Ade Olumide
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January 3, 2018

TO:

J.V.N. (Vince) Hawkes
OPP Commissioner
777 Memorial Avenue Orillia
Ontario, Canada, L3V 7V3

Rick Barnum
Deputy Commissioner
Toronto Ottawa multi-jurisdictional criminal investigations

cc: Office of the Independent Police Review Director

Re: Open Letter to OPP - Request that OPP Stop Facilitating Racial Profiling by Ontario Government, Court Of Justice, Superior Court and Court Of Appeal

Further to enclosed excerpts from the pending December 5 Notice of Application before you;

1) Premier Kathleen Wynne is conflict of interest violating s21b Criminal Code through ongoing operational inaction decision re enclosed excerpts of October 9, November 15 letters re prosecution of the Ontario Court of Justice “OCJ” for arrest, assault, extortion of s3 s17(3) Justice of Peace Act through threats of injury AND request for a legislated duty for JP Herb Kreling to file a reason with Ontario and the OCJ for directing arrest, assault because Olumide’s black skin colour is a security risk.

Johnston et al. v. Prince Edward Island, 1995 CanLII 10509 (NL SCTD) [302]…. City of Kamloops v. Nielsen, 1984 CanLII 21 (SCC), [1984] 2 S.C.R. 2, at p. 24, by Wilson, J., in these words: 'In my view, inaction for no reason or inaction for an improper reason cannot be a policy decision taken in the bona fide exercise of discretion. Where the question whether the requisite action should be taken has not even been considered by the public authority, or at least has not been considered in good faith…

The Justice of Peace Council “JPC” confirmed that JP Herb Kreling identified Olumide as a security risk, but lied that they lacked jurisdiction to investigate why he deemed Olumide a security risk. Despite the existence of video camera footage for the public foyer entrance of the court, eye witnesses that include Ottawa Police Officer Andrew Milton, JP Anna Blaudveldt, JPC is afraid to do their job. The implication of the racism sympathizer criminals at the JPC, is that even though there is no court proceeding in the foyer beside the entrance of the court, even though a JP is not a judge, any JP guilty of murder, rape, assault, kidnap at any court facility is a judicial decision that is not 11.2 Justice of Peace Act “(ii) conduct that is incompatible with the due execution of his or her office,”.

The rational for a dual reporting is obvious, a Justice of the Peace is not a judge, therefore JP Kreling is an Ontario government employee. This is not a matter of personal opinion, s35 Courts Justice Act defines the Ontario Court of Justice. However, Ontario’s powers over a JP are somewhat limited by s72

Courts Justice Act, therefore OCJ is liable for s35(a.1), 42(5) Courts Justice Act control of JPs. Further, Ontario and OCJ have a shared responsibility for the s69 Courts Justice Act criminal rules committee.

Since the Ontario AG already created s6(1)(4), s7(1)(3)(4), 8, 11(2), 12, 13(1)(2) Police Services Act Ontario Regulation 58/16 to deal with racial profiling by police, why would JPs or judges need the power to racially profile black males? Ontario's rational for opposing a legislated right to a written reason from Ontario and the Court is an s21b Criminal Code offence.

That in 2017, almost 1 year after the racist arrest and assault, I am still unable to get a reason from Ontario or the Court is a national disgrace. Despite police statistical evidence that black people are more likely to be deemed a security risk, judicial criminals are committing more crimes in order to retain the power to arrest and assault black people because they think most black males are violent criminals.

I guess I should be grateful that JP Herb Kreling does not have a stand your ground right to shoot a black man for daring to exercise an s3, s17(3) Justice of Peact Act right to ask for the name of the person extorting his right to attend a meeting that he was invited to. In consideration of links below, any mens rae OPP reason for refusing to hear enclosed application on merits, is a breach of s21b Criminal Code that will be prosecuted in criminal court, to the full extent of the law.

https://adeolumideonline.files.wordpress.com/2017/12/letter_ottawacitycouncil2.pdf

https://adeolumideonline.files.wordpress.com/2017/12/open-letter-to-ontario-mpps1.pdf

https://adeolumideonline.files.wordpress.com/2017/12/openletter_lawsocietyuppercanada.pdf

2) The criminals; Ontario, Ontario Court of Justice, Ontario Superior Court, Ontario Court of Appeal are violating s380(1) Criminal Code by defrauding the statutory right to bring a Police Act 138(5ii) Constitutional Question, Prosecutorial Immunity Constitutional Question, and Judicial Immunity Constitutional Question at the Ontario Human Rights Tribunal.

3) 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.

4) 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), 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.

5) Please be advised that if you refuse to hear enclosed application, the OPP will be prosecuted in criminal court for committing party to the following offences by Ontario, Ontario Court of Justice, Ontario Superior Court, Ontario Court of Appeal;
a) s21b, s22, s22.2, s25.1(9)(11b), s139(2), s140(1b), s265(1a,b)(3c,d), s346(1.1b), s380(1a), s341, s423.1(b) Criminal Code,
b) s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights,
c) s11 s12 s13 s21 s34 Canada Interpretation Act,
d) s10 Ontario Interpretations Act,
e) s3, 17(3) Justice of Peace Act
f) s8, s11(a)(b)(d)(f)(h) Crown Attorney Act
g) s1 Human Rights Code,
h) preamble objects s7 s9 s10 s12 s15 Charter of Rights, preamble objects
i) s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights against criminal revictimization of victim with mens rae to retain proceeds of crime principle of fundamental justice,
j) Rule of law that vested inalienable right to equal protection from racist arrest, assault and extortion cannot be destroyed by government legislation,
k) Constitutional Rule of law against absurd statutory or constitutional interpretation,
l) Constitutional Rule of law against arbitrary (contrary to objects of enabling Act) application of statutory power,
m) Constitutional Rule of law against elevating statutory power above the constitution,
n) Constitutional Rule of law against using statutory public power in bad faith.

