 Criminal Code / overbroad constitutional questions pursuant to 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” “It is unnecessary to conduct an analysis on gross disproportionality after considering arbitrariness and overbreadth”.)

...

Evidence That Defrauding S504 S507.1 Is A Crime

Waskowec v. Ontario, 2014 ONSC 1646 (CanLII) [11] ...The former power was described by Lamer J., as he then was, in R. v. Dowson (1983), 1983 CanLII 59 (SCC), 7 C.C.C. (3d) 527 at 536 (S.C.C.) as “the citizen’s fundamental and **historical right to inform under oath a justice of the peace of the commission of a crime**”. Or as Rothman J. put it in R. v. Jean Talon Fashion Centre Inc. (1975), 1975 CanLII 1184 (QC CS), 22 C.C.C. (2d) 223 at 229 (Que. Q.B.), “**Every citizen has the right to inform the Crown that a crime has been committed**”. In other words, the **s. 504 power belongs to the citizen and not to the justice of the peace or the Crown**. Indeed, the justice is obliged to “receive the Information” under s. 504 as that section is framed in mandatory statutory terms. [12] The s. 507 (or **s.507.1**) **power, on the other hand, belongs to the justice**. In Dowson, supra at 536-7, Lamer J. referred to it as “**an obligation to ‘hear and consider’ the allegation and make a determination**”. He held that the justice “**plays the same role as the grand jury, as regards the finding of grounds to issue a process**”. In Jean Talon Fashion, supra at 227-8, Rothman J. held that “It is only after the information is received that the Justice’s judicial function begins”. He described the s. 507 “judicial function” in the following terms: On receiving the information, therefore, the **Justice must hear and consider the allegations of the informant** and, if he considers it desirable or necessary, **he may also hear evidence of other witnesses so that he can decide whether or not a case has been made out** for the issuance of a summons or a warrant. ...[17] There is no doubt that a justice has a limited jurisdiction under s. 504, to refuse to “receive the information”. As Evans J.A. put it in Southwick Ex Parte Gilbert Steel, supra at 358: I am of the view that in s. 439 [now s. 504] the word “receive” means that the **Justice shall not reject a complaint which is in writing and which complies with the conditions set out in that section**. [Emphasis added.] More recently, in McHale v. Ontario, supra at paras. 7 and 43, Watt J.A. described the inquiry under s. 504 in the following terms: The justice reviews the portion of the form that the private informant has completed to determine whether the allegations made satisfy the Criminal Code requirements and oblige the justice to receive the information. Where the justice is satisfied that the Criminal Code requirements have been met, she or he will direct the preparation of an information and have the private informant swear an oath or affirm the truth of its contents. Where the allegations of the private informant do not meet the demands of s. 504, the justice is not entitled to receive the information. ... Receipt of the information is a ministerial act. **Provided the information alleges an offence known to law and is facially compliant with the requirements of the Criminal Code, the justice must receive the information**. The justice takes the information under oath and affixes his or her signature to the jurat on the written Form 2. [18]Before a lay justice of the peace can receive or accept the information in the sense of swearing the informant, the justice of the peace has certain matters of a ministerial nature to determine. The justice must determine that the **information is in writing and that the information sufficiently describes the accused “person”** so as to be identifiable. An information cannot be laid against an unknown person: Re Buchbinder and The Queen (1985), 20 C.C.C. (3d) 481 (Ont. C.A.). The information presented to the justice must also allege an indictable offence, i.e., an offence known to law in the sense that the offence alleged in the information must be an indictable offence in force as of the date of its alleged commission. ... In other words, the justice of the peace must be satisfied that the information is valid on its face. Provided that the information complies with the basic requirement of s. 455 [now s. 504], **the justice then has no choice but to permit it to be sworn before him**. His function at this stage is merely ministerial and he must receive it: Casey v. Automobiles Renault Canada Ltd., 1963 CanLII 601 (NS CA), [1964] 3 C.C.C. 208, (N.S.S.C. in banco), per MacDonald J. at p. 222; reversed on other grounds 1966 CanLII 6 (SCC), [1966] 2 C.C.C. 289 (S.C.C.). [19] ... **The citizen has an absolute right to swear an Information**, provided he/she alleges an offence known to law committed by an identifiable accused within Ontario. It is only by swearing such an Information that the citizen then becomes entitled to a s. 507.1 hearing where the sufficiency of his/her allegations will be tested. There will be cases where the informant alleges an offence that is unknown to our law and where the justice can decline to “receive the information” under s. 504... [20] In my view, Justice of the Peace Cremiscio **committed a jurisdictional error** by declining to receive Waskowec’s Information.

Ambrosi v. British Columbia (Attorney General), 2014 BCCA 123 (CanLII)

[23] **Section 507.1 requires that the referral be heard by a judge or a designated justice; that the informant lead evidence of his or her allegations on each essential element of the offence** (see also, McHale at para. 74); and that notice be given to the Attorney General, and that the Attorney General be permitted to participate, cross-examine and call witnesses, and present evidence.

[24] These additional safeguards ensure that “spurious allegations, vexatious claims, and frivolous complaints barren of evidentiary support or legal validity will not carry forward into a prosecution” (McHale at para. 74).

[25] Once process is issued, the Attorney General has the right to step in and take over the prosecution and either stay the proceedings or continue with the prosecution: s. 579(1) of the Code.

R. v. Vasarhelyi, 2011 ONCA 397 (CanLII) Evidence at the Pre-enquete

[39] Section 507.1(3)(a) distinguishes between “the *allegations* of the informant”, on the one hand, and “the *evidence* of witnesses”, on the other. Unlike s. 507(1)(a)(ii), applicable to informations laid by law enforcement officers, where the introduction of the *evidence* of witnesses is only required where the justice “considers it desirable or necessary to do so”, s. **507.1(3)(a) appears to make the introduction of “evidence of witnesses” essential**. Such a requirement serves as an important control over invocation of the criminal process to further the fevered imaginings of a private informant.

[40] Despite this apparent requirement of “the evidence of witnesses” at the pre-enquete under s. 507.1(3), the section **does not specify or otherwise describe, in express words, the substance or kind of evidence that must or may be introduced on the inquiry**. For example, nothing like s. 518(1), which sets the boundaries of the justice’s inquiry and delineates the nature and scope of evidence that may be received at a judicial interim release hearing, appears in s. 507.1.

[41] The absence of express provisions governing the evidence of witnesses at the pre-enquete is alleviated by the provisions of s. 507.1(8), which incorporate by reference ss. 507(2)-(8). Among the incorporated provisions of ss. 507(2)-(8) is s. 507(3)(b), **which requires a justice who hears the evidence of a witness** under s. 507(1), a provision like ss. 507.1(2) and (3), to “**cause the evidence to be taken in accordance with section 540 in so far as that section is capable of being applied**”.

[42] Section 540 is one of several provisions that appear under the heading, *Taking Evidence of Witnesses*, under Part XVIII that deals with the procedure on the preliminary inquiry.

[43] Sections 540(1) – (5) have appeared in one form or another, since the [Criminal Code](#) of 1892. With the more recent addition of subsection (6), these provisions describe the mechanics of recording evidence received in the proceedings. They do not concern themselves with what may be given in evidence, only with how it is to be recorded once received.

[44] Sections 540(7) – (9) entered service on June 1, 2004, as part of a comprehensive series of amendments intended to expedite the hearing and circumscribe the scope of the preliminary inquiry. The current regime for private prosecutions, including the procedure to be followed at the pre-enquete, came into force on July 23, 2002. The referential incorporation of the provisions of s. 540 by what is now s. 507(3) continues provisions to the same effect that have been in force since prior to the 1955 revision of the [Criminal Code](#).

[45] Sections 540(7)-(9) and sections 540(1)-(6) serve entirely different functions.

[46] The *admissibility* of evidence at a preliminary inquiry is the focus of ss. 540(7)-(9). In other words, these provisions have to do with *what* the justice may receive as evidence at the inquiry. Sections 540(7)-(9) **expand the scope of what may be received as evidence beyond what the traditional rules of admissibility would permit**. Provided the information tendered for reception is **credible and trustworthy**, and the opposite party has received reasonable notice of the intention to introduce it, together with disclosure, the **justice may admit the information as evidence even though the traditional rules of evidence would exclude it**.

[47] In contrast, ss. 540(1)-(6) have nothing to do with *what* may be admitted as evidence at the preliminary inquiry. Their focus is on *how* what is admitted as evidence is to be recorded, not on the evidentiary composition of the record.

[48] In combination, **ss. 507.1(8) and 507(3)(b) appear to incorporate s. 540 in its entirety “in so far as that section is capable of being applied” to the pre-enquete**. By contrast, s. 646,^[2] the marginal heading of which is also “taking evidence”, expressly excludes ss. 540(7)-(9) from its incorporation of the evidence taking provisions of Part XVIII.

[49] Unlike a preliminary inquiry to which s. 540 applies directly, a pre-enquete is not an adversarial proceeding. The person against whom the informant seeks to have process issued is not present and is not represented by counsel. **The Attorney General is entitled to notice of the hearing, an opportunity to attend,**

to cross-examine and call witnesses and to present any relevant evidence at the pre-enquete without being deemed to intervene in the proceeding...

