

Open Notice Of Motion And Constitutional Question To Brenda Lucki, RCMP Commissioner, RCMP 73 Leikin Drive, Ottawa ON K1A 0R2, Fax: 613-993-0260, Brenda.Lucki@rcmp-grc.gc.ca C/O roshan.pinto@rcmp-grc.gc.ca; claudine.maynard@rcmp-grc.gc.ca; [Henrich.Neuwirth@rcmp-grc.gc.ca](mailto:Henrich.Neuwirth@rcmp-grc.gc.ca)

CC: Civilian Review and Complaints Commission for the RCMP, CRCC, National Intake Office, PO Box 1722, Station B, K1P 0B3, By fax: 613-952-8045; 613-960-6147

**s45.61(3) s45.61(1)(b) RCMP ACT NOTICE OF MOTION AND CONSTITUTIONAL QUESTION TO BE HEARD AND DECIDED BY RCMP COMMISSIONER BRENDA LUCKI**

*ADE OLUMIDE* (APPLICANT)  
vs  
BRENDA LUCKI (RESPONDENT)

March 24, 2018 With Service Of Notice Of Motion And Constitutional Question To;  
The Attorney General of Ontario, Constitutional Law Branch, 4th floor, 720 Bay Street, Toronto, Ontario M5G 2K1, fax: (416) 326-4015  
The Attorney General of Canada Suite 3400, Exchange Tower, Box 36, First Canadian Place, Toronto, Ontario M5X 1K6 fax: (416) 973-3004

**TAKE NOTICE** that as a result of RCMP file 2018-157972, CRCC file 2018-135 March 21 RCMP Commissioner “Notice of Direction pursuant to subsection 45.61(3) of the RCMP Act ...to refuse to investigate your complaint pursuant to subsection 45.61(1)(b) of the RCMP Act ... in.. Commissioner’s opinion ... it is not necessary .. to commence ... investigation of the complaint” below;

*a) Ade Oumide V RCMP Ottawa-Alberta-British Columbia-New Brunswick; RCMP Commissioner covering up 1.5 years of RCMP Commissioner ongoing refusal to comply with s14 “oath”, s18, s37(a,b,c) RCMP Act, s3.1, s3.2 RCMP Code of Conduct, s11, s12, s21, s34 Canada Interpretation Act, s2 objects s6 s7 s9 s10 s16 Canada Victims Bill of Rights, s7 s9 s10 s12 s15 Charter of Rights, s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights positive obligation to create policy to disclose outcome of Canadian Judicial Council “CJC” criminal investigation opened by Ottawa RCMP Officer Kent Williams, through Criminal Code s21b, s22.2, s139(1), s380(1a) falsehood, deceit and other fraudulent means, obstruction of justice, party to illegal arrest, assault, extortion action and inaction by Ottawa / British Columbia / Alberta / New Brunswick RCMP, as described in 8 paragraphs in March 10, 13 letters to RCMP Commissioner Lucki*

**TAKE FURTHER NOTICE** that if there is no motion decision within 30 days there will be an RCMP Civilian Review Complaints Commission complaint about Brenda Lucki fraudulent motive for refusing to hear this motion AND fraudulent motive for refusing to comply with March 10 request to create an s7 Canada Victims Bill of Rights policy to disclose the outcome of the Canadian Judicial Council criminal investigation commenced Sgt Kent Williams. This motion is pursuant to;

1) RCMP Commissioner Brenda Lucki 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) RCMP Commissioner Brenda Lucki lack of jurisdiction to change 21b Brenda Lucki party to; 22.2 RCMP organization party to offence, 25.1(9)(11b) public officer property crime, s122 breach of trust, 139(1)(2)(3a) obstruction of justice, s265(1a,b)(3c,d) assault, s341 fraudulent concealment, s346(1.1)(b) extortion, 362(1) false statement, s380(1a) fraud, s423.1(b) intimidation Criminal Code
- 3) RCMP Commissioner Brenda Lucki lack of jurisdiction to change preamble objects, s7 s9 s10 s12 s15 Charter of Rights
- 4) RCMP Commissioner Brenda Lucki lack of jurisdiction to change preamble objects, s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights against criminals' revictimization of victim with mens rae to retain proceeds of crime principle of fundamental justice
- 5) RCMP Commissioner Brenda Lucki lack of jurisdiction to change s2 objects, 6, 7, 9, 10, 16 Canada Victims Bill of Rights
- 6) RCMP Commissioner Brenda Lucki lack of jurisdiction to change s11 s12 s13 s21(1) s34 Canada Interpretation Act
- 7) RCMP Commissioner Brenda Lucki lack of jurisdiction to change s14 "oath", s18, s37(a,b,c) RCMP Act, s3.1, s3.2 RCMP Code of Conduct,
- 8) Common law test for malicious failure to prosecute; 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.
- 9) 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.**
- 10) 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 ...**