All of which respectfully submitted by Ade Olumide

November 15, 2017
TO: The Honourable George Strathy, Chief Justice Court Of Appeal For Ontario
Osgoode Hall, 130 Queen Street West, MH5 2N5, Telephone number: (416) 327-5020 Facsimile number: (416) 327-5032 c/o Alison Warner, Senior Legal Officer, ..c/o Sandra Theroulde, Deputy Registrar and Manager of Court Administration, Court of Appeal for Ontario, Telephone No. (416) 327-6017, Fax No: (416) 327 -5032, ..

TO: The Honourable Lise Maisonneuve, Chief Justice, Ontario Court of Justice, 60 Queen St. W. Old City Hall, Toronto ON M5H 2M4 c/o Jill Arthur for Ontario Court of Justice Communications Officer ...

TO: The Honourable Heather Forster Smith, Chief Justice of the Superior Court of Justice
Phone: 416-327-5111 Fax: 416-327-6011 Osgoode Hall, 130 Queen St W Toronto ON M5H2N5 c/o Roslyn J. Levine, Q.C. Executive Legal officer, .. c/o Shailina Awadia, .. SCJ Trial Coordination, 613-239-1016, Fax: 613-239-1324 c/o Tina Johanson, SCJ Trial Coordinator , Criminal and Civil Divisions, ..

TO: The Honourable Yasir Naqvi, Attorney General of Ontario, …
Ministry of the Attorney General, 11th Floor, 720 Bay Street, Toronto, Ontario M7A 2S9
Tel 416-326-2220 Fax 416-326-4016 c/o Dan Tran, Crown Law Office Civil, ..
CC: Irwin Glasberg, Deputy Attorney General, Phone: 416-326-2640 …
CC: Linda Shin, Executive Assistant & Legal Counsel to Deputy Attorney General (Acting), 416-326-8678, …
CC: Katie Wood, Legal Counsel (Acting), 416-326-2051, …
CC: Robert M Wright, Legal Counsel (Acting), 416-326-2524, ..

CC: Jesse Todres, Legal Counsel, 416-314-2393, …
CC: Ashley McKenzie, Legal Counsel (Acting), 416-326-2055, …
CC: Hon Kathleen O. Wynne, .. Queen's Park, Room 281, Main Legislative Building, Queen's Park Toronto, Ontario M7A 1A1, Tel 416-325-1941 Fax 416-325-9895

DECEMBER 11 HEARING IN FILES 17-30442, 17-30443, 17-30444, 17-30445

https://news.ontario.ca/mcscs/en/2017/11/ontario-building-stronger-safer-communities.html
"… we are building a more accountable and transparent policing oversight system. .. help ensure there is trust and respect between the police and the communities they serve." Yasir Naqvi, Attorney General
1. With all due respect, since you Honourable Yasir Naqvi, seek to retain police power to arrest and assault me because my colour is a security risk, I conclude that you have violated the objects of the Acts that give you public power. I conclude that you are blinded because of the criminal offences committed by Ontario in order to help racists in the Conservative Party / racism sympathizer Supreme Court escape. Rest assured that, the long and slow arm of the law will eventually hold you accountable.

2. On March 20, 2017 I sent Honourable Yasir Naqvi, Honourable George Strathy, Honourable Lise Maisonneuve, Honourable Heather Forster Smith a letter requesting service of policy, practice direction, legislation and court rules to prevent racists from arresting and assaulting me because my colour is a security risk and refusing to provide me a reason for the arrest and assault.

3. None of you responded because; You believe that you and your staff should retain the power to arrest and assault me without a court proceeding without giving me a reason because since I am black, JP Herb Kreling is justified in considering me a security risk AND
4. you believe that racists in the Conservative Party are justified in preventing 98% caucasian members from choosing the black contestant who while at the Municipal Taxpayer Advocacy Group convinced 37 municipalities to pass a motion that hydro should be affordable AND you believe that a caucasian career is more valuable than a black career.

5. On March 23, 2017 I sent The Honourable Yasir Naqvi, Attorney General of Ontario and The Honourable George Strathy, Chief Justice Court Of Appeal For Ontario a letter which stated;
6. "s784 Criminal Code right to issue a notice of appeal is a public service, I have a constitutional right to obtain this service without discrimination. Having been assaulted twice it is a breach of 140(1b), 265 (1a,b) (3c,d), 423.1(b), 346(1.1)(b), s21b party to offence, s23 facilitating escape of criminals, s139 obstructing justice, s341 concealing fraud to benefit your organization, s380 defrauding good faith statutory duties (property and service), s22.2, 25.1(9)(11b) of the Criminal Code to refuse this request to prosecute Crown Attorney, Court of Appeal, Superior Court, Court of Justice, Canadian Judicial Council."

7. On April 21, 2017 I sent all 4 of you a letters dated March 20, 2017 re denial of service re policy, practice direction, legislation and court rules to prevent racists from arresting and assaulting me because my black colour is a security risk and refusing to provide me a reason for the arrest and assault, it stated;
8. "Please be advised that 30 days is more than enough time to respond to enclosed March 21 letter. I have to conclude that the reason for refusing to respond is bad faith extension of the initial discrimination.".