[55] The task set for the justice of the peace by s. 507.1 was to determine whether he considered that the appellant had made out a case for the issuance of process to compel the appearance of the prospective accused to answer allegations of three historical indictable offences. The justice's decision, according to s. 507.1(3)(a), **was to be based upon a hearing and consideration of the allegations of the informant and the evidence of witnesses.** Unlike the provisions of s. 507(1)(a)(ii), applicable to informants associated with law enforcement, **s. 507.1(3)(a) appears to require the evidence of witnesses.** The only "witness" here was the appellant.

[56] Section 507.1 contains no express provisions about what is admissible as evidence at the pre-enquete. Such a lacuna is scarcely remarkable. As a matter of general principle, however, it would seem logical to conclude that, at the very least, **evidence that showed or tended to show the commission of the listed offences by the prospective accused would be relevant and material at the pre-enquete:***R.v. Grinshpun* (2004), [2004 BCCA 579 \(CanLII\)](#), 190 C.C.C. (3d) 483 (B.C.C.A.), at para. 33, leave to appeal to S.C.C. refused, [2004] S.C.C.A. No. 579.

[57] **No principled reason would exclude from the evidentiary mélange at the pre-enquete, evidence that would be relevant, material and admissible** (under the traditional rules of evidence) in support of committal at the preliminary inquiry or in proof of guilt at trial.

R. v. McHale, 2010 ONCA 361 (CanLII) [69] The structure and language of s. 507.1(3)(a) differs from the former s. 455.3 applicable in *Dowson*. Under the former provision, the justice was required to hear and consider *ex parte*, the allegations of the informant. The justice was only required to hear and consider, *ex parte*, the evidence of witnesses, where the justice considered it desirable or necessary to do so. Section 507.1(3) is of a different construction. It eschews the direct statement of a duty in favour of a **list of prerequisites** that must be met before the justice may exercise his or her discretion to issue process. The prerequisites include the **requirement that the justice hear and consider the allegations of the informant and the evidence of witnesses.** The effect of s. 507.1(3)(a) is to **impose a duty on the justice to hear and consider the allegations of the informant and the evidence of witnesses** at the pre-enquete...

[73] The [Criminal Code](#) permits private prosecutions. A private informant may lay an information in conformity with [s. 504](#). Receipt of the information commences criminal proceedings. Parliament enacted, more accurately continued, a procedure aimed at the determination by a judicial officer of whether the informant has made out a case for prosecution. **This procedure is the pre-enquete, a hearing that provides the private informant the opportunity to present her or his case for prosecution.**

[74] Conduct of the pre-enquete **vindicates the interest of the private informant** who seeks prosecution of another for an alleged crime. The pre-enquete assures the private informant that an **independent judicial officer will hear the informant's allegations, listen to the evidence of the informant's witnesses, and decide whether there is evidence of each essential element of the offence** charged in the information. The pre-enquete also ensures that spurious allegations, vexatious claims, and frivolous complaints barren of evidentiary support or legal validity will not carry forward into a prosecution. To insist that the withdrawal power **await the determination about issuance of process also reduces the risk** that the [Criminal Code](#)'s provisions for private prosecution will **to begin and end with the right to lay a private information...**

[76] The nexus between the decision to issue process and the withdrawal authority of the Attorney General **also ensures that the decision to withdraw is informed by knowledge of the substance of the case** the private prosecutor proposes to pursue. **The fuller evidentiary record** also establishes the basis upon which the withdrawal decision is grounded should **accountability concerns** later surface.

[77] It is for those reasons that I agree in the result with the application judge that the purported withdrawal of the informations here, **before the pre-enquete had begun, was premature.** The withdrawal authority requires the commencement of a prosecution, a point that coincides temporally with the determination by the justice that process shall issue. Withdrawal then is permissible while the *in camera* proceedings remain extant. Those named in the original information need not appear.

Justices Harris, Willcock, Dickson acted without jurisdiction to use s685 criminal code to breach 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1) of the Criminal Code by FALSELY stating “pursuant to s. 685(1) of the Criminal Code, ... this appeal is frivolous and vexatious”. Since criminal misconduct is prohibited conduct with a jail time penalty, it is a crime for Council to contravene the objects of the Judges act in order to facilitate ongoing s685 crimes.

Black’s Law Dictionary, defines a frivolous appeal as: A “frivolous appeal” is one presenting no justiciable question and so readily recognizable as devoid of merit on face of record that there is little prospect that it can ever succeed. I have enclosed the notice of appeal relief, factum and table of content which was before the court, it shows that the judges deliberately lied that appeal is not justiciable.

Since the litigant has never had a proceeding against the BC Attorney General nor has he ever been to the BC Court of Appeal, the appeal cannot be vexatious, there is no previous BC Court of Appeal order that is being vexed, vexatious is demonstrably false, council must comply with objects of Judges Act. The only order being vexed is BC Supreme Court collateral attack on Ambrosi v. British Columbia (Attorney General), 2014 BCCA 123 statutory interpretation of s4(3c) that the BC AG cannot intervene before Justice has issued an s507.1 summons. Justices Harris, Willcock, Dickson unprecedented collateral attack on a panel of their own court, by violating stare decisis common law and lying that the justiciable decision in Ambrosi is not justiciable in Olumide. It is plain and obvious that they made a decision to violate the constitution, criminal code and Ambrosi in order to target Olumide.

COA Justices Are S21b 23 Party To Justice Cullen Crimes Below

The motive for the rush to remove the appeal despite about 3000 pages of evidence, is to hide evidence of the following justiciable ongoing crimes which would have been exposed if the appeal was heard;

- I. s341 fraudulent concealment by breaching the rule of law against conflict of interest by acting without jurisdiction to defraud mandatory criminal code procedure in order to benefit himself, his employer and the Canadian Judicial Council of which he is a member.
- II. s341 fraudulent concealment of his crimes by prejudgment and partiality by dismissing my application without a hearing and telling the crown it is not necessary for them to respond.
- III. s341 fraudulent concealment of his crimes by breaching the rule of law against public power in bad faith by abusing Associate Chief Justice Assignment power to assign the case to himself.
- IV. s341 fraudulent concealment of his crimes by defrauding BC Court of Appeal Ambrosi decision that s4(3c) means AG cannot stay a private prosecution unless justice has issued an s507.1 summons.
- V. s341 fraudulent concealment of the pleadings that s504 criminal code authorizes prosecution of all 6 accused because regardless of where they committed the crime, they reside in BC
- VI. s341 fraudulent concealment of the illegal use of s579 / s4(3c) unilited power to stay to defraud s24 Charter s504 s507.1 s540 s551.3(1g) Criminal Code right to s579 / s4(3c) constitutional question
- VII. 21b, 23 criminal code party to BC Supreme Court Justice Cullen Judges Act s341 criminal code offence of refusing to request investigation of criminal misconduct by federally appointed judges
- VIII. s362 criminal code violation false statement in writing that July 13 order date is June 14
- IX. s362 criminal code violation false statement in writing that July 13 order is part of transcript
- X. s362 criminal code violation false statement in writing “nothing objectionable in crown’s analysis”
- XI. s362 criminal code violation false statement in writing “ ...fatally deficient”
- XII. s362 criminal code violation false statement in writing “it does stem from an originating process”

- XIII. s362 criminal code violation false statement in writing "well settled contrary law to ... constitutional validity of s579(1) of the criminal code"
- XIV. s362 criminal code violation false statement in writing "no justiciable lis before the court"
- XV. s362 criminal code violation false statement in writing "not .. remote prospect..application ..success"

1) I received a message from the BC Supreme Court stating that "Message to the Ordering Party(ies): Re: Olumide v. British Columbia (Attorney General), 2017 BCSC 1214 As requested please find attached a copy of the official oral transcription document you ordered regarding the above- SCBC Oral Transcription Form 08/13 noted matter." This is fraudulent misrepresentation, because transcript shows that Justice Cullen did not reserve judgement, he dismissed the Notice of Application for Certiorari, Manadamus and Constitutional Question without reasons.

2) June 14 is a misrepresentation of the real order date of July 13.

3) As it appears, when he received the Notice of Appeal, he decided to give reasons and pretend it was a transcription given on June 14. A review of the Notice of Appeal that triggered the July 13 order shows that, his attempt to justify his order is a violation of 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1) of the Criminal Code for the following reasons;

4) He cannot defend refusal to recuse himself because he is a member of Canadian Judicial Council.

5) Para 2 of the order misrepresents the pleadings and s504 Criminal Code, because he deliberately omits the fact since the Vancouver address of all 6 accused was in the s504 information, he has no jurisdiction to defraud the s507.1 hearing that was ordered by the JP who received the s504 information.

