

Sept 18 Court Transcript

Court Clerk: All rise, all rise.

-Walter Enters-

Court Clerk: Court is now in session please be seated

Walter: Morning

Karen: Good morning your worship

Christopher: Morning

Walter: Can I hear some introductions —who is what

Karen: I am, my last name is Christl, c-h-r-i-s-t-l initial k. I am a provincial prosecutor with the Ministry of Finance dealing with the part 1 matter, for [REDACTED]

Walter: Thank you. Gentlemen

Brent: [REDACTED]

Walter: And you are?

Christopher: I am his counsellor at law assisting him at this time, my name is Christopher [REDACTED]

Walter: Very well, Thank you mr. [REDACTED] thank you mr. [REDACTED]

Brent: Did you receive my notice?

Walter: Just give me a second. Right away before I go ahead this is a judicial pre-trial which is not open. So anyone who is in this courtroom except for the persons who introduced themselves on the record.

Brent: Is this public courthouse, can I ask?

Walter: I'm sorry?

Brent: Is this a public courthouse?

Walter: No

Brent: It's not a public courthouse?

Walter: No, the courthouse it is this courtroom for now it's not. Alright, so everyone except for the people who are sitting at the bar please leave. Thank you

Audience: He's asking us to leave?

Walter: Yes I did, yes please.

-Audience leaves-

Walter: This is very informal so please sit down. You don't have to stand up when addressing the court. Whatever makes you more comfortable.

Christopher: I'm comfortable standing thank you very much

Brent: No. I'm good

Walter: That's fine. Your name?

Danvenberg: Its danvenberg, d-a-n-v-e-n-b-e-r-g first initial f, and I'm crown counsel with Ministry of Finance

Walter: Very well, this matter is first time before me so can somebody tell me what's the background of the case?

Karen: I certainly can your worship. Um [REDACTED] have been charged under the tobacco tax act section 23 6.1 for hinder or interfere with an audit or examination. And as I mentioned earlier it is a part 1 matter and um if I can now in reviewing the file I want to give mr. [REDACTED] this letter which is just advising that we're not going to be proceeding with certificate of

offence number 07606560778B that is the certificate of offence for mr. [REDACTED] personally. But, ... ya, because of an administrative error, sorry your worship we will not be proceeding...

Brent: I don't receive this, I don't receive this. None of my business. That has nothing to do with me. Did you receive my notice?

Walter: Sir first of all, its certificate number 6560778B?

Karen: Yes

Walter: the little white madam crown is asking to...

Brent: I'm not really concerned about that, I don't understand it, I'm asking you Walter did you receive my notice?

Walter: I would prefer to be actually called sir your worship

Brent: I am a man talking to a man, so Walter I again ask you a second time did you receive my notice?

Walter: which notice you saying, can you please address me properly?

Brent: I'm asking did you answer my question, you have not yet answered my question

Walter: Alright, which notice are you talking about? I received this form.

Brent: Yes, so you have received it that's good, so I am here today to accept any verified claim before this court. Are there any verified claims here this morning in this court? I ask any man or woman with a verified claim to bring it forward

Walter: Very well there is a claim against you which is information number 6560...

Brent: I ask if there is a verified claim by a man or a woman?

Walter: It's certified by officer Quann. If you are prepared to accept it and you can enter a plea then you can do that now

Christopher: The name that is on that ticket is not the man that is before you here today sir

Walter: And you wish that person to testify in court right?