9. On October 9, 2017 I sent a 25 page denial of service letter to Ontario Premier, Minister for Justice, Deputy Minister for Justice and their agents the Justice of Peace Review Council, Ontario Judicial

Council who lied that they lack jurisdiction over “Council shall “warn” or “reprimand” or “education” or “removal” … re “11.2(2b) “(ii)conduct that is incompatible with the due execution of his or her office, (iii) failure to perform the duties of his or her office” that include arresting and assaulting me because my black colour is a security risk. An excerpt of the letter is enclosed. The letter states;

10. “With respect, based on enclosed case law and enclosed evidence that a JP looked at the same information before the Justice of Peace Council, Ontario Judicial Council, read their decisions and concluded that it was a crime to defraud s2 s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 Criminal Code. The criminals working for you will try to defraud s2 s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 Criminal Code by preventing a merits hearing of the s579 Criminal Code constitutional question, if that happens, you are criminally liable. What are you afraid? you have a limitless legal budget, if s579 is constitutional, disprove my grounds and you will save yourself, if you cannot disprove my grounds, then you have reason to be afraid, but you swore to uphold the law, therefore you must allow the JP to follow the law to its logical conclusion. Just like the law forced a JP to issue s504 against her employer and council, the law must force you to refrain from doing anything to prevent the merits hearing.
11. ….I have copied Councils as beyond reasonable doubt evidence of mens rae refusal to engage common law right to new evidence reconsideration of their criminal decisions any time before the hearing. In light of Madadi case law, I hereby give you notice, that you are criminally liable for the fraud of the Justice of Peace Council, Ontario Judicial Council and ALL other ongoing fraud by Ontario;”

12. Honourable Lise Maisonneuve, Chief Justice, Ontario Court of Justice please be advise that on November 8 I ordered the transcript of the November 8 JP who collaterally attacked the October 5 JP in order to save racists who arrested and assaulted me because my colour is a security risk and refused to provide me a reason for the arrest and assault. I was told that the Judge who had carriage of the matter will determine whether to grant permission to obtain the transcript. Since there can be no criminal proceeding appeal without a transcript, if permission is denied, that is evidence that you are;
13. a racist criminal for refusing Courts Justice Act hearing date statutory duties re Canadian Judicial Council who is helping racists in the Conservative Party to destroy my career which led to the Ontario Judicial Council complaint against you AND
14. refusing to recuse yourself at the Justice of Peace Review Council complaint against racists arresting and assaulting me because my black colour is a security risk AND
15. a racism sympathizer for refusing permission to obtain the November 8transcript.

16. On November 9, 2017 I sent a letter to The Honourable Heather Forster Smith, Chief Justice of the Superior Court of Justice re denial of service private prosecution of racists for arresting and assaulting me because my colour is a security risk and refusing to provide me a reason for the arrest and assault. The letter stated that;
17. “I look forward to receiving within 7 days a confirmation of the December 11 hearing OR a court order removing the December 11 hearing in files 17-30442, 17-30443, 17-30444, 17-30445.”.
18. Without a hearing date or court order denying a hearing date, there is no court proceeding in the Superior Court. Therefore your inaction is an administrative (not adjudicative) decision.
19. Since you are a racism sympathizer member of Canadian Judicial Council who helped Justice Hackland to discriminate against my immigrant English and helped racists in the Conservative Party to discriminate against me, I know, you will not respond.

20. I also know that Shailina Awadia, SCJ Trial Coordination, who saw my black colour and asked me if this was a drug issue will not respond. In any event, I will not reattend trial co-ordinator registry because

Shailina Awadia, SCJ Trial Coordination, retains power to arrest and assault me without a reason, without a court proceeding, just because she is afraid of my black colour AND
21. Honourable Heather Forster Smith has violated her duty of care to her employees by telling Shailina Awadia, SCJ Trial Coordination, to violate 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, 362, s380(1) criminal code by defrauding s12 Canada Interpretations Act s482(1) of Criminal Code rules 1.02(1), 1.04(2), 6.02, 27.03, 27.10 duty to provide a hearing date for the criminal application re denial of service private prosecution of racists for arresting and assaulting me because my colour is a security risk and refusing to provide me a reason for the arrest and assault.

22. On November 13, 2017, I sent enclosed letter to Honourable Yasir Naqvi, Attorney General of Ontario requesting prosecution of Honourable Heather Forster Smith, Chief Justice of the Superior Court of Justice. The letter states;
23. “Racists and racism sympathizers in the Ontario Court of Justice, Justice of Peace Review Council, Ontario Judicial Council, Office of Auditor General of Canada discriminated against me in order to help racists in the Conservative party escape, further they arrested and assaulted me because my black colour is a security risk.”

24. In any event, the seven days deadline for Shailina Awadia SCJ Trial Coordination AND Honourable Heather Forster Smith expires on November 16, 2017, at that time I will give The Honourable George Strathy 48 hours to confirm whether he will comply with s784 Criminal Code. Since he is both a racist and a racism sympathizer, I know he will not respond.

25. I know you are a racist because despite the racism witness statements and emails before you and the inability of the Conservative Party to give me a reasons, you protected the caucasian career of Paul D’Angelo who lied that he did not receive the Notice of Appeal in order to defraud your jurisdiction over the final order denying application to set aside the Conservative Party decision that I would not be permitted to contest June 2015 nomination because I have alleged fake degrees, alleged foreign residency skeletons, have not been in the country long enough to understand our culture, unsuitable.