6) Para 3 "allegations already rejected as providing a basis for viable proceedings in Ontario" means Justice Cullen is using the fraud that is subject of prosecution to commit fraud by lying that;

- I. A court cannot be prosecuted as a criminal code "organization" "person" "justice system participant" in criminal court for fraud committed by judges of the court during a civil or criminal proceeding. Just like a judge taking a bribe in a civil proceeding can be prosecuted in criminal court, if I prove beyond all reasonable doubt that a judge repeatedly lied in order to commit fraud, that judge or court (if more than one is involved) can be prosecuted. Criminal Code s22.2, 25.1(9)(11b) applies to actions of judges and courts during any court proceeding.
- II. Refusal of Judges Act statutory duty to request an investigation of judicial criminal code offences committed during a civil or criminal proceeding, in order to counsel other judges to commit more crimes that include party to fraud, is not a crime.
- III. Civil order has jurisdiction to bind criminal court. Per enclosed common law, if a civil order had jurisdiction to bind a criminal court (it does not), there is a test for resjudicata.

There has never been a trial, there is no finding of fact to collaterally attack, there is no finding of fact that tax fraud, ATIP fraud, perjury, abuse of contract etc. did not occur?

Beyond reasonable doubt evidence of refusal of trial on the merits with mens rae intent to defraud property and pervert the course of justice, by lying about jurisdiction, falsifying court documents, lying about evidence, lying about pleadings, lying about the content of previous court orders in order to violate prior orders, colluding with other parties through out of court communication etc. is a crime, no judge or court is above the law.

West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. **on the merits**, adj. referring to a judgment, decision or ruling of a court based upon the facts presented in evidence and the law applied to that evidence. A judge decides a case "on the merits" when he/she bases the decision

on the fundamental issues and **considers technical and procedural defenses as either inconsequential or overcome**. Example: An attorney is two days late in filing a set of legal points and authorities in opposition to a motion to dismiss. Rather than dismiss the case based on this technical procedural deficiency, the judge considers the case "on the merits" as if this mistake had not occurred.

Merits, The word merits refers to the **substance of a legal dispute and not the technicalities** that can affect a lawsuit. A judgment on the merits is the final resolution of a particular dispute.

IV. Though BC AG has never been party to a previous proceeding, resjudicata can apply.

Withler v. Canada (Attorney General), 2002 BCSC 820 Federal Government [9] The Federal Government argues that neither res judicata nor abuse of process are applicable in the circumstances of this case for the following reasons: **The parties to the Margolis litigation and the Withler litigation are not the same**, therefore the doctrine of res judicata does not apply. Even if res judicata does apply, the court retains a residual discretion to refuse to apply it, and in this case ought to exercise that discretion to permit relitigation. The Court's inherent power to prevent abuse of its process may be invoked in cases where the doctrine of res judicata does not apply but the concept is narrower than res judicata and ought not to be invoked in this case because here the **interests of justice outweigh the considerations of finality**. Finality is less important where no personal litigant is being "twice vexed". The defence raises **substantial constitutional issues**, only one of which was raised in the Margolis action. The impact both in terms of dollars, and persons affected, is significant.... [30]...In deciding whether to permit relitigation, a court or tribunal must decide whether finality concerns should outweigh an individual litigant's claim that the justice of the specific case warrants relitigation. That determination is fact specific and requires that the court or tribunal weigh these competing considerations in context of the facts of the particular case. Not all relitigation compromises finality concerns to the same extent and finality is not as important in some facets of the law as in others. Similarly, a claim that the **justice of the individual case requires relitigation is much stronger in some situations than in others**.... Collateral attack [61] I do not agree with the plaintiff that the statement of defence in this case constitutes a collateral attack on a judgment of the Federal Court of Canada in the Margolis action. The validity of the federal court judgment is not at issue in the present action. I agree with the Attorney General that it is the doctrine of stare decisis, rather than collateral attack or any related doctrine, that applies in the present case. **Under the doctrine of stare decisis, the Court is of course not bound by a decision of the Federal Court of Canada**. Conclusion [62] I am persuaded that I ought not exercise my discretion to apply the doctrine of abuse of process to prevent relitigation of the **constitutionality** of the Reduction Provisions. The interests at stake, **the public as opposed to private law nature of the action**, and the potential for inconsistent results in the companion Fitzsimonds litigation weigh in favour of permitting the Withler litigation to go forward to be decided on its merits.

7) Para 4 contains the following deliberate false statements "nothing objectionable in Crown's analysis ... fatally deficient", because he is unable to deal with the May 5 and June 1 evidence which thoroughly defeated the Crown's falsehoods, the arguments are also part of the Notice of Appeal. Criminal Code definition of "person", "justice system participant", "organization" right to prosecute an 25.1(9) (11b) "public officer" 22.2 "organization" applies to all 6 accused, so why is he lying? His inability to reproduce the specific positions of the Crown and my specific rebuttal positions are evidence that he knows that the following statements by the Crown are false;

8) May 5 Excerpt Response To "Crown's Analysis"

Para 2 "facially invalidthe Queen and various s.96 courts ..cannot be charged"

Para 3 "It is well established that Crown counsel may direct stay ... prior to process hearing"

Para 7 "no legal basis upon which to interfere with the Attorney General's decision to stay"

Para 10 "once the stay... was entered... there is no longer a cause...that can sustain ... constitutional challenge"

Para 12 "no basis upon which to interfere with the Attorney General's decision to stay"

Para 15 "judge presiding at the process hearing would have had the discretion" (unlimited criminal code immunity for beyond all reasonable doubt deliberately acting without jurisdiction or in bad faith to defraud property, in order contravene objects of the criminal code, Charter and rule of law)

Para 17 "applicant has not provide any "conspicuous evidence" of improper motive or bad faith"

Para 21 “without any apparent connection between the alleged offences and B.C.”

9) June 1 Excerpt Response To “Crown’s Analysis”

BC AG is precluded by s4(3c) intervention unless there is an s507.1 summons (confirmed by the BC Court of Appeal in Ambrosi) therefore BC AG stay before s507.1 hearing is void ab initio,
BC AG lacks jurisdiction to bring an application to bad faith intervene before s507.1 hearing,
BC AG lacks jurisdiction to use s4(3c) to bad faith defraud s4(3c) constitutional question,
BC Supreme Court lacks jurisdiction to overrule the BC Court of Appeal / BC Parliament,
BC Supreme Court lacks jurisdiction to conflict of interest defraud s507.1 hearing against BC Supreme Court by defrauding Canada exclusive 91(27) of the Constitution Act 1867 right to s504 s507.1 s540,
BC Supreme Court lacks jurisdiction to violate s482(1) Criminal Code duty to obey s504 s507.1 s540,
BC Supreme Court lacks jurisdiction to conflict of interest defraud criminal code right to certiorari notice of application before s507.1 has been tried on the merits,

10) Para 5 states that “it does stem from an originating process” but he is unable to explain why this R V McHale definition of a criminal originating process is wrong. He is also unable to explain why the s579 s4(3)c constitutional question arising from the s579 s4(3)c is not an originating process.;

R. v. McHale, 2010 ONCA 361 The Commencement of Criminal Proceedings [44] we distinguish between the commencement of criminal proceedings and the commencement of a criminal prosecution. This distinction coincides with the dual functions of the justice. The ministerial act of **receiving the information coincides with the institution of proceedings**, and the judicial act of issuing process signals the commencement of the prosecution: R. v. Dowson, 1983 CanLII 59 (SCC), [1983] 2 S.C.R. 144, at pp. 150, 155 and 157; Southam Inc. v. Coulter (1990), 1990 CanLII 6963 (ON CA), 75 O.R. (2d) 1 (C.A.), at pp. 6-7. ...[70] It is well-settled that **criminal proceedings are instituted or commenced by the laying or receipt of an information** in writing and under oath. Anyone named as a person who committed the offence described in the information is a person “charged” with an offence for the purposes of s. 11(b) of the Charter: R. v. Kalanj, 1989 CanLII 63 (SCC), [1989] 1 S.C.R. 1594, at p. 1607 ... [73] The Criminal Code permits private prosecutions. A private informant may lay an information in conformity with s. 504. **Receipt of the information commences criminal proceedings.** Parliament enacted, more accurately continued, a procedure aimed at the determination by a judicial officer of whether the informant has made out a case for prosecution. This procedure is the pre-enquete, a hearing that provides the private informant the opportunity to present her or his case for prosecution.

11) Para 5 states “well settled contrary law to ...constitutional validity of s579(1) of the Criminal Code” but his inability to cite the well settled law, is evidence that he knows that he is lying. This excerpt from Notice Appeal was before him a second time, yet he simply lied

“Abusing s4(3)c s507.1 / s540 “Stay” to defraud s4(3)(c) BC Crown Counsel Act ” if the interests of justice require, to intervene”, s579 (1) Criminal Code “stayed”, s8(2) Criminal Code power to withdraw process, 3f An Act respecting the office of the Director of Public Prosecutions “stay”, Constitutional Question Is Not An s507.1 / s540 Mandamus Cause of Action

Using S4(3)c unconstitutional power to prevent hearing of the s4(3)c Constitutional Question in an s24 Charter court of competent jurisdiction is text book abuse of process, doing indirectly (defrauding s24) what cannot be done directly (52(2) of the constitution requires any law that is incompatible with the constitution to be null and void).