11) 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 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.**

12) Rule of law against elevating court or tribunal adjudicative 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](#);"

13) Positive obligation not to ignore RCMP party to s7, s9, s10, s12 s15 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...**

14) 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**":

15) 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 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**.

16) Rule of law against unconstitutionally overbroad legislation and regulations; 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”

### **COMPLAINANT HEREBY SEEKS THE FOLLOWING 3 DECLARATIONS;**

1) s45.61(3) s45.61(1)(b) RCMP Act is unconstitutionally overbroad and grossly disproportionate because it purports power to refuse to investigate with mens rae to violate s52(1) Constitution Acts 1867 to 1982 "Any law inconsistent with .. Constitution is... of no force or effect", s14 "oath", s18, s37(a,b,c) RCMP Act, s3.1, s3.2 RCMP Code of Conduct, s11, s12, s21(1), s34 Interpretation Act, 2 objects, 6, 7, 9, 10, 16 Victims Bill Of Rights, s7 s9 s10 s12 s15 Charter of Rights, s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights, s21b, s22.2, s25.1(9)(11b), s122, s139(1)(2)(3a), s265(1a,b)(3c,d), s341, s346(1.1)(b), 362(1), s380(1a), s423.1(b), Rule of law 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 court or tribunal adjudicative 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, rule of law against unconstitutionally overbroad legislation. s45.61(3) s45.61(1)(b) should read "subject to the Constitution, Criminal Code, Victims Bill of Rights",

2) 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; RCMP s22.2, s25.1(9)(11b), s122, s139(1)(2)(3a), s265(1a,b)(3c,d), s341, s346(1.1)(b), 362(1), s380(1a), s423.1(b) Criminal offences, RCMP party to racial discrimination perpetual ongoing online destruction of a 15 year political career;

- I. ...goes beyond what is necessary to achieve a legitimate RCMP 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

3) R. v. Barros, 2007 ABQB 428 “[21].. relying on the opening words of s.139(3).. **a lawful act, if done with the wrong intent, can constitute an obstruction of justice**” / Canada Victims Bill of Rights s2 objects s6 right to complain s7 right to outcome of a criminal investigation s9 right to security s10 right against intimidation and retaliation s16 right to restitution of investigation of Canadian Judicial Council criminal misconduct complaints, / s7 s9 s10 s12 s15 Charter of Rights / s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights / s52(1) Constitution Acts 1867 to 1982 "Any law inconsistent with .. Constitution

is... of no force or effect" / s14 "oath", s18, s37(a,b,c) RCMP Act / s3.1, s3.2 RCMP Code of Conduct / Criminal Code s21b, s22.2, s25.1(9)(11b), s122, s139(1)(2)(3a), s265(1a,b)(3c,d), s341, s346(1.1)(b), 362(1), s380(1a), s423.1(b) / s11, s12, s21(1), s34 Interpretation Act, are mandatory RCMP Commissioner constitutional and statutory positive obligations to create an s7 Victims Bill policy to disclose outcome of criminal investigation of Canadian Judicial Council (members includes Ontario Superior Court / British Columbia Supreme Court / Alberta Court of Queen's Bench / New Brunswick Court of Queen's Bench, Supreme Court of Canada) opened by RCMP Sgt Kent Williams

**GROUND INCLUDE MOTION PREAMBLE, MARCH 10 AND MARCH 13 LETTERS TO RCMP COMMISSIONER BRENDA LUCKI;**

March 10, 2018 TO: Brenda Lucki, RCMP Commissioner, RCMP 73 Leikin Drive, Ottawa  
... REQUEST FOR POLICY: PLEASE RESPOND ASAP

Congratulations on your appointment as the Commissioner for the RCMP, while I am optimistic that your appointment would lead to a change in culture, unfortunately due to my experiences with the RCMP, I cannot allow myself to be hopeful unless I see evidence of a change in culture.