26. I know you are a racist because despite the email apology from the Ottawa Citizen blaming “party brass”, you showed no interest in finding out why a Conservative Party that denied me without a reason planted a story that I was running in the 40% ethnically diverse riding of Ottawa West Nepean while I was selling memberships in the homogenous riding of Carleton Mississippi Mills.

27. I know you are a racism sympathizer who thinks that a caucasian career is more important than a black career because you who helped Justice Hackland to discriminate against my immigrant English in order to help racists in the Conservative Party to discriminate against me by lying about jurisdiction to hear an appeal of Justice Hackland final order preventing me from contesting in the October 2015 general election.

28. I know you are a racism sympathizer because you refused to allow filing of motion record to vary order of Court of Appeal Justice Weiler who discriminated against me based on the ethnic origin stereotype that black people lie about racism by acting without jurisdiction to remove s784 from the criminal code by accusing me of lying about racism without applying the test to caucasian comparator Gary McHale, in order to save Superior Court Justice Salmers who discriminated against me with the ethnic origin stereotype that black people lie about racism by accusing me of lying about racism without applying the test to caucasian comparator Gary McHale.

29. Without an existing proceeding against Ontario, Domenico Polla helped racists in the Conservative Party to discriminate against me by removing my access to court, and whenever a judge is done discriminating against me, he starts laughing at me. I accept that Domenico Polla is acting under the direction of racism sympathizer The Honourable Yasir Naqvi, but The Honourable Yasir Naqvi, did not tell him to laugh at the destruction of my political career by racists.

30. Since Deputy Registrar Sandra Theroulde is subject to the power of Honourable George Strathy I am yet to make a decision about your Deputy Registrar Sandra Theroulde who yells at me, but speaks to caucasian racism sympathizer Domenico Polla with respect. Honourable George Strathy did not tell Deputy Registrar Sandra Theroulde to revictimize the victim of Conservative Party racism AND s504 s507.1 s551.3(1g Charter) racism by yelling at him.

31. In any event, I will not attend Court of Appeal registry because Deputy Registrar Sandra Theroulde retains power to arrest and assault me without a reason, without a court proceeding, if she is afraid of my black colour AND Honourable George Strathy has violated his duty of care to employees by telling Deputy Registrar Sandra Theroulde to violate 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, 362, s380(1) criminal code by defrauding s784 Criminal Code duty to issue a Notice of Appeal.

32. In consideration of the Justice of Peace Review Council that decision that arrest and assault without a court proceeding, is an adjudicative decision, and in consideration of your desire that Deputy Registrar Sandra Theroulde retain the power to arrest and assault me without giving me a reason. I am not willing to risk my safety by trying to issue a Notice of Appeal of the implied November 16 order of The Honourable Heather Forster Smith. I will send the Notice of Appeal by email or fax directly to your attention, if you do not confirm within 48 hours that the Notice of Appeal shall be issued, I will take that as a final order that is consistent with your previous racist and racism sympathizer misconduct.

Thank you and I look forward to hearing from you ASAP. Ade Olumide

October 9, 2017
TO: Irwin Glasberg, Deputy Attorney General of Ontario Phone: 416-326-2640 …
CC: Linda Shin, Executive Assistant & Legal Counsel to Deputy Attorney General (Acting), 416-326-8678, …
CC: Katie Wood, Legal Counsel (Acting), 416-326-2051, …
CC: Robert M Wright, Legal Counsel (Acting), 416-326-2524, ..
CC: Jesse Todres, Legal Counsel, 416-314-2393, ..
CC: Ashley McKenzie, Legal Counsel (Acting), 416-326-2055, …

TO: The Honourable Yasir Naqvi, Attorney General .. Ministry of the Attorney General, 11th Floor, 720 Bay Street, Toronto, Ontario M7A 2S9 Tel 416-326-2220 Fax 416-326-4016

TO: Hon Kathleen O. Wynne, … Queen's Park, Room 281, Main Legislative Building, Queen's Park Toronto, Ontario M7A 1A1, Tel 416-325-1941 Fax 416-325-9895

CC: The Ontario Judicial Council, P. O. Box 914, Adelaide Street Postal Station,
31 Adelaide Street East, Toronto, Ontario, M5C 2K3 416-327-2339 (Fax)

CC: The Justices of the Peace Review Council Complaint Committee, P. O. Box 914, Adelaide Street Postal Station, 31 Adelaide Street East, Toronto, Ontario, M5C 2K3 416-327-2339 (Fax)

From Ade Olumide … Tel: 613 265 6360 Fax: 613 832 2051, ade6035@gmail.com

With respect, based on enclosed case law and enclosed evidence that a JP looked at the same information before the Justice of Peace Council, Ontario Judicial Council, read their decisions and concluded that it was a crime to defraud s2 s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 Criminal Code. The criminals working for you will try to defraud s2 s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 Criminal Code by preventing a merits hearing of the s579 Criminal Code constitutional question, if that happens, you are criminally liable.

What are you afraid? you have a limitless legal budget, if s579 is constitutional, disprove my grounds and you will save yourself, if you cannot disprove my grounds, then you have reason to be afraid, but you swore to uphold the law, therefore you must allow the JP to follow the law to its logical conclusion. Just like the law forced a JP to issue s504 against her employer and council, the law must force you to refrain from doing anything to prevent the merits hearing.