R v McHale granted a mandamus because s579 power to stay cannot be engaged before the s507.1 / s540 hearing, however the Crown still stayed the proceeding after s507.1 summons was issued. Therefore the BC AG cannot avoid the s4(3)c Constitutional Question, because if s4(3)c is constitutional a mandamus will delay an inevitable stay, however since BC AG already used s4(3)c to defraud s4(3)c constitutional question at the Provincial Court, it is cannot be avoided at a mandamus hearing.

BC AG provides no rebuttal to the Comeau test for overruling the Supreme Court. R v Comeau, 2016 NBPC 3 "new legal issue..."fundamentally shifts the parameters of the debate" is test for a lower court denovo hearing for Constitutional question that has already been by the Supreme Court.

BC AG could only find s579(2) constitutional challenges by accused concerned that unlimited power to stay and restart the prosecution would breach their 11b Charter rights. **BC AG can find no case where a private prosecutor raised a self defence from ongoing crime OR criminal revictimization of victim principle of fundamental justice constitutional question.**

BC AG para 18 authorities dealt with whether s579(2) is inherently an s7 Charter breach, but provides no rebuttal to s579(1) overbroad test; 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" **"It is unnecessary to conduct an analysis on gross disproportionality after considering arbitrariness and overbreadth"**

BC AG states on para 16 "absent an abuse of process....improper motive or bad faith" is an admission that s579 is overbroad, because s579 has no bad faith exception.

The BC AG did not acknowledge s9, s10 charter of rights reasonable hypothetical constitutional question. This is not an oversight, it is evidence that they know s4(3c) is unconstitutionally overbroad and they are afraid of an s9 s10 charter of rights reasonable hypothetical constitutional question."

12) Para 6 lied "justiciable lies before the court";

- I. Therefore he is lying that Criminal Code PART XXVI Extraordinary Remedies Certiorari, Mandamus, Constitutional Question is not justiciable.
- II. Therefore he is lying that Criminal Code XXVII 795 Application "proceedings where a justice is authorized by an Act of Parliament or an enactment made thereunder to make an order" Excise Tax Act 97.1 "Prosecution On Indictment" is not justiciable.
- III. Therefore he is lying that Criminal Code Parts XVI s504 s507.1 prosecution is not justiciable
- IV. Therefore he is lying that whether Ambrosi v. British Columbia (Attorney General), 2014 BCCA 123 (CanLII) is binding on the BC Supreme Court is not justiciable.
- V. Therefore he is lying that s24 Charter s504 s507.1 s540 s551.3(1g) Criminal Code right to raise an s579 Criminal Code constitutional question arising from an s579 stay is not justiciable.
- VI. Therefore he is lying that 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1) Criminal Code is not justiciable. Who other than judges can adjudicate the application relief?

13) Para 6 states "not even a remote prospect that the application...success", but he is unable to reproduce any of the relief sought or the grounds. As a starting point point, the evidence of tax fraud is 2 letters from CRA regarding the same properties, one in 2010 lied you do not qualify, a 2nd application in 2011 resulted in a CRA letter stating that I qualify mailed cheques, then canceled cheques because of the July 2011 deadline to apply, but the 1st application was in January 2010.

14) The evidence that CRA 2010 letter is fraud is the CRA 2011 letter, the evidence that the fraud is ongoing is s296 Excise Tax Act and s23 s95 Financial Administrations Act, so without even adjudicating party to tax fraud by 5 other accused, how in the world can he decide that tax fraud will not succeed without an s507.1 hearing?

15) Despite enclosed May 1 text reproduced in Notice of Appeal, how in the world can he decide that application to legalize the Supreme Court of Canada bad faith exception to s579 cannot succeed? He is lying because he knows that if heard, the application is destined to succeed because leading cases in the area of abuse of process and the principles of fundamental justice, like the decisions of the Supreme Court of Canada in R. v. Regan, 2002 SCC 12 (CanLII), [2002] 1 S.C.R. 297 and R. v. Nixon, 2011 SCC 34 (CanLII), [2011] 2 S.C.R. 566, already **created an abuse of process and the principles of fundamental justice exception** to unlimited

s579 power, therefore s579 is prima facie unconstitutional overbroad. In practice however the BC AG has abused s4(3c) derived from s579 to prevent hearing s4(3c) constitutional question and cross examination on 18 counts of fraud, therefore unless s4(3c) is remedied or read down, the abuse of process exception is meaningless.

16) None of these arguments are new to Justice Cullen, it is plain and obvious that this is why Justice Cullen deliberate told a lot of lies without reproducing any of the relief sought or grounds, he is determined to defraud the appellant of Criminal Code "property" "service" given by the Canada.

CRIMINAL ONTARIO SUPERIOR COURT FILE 17-MOT-1-93,

a) **THE APPELLANT ASKS** that July 10 without jurisdiction order of Justice Clark removing a Criminal Code right to bring a Certiorari application re May 23 order of Toronto Superior Court Order of Justice Molloy collateral attack on April 10 order of Toronto Superior Court Order of Justice Campbell be set aside, AND mandamus on the Superior Court to comply with the order of Justice Campbell through a meaningful discussion of criminal code right to prosecute an 25.1(9) (11b) "public officer" 22.2 "organization ...party to offence" criminal code "organization" "person" "justice system participant" Ontario Court of Appeal for defrauding s784 Criminal Code appeal rights in order to facilitate ongoing crimes that include the lie that a criminal proceeding is not a criminal proceeding.

.....

Grounds Of This Appeal:

b) rule of law against 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, 362, s380(1) criminal code **fraudulent collateral attack of Justice Campbell** April 10 order that there be a meaningful discussion on issuing s504 s507.1 summons on the accused. The mens rae motive for Justice Molloy's falsehoods is that a meaningful discussion would create evidence against her prejudged plan to lie. I accused Justice Molloy of writing the order instead of allowing a meaningful discussion, I told her she was guilty of prejudgement, I told her it was a collateral attack, I told her it was a crime, I told her she lacked jurisdiction, I challenged her on not allowing a meaningful discussion of ongoing crime self defence rule of law, she accused me of being the cause of the Jordan problem and stormed out of the court room.

c) The pith and substance of Justice Clark and Molloy orders is a breach of the rule of law against acting without jurisdiction due to conflict of interest violation of intent of 3b, 4, 6, 7, 8, 9 Conflict of Interest Act by lying that a criminal proceeding is not a criminal proceeding in order to defraud;

- a) Criminal Code 783 .. application .. to quash .. order or **other proceeding** .. **exceeded his jurisdiction** 2 "prosecutorwhere the Attorney General does not intervene, means the **person who institutes proceedings** to which this Act applies", s482(1) "... not inconsistent with ... Act of Parliament... **incidental to any such prosecution, proceeding...**", "482(3) Purpose of rules ... any other matter ... to attain the ends of justice ... **proceedings** with respect to **mandamus** ... applications, s482(5) "Regulations to secure uniformity" 551.3 (1g) "Canadian Charter of Rights" S504 "justice shall receive the information", s507.1 private prosecution ... shall ... heard and considered .. informant ...evidence of witnesses", 507.1(7) New evidence required for new hearing, 551.1 before the stage at which the evidence on the merits is presented, 551.2 ensuring that the evidence on the merits is presented without interruption 551.3 (1) before the stage of the presentation of the evidence on the merits, s540, 683(2).. Parties entitled to adduce evidence and be heard, 774 proceedings in criminal matters by way of certiorari ... mandamus, 785 informant means a person who lays an information, 785 trial includes the hearing of a complaint, 785 information includes ..(b) a complaint ... justice is authorized by an Act of Parliament..., 785 order means any order, ..., 785 proceedings means ...(b) proceedings where a justice is authorized by an Act of Parliament,785 prosecutor means .. the informant`
- b) s140 Courts Justice Act civil order lacks jurisdiction to remove criminal code right to prosecute Ontario Court of Appeal for defrauding s784 criminal code right to Appeal **Superior Court** Justice Hackland falsehood that **criminal code proceeding is not a criminal proceeding**.