Christopher: Well the notice that has been prepared uh Brent should not say anything else at this time. We have honourably addressed this court on our appearance here today, if there is no verified claims before this court, we have also filed a claim in the correct court, moving a common law court, at the superior courthouse in Elgin that was filed yesterday at 5 o'clock. So that's where we are at with this, we do not consent to the jurisdiction of this court, if its not a public courthouse we're in the wrong court

Karen: Uh your worship we are here today merely to deal with the part one matter, all these other issues that they are raising have no bearing on the certificate offence that mr. [REDACTED] has been served with um he has been in court twice, this is his third appearance for a judicial pre-trial, I was a, I've been here uh, I was here for all of the appearances. The matter has been explained to mr. [REDACTED] extensively and he is still pleading an ignorant stand, and I suggest to this court that if he is saying he's not the person here then I'm asking that we can proceed by way of xparte trial

Christopher: The man before you here, mr. [REDACTED] he was represented he believed and going through legal society prior in all his appearances, he's been misrepresented in front of the courts in all his past honourable appearances to address this matter and to try and settle this matter privately with the people that have been placed on notice that we have given this agent officer of the Ontario service corporation. [REDACTED] has never appeared in the correct capacity and in those claims you have his identification here before you here today. If there is no verified claims before this court, if there are no charges against this man for causing wrong or harm then this court has no jurisdiction, that's what we are challenging here. And if you've told us that this is not a public court house, we are not here to cause any conflict or strife in this court but it has not been established, jurisdiction is moot at this point and unfortunately this man has been misrepresented and mislead by from members of a society that has belonged to the bar, so now we are correcting the record here on his correct appearance, we have corrected the claim that is

now before the court of these people that have trespassed and uh legal has nothing to do with this man

Walter: alright, so I would ask this very simple question. Is there any chance to resolve this case?

Christopher: We have tried to resolve it four times, we have sent notices to the minister both the man acting as minister rod Philips and also the honourable man acting as attorney general, this woman I believe is under his control. They would not respond after four notices. At all they have not responded so we have no choice we have moved this through the correct and higher court, with respect this is an inferior court to the court of law common court that has been filed common law claim

Walter: Nobody questions that, having said so I have to follow procedure alright. If you disagree with it that is fine that's your right but there will be steps by steps which have to be taken

Christopher: Yes we have to address the jurisdiction of this court which is in our filing because we do not consent to it. That's the first thing that needs to be...

Walter: No first of all madam crown it's \_\_\_\_ is not applicable to this case because it is a part 1 certificate whose been certified alright so let's not talk about right in \_\_\_\_\_. Secondly, gentlemen if we are not able to come out from this court room with any solution to this case then I will be setting a trial date. Alright and then you can have this claim verified by witnesses, if this is what you want which is your right but this question...

Christopher: We don't want anything from this court we require as we have already established and achieved we have the correct court moving forward. We do not recognize jurisdiction of this court. Is this a legal proceeding?

Walter: Yes it is

Christopher: Well this is not a legal person in front of you this is a lawful person. Man and woman are not legal, people, we're lawful, there's a difference. Legal involves that which is incorporated, this man is not incorporated. You have the confirmation in front of you the id of who this man is

Karen: Your worship if I may interject, we are here merely to deal with the part 1 certificate offence not all this other stuff that was given to us this morning I also received a copy of it when I walked through the front doors, so, and this matter has been before the courts as I said twice before.

\_\_\_\_\_ has said hes been self-represented and now he has this gentleman here who is not...

Brent: We don't know of a mr. \_\_\_\_\_, what is a mr. \_\_\_\_\_?

Walter: Well

Brent: Walter you have everything you need in front of you

Walter: Please don't call me by my first name I'm not here as a private individual I'm here as the court, right, ok. So gentlemen is there any way I can try to talk about the background of this allegation with both of you and find out what we can find out with mutual grounds or not

Christopher: Uh, our notice is before this court we do not consent to the jurisdiction so we are not prepared to proceed in any capacity. We have established the correct court to move this under

Walter: That's fine that is your constitutional right

Christopher: That's our right we have nothing to do with the constitution

Walter: What will happen next we'll be setting trial date

Christopher: How can you set trial when jurisdiction has not been established?