Madadi v. B.C. (Ministry of Education), 2012 BCHRT 380 [71] … they appear to have carved out an exemption .. based on a common law principle. In the words of the Supreme Court …. Tribunal has elevated a common law rule to constitutional status. …. Conclusion Respecting Judicial Immunity [74] … constitutional judicial immunity does not apply to the hearing process of the TRB. .. Certainly it is clear that the TRB was created for the primary purpose of implementing government policy ... It therefore does not attract constitutional guarantees of independence in my view. I am driven to the conclusion that judicial immunity does not apply to the processes of the TRB whether they be those functions that may be performed interchangeably by Courts or tribunals, such as the discipline hearing in this case or responsibilities related to the sort of policy-driven adjudicative responsibilities that could not be performed by the Courts.

I have copied Councils as beyond reasonable doubt evidence of mens rae refusal to engage common law right to new evidence reconsideration of their criminal decisions any time before the hearing. In light of Madadi case law, I hereby give you notice, that you are criminally liable for the fraud of the Justice of Peace Council, Ontario Judicial Council and ALL other ongoing fraud by Ontario;

Refusal of good faith compliance with Ontario constitutional responsibility to administer s2 s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 Criminal Code without usurping Parliament of Canada constitutional right to draft the Criminal Code by introducing a bill that any Ontario Court of Justice JP or Judge that denies access to Criminal Court shall be automatically removed from office in order to facilitate ongoing and future crimes.

Refusal of public prosecution of persons that include Canadian Judicial Council, Justice of Peace Review Council, Ontario Judicial Council in order to facilitate ongoing and future crimes.

Refusal to request a police investigation of Canadian Judicial Council, Justice of Peace Review Council, Ontario Judicial Council in order to facilitate ongoing and future crimes.

Refusal to consent to manifest lack of s579 Criminal Code constitutionality in order to facilitate ongoing and future crimes.

Refusal to consent to manifest lack of s140 Courts Justice Act constitutionality in order to facilitate ongoing and future crimes.

Refusal to make a complain to Justice of Peace Review Council and Ontario Judicial Council about criminal misconduct from Ontario Court of Justice Chief Justice Lise Maissoneuve, JPs Hiscox, St Jean, Ralph, Dresher, Kreling in order to facilitate ongoing and future crimes.

Refusal to amend 138ii Police Services Act and 115 Courts Justice Act to ensure there is a written record for reasons for assault and extortion by JPs or judges or other court person in order to facilitate ongoing and future crimes.

This is not an exhaustive list, but please be aware that silence for improper purpose of ongoing fraud and discriminatory denial of access to court is a breach of s21b of the Criminal Code. Anyone that does anything or omits to do anything in order to facilitate defrauding access to court is a co criminal. I remind the Province that public power cannot be exercised in a manner to contravene the objects of the Act that gave the power. Please see enclosed case law;

…….. Ade Olumide
December 5, 2017
TO: J.V.N. (VINCE) HAWKES OPP Commissioner
777 Memorial Avenue Orillia, Ontario, Canada, L3V 7V3
Phone: 705 329-6111 Fax 705-330-4106, 705-326-4126 ..
TO: Deputy Commissioner Rick Barnum
Toronto Ottawa multi-jurisdictional criminal investigations
Organized Crime Enforcement Bureau to disrupt organized crime by judges in Ontario
FROM: Ade Olumide, .. Tel: 613 265 6360, Fax: 613 832 2051 ade6035@gmail.com

Further to January 12, February 6, September 14, November 24 letters to you,

OPP POLICY REQUEST
ADE OLUMIDE (APPLICANT) AND
ONTARIO PROVINCIAL POLICE (RESPONDENT)

TAKE NOTICE this application is pursuant to;

1) Lack of jurisdiction to change s52(1) Constitution Acts 1867 to 1982 “Any law inconsistent with .. Constitution is, to extent of the inconsistency, of no force or effect”; Nova Scotia (Workers’ Compensation Board) v. Martin; Nova Scotia (Workers’ Compensation Board) v. Laseur, 2003 SCC 54 (CanLII), [2003] 2 S.C.R. 504, Arzem v. Ontario (Community and Social Services), 2006 HRTO 17 (CanLII) 166. Essentially, the state of the law is that administrative tribunals lack jurisdiction to make general declarations that an impugned provision or statute is inconsistent with the Charter. The extent of their jurisdiction to grant a remedy if they find an impugned provision or statute is inconsistent with subsection 52(1) is limited to specific declaration relating to the matter before them.

2) Lack of jurisdiction to change s21b, s22.2, s25.1(9)(11b), s139, s380(1a) Criminal Code
3) Lack of jurisdiction to change preamble objects and s9, s10, s12 Charter
4) Lack of jurisdiction to change preamble objects and s2(b,e) Canada Bill of Rights against criminals’ revictimization of victim with mens rae to retain proceeds of crime principle of fundamental justice
5) Lack of jurisdiction to change s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights
6) Lack of jurisdiction to change s11 s12 s13 s21 s34 Canada Interpretation Act

7) s16(a) Ontario Statutory Procedures Act

8) s10 Ontario Interpretation Act

9) Police Services Act 1. Police services shall be provided throughout Ontario in accordance with the following principles:
1. The need to ensure the safety and security of all persons and property in Ontario.
2. The importance of safeguarding the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Human Rights Code.
4. The importance of respect for victims of crime and understanding of their needs.