- c) lack of immunity for breaching 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1) of the Criminal Code by; deliberately acting without jurisdiction to change 2, 482 (1), (3), 504, 507.1, 540, 551.2, 551.3(1g), 683(2), 783 criminal code in order to facilitate crimes

Letter To Chief Justice Re Registrar Criminal Refusal To Issue Notice Of Appeal File Number

July 21, 2017..This request for a Notice of Appeal file number re enclosed Notice of Appeal is based on;

- I. S784 Criminal Code
 - II. 5 (1) The Chief Justice of Ontario has general supervision and direction over the sittings of the Court of Appeal and the assignment of the judicial duties of the court.
 - III. Direction of court staff 76 (1) In matters that are assigned by law to the judiciary, registrars, court clerks, court reporters, interpreters and other court staff shall act at the direction of the chief justice of the court.
 - IV. 80 ... I solemnly swear (affirm) that I will faithfully, impartially and to the best of my skill and knowledge execute the duties of So help me God. (Omit this line in an affirmation.),
- with respect, failure to comply is a an 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1) criminal code offence, which will trigger the necessary response that includes a Canadian Judicial Council compliant and criminal prosecution.

a) On July 17, I received an email from the Ontario Court of Appeal referring to orders in different file numbers, it is unsigned, but I assume that it is from Deputy Registrar Sandra Theroulde who appears to derive great pleasure helping judges to act like common criminals in order to defraud me.

b) The premise of Ms Theroulde refusal to comply with s784 Criminal Code is that refusal to comply is not a crime. Court staff in Calgary did the same thing by refusing to comply with s504 s507.1 s540 s551.3(1g) mandatory right to prosecute Alberta Court of Queens Bench (member of Canadian Judicial Council) refusal to request investigation of criminal misconduct federally appointed judges. Appellant reported the crime to the police, an officer refused to open an investigation claiming it was not a crime to refuse s504 s507.1 s551.3(1g), appellant complained to police chief, he did not respond, appellant complained to the Calgary Police Commission, then Calgary police reversed initial refusal and opened a criminal investigation of the court. The Calgary Police would not investigate a court without seeking legal advice, this means lawyers have told them that court staff defrauding Criminal Code s504 s507.1 s540 s551.3(1g) mandatory rights is a crime and any court is an **“organization” “justice system participant” “person” that can be charged when the criminal code** s22.2, 25.1(9)(11b) test for charging a public sector organization is met. This link is public information;
<https://adeolumideonline.files.wordpress.com/2017/06/canadian-judicial-council-chair-supreme-court-chief-justice-beverley-maclachlin-retires-amid-police-investigation-part-1.pdf>

c) The “overriding public policy consideration” is **“a criminal should not be permitted to keep the proceeds of his crime”**. Therefore based on this “overriding public policy consideration” alone, Ms Theroulde decision to defraud s784 Criminal Code must fail.

d) 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.**

e) 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]It is clear from some of the cases discussed above, however, that the **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". ...**

JUS-G-MAG-Judicial COA E-file <COA.E-file@ontario.ca>
To: "ade6035@gmail.com" <ade6035@gmail.com>

Mon, Jul 17, 2017 at 3:17 PM

Hello Mr. Olumide,

This email is to confirm that the Notice of Appeal from the Order of Justice Clark (17-MOT-1-93) dated July 10, 2017 submitted by you to the Court of Appeal on July 13, 2017 requires leave before filing. Please refer to Justice Weiler's Order, a copy of which is attached for your reference with respect to first seeking leave to appeal; specifically

"the appellant is prohibited from starting or continuing proceedings of any kind before the Court of Appeal or the Superior Court of Justice without the authorization of a judge of the Superior Court of Justice, [see s. 140(d) of the Courts of Justice Act, (R.S.O. 1990, c. C.43)] such leave to be sought by way of written application;"

This email is to confirm that your appeal is NOT filed.

....

CRIMINAL ONTARIO SUPERIOR COURT FILE CR-17-00000001-00M0,

June 9, 2017 Letter To Supreme Court Registrar Roger Bilodeau

...

Perhaps the strongest evidence that all the judges in Canada working together, cannot defeat the legal or factual grounds for the s507.1 summons against persons that include **Ontario Superior Court** and Ontario Court of Appeal / s579 criminal code unconstitutionally overbroad question, is that whether JP Hiscox has jurisdiction to refuse s504 s507.1 s540 551.3(1g "Canadian Charter of Rights" s579 Constitutional question arising from alleged s579 stay) hearing is a question of law, if Salmers insufficient material falsehood is true, such a finding of fact cannot be made without an s507.1 hearing.

The Crown presented Justice Hackland lie that a criminal proceeding is not a criminal proceeding and argued that the illegal civil order obtained by refusing to hear s140 Courts Justice Act constitutional question, by lying about s6(2) Courts Justice Act jurisdiction meant that the applicant required leave to access criminal court. **Ontario Superior Court Justice** Salmers dismissed all these obvious falsehoods, but created a new lie that despite all the up to 2000 pages before JP Hiscox was before him, it is insufficient material for s504 s507.1 s551.3(1g) mandamus hearing of on JP Hiscox / s7 s12 s17 s24 Charter s579 criminal code unconstitutionally overbroad question.

I told Justice Salmers several times that BC and Quebec have tried to cure overbroad by putting an "interests of justice" limit on s579 and the only test I argued orally was s7 right to life, I gave an example that if a judge kills a member of my family once a week and the police and Crown does nothing, it is unconstitutional for the Crown to stay prosecution of the judge, so rather than "interests of justice" I prefer a self-defence to ongoing crime limit on s579 power.

Leading cases in the area of abuse of process and the principles of fundamental justice, like R. v. Regan, 2002 SCC 12 (CanLII), [2002] 1 S.C.R. 297 and R. v. Nixon, 2011 SCC 34 (CanLII), [2011] 2 S.C.R. 566, already **created an abuse of process and the principles of fundamental justice exception** to unlimited s579 power, therefore s579 is prima facie unconstitutional overbroad.

....

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**”:

Canadian Broadcasting Corporation v The Queen, 1983 CanLII 50 (SCC), [1983] 1 S.C.R. 339 ..”it is not enough ..that the purpose ... is an authorized purpose; **the Court must also determine that the means which the agent uses to accomplish the purpose are expressly or impliedly**” ... **I am quite satisfied that it never entered the mind of Parliament that C.B.C. could not be reached by the statute...** R. v. Eldorado Nuclear Ltd.; R. v. Uranium Canada Ltd., [1983] 2 SCR 551 “I have serious **doubts that Parliament ever intended... carte blanche to engage in illegal activities on behalf of the Crown and to encourage other citizens to do likewise**” “We might ask in this case whether Parliament ever contemplated that the respondents would go about the implementation of their statutory purposes by means of an illegal conspiracy with others, counting on the protection of their Crown immunity”

Garland v. Consumers' Gas Co., [2004] 1 S.C.R. 629, 2004 SCC **the legislature could not reasonably be believed to have contemplated** ... criminal conduct, despite the broad wording of the section ... “**[t]he defendant can point to no case which allows the defence unless the federal statute in question uses the word ‘unduly’ or the phrase ‘in the public interest’**”. Absent such recognition in the statute of “public interest”, he held, no leeway

CRIMINAL ONTARIO SUPERIOR COURT FILE 16-30604,

June 9, 2017 Letter To Supreme Court Registrar Roger Bilodeau

On May 25, 2017 the Ontario Court of Appeal Justice Weiler, deliberately acted without jurisdiction to strike my s784 Criminal Code appeal by lying that s504 s507.1 s540 551.3(1g “Canadian Charter of Rights” s579 Constitutional question arising from alleged s579 stay) criminal prosecution of persons that include Ontario Court of Appeal, Ontario Superior Court, Canadian Judicial Council, is not a criminal proceeding “[9] Criminal Appeal Rules does not apply because Mr. Olumide’s does not appeal from **other criminal proceeding**”, the Registrar refused to file appeal of that decision to a panel of the Court, I wrote to the Chief Justice asking that he direct the Registrar to issue the file number for the panel motion, he directed the issuing of an order affirming Registrar illegal and discriminatory refusal of administrative duty to assign a file number for the appeal of Justice Weiler’s order. The motive for no criminal proceeding falsehood is that Ontario Court of Appeal was the accused in the s504 information.

.....

Letter To Chief Justice Re Registrar Criminal Refusal To Issue A Panel Motion File Number

May 29, 2017This request for a panel motion file number is on; 5 (1) The Chief Justice of Ontario has general supervision and direction over the sittings of the Court of Appeal and the assignment of the judicial duties of the court. Direction of court staff 76 (1) In matters that are assigned by law to the judiciary, registrars, court clerks, court reporters, interpreters and other court staff shall act at the direction of the chief justice of the court. 80 Every judge or officer of a court in Ontario, including a deputy judge of the Small Claims Court, shall, before entering on the duties of office, take and sign the following oath or affirmation in either the English or French language: I solemnly swear (affirm) that I will faithfully, impartially and to the best of my skill and knowledge execute the duties of So help me God. (Omit this line in an affirmation.), with respect, failure to comply is a

an 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1) criminal code offence, which will trigger the necessary response that includes a Canadian Judicial Council compliant and criminal prosecution.