To be candid, as the head of the Government committing tax fraud, Sgt Henrich.Neuwirth can attest to the fact that Prime Minister Justin Trudeau and the Minister of Justice responsible for the Canadian Judicial Council and the Minister of Revenue responsible for CRA have been warned probably maybe over 100 times to stop Canada's ongoing tax fraud crimes, and while I can appreciate that you were appointed by Prime Minister Justin Trudeau, all I am asking is that you implement an s7 Victims Bill of Rights policy and let the RCMP investigator do their job. I did not write the criminal code laws for fraud, obstruction of justice, assault, extortion, intimidation, fraudulent concealment, false statement etc. or s296, s97.1 Excise Tax Act prosecution on indictment, I cannot manufacture beyond reasonable doubt evidence, Canada is either guilty or not, so please create the policy and let the RCMP do their job.

While I regret sending this letter on the first day of your appointment, the RCMP is determined to destroy the black african immigrant who refuses to accept that all Canadians except him have a right to equal protection of law. The RCMP has access to the best lawyers money can buy, I am just a black african immigrant, who according to Justice Hackland has alleged English language deficiencies, which is justification for defrauding him, according to RCMP BC I am getting legal advice from an immigrant lawyer who is not licensed to practice law in Canada, therefore, it should be easy for Henrich.Neuwirth to defeat enclosed 9 paragraph complaint. Further I have a family, therefore I cannot ignore the RCMP and Calgary Police extortion threat to arrest me.

RCMP Sgt Kent Williams commenced a criminal investigation of Canadian Judicial Council for tax fraud, I was forced to make a complaint against Commissioners Paulson and Dubeau because they chose to violate s21b s22.2 Criminal Code by defrauding me in order to facilitate tax fraud by refusing to create a policy that the RCMP must comply with s7 Canada Victims Bill of Rights duty by disclosing the outcome of each element of the offence of every criminal investigation opened by RCMP. With respect, **Can you please;** comply with s2 objects s7 s9 s10 s16 Canada Victims Bill of Rights s7 s9 s10 s12 s15 Charter of Rights, s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights duty to create policy to disclose outcome of Canada Criminal Code Organization Canadian Judicial Council (Members include Ontario Superior Court / British Columbia Supreme Court / Alberta Court of Queen's Bench / New Brunswick Court of Queen's Bench, Supreme Court) criminal investigation of tax fraud opened by Kent Williams?

As you may know, the Canadian Judicial Council is not a court, it is a government agency. Therefore civil immunity does not apply, further no person or organization, not even Her Majesty the Crown has criminal code immunity. Further as you make know constitutional judicial independence is not synonymous with common law judicial civil immunity. Further Parliament of Canada has exclusive s91 Constitution Act jurisdiction over criminal law, the RCMP as agents of the Attorney General have a constitutional right to enforce all aspects of the Criminal Code.

Madadi v. B.C. (Ministry of Education), 2012 BCHRT 380 (CanLII) [71] ...The difficulty with these decisions is that they appear to have carved out an exemption to the application of human rights legislation based on a common law principle. In the words of the Supreme Court in Ocean Port, the Tribunal has elevated a common law rule to constitutional status. [72]... While it is open to a Court to define the scope and application of common law concepts such as negligence, Bolster makes clear that it is not similarly open to read down human rights legislation on the basis of common law principle. [73] It could be argued that the constitutional guarantee of independence extends to certain tribunals and may be inconsistent with the application of the human rights legislation to certain Court-like functions carried out by those tribunals. It does not appear, however, that the argument has never been addressed to date by the OHRT. As a result, I am driven to conclude that the decisions of the OHRT to date, with respect to the immunity issue, is of little persuasive value in British Columbia. Conclusion Respecting Judicial Immunity [74] While the decisions of both our Courts and the Ontario Human Rights Tribunal express that there are sound reasons for immunizing judicial and quasi-judicial decision makers from civil suit: promoting finality of decision-making and the public interest in the integrity of the justice system, a key element of which is impartial and independent decision makers, constitutional judicial immunity does not apply to the hearing process of the TRB. As expressed in Ocean Port, “While tribunals may sometimes attract Charter requirements of independence, as a general rule they do not”. Certainly it is clear that the TRB **was created for the primary purpose of implementing government policy respecting education. 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.