10) 42. (1) The duties of a police officer include, (c) assisting victims of crime;
(d) apprehending criminals and other offenders and others who may lawfully be taken into custody; (e) laying charges and participating in prosecutions;
81 Withholding services (2) No member of a police force shall withhold his or her services".

11) PART VII Code of conduct 30. 2. (1) Any chief of police or other police officer commits misconduct if he or she engages in, (a) Discreditable Conduct, in that he or she, (viii) withholds or suppresses a complaint or report against a member of a police force or about the policies of or services provided by the police force of which the officer is a member,
(ix) is guilty of a criminal offence that is an indictable offence or an offence punishable upon summary conviction,
(x) contravenes any provision of the Act or the regulations, or
(c) Neglect of Duty, in that he or she, (i) without lawful excuse, neglects or omits promptly and diligently to perform a duty as,

12) Common law test for malicious failure to prosecute "accused is not prosecuted for a vicious attack upon a victim. Subsequently, the same individual viciously attacks the same victim" Paquette v. Desrochers, 2000 CanLII 22729 (ON SC)…In law, can the Attorney General be liable in tort for damages occasioned by a malicious failure to prosecute? [16] The operative word is malicious. It seems to me that if the malicious initiation and continuation of prosecutions is an actionable tort, its corollary must also be available, namely a malicious failure to prosecute. One can contemplate a situation where, as a result of proven malice, an accused is not prosecuted for a vicious attack upon a victim. Subsequently, the same individual viciously attacks the same victim, once again occasioning severe bodily harm. Surely, if malice can be proved, the failure to prosecute may well be alleged as a cause giving rise to the subsequent damage. I conclude that such a cause of action could be maintained and would accord with the public policy considerations expounded by the Supreme Court of Canada in Nelles.

13) Rule of law 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.

14) Rule of law against absurd statutory interpretation; 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 …

15) Rule of law against arbitrary application of statutory power; Roncarelli v. Duplessis 1959 CanLII 50 (SCC), [1959] S.C.R. 121, ….there is no such thing as absolute and untrammeled "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.

16) Rule of law against elevating OPP power above 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… courts are, of course, bound by the Charter;”

17) Positive obligation not to ignore OPP party to s9, s10, s12 Charter violations; 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...,

18) Rule of law against using statutory power in bad faith; 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”:

19) Rule of law that vested right to criminal code mandatory proceedings shall not be destroyed without police intervention to remedy the crime; JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312 (CanLII) THE RULE OF LAW [118] That unwritten constitutional principles form part of the fabric of the Canadian Constitution is clear. As expressed by Chief Justice Lamer, the provisions of the preamble to the Constitution Act, 1867 provide "organizing principles" that may be used to "fill out gaps in the express terms of the constitutional scheme …..[136] …. The principle of the sovereignty of Parliament requires judicial obedience to the strict terms of the statute. In the process of applying a statute, however, uncertainties concerning its scope or effect in particular circumstances are bound to arise. The rule of law requires that these uncertainties be resolved, so far as possible, in a manner which would most conform to the reasonable understanding of the subject to whom the statute is primarily addressed. Implicit in this understanding is the exp-ectation that Parliament will conform to the generally accepted notions of fairness and justice -- that punishment will not be authorized for acts which were not known to be unlawful when committed, that vested rights will not be destroyed without reasonable compensation, that the powers of officials are to be limited by proper respect for the liberty of the citizen. "If the words are not conclusive in themselves, the reasonableness or otherwise of the construction contended for has always been recognized as a matter fairly to be taken in account"..147]

… one law for all" concept based on the rule of law providing the law be supreme over both the acts of government and private persons:...[228]…The process of interpreting a statutory provision that is susceptible of more than one meaning was traditionally governed by the basic precept that the Court's function is to discover the intention of the legislature. In a case in which the ordinary rules of construction yield two equally plausible meanings, policy considerations are a factor in resolving the conflict. In constitutional cases before the Charter this was reflected in the practice of interpreting statutes by applying a presumption that a legislative body does not intend to exceed its powers under the Constitution.

TAKE FURTHER NOTICE that application shall be heard immediately by OPP Commissioner.

COMPLAINANT HEREBY SEEKS THE FOLLOWING 4 DECLARATIONS;
1) Canadian Doctors for Refugee Care v. Canada (Attorney general), 2014 FC 651, R. v. Smith (Edward Dewey), [1987] 1 SCR 1045 particularized s12 Charter test; OPP 21b party to assault, extortion of right to prosecute Canadian Judicial Council causation for destruction of a 15 year political career / loss of job / loss of home / $100,000 costs reprisals fraud;
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. …is of such a character as to shock general conscience
VI. …is unusually severe, degrading to dignity and worth

2) Declaration that OPP lacks jurisdiction to dismiss this application with mens rae to violate s52(1) Constitution Acts 1867 to 1982, s21b, s22.2, s25.1(9)(11b), s139(1)(2)(3a), s380(1a) Criminal Code, preamble objects and s12 s9 s10 Charter of Rights, preamble objects and s2(b,e) Canada Bill of Rights against criminals' revictimization of victim with mens rae to retain proceeds of crime principle of fundamental justice, s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights, s11 s12 s13 s21 s34 Canada Interpretation Act; Rule of law that a criminal should not be permitted to keep the proceeds of his crime, Rule of law against absurd statutory interpretation, Rule of law against arbitrary application of statutory power, Rule of law against elevating OPP power above the constitution, Rule of law against using statutory power in bad faith, Rule of law that vested right to criminal code mandatory proceedings shall not be destroyed without police intervention to remedy the crime.