On May 25, Ontario Court of Appeal Weiler J.A deliberately with partiality in favour of Ontario Court of Appeal judges that committed criminal code offences prejudged the matter by arrogantly and criminally laughing when I said discretionary power cannot be used to contravene; Rule Of Law Right To Self Defence From Ongoing Property Crimes -Rule Of Law Right Against Criminals' Cruel Revictimization Of Victim Principle Of Fundamental Justice, laughing is easy, but if the Court is confident of their position, it should be easy for a panel to defend Weiler J.A;

- a) the criminal pretending to be a judge cannot prove that an s504 s507.1 s784 Criminal Code proceeding is not a criminal proceeding defined in common law below
- b) nor can she prove objects, s10, s16 Victims Bill of Rights is not binding on s504 s507.1 s784 Criminal Code criminal proceeding
- c) nor can she prove that a single judge has jurisdiction to strike an appeal,
- d) nor can she prove that the offences against the Ontario Court of Appeal are not valid criminal offences OR that Ontario Court of Appeal has immunity for falsehoods to defraud appellate jurisdiction, act without jurisdiction to re write criminal code, act in excess of jurisdiction
- e) nor can she prove jurisdiction to violate rule of law against conflict of interest bad by refusing to duty to judicially notice s7 Metrolinx Act / Bill C26 because it would incriminate her employer and proving that refusing to comply with rules are a violation of Rule Of Law Right To Self Defence From Ongoing Property Crimes -Rule Of Law Right Against Criminals' Cruel Revictimization Of Victim Principle Of Fundamental Justice.
- f) nor can she prove jurisdiction to defraud Canada exclusive criminal law unchallengeable 91(27) Constitution Act 1867 jurisdiction,
- g) nor can she prove Ontario Court of Appeal jurisdiction to rewrite s504 s507.1 s784 Criminal Code without reading down s504 s507.1 s784 as unconstitutional,
- h) nor can she prove Ontario Court of Appeal jurisdiction to rewrite 781(2) Criminal Code Canada Evidence Act 17 18 without reading down s781(2), 17, 18 as unconstitutional,
- i) nor can she prove Ontario jurisdiction to defraud s8, s11(a)(d)(f) Ontario Crown Attorney's Act
- j) nor can she prove that Rule Of Law Right To Self Defence From Ongoing Property Crimes -Rule Of Law Right Against Criminals' Cruel Revictimization Of Victim Principle Of Fundamental Justice are not binding on the registrar and judge.
- k) nor can she prove that it is not trite law that power to make rules come from legislation which is subject to the constitution, therefore a rule cannot be used to contravene these rules of law or rewrite s784 Criminal Code, this is also codified in s482(1) and common law below;

Power to make rules 482 (1) Every superior court of criminal jurisdiction and **every court of appeal may make rules of court not inconsistent with this or any other Act of Parliament**, and any rules so made apply to any prosecution, proceeding, action or appeal, as the case may be, within the jurisdiction of that court, instituted in relation to any matter of a criminal nature or arising from or incidental to any such prosecution, proceeding, action or appeal.

22.2 ... 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**;

R. v. McHale, 2010 ONCA 361 The Commencement of Criminal Proceedings [44] we distinguish between the commencement of criminal proceedings and the commencement of a criminal prosecution. This distinction coincides with the dual functions of the justice. The ministerial act of **receiving the information coincides with the institution of proceedings**, and the judicial act of issuing process signals the commencement of the prosecution: R. v. Dowson, 1983 CanLII 59 (SCC), [1983] 2 S.C.R. 144, at pp. 150, 155 and 157; Southam Inc. v. Coulter (1990), 1990 CanLII 6963 (ON CA), 75 O.R. (2d) 1 (C.A.), at pp. 6-7. ...[70] It is well-settled that **criminal proceedings are instituted or commenced by the laying or receipt of an information** in writing and under oath. Anyone named as a person who committed the offence described in the information is a person "charged" with an offence for the purposes of s. 11(b) of the Charter: R. v. Kalanj, 1989 CanLII 63 (SCC), [1989] 1 S.C.R. 1594, at p. 1607 ... [73] The Criminal Code permits private prosecutions. A private informant may lay an information in conformity with s. 504. **Receipt of the information commences criminal proceedings**. Parliament enacted, more accurately continued, a procedure aimed at the determination by a judicial officer of whether the informant has made out a case for prosecution. This procedure is the pre-enquete, a hearing that provides the private informant the opportunity to present her or his case for prosecution.

R. v. McHale, 2010 ONSC 887 (CanLII) [4] I agree with both parties that the present application is criminal in nature. The provincial legislation has no application: R. v. Storgoff, 1945 CanLII 17 (SCC), [1945] S.C.R. 526. Under Rule 43 of the Criminal Proceedings Rules, the application should be heard by a judge of the Superior Court in Cayuga.

Olumide v Her Majesty the Queen in Right of Ontario, 2017 ONSC 1201 [13] .. an entitlement granted by the Criminal Code cannot be constrained by a court order granted under provincial legislation.

.....

Attn: Crown Employee Roger Bilodeau

Joe Friday, Public Sector Integrity Commissioner of Canada, 60 Queen Street, Ottawa, Ontario K1P 5Y7, Telephone: 1-866-941-6400, Fax: 613-946-2151

Michael Ferguson, Auditor General of Canada, Telephone 1-888-761-5953 Fax 613-957-0474, Office of the Auditor General of Canada, 240 Sparks Street, Ottawa, Ontario K1A 0G6 Canada ...

....

Attention: Roger Bilodeau, Registrar, Supreme Court of Canada by Email CC Respondents' Email **December 4, 2017**

Please find enclosed the Amended Notice of Motion and Constitutional Question raised by your refusal to file the Notice of Appeal in 7 criminal files. As you remember, I opted to provide my memorandum of arguments orally, so I await the oral hearing date.

On November 4, I wrote to you stating; ..

Please note that S.H. v. Quebec (Emploi et Solidarité sociale), 2015 SCC 66 (CanLII) is not an s15, 58(1b), 97(1c) Supreme Court Act 8(2), 19(2), 33(1d) Supreme Court Rules s685 Criminal Code Constitutional Question, therefore you have no to proof that your alleged unlimited power to refuse to issue a Notice of Appeal is constitutional. Pursuant to 78(3) Supreme Court Rules **your decision to refuse to accept the document is not an order, therefore it cannot be appealed to a judge**, therefore you Roger Bilodeau have to hear the constitutional question yourself.

I know that you have a conflict of interest motivation to rule against me, but I accept to argue the matter before you Roger Bilodeau. However due to your conflict of interest, **I will not participate unless there is a full day oral hearing for which a transcript will be available.**

Failure to comply is s341 Fraudulent Concealment of your lack of jurisdiction to refuse, I will not file a memorandum of law, since refusing an oral argument is treatment, I have an s12 Charter right to orally argue the s12 Charter relief. **Your refusal has an unconstitutional effect,**

Your letter evidences your power and jurisdiction to use rules 8(2), 19(2), those rules are derived from s15, 58(1b), 97(1c) Supreme Court Act, therefore you cannot refuse to adjudicate whether your 8(2), 19(2) refusal is a Charter breach. If you refer the question to a judge that is still s341 Fraudulent Concealment of oral hearing evidence that you have told many lies.

The full oral hearing is not for hearing the appeal, it is for deciding whether you have jurisdiction to refuse to issue the 6 Criminal Notices of Appeal. Upon the full oral hearing date, the BC Court of Appeal, Appeal Record and Factum For Criminal BC Supreme Court File 27229-1 will be served on the parties listed in the 6 Criminal Notices of Appeal.

All of which respectfully submitted by Ade Olumide

S15, 58(1B), 97(1C) SUPREME COURTA CT 8(2), 19(2), 33(1D) SUPREME COURT RULES S685 CRIMINAL CODE AMENDED NOTICE OF MOTION AND CONSTITUTIONAL QUESTION (CRIMINAL) TO SUPREME COURT REGISTRAR ROGER BILODEAU;

....

AND TAKE NOTICE THAT THIS MOTION IS PURSUANT;

Supreme Court Act 2, 3, 15, 20, 35, 51(2b), 56, 58, 61, s97, "judgment" "appeal" "final judgment" "court appealed from" "judgment" "judicial proceeding" "Supreme Court" "Appellate Jurisdiction throughout Canada 35" Supreme Court "SC" Rules 3, 8, 12, 19, 33, 47, 48, 78.

Objects, 16 Canadian Victims Bill Of Rights S.C. 2015, C. 13, S. 2
Preamble, Whereas crime has a **harmful impact** on victims and on society;
Whereas victims of crime and their families deserve to be treated with **courtesy, compassion and respect, including respect for their dignity;**
Whereas it is important that **victims' rights be considered throughout the criminal justice system;**
Whereas victims of crime have **rights that are guaranteed by the Canadian Charter of Rights and Freedoms;**
Whereas consideration of the rights of victims of crime is in the interest of the **proper administration of justice;**

...Restitution order 16 Every victim has the **right to have the court consider making a restitution order** against the offender.