Criminal Code 504 ..(a) that the **person** has committed, anywhere, an indictable offence ...

**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**;

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;**

....

## **ADE OUMIDE V RCMP OTTAWA-ALBERTA-BRITISH COLUMBIA-NEW BRUNSWICK**

Commissioner Daniel Dubeau covering up 1 year of Commissioner ongoing refusal to comply with s2 objects s7 s9 s10 s16 Canada Victims Bill of Rights s7 s9 s10 s12 s15 Charter of Rights, s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights duty to create policy to disclose outcome of Canadian Judicial Council “CJC” criminal investigation of tax fraud opened by Ottawa RCMP Officer Kent Williams, through Criminal Code s21b, s22.2, s380(1a) falsehood, deceit and other fraudulent means action and inaction by Ottawa / British Columbia / Alberta / New Brunswick RCMP, as described in 8 paragraphs below;

**Evidence For This Complainant includes;** audio video recording of about 2 hours interview by RCMP Officer Kent Williams / about 2,500 pages of exhibits;

Year 2018 Correspondence To RCMP Commissioner- March 4, February 12, February 8, February 2, January 26, January 12

Year 2017 Correspondence To RCMP Commissioner- December 21, December 20, December 8,

November 23, October 6, September 14, February 17, February 8, February 3, January 20, January 13,

Year 2016 Correspondence To RCMP Commissioner- December 29

1. **Daniel Dubeau / James Huberts / Elizabeth Lubain / Mathew Cacchione** violated; 14 “oath”, 18, 37(a,b,c) RCMP Act, 3.1, 3.2 RCMP Code of Conduct, s11, s12, s21, s34 Interpretation Act, 2 objects, 6, 7, 9, 10, 16 Victims Bill Of Rights, s7 s9 s10 s12 s15 Charter of Rights, s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights Against Criminals’ Revictimization of Victim Principle of Fundamental Justice, 21b, 22.2, 25.1(9)(11b), s122, s265(1a,b)(3c,d), s341, s346(1.1)(b), 362(1), s380(1a), s423.1(b), by actions that include; false statement that despite manifest evidence of Canadian Judicial Council, Office of The Auditor General of Canada party to tax fraud / CRA retaining proceeds of tax fraud, s97.1 Excise Tax Act Prosecution on Indictment matter is not a criminal matter, refusing to disclose the outcome of the Canadian Judicial Council criminal investigation commenced by Kent Williams, threatened an arrest with intent to cover up falsehood of that RCMP has no jurisdiction over Canadian Judicial Council, accusing me of misleading the RCMP in order to extort s7 Victims Bill of Right to outcome of investigation of each element of the offence.

2. **Commissioner Dubeau’s** false statement CJC “tax fraud ... is being investigated..” covers up Huberts / Lubain / Cacchione initial falsehood of lack of jurisdiction over CJC and secondary falsehood that tax fraud is not a criminal offence.

3. **Commissioner Dubeau’s** false statement CJC “tax fraud ... is being investigated..” was intended to mislead the complainant on RCMP compliance with s7 Victims Bill of Right duty to disclose outcome of Canadian Judicial Council “CJC” tax fraud criminal investigation opened by Kent Williams

4. **Commissioner Dubeau's** false statement CJC "tax fraud ... is being investigated.." is the motive for refusing to accept offer to send complaints of tax fraud criminal misconduct which was sent to CJC. These exhibits are the s21b mens rae test for CJC refusal to request tax fraud record of investigation.