3) Declaration that s7 Canada Victims Bill of Right to an outcome of the investigation of each element of the charge of assault and extortion against any court, Canada Victims Bill of Right; s2 objects s9 right to security s10 right against intimidation and retaliation s16 right to restitution of right to criminal code mandatory proceedings, common law test for Paquette v. Desrochers, 2000 CanLII 22729 (ON SC)…"malicious failure to prosecute", Johnston et al. v. Prince Edward Island, 1995 10509 (NL SCTD) …. City of Kamloops v. Nielsen, 1984 CanLII 21 (SCC), …: inaction for no reason or inaction for an improper reason cannot be … bona fide exercise of discretion. Where the question whether the requisite action should be taken has not even been considered by the public authority, or at least has not been considered in good faith…," is an OPP positive obligation to issue a policy that any assault and extortion of right to criminal code mandatory proceedings will trigger an automatic OPP criminal investigation.

4) Declaration that s52(1) Constitution Acts 1867 to 1982, s21b, s22.2, s25.1(9)(11b), s139(1)(2)(3a), s380(1a) Criminal Code, preamble objects and s12 s9 s10 Charter of Rights, preamble objects and s2(b,e) Canada Bill of Rights against criminals' revictimization of victim with mens rae to retain

proceeds of crime principle of fundamental justice, s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights, s11 s12 s13 s21 s34 Canada Interpretation Act; Rule of law that a criminal should not be permitted to keep the proceeds of his crime, Rule of law against absurd statutory interpretation, Rule of law against arbitrary application of statutory power, Rule of law against elevating OPP power above the constitution, Rule of law against using statutory power in bad faith, Rule of law that vested right to criminal code mandatory proceedings shall not be destroyed without police intervention to remedy the crime, supersedes the common law doctrine of judicial immunity, are an OPP positive obligation to issue a policy that raising common law question of judicial immunity before commencement of a court (judicial) proceeding, is unconstitutional because;
judicial independence is a constitutional doctrine, while judicial immunity is a common law doctrine with exceptions (bad faith, assault and extortion of right to criminal code mandatory proceedings, Alberta, PEI, Manitoba legislative acknowledgement of bad faith, lack of jurisdiction exceptions)
neither constitutional judicial independence nor common law judicial immunity can be engaged before commencement of a criminal court (judicial) proceeding.
neither judicial independence nor judicial immunity can overcome s139 obstruction of justice, s25.1(9) (11b) administration of law criminal code offences.
the receiving of information is a “ministerial act”, it is not a judicial act, any “judicial or adjudicative immunity” that includes arrest, assault and extortion of access to criminal court administrative office in order to do indirectly (prevent the ministerial act commencement of a criminal court proceeding) what he had no power or jurisdiction to do directly, is unconstitutionally overbroad.

GROUNDS INCLUDE APPLICATION PREAMBLE GROUNDS AND;

ASSAULT AND EXTORTION OF S504 IS A CRIME

Constitution Acts 1867 to 1982 Legislative Authority of Parliament of Canada 91 ‘Criminal Law… including the Procedure in Criminal Matters;

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..

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.

“Justice of Peace Act 17. Justices to assist public (3) Justices of the peace shall assist members of the public, at their request, in formulating informations in respect of offences”.

Ontario Interpretation Act, All Acts remedial 10. Every Act shall be deemed to be remedial, whether its immediate purport is to direct the doing of any thing that the Legislature deems to be for the public good or to prevent or punish the doing of any thing that it deems to be contrary to the public good, and shall accordingly receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the Act according to its true intent, meaning and spirit.

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. The Attorney General may also enter a stay of proceedings on a private information as soon as the information has been laid or withdraw the information once a justice has determined that process should issue: Criminal Code, s. 579(1); R. v. Dowson, 1983 CanLII 59 (SCC), [1983] 2 S.C.R. 144; and R. v. McHale (2010), 2010 ONCA 361 (CanLII), 256 C.C.C. (3d) 26 (Ont. C.A.), at para. 89, leave to appeal to S.C.C. refused, [2010] S.C.C.A. No. 290…
[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.

[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.

[71] A criminal prosecution only commences after a justice has made a decision to issue process: Dowson, at p. 150. As Chief Law Officer of the Crown, the Attorney General has supervisory control over criminal prosecutions. It seems reasonable to conclude that this supervisory authority begins contemporaneously with the commencement of a criminal prosecution. And that moment, at least in the absence of some statutory provision to the contrary, is after a justice has decided to issue process at the conclusion of a pre-enquete.

[72] Policy considerations also favour the conclusion that the withdrawal authority of the Attorney General crystallizes and may be exercised as of the moment the justice determines to issue process at the conclusion of 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 this 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.

[75] To hold that the authority to withdraw arises immediately upon the decision to issue process does not prejudice the interest of the persons named as responsible for the crimes alleged in the private information. The pre-enquete is conducted in camera. A decision by the Attorney General to withdraw the information once the decision to issue process has been made requires no public appearance, nor any response by those named in the 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.

OPP OUTCOME OF INVESTIGATION DUTY

s7 Canada Victims Bill of Right to information about the outcome of an investigation, includes outcome of investigation of each element of the charge. It is a breach of the rule of law against absurd Rizzo & Rizzo Shoes Ltd. (Re), [1998] 1 SCR 27 statutory interpretation to interpret s7 as excluding "which elements of the charge were not met" and if met, why the charge was not laid.