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.**

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”

Equality **under the law** is equality in the substance of the law ... so that **everyone experiences the same result.** Equal benefit of the law ensures that benefits imposed by law will be proportionate. **Equal protection** of the law ensure that the protections imposed by law will be proportionate so that the **human dignity** of every person is equally safeguarded by the law. Iacobucci J. in Law v. Canada, [1999]),

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 expectation 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.**

"RWDSU v. Dolphin Delivery Ltd., [1986] 2 SCR 573, 1986 CanLII 5 (SCC) The [Charter](#) will apply to any rule of the common law that ...directs an abridgement of a guaranteed right...**if an...order would infringe a Charter right, the Charter will apply to preclude the order, and, by necessary implication, to modify the common law rule...**"

Gosselin v. Québec (Attorney General), [2002] 4 SCR 429, 2002 SCC 84... By enacting the Social Aid Act, the Quebec government triggered a state obligation...C. Negative vs. Positive Rights and the Requirement of State Action [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**":

Constitution Acts, 1867 to 1982 52(1) states "Any law inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect"

Constitution Acts 1867 to 1982 Legislative Authority of Parliament of Canada 91 'Criminal Law... including the **Procedure in Criminal Matters**;

s12 s13 s21(1a,d) Canada Interpretations Act, 41, 41.2 Quebec Interpretation Act CI-16, 8, 17 BC Interpretation Act, 1, 15, 17 NB Interpretation Act, s10 Ontario Interpretation Act.

s12 s24 Charter of Rights and Freedoms, objects s4, 10, 12, 23 Quebec Charter of Rights,
objects, s16 Canada Victims Bill of Rights

s2(b,e) Canadian Bill Of Rights against criminals' revictimization of victim principle of fundamental justice,
rule of law right to self defence against ongoing fraud and party to fraud,

s9, 89 and 180 Oath Quebec Courts Justice Act,

Quebec Code Of Penal Procedure 184(8) ...constitutionally invalid or inoperative or of no force or effect,
including in respect of the Canadian Charter of Rights and Freedoms

Quebec Act Respecting Director of Criminal Penal Prosecutions limits s579 by 13 "interest of justice", "15(3)...
interests of crime victims..", "18...interests of justice..."

s4(3c) BC Crown Counsel Act "interests of justice"

s8, s11(a)(b)(d)(f)(h) Crown Attorney Act;

Crown Attorneys Act R.S.O. 1990, Chapter C.49 Oath of office 8. Every Crown Attorney and every assistant Crown Attorney, before entering upon his or her duties, shall take and subscribe before a judge of the Superior Court of Justice the following oath: I swear (or affirm) that I will truly and faithfully, **according to the best of my skill and ability**, execute the duties, powers and trusts of Crown Attorney (or assistant Crown Attorney) **without favour or affection to any party**: So help me God.

Duties 11) to examine informations, etc. (a) **examine informations**, examinations, depositions, recognizances, inquisitions and papers connected with offences **against the laws in force in Ontario** that the provincial judges, justices of the peace and coroners are required to transmit to him or her, and, where necessary, **cause such charges to be further investigated, and additional evidence to be collected, and sue out process to compel the attendance of witnesses** and the production of papers, so that prosecutions may not be **delayed unnecessarily** or fail through want of proof;

to **conduct prosecutions** (b) conduct, on the part of the Crown, preliminary hearings of indictable offences and prosecutions for indictable offences, (i) at the sittings of the Superior Court of Justice where no law officer of the Crown or other counsel has been appointed by the Attorney General, (ii) before provincial judges in summary trials of indictable offences under the Criminal Code (Canada), in the same manner as the law officers of the Crown conduct similar prosecutions at the sittings of the Superior Court of Justice, and with the like rights and privileges, and attend to all criminal business at such courts;

cases brought by private prosecutors (d) watch over cases conducted by private prosecutors and, without **unnecessarily interfering** with private individuals who wish in such cases to prosecute, assume wholly the conduct of the case where justice towards the accused seems to demand his or her interposition;

government prosecutions (f) when requested in writing, **cause prosecutions for offences against any Act of the Legislature** to be instituted on behalf of any governmental ministry or agency and conduct such prosecutions to judgment and to appeal, if so instructed;

justices of the peace (h) **advise justices of the peace** with respect to offences against the laws in force in Ontario;

CRIMINAL CODE

“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...(ii) a prosecutor, ...(iii) a judge and a justice, ..(v) an informant, a prospective witness, ...(viii.1) a public officer within the meaning of subsection 25.1(1) and a person acting at the direction of such an officer, (ix) an employee of the Canada Revenue Agency ...”

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

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**;

Power to make rules 482 (1) Every superior court of criminal jurisdiction and every court of appeal may make rules of court not inconsistent with this or any other Act of Parliament, and any rules so made apply to any **prosecution**, proceeding, action or **appeal**, as the case may be, within the **jurisdiction of that court**, instituted in relation to **any matter of a criminal nature** or arising from or incidental to any such **prosecution**, proceeding, action or **appeal**.

Judicial notice 781 (2) Proclamations, orders, rules, regulations and by-laws mentioned in subsection (1) and the publication thereof **shall be judicially noticed**.

Appeal in mandamus, etc. 784 (1) An appeal lies to the **court of appeal** from a decision granting or refusing the relief sought in proceedings by way of mandamus, certiorari or prohibition. ..

Criminal Code S551.3 (1giii) "before the stage of the presentation of the evidence on the merits... adjudicating any issues that can be decided before that stageCharter of Rights and Freedoms"

Criminal Code 788 ... justice may ..(2)(c) do all other things preliminary to the trial.

Criminal Code 2 "prosecutorwhere the Attorney General does not intervene, means the person who institutes proceedings to which this Act applies",

482(3) "Purpose of rules..any other matter... to attain the ends of justice ...with respect to ..applications,

482.1 "any matter that would assist the court"

Criminal Code 675(4) "Where a judge of the court of appeal refuses ... appellant may, ... have the application ... determined by the court of appeal."

785 proceedings means ... (b) proceedings where a justice is authorized by an Act of Parliament ...

802 (1) The prosecutor is entitled personally to conduct his case ..

802 (2) The prosecutor or defendant, as the case may be, may examine .. witnesses

802 (3) Every witness at a trial in proceedings ... shall be examined under oath.

APPELLANT SEEKS DECLARATION THAT;

1) Whereas two tier Criminal Code s504 s507.1 s540 S551.3(1g Charter) s784 Supreme Court Act s3 s35 process is beyond registrar's jurisdiction, breach of equality under law ^{lacobucci J. in Law v. Canada, [1999]),}

1) Whereas the discriminatory use of s685 to exceed s685 "no substantial grounds of appeal" jurisdiction AND defraud s685 unconstitutionally overbroad Constitutional Question AND in Canadian history, except in Ade Olumide, s685 has never been applied except in 14 lack of jurisdiction cases, therefore an equality under the law positive obligation to reverse the burden of proof is engaged,

2) Whereas s504 S507.1 is found in Parts XVI of the Criminal Code, and s685 is found in PART XXI which implies first instance trial on the merits by a judge or jury,

3) Whereas the rule of law against arbitrary statutory interpretation means that 15, 58(1b), 97(1c) Supreme Court Act 8(2), 19(2), 33(1d) Supreme Court Rules s685 Criminal Code cannot be used to contravene the objects of the Supreme Court Act has been codified in s97(2)(3) Supreme Court Act, s12 s13 s21(1a,d) Canada Interpretations Act, 41, 41.2 Quebec Interpretation Act CI-16, 8, 17 BC Interpretation Act, 1, 15, 17 NB Interpretation Act, s10 Ontario Interpretation Act.

4) Whereas objects, s16 Canada Victims Bill of Rights is an object of the Supreme Court Act

5) Whereas using s15, 58(1b), 97(1c) Supreme Court Act 8(2), 19(2), 33(1d) Supreme Court Rules s685 Criminal Code to breach 12, 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1a) Criminal Code is bad faith, because the criminals retain the proceeds of the crime,

6) Whereas “[36] if ..order would infringe a Charter right, the Charter will apply to preclude the order,... courts are..bound by the Charter” *RWDSU v Dolphin Delivery Ltd*[1986] 2 SCR573, 1986 SCC is binding on the Registrar’s rule of law interpretation of s15, 58(1b), 97(1c) Supreme Court Act 8(2), 19(2), 33(1d) Supreme Court Rules s685 Criminal Code,

7) Whereas s15, 58(1b), 97(1c) Supreme Court Act 8(2), 19(2), 33(1d) Supreme Court Rules s685 Criminal Code cannot be used to violate Rule Of Law s2(b,e) Canadian Bill Of Rights Against Criminals’ Revictimization Of Victim Principle Of Fundamental Justice which is tested by adapting *R. v. Smith (Edward Dewey)*, [1987] 1 SCR 1045 s12 Charter cruel treatment test; 21b party to ongoing fraud predominant causation for political career destruction / loss of job / loss of home / \$100,000 costs reprisals (treatment) to revictimize a victim fraud;

1. goes beyond what is necessary to achieve a legitimate Interpretations Act objective
2. is unacceptable to a large segment of the population
3. does not have any social purpose such as reformation, rehabilitation or deterrence
4. does not accord with public standards of decency or propriety
5. is of such a character as to shock general conscience
6. is unusually severe, degrading to dignity and worth

S685 Criminal Code is unconstitutionally overbroad *Allard v. Canada*, 2016-02-24, 2016 FC 236, T-2030-13 , it shall read in, “if a Court of Appeal lacks jurisdiction and....”, in the alternative s685 is read down and the AG shall have 6 months to remedy s685.

S15 Supreme Court Act is unconstitutionally overbroad it shall read in as follows; “15 Subject to the Constitution of Canada, the Criminal Code and direction of the Chief Justice the Registrar shall superintend ...”, in the alternative s15 is read down and the AG shall have 6 months to remedy s15.

S58 (1b) Supreme courtAct is unconstitutionally overbroad it shall read in as follows; 58(1)(b) in the case of an appeal for which leave to appeal is not required includes any unfulfilled criminal code appeal for which leave to appeal is not required, in the alternative s58(1b) is read down and the AG shall have 6 months to remedy s58(1b).

S97 (1c) Supreme Court Act is unconstitutionally overbroad it shall read in as follows; “97(1)(c) for empowering the Registrar to subject to the Constitution of Canada and Criminal Code do any such thing and transact any such business as is specified in the rules or orders, and to exercise any authority and jurisdiction in respect of the rules or orders as may be done,” in the alternative s97(1c) is read down and the AG shall have 6 months to remedy s97(1c).

S8(2) Supreme Court Rules is unconstitutionally overbroad it shall read in as follows; “8(2) The Court, a judge or the Registrar may subject to s97(1c)(2)(3) Supreme Court Act refuse a document that does not comply with these Rules ...” in the alternative 8(2) is read down, SC has 6 months to remedy s8(2).

S19(2) Supreme Court Rules is unconstitutionally overbroad it shall read in as follows; “19(2) On receipt of a document, the Registrar may subject to s97(1c)(2)(3) Supreme Court Act (a) accept or reject the document for filing;” in the alternative 19(2) is read down, SC shall has 6 months to remedy s19(2).

S33(1d) Supreme Court Rules is unconstitutionally overbroad it shall read in as follows; “33(1) A notice of appeal ... shall (b) set out the legislative provisions that authorize the appeal;(d) in the case of all other appeals for which leave to appeal is not required includes any unfulfilled criminal code appeal for which leave to appeal is not required.” in the alternative 33(1d) is read down, SC has 6 months to remedy s33(1d).

2) **FOUNDATIONS**

I. 2(b,e) Canada Bill of Rights against criminals’cruel revictimization of victim principle of fundamental justice

II. s12 Charter “positive obligation” *Gosselin v. Québec (Attorney General)*, [2002] 4 SCR 429 ,

III. rule of law that “[61]..inherent jurisdiction..is not.. to empower a judge..to make an order negating... legislative will” *Verge Insurance Brokers Limited et al. v Richard Sherk et al.*, 2015 ONSC 4044 ,

IV. “[136] rule of law...vested rights will not be destroyed without reasonable compensation” *JTI-Macdonald Corp. v. AGBC*, 2000 BCSC 312 codified in objects s16 Canada Victims Bill of Rights

V. Rule of law “[36] if ..order would infringe a Charter right, the Charter will apply to preclude the order,... courts are..bound by the Charter” *RWDSU v Dolphin Delivery Ltd*[1986] 2 SCR573, 1986 SCC ,

VI. rule of law against bad faith ^{Freeman v. Canada (Citizenship) 2013 FC1065 IMM-6304-12, Roncarelli v. Duplessis (SCC) [1959] S.C.R. 121} arbitrary ^{Allard}

v. Canada, 2016 FC 236 use of public power,

VII. Rule of law that “**a criminal should not be permitted to keep the proceeds of his crime**”,

VIII. 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 ...

.....

SUPREME COURT ACT (R.S.C., 1985, C. S-26)

Definitions 2 (1) In this Act, appeal includes **any proceeding** to set aside or vary any judgment of the **court appealed from**; (appel)

court appealed from means the court from which the appeal is brought directly to the Supreme Court, **whether that court is one of original jurisdiction** or a court of appeal; (juridiction inférieure)

final judgment means any judgment, rule, order **or decision** that determines in whole or in part any **substantive right** of any of the parties in controversy in any judicial proceeding;

judgment, when used with reference to the court appealed from, includes any judgment, rule, order, **decision**, decree, decretal order or sentence thereof, and when used with reference to the Supreme Court, includes any judgment or order of that Court; (jugement)

judicial proceeding includes any action, suit, **cause, matter or other proceeding** in disposing of which the court appealed from has not exercised merely a regulative, administrative or executive jurisdiction;

Original Court continued 3 The court of law and equity in and for Canada now existing under the name of the Supreme Court of Canada is hereby continued under that name, as a **general court of appeal** for Canada, and as an additional court for the better administration of the laws of Canada, and shall continue to be a **court of record**.

Functions of Registrar 15 Subject to the Constitution of Canada, the Criminal Code and direction of the Chief Justice the Registrar shall superintend the officers, clerks and employees appointed to the Court.

20 The Public Service Employment Act and the Public Service Superannuation Act, in so far as applicable, extend and apply to the Registrar and Deputy Registrar.

Appellate Jurisdiction; Jurisdiction throughout Canada 35 The Court shall have and exercise an appellate, civil and **criminal jurisdiction** within and throughout Canada

Submission to a Judge or the Registrar 51 (1) The motion shall be submitted to a judge or the Registrar (a) after the reply is filed or at the end of the five-day period referred to in Rule 50, as the case may be; or (b) if no response to the motion is filed, at the end of the 10-day period referred to in Rule 49.
(2) The judge or the Registrar may (a) decide the motion; (b) **order an oral hearing of the motion**;

Time periods for appeals 58 (1) Subject to this Act or any other Act of Parliament, the following provisions with respect to time periods apply to proceedings in appeals:

(b) in the case of an appeal for which leave to appeal is not required includes any unfulfilled criminal code appeal for which leave to appeal is not required, or in the case of an appeal for which leave to appeal is required and has been granted, a notice of appeal shall be served on all other parties to the case and filed with the Registrar of the Court within thirty days after the date of the judgment appealed from or the date of the judgment granting leave, as the case may be.

Judges may make rules and orders 97 (1) The judges, or any five of them, may make general rules and orders (a) for regulating the procedure of and in the Court and the bringing of cases before it from courts appealed from or otherwise, and for the effectual execution and working of this Act and the **attainment of the intention and objects thereof**;

(c) for empowering the Registrar to subject to the Constitution of Canada and Criminal Code do any such thing and transact any such business as is specified in the rules or orders, and to exercise any authority and jurisdiction in respect of the rules or orders as may be done, transacted or exercised by a judge sitting in chambers by virtue of any statute or custom or by the practice of the Court;

Marginal note: Extent of rules and orders (2) The rules and orders may extend to any matter of procedure or otherwise not provided for by this Act, but for which it is found necessary to provide, in order to ensure the proper working of this Act and the better **attainment of the objects** thereof.

Marginal note: Force of rules and orders (3) All rules **not inconsistent with the express provisions of this Act** have force and effect as if herein enacted.

SUPREME COURT RULES

Where No Provisions 3 (1) Whenever these Rules contain no provision for **exercising a right** or procedure, the Court, a judge or the Registrar may adopt any procedure that is not inconsistent with these Rules or the Act.

Dispensing with Compliance 8 (1) The Court, a judge or unless these Rules provide otherwise, the Registrar may, on motion or on their own initiative, excuse a party from complying with any of these

Rules. (2) The Court, a judge or the Registrar may subject to s97(1c)(2)(3) Supreme Court Act refuse a document that does not comply with these Rules or that has not been served in accordance with these Rules or an order of the Court, a judge or the Registrar.

Order of Registrar Binding 12 Subject to Rule 78, every order made by the Registrar shall be binding on all parties concerned as if the order had been made by a judge.

Filing of Documents 19 (2) On receipt of a document, the Registrar may subject to s97(1c)(2)(3) Supreme Court Act (a) accept or reject the document for filing; or (b) accept the document for filing subject to the making of any corrections or the fulfilling of any conditions precedent.

Notice of Appeal 33 (1) A notice of appeal under paragraph 60(1)(a) of the Act shall (a) be in Form 33A; (b) set out the **legislative provisions that authorize the appeal**;

(c) in the case of an appeal under paragraph 691(1)(a) or (2)(a) or (b), 692(3)(a) or 693(1)(a) of the Criminal Code, set out the questions of law, including the question of law on which the dissenting judgment of the court appealed from is, in whole or in part, based, and include as a schedule to the notice of appeal a copy of the information or indictment, the judgment and the reasons for judgment of the court appealed from; and

(d) in the case of all **other appeals for which leave to appeal is not required** includes any unfulfilled criminal code appeal for which leave to appeal is not required, include as a schedule to the notice of appeal a copy of the judgment and the reasons for judgment of the court appealed from.

Review of Order of Registrar 78 (1) Within 20 days after the Registrar makes an order, any party affected by the order may make a motion to a judge to review the order.
(2) The affidavit in support of the motion shall set out the reasons for the objection to the order. (3) The Registrar's decision to **refuse to accept a document** under subrule 8(2) or 73(4) **is not an order**.

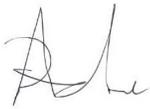
SIGNED BY

(~~November~~ December 4, 2017)

APPLICANT: Ade Olumide, 121 Scottwood Groove, Dunrobin, ON, K0A 1T0

Tel: 613 265 6360 Fax: 613 832 2051, ade6035@gmail.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Ade Olumide', with a stylized flourish at the end.

Ade Olumide