5. **Commissioner Dubeau's** false statement CJC "tax fraud ... is being investigated.." covers up RCMP AB, BC, NB, s21b party to AB, BC, NB, members of CJC tax fraud crimes by s21b party to breach of trust, disobeying statute, arrest, assault, extortion, obstruction of justice re tax fraud with mens rae to cover up Huberts / Lubain / Cacchione falsehood that tax fraud is not a criminal offence, which is the mens rae for missing Commission's February 12 deadline for AB, BC, NB response

6. **Commissioner Dubeau's** false statement CJC "tax fraud ... is being investigated.." covers up BC RCMP four s362(1) false statements; member of CJC "allegations ... have not occurred in British Columbia", member of CJC "tax fraud are presently being reviewed", "no criminal offence in Crown Counsel's decision to stay of your private prosecution ..of" member of CJC tax fraud crimes, "based on these court decisions ... allegations of an offence have no basis in Canadian law" lack of rebuttal to February 2 evidence below that these statements are false;

- a) "BC Court of Appeal correctly interpreted s4(3c) Crown Counsel Act to mean BC Crown Counsel cannot stay a prosecution until after an s507.1 oral hearing summons"
- b) "acting without jurisdiction before an s507.1 summons by a judge.. defraud the following criminal code mandatory services are s25.1(9)(11b) public officer, s139(1)(2)(3a) obstruction of justice offences; Constitution Acts 1867 to 1982 ... Parliament of Canada 91 'Criminal Law... including the Procedure in Criminal Matters' " jurisdiction over s2 "prosecutor .....where the Attorney General does not intervene, ..person who institutes proceedings to which this Act applies", s482(1)"rules of court not inconsistent with this or any other Act of Parliament, ... within the jurisdiction of that court," s482(3) "Purpose of rules ... to attain the ends of justice", s504 "justice shall receive the information", s507.1 "shall ... heard and considered .. informant...witnesses", 683(2).. Parties entitled to adduce evidence and be heard, 802(1) "prosecutor is entitled personally to conduct his case..", 507.1(2)(3)(8) "cause the evidence to be taken in accordance with section 540 in so far as that section is capable of being applied" s551.2 "ensuring that the evidence on the merits is presented .... without interruption", s551.3(1g Charter),"
- c) "using s4(3c) public power to defraud and s24 Charter right to a s4(3c) constitutional question is **textbook abuse of process** doing indirectly (violating Constitution Acts, 1867 to 1982 52(1) "Any law inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect") what cannot be done directly." because the self-defence from ongoing crimes constitutionality test would have forced the test for each element of the offence of ongoing tax fraud
- d) "BC Crown Counsel is ... Queen, the illegal use of s4(3c) public power by Her Majesty The Queen in order to enable Her Majesty The Queen retain the proceeds of tax fraud is a **conflict of interest**."
- e) "compromising the integrity of the criminal justice system by acting without jurisdiction to create a two tier s504 s507.1 s551.1(1g Charter) criminal code process, ... for improper motive of defrauding s16 Canada Victims Bill of Right to restitution .. by assisting the Canadian Judicial



Council member BC Supreme Court to retain the proceeds of ongoing criminal refusal to request investigation of tax fraud criminal misconduct complaints that they received in Victoria BC

- f) 8, 17 BC Interpretation Act; “8 ... attainment of its objects” is binding on ... interpretation of s4(3) “interests of justice” limit on power to stay a prosecution after s507.1 summons.
- g) BC Parliament has no jurisdiction to change s12 Canada Interpretations Act; “12 ... **attainment of its objects (criminal should not be permitted to keep the proceeds of his crime)**”
- h) BC Parliament has no jurisdiction to change inalienable constitutional rule of law right to Criminal Code **ongoing property crime self-defence objects** which is codified in Criminal Code 35(1).
- i) BC Parliament has no jurisdiction to change “objects, s16 Victims Bill of Rights; “ .. Whereas victims of crime have **rights that are guaranteed by the Canadian Charter of Rights ... 16** Every victim has the **right to have the court consider making a restitution order** against the offender,”
- j) **lawful act for an unlawful obstruction of justice so an ongoing crime can continue** .. rule of law against arbitrary (contrary to objects of enabling act) application of public power is... Constitution.
- k) court decisions is evidence that there are limits to BC Crown Counsel public power. The tests for flagrant impropriety include the following tests which are all engaged in this case;
- I. egregious (calling criminal code definition of s504 person resides non sensical),
  - II. egregious (lying that any person has immunity from criminal prosecution)
  - III. egregious (lying that there is no evidence to support a conviction despite the fact the evidence that CRA retains the proceeds of crime is from CRA and the evidence of an ongoing infinite duty to return the proceeds of crime is from CRA)
  - IV. undermines the integrity of the judicial process / bias / prejudice / lacking objectivity (two tier s504 s507.1 s551.3(1g Charter) process),
  - V. trial unfairness (defrauding mandatory right to s507.1 s551.3(1g Charter) oral hearing),
  - VI. method by which the decision was reached / wrong opinion / non-discretionary legal duty (acting without jurisdiction to stay before s507.1 hearing, before s507.1 summons),
  - VII. arbitrarily / irrationally / capriciousness (deliberate no evidence to convict false statements that have no relation to the evidence before them),
  - VIII. oppressively / constitutional issue / clearly unreasonable / community’s sense of justice / incompatible with the Charter (s12 Charter / s2(b,e) Canada Bill of Rights violation / inalienable right to self defence against ongoing crimes),
  - IX. corruption / improper motives / improper purpose / arbitrary as contrary to objects of enabling Act / inconsistent with the status of minister of justice / bad faith / lack of manifest good faith / contrary to well established principles / conflict of interest / malfide / flagrant misbehaviour / administration of justice into disrepute / malicious failure to prosecute, (using public power to help employer retain proceeds of tax fraud crimes and helping Canadian Judicial Council to commit more tax fraud crimes),
  - X. violation of law (Constitution Acts, 1867 to 1982 52(1) / 97.1 Excise Tax Act / 21b, 22.2, 25.1(9)(11b), s122, s265(1a,b)(3c,d), s139(1)(2)(3a), s341, 362(1), s380(1a), Criminal Code / objects s16 Canada Victims Bill of Rights / s11, s12, s21, s34 Interpretation Act),

- XI. abuse of process / failure to provide reasons / oblique motive / fraud on the process (using s4(3c) to defraud hearing on the constitutionality of s4(3c)),
- XII. principles of fundamental justice (constitutional rule of law rights against criminals' revictimization of victim principle of fundamental justice),
- XIII. perverted justice, obstruction of justice / abuse of office (defrauding mandatory s504 s507.1 criminal code rights to prosecute Canadian Judicial Council member that received a criminal misconduct complaint in Victoria BC) .

7. **Commissioner Dubeau's** false statement CJC "tax fraud ... is being investigated.." is the mens rae for refusing to respond to February 2 three questions;

- I. "Allegations Of Tax Fraud Are Presently Being Reviewed" .. I hereby request immediate retraction of this false statement which is used by BC RCMP to defraud s16 Canada Victims Bill of Right to BC Government restitution of my s504 s507.1 s551.3 (1g Charter) right to prosecute CJC (British Columbia Supreme Court "BCSC") / RCMP for s21b s22.2 party to tax fraud?
- II. I also hereby request an order in the nature of quo warranto that the RCMP show me the statute or case law that gives RCMP jurisdiction AND public power to refuse to comply with 14 "oath", 18, 37(a,b,c) RCMP Act, 3.1, 3.2 RCMP Code of Conduct, s11, s12, s21, s34 Interpretation Act, 2 objects, 6, 7, 9, 10, 16 Victims Bill Of Rights, s7 s9 s10 s12 s15 Charter of Rights, s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights Against Criminals' Revictimization of Victim Principle of Fundamental Justice, 21b, 22.2, 25.1(9)(11b), s265(1a,b)(3c,d), s139(1)(2)(3a), s341, s346(1.1)(b), 362(1), s380(1a), s423.1(b) Criminal Code?
- III. .. based on the s380(1) Zlatic test below, .. I also hereby request that you .. tell me whether the following BC Crown Counsel statements are false?;
  - a) "with respect to evidentiary standard .. there is no substantial likelihood of conviction"
  - b) "BCSC ... cannot be the subject of a criminal prosecution ... immunity..."
  - c) "allegations ... none of which .. occurred in the Province of British Columbia"
  - d) "Her Majesty in Right of Canada, the RCMP, the Federal Court, and the Federal Court of Appeal are resident in Vancouver ... jurisdiction .. is nonsensical"
  - e) "BCSC ... members of CJC ... jurisdictional web ... cannot proceed"

8) **Commissioner Dubeau's** false statement CJC "tax fraud ... is being investigated.." is the mens rae for refusing to respond to March 3 request to apply flagrant impropriety test on John Ferguson; John Ferguson is contradicting Dubeau's tax fraud investigation by refusing by refusing to open a criminal investigation for s139 obstruction of justice, s140 public mischief, s265 assault, s423 intimidation, s346 extortion s380(1) tax fraud by the Alberta Her Majesty The Queen and now the Calgary Police, the prosecutor lawful act for unlawful purpose flagrant impropriety tests are applicable to testing for RCMP flagrant impropriety; Ochapowace First Nation v. Canada (Attorney General), [2008] 3 FCR 571, 2007 FC 920 [47] It should be clear by now that the **discretion enjoyed by the Crown and the police in the enforcement of the criminal law** is nevertheless **not absolute**. The Supreme Court has made it clear, in all those decisions already referred to, that judges should intervene in cases of **flagrant impropriety** ...

- a) Egregious, arbitrarily / irrationally / capriciousness / abuse of process / failure to provide reasons / oblique motive / fraud on the process (despite overwhelming evidence of tax fraud, failure to specify what are sufficient grounds and insufficient grounds for opening investigation of s139 obstruction of justice, s140 public mischief, s265 assault, s423 intimidation, s346 extortion, s362(1)

false statement, s341 fraudulent concealment, s380(1) ongoing tax fraud)

b) oppressively / constitutional issue / clearly unreasonable / community's sense of justice / incompatible with the Charter (s12 Charter of Rights, s2(b,e) Canadian Bill Of Rights) The R. v. Smith (Edward Dewey), [1987] 1 SCR 1045 / Canadian Doctors for Refugee Care v. Canada (Attorney general), 2014 FC 651 s12 Charter test; s21b s22.2 Criminal Code party to s139 obstruction of justice, s140 public mischief, s265 assault, s423 intimidation, s346 extortion, s362(1) false statement, s341 fraudulent concealment, s380(1) ongoing tax fraud / Canada Elections Act career destruction / loss of job / loss of home / \$100,000 costs reprisals fraud (treatment) to revictimize a victim; goes beyond what is necessary to achieve a legitimate Interpretations Act objective, is unacceptable to a large segment of the population, does not have any social purpose such as reformation, rehabilitation or deterrence, does not accord with public standards of decency or propriety, of such a character as to shock general conscience, is unusually severe, degrading to dignity and worth

c) corruption / improper motives / improper purpose / arbitrary as contrary to objects of enabling Act / inconsistent with the status of minister of justice / bad faith / lack of manifest good faith / contrary to well established principles / conflict of interest / malfide / flagrant misbehaviour / administration of justice into disrepute / malicious failure to prosecute, (using public power to help criminals retains the proceeds of tax fraud obstruction of justice crimes),

d) violation of law (Constitution Acts, 1867 to 1982 52(1) / s296, 97.1 Excise Tax Act Prosecution On Indictment / 14 "oath", 18, 37(a,b,c) RCMP Act, 3.1, 3.2 RCMP Code of Conduct, s11, s12, s21, s34 Interpretation Act, 2 objects, 6, 7, 9, 10, 16 Victims Bill Of Rights, s7 s9 s10 s12 s15 Charter of Rights, s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights Against Criminals' Revictimization of Victim Principle of Fundamental Justice, 21b, 22.2, 25.1(9)(11b), s122, s265(1a,b)(3c,d), s341, s346(1.1)(b), 362(1), s380(1a), s423.1(b) / objects s16 Canada Victims Bill of Rights / s11, s12, s21, s34 Interpretation Act, s1a,b, 2, 3 Alberta Bill Of Rights, s10 Alberta Interpretation Act, breach of objects; s2 Alberta Victims of Crimes Act

e) principles of fundamental justice (constitutional rule of law right to **ongoing tax fraud crime self-defence objects** which is codified in Bill C-26 Citizen's Arrest Self-Defence Act Criminal Code 34, 35, AND 2 `prosecutor`, 139 s504 s507.1 s540 s551.3(1g Charter),

f) perverted justice, obstruction of justice / abuse of office was codified in Criminal Code 25.1(9)(11b), s139(1)(2)(3a) proposed judicial proceeding resulting from police charges

g) undermines the integrity of the judicial process / bias / prejudice / lacking objectivity / method by which the decision was reached / wrong opinion / non-discretionary legal duty, lack of jurisdiction to use extortion and intimidation and assault to undermine the integrity of the judicial process by two tier Criminal Code s504 s507.1 s540 s551.3(1g Charter) process;

Complainant Ade Olumide

Investigator Claudine Maynard