Whether an accused is charged or not was public information before Parliament enacted the Canada Victims Bill of Right. S7 is a new positive obligation Gosselin v. Québec (Attorney General), [2002] 4

SCR 429 which is violable by inaction Johnston et al. v. Prince Edward Island, 1995 CanLII 10509 right to complete Islip v. Coldmatic Refrigeration of Canada Ltd., 2002 BCCA 255 outcome of investigation from the police investigation.

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…

CRIMINAL CODE RIGHT TO PROSECUTE ANY COURT, CROWN

Criminal Code 504 ..(a) that the person has committed, anywhere, an indictable offence that may be tried in the province in which the justice resides, and that the person is or is believed to be, or
(ii) resides or is believed to reside, within the territorial jurisdiction of the justice; (b) that the person, wherever he may be, has committed an indictable offence within the territorial jurisdiction of the justice;

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,

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)

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

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.

BAD FAITH / LACK OF JURISDICTION JUDICIAL IMMUNITY EXCEPTIONS

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 Page 12 of 26 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.

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. … 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 …

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.

Stump v. Sparkman, id., 435 U.S. 349 …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...

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 civilly liable for abuse of process ….

Bourbonnais v. Canada (Attorney General), [2006] 4 FCR 170, 2006 FCA 62 (CanLII) [26]…. Sexton J.A., after reviewing the Canadian authorities on this point and, in particular, the decision of the Supreme Court of Canada in Morier et al. v. Rivard, 1985 CanLII 26 (SCC), [1985] 2 S.C.R. 716, and the decisions of the Quebec Court of Appeal in Royer v. Mignault (1998), 1988 CanLII 445 (QC CA), 50 D.L.R. (4th) 345 (Que. C.A.) leave to appeal to the Supreme Court refused, [1988] 1 S.C.R. xiii, and Proulx v. Quebec (Attorney General) (1997), 1997 CanLII 10286 (QC CA), 145 D.L.R. (4th) 394 (Que. C.A.), in which the Court of Appeal adopted the bad faith exception formulated by Lord Denning in Sirros, concluded as follows at paragraph 41: … judicial immunity does not apply where it is shown that a judge knowingly acts beyond his jurisdiction.…[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. A principle similar to this would probably apply (with appropriate modifications) in most common#law jurisdictions.

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.

Verge Insurance Brokers Limited et al. v Richard Sherk et al., 2015 ONSC 4044 (CanLII)
inherent jurisdiction defined [59] "Inherent jurisdiction is a power derived from the very nature of the court as a superior court of law, permitting the court to maintain its authority and to prevent its process being obstructed and abused": see Stelco Inc. (Re), 2005 CanLII 8671 (ON CA) at para. 34, citing with approval I. H. Jacob, "The Inherent Jurisdiction of the Court" (1970), 23 Current Legal Problems at pp. 27-28. [60] "[T]he inherent jurisdiction of the court is . . . a residual source of powers, which the court may draw upon as necessary whenever it is just or equitable to do so": see Halsbury's Laws of England, 4th ed. (London: LexisNexis UK, 1973), vol. 37, at para. 14.
(b)inherent jurisdiction is not to conflict with Rule [61] "[T]he inherent jurisdiction of the Court of Queen's Bench is not such as to empower a judge of that Court to make an order negating the unambiguous expression of the legislative will": see Baxter Student Housing Ltd. et al. v. College Housing Co-operative Ltd. et al., 1975 CanLII 164 (SCC), [1976] 2 S.C.R. 475 at p. 480.[62] "Inherent jurisdiction cannot, of course, be exercised so as to conflict with a statute or Rule": see Montreal Trust Company et al. v. Churchill Forest Industries (Manitoba) Limited, [1971] 4 W.W.R. 542 at p. 547, cited with approval in Baxter Student Housing Ltd. et al. v. College Housing Co-operative Ltd…
(c) inherent jurisdiction limited to filling gaps [63] "In spite of the expansive nature of this power, inherent jurisdiction does not operate where Parliament or the legislature has acted": see Stelco Inc. (Re), supra, at para. 35. [64] Inherent jurisdiction is "not limitless; if the legislative body has not left a functional gap or vacuum, then inherent jurisdiction should not be brought into play": see Royal Oak

Mines Inc. (Re), 1999 CanLII 14843 (ON SC), [1999] O.J. No. 864 (Gen. Div.), cited with approval in Stelco Inc. (Re), ibid.[65] “[W]here the usefulness of the powers under the Rule ends, the usefulness of the powers of inherent jurisdiction begins . . . they are wider and more extensive powers . . . filling any gaps left by the Rules . . .’: see I. H. Jacob, “The Inherent Jurisdiction of the Court” (1970), 23 Current Legal Problems at pp. 50-51. [66] Furthermore, s. 146 of the Courts of Justice Act, R.S.O. 1990, c. C.43 restricts the scope of inherent jurisdiction to situations where there is an “absence of express provision for procedures . . .”: 146. Where procedures not provided – Jurisdiction conferred on a court, a judge or a justice of the peace shall, in the absence of express provision for procedures for its exercise in any Act, regulation or rule, be exercised in any manner consistent with the due administration of justice.

AT THE HEARING, THE COMPLAINANT WILL RELY ON: All complainant records before the OPP and any other in writing records or questions by OPP.

All of which respectfully submitted by complainant Ade Olumide, December 5, 2017

Sincerely,

Ade Olumide