Walter: You can challenge me in a higher court

Christopher: I don't have to challenge, I'm asking right now

Walter: I'm just trying to tell you as simply as possible what will happen. I will set trial date because I don't have another option, then, the name of the defendant will be paged in and if there will be no response conviction will go in the absence, but that's the right of the defendant to attend or not to attend

Christopher: This man is not a defendant. A defendant is a legal term sir

Walter: Alright.

Christopher: That's the problem we have so we need to have a process. That's why we filed our claim we've moved this in the correct court. I just ask you one simple question. Is this man or I are we your property or any man or woman that come in to these public courthouses. You are telling me this isn't a public court house, yet we have been led to believe it is a public courthouse because this room this court that is proceeding is not public. So ill understand that. We only operate and we address all verified claims of wrong or harm we are here because this man has caused wrong or harm to somebody, so who is moving this court? Is this your court or is this... who is the man or woman moving this court? Who is claiming that this man did wrong or harm this is what we need to see

Walter: The prosecution is claiming that there was an offence made

Christopher: Who is the man or woman that is the verified claim, who is the man or woman who claims

Walter: The crown is sitting right here and I will follow the procedure, so if you are not prepared to proceed later, we will be setting trial date and then do whatever you want to do. How long time this case will take?

Karen: Well under the circumstances and um how long everything else has taken I'm suggesting probably two days, ... ok so maybe one day we've got one witness

Walter: Alright. Any witnesses?

Christopher: Again with respect to this court..

Walter: With represented on the charge as defence witness, anything to the court?

Christopher: Again with respect to the court, the notice we have honourably put so there's no, there's no misunderstanding of the capacity of this man appearing here today, there's no misunderstanding that he does not consent to the jurisdiction of this court, and he does not understand legalese, he's not bound to be brought into a legal court proceeding

Walter: Alright. How long, can we set that date right now or you need time?

Court Clerk: We can I'll have to canvass availability with regency justice of the peace office for one day

Walter: Very Well thank you then we will adjourn this sitting until you recount.

Court Clerk: All rise,

-Walter leaves-

Court Clerk: Court is now in recess

Christopher: Is the man coming back again, or are we

Court Clerk: Who's the man?

Christopher: The man we were just speaking with, are we done here now

Court Clerk: The justice of the peace is coming back yes

Christopher: Oh ok

Court Clerk: We're setting a trial date so you can provide me availability, if you don't provide me availability we're gonna set it without your availability or not so if you need to provide me available dates or not

Christopher: Again our paper is before the court we've made our case

Court Clerk: Ok, can you answer my question now

Christopher: Yep

Court Clerk: Are you gonna provide me dates or not

Christopher: No

Court Clerk: Ok that's fine so we'll just go with your dates

Christopher: We do not consent to the jurisdiction of this court

Court Clerk: Ok yep

Brent: There is no consent by a man [REDACTED]

Danvenberg: Like what's the, what options do we have?

Court Clerk: So um I can show you, are you wanting me to do it yet this year?

Danvenberg: Uh, preferably

Court Clerk: Ok, so

Danvenberg: If it fits in I mean I'm not gonna push the... issue

Court Clerk: So you have your calendar right here, so any day that's in white is not

Christopher: We're done here

Court Clerk: Your matter is still being called

Christopher: Are we under the control of this court, I don't believe we've \_\_\_\_ jurisdiction that is what I was trying to explain to Walter

Court Clerk: I'm not having this discussion with you

Danvenberg: I'm not here just to deal with this part one issue this notice that you served has nothing to do with today, so you keep bringing it up its fine but we are here for the part 1 and that's what we are trying to address, if you're not gonna address it that's fine

Christopher: The jurisdiction has to be challenged

Danvenberg: So we're just gonna deal with this trial and we are gonna set the dates and we are gonna proceed that way

Christopher: That's fine, just so you know, so you are on notice if you trespass against this man you are liable

Court Clerk: Uh so that's uh

Brent: Is there a court recording going on still?

Christopher: No, okay have